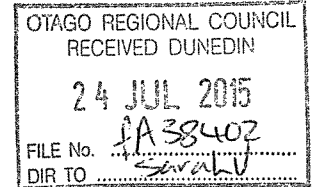


**SUBMISSION ON THE PROPOSED OTAGO REGIONAL POLICY STATEMENT
UNDER CLAUSE SIX OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991**

To: rps@orc.govt.nz

Otago Regional Council
Private Bag 1954
DUNEDIN 9054



Submitter: Meridian Energy Limited
PO Box 2146
CHRISTCHURCH 8140

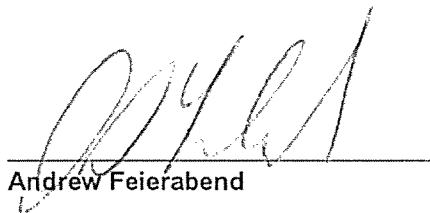
Attention: Andrew Feierabend, Statutory & Compliance Strategy Manager
Phone: (03) 357 9731
Mobile: 021 898 143
Email: Andrew.Feierabend@meridianenergy.co.nz

Meridian Energy Limited ("Meridian") makes the submissions on the Proposed Otago Regional Policy Statement set out in the **attached** document.

Meridian confirms its submission does not relate to trade competition or the effects of trade competition.

Meridian would like to be heard in support of its submission.

If other persons make a similar submission then Meridian would consider presenting joint evidence at the time of the hearing.



Andrew Feierabend

For and behalf of Meridian Energy Limited

24th day of July 2015

OUTLINE OF SUBMISSION

This submission has been structured under the following headings:

Section A: Overview of Meridian

Section B: Reasons for Submission

Section C: Specific Submissions to the Proposed Otago Regional Policy Statement

SECTION A: OVERVIEW OF MERIDIAN

1. Meridian Energy Ltd (Meridian) is a limited liability company, majority owned (51%) by the New Zealand Government. It is one of three companies formed from the split of the Electricity Corporation of New Zealand ("ECNZ") on the 1st of April 1999.
2. Meridian's core business is the generation, marketing, trading and retailing of electricity and the management of associated assets and ancillary structures in New Zealand.
3. Meridian is the single largest generator of electricity in New Zealand. Meridian's hydro generation and storage capacity accounts for approximately 30% of New Zealand's electricity demand. Meridian is the largest wind farm developer in New Zealand. The company's asset base in New Zealand includes:
 - The Te Uku Wind Farm near Raglan;
 - Part of the Waitaki Power Scheme in the Waitaki Catchment;
 - The Manapouri Power Scheme in Fiordland;
 - The Te Apiti Wind Farm in the Manawatu;
 - The Brooklyn Wind Turbine in Wellington;
 - The White Hill Wind Farm in Southland;
 - The West Wind, Wind Farm near Wellington;
 - The Mill Creek Wind Farm near Wellington.
4. As part of its on-going business, Meridian is continually investigating options to improve and remove constraints from its asset portfolio to increase generation output and thereby continue to get more generation from, its existing assets.

SECTION B: REASONS FOR SUBMISSION

1. Meridian's interest in the Proposed Otago Regional Policy Statement ("Proposed RPS"), primarily stems from its ownership of six power stations within the Waitaki catchment that make up part of the Waitaki Power Scheme. The Waitaki Power Scheme consists of eight power stations, four canal systems and numerous dams, weirs, gates and other control structures that operate as a linked hydro-electricity generation chain. This chain includes; large modified storage lakes, a series of diversions via canals, and a cascade of in-river dams. The scheme was progressively constructed between 1928 and 1985.

2. The Waitaki Power Scheme is the largest hydro-electric power scheme in New Zealand, with controllable and flexible generating capacity of 1,723MW. This scheme contributes on average some 18% of New Zealand's annual electricity supply, although at times this can be as high as 30% of the national requirement. Lakes Tekapo and Pukaki provide approximately 2,500GWh of energy storage capacity, almost 60% of New Zealand's hydro storage. The scheme supports the HVDC link, which is connected to the South Island transmission network at the site of Benmore Power Station. In addition, the scheme provides essential ancillary services to the electricity system in relation to; frequency keeping, spinning reserve, over frequency reserve and voltage support.

3. While the scheme infrastructure is located upstream and outside of the Otago region, the northern margins of the Lower Waitaki River are contiguous with the region's boundary with the Canterbury Region. The objectives and policies of the Proposed Otago Regional Policy Statement therefore have the potential to set outcomes for the Lower Waitaki River which influences the future operation and management of the scheme upstream. Meridian therefore has an interest in the Proposed RPS with respect to how the Plan provides for current and future electricity generation.

SECTION C: SPECIFIC SUBMISSIONS TO THE PROPOSED OTAGO REGIONAL POLICY STATEMENT

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined bold italics</u> and deleted text shown as <i>italic-strike-through</i>]
<p>Policy 2.1.1 – Managing for freshwater values.</p> <p>Policy 2.1.2 – Managing for the values of beds of rivers and lands, wetlands, and their margins.</p>	<p>Policies 2.1.1 and 2.1.2 provide the basis for managing the values of freshwater and the beds of lakes, rivers and wetlands in the region respectively. Clauses in both policies require ‘<i>protection</i>’ of certain values and attributes, including:</p> <ul style="list-style-type: none"> - protection of migratory patterns of freshwater species (clause (d) of policy 2.1.1); - protection of important recreational values (clause (i) of policy 2.1.1); - protection of Kai Tahu values (clause (j) of policy 2.1.1, and clause (g) of policy 2.1.2); - protection or restoration of natural functioning of the beds of rivers (clause (a) of policy 2.1.2). <p>The ‘<i>protection</i>’ requirement in these clauses is too high a test and does not give effect to the NPS on Freshwater Management. It fails to recognise that migratory patterns, natural functioning, recreational, and Kai Tahu values are affected by the effects of existing activities, including nationally and regionally significant infrastructure within freshwater bodies. The requirement for protection could for example unduly affect the continued operation of the upstream Waitaki Hydro-Electric Power Scheme insofar that the existing scheme infrastructure impacts on fish migration, natural functioning, recreational values, and cultural values of the Lower Waitaki river.</p> <p>The wording in these clauses should be amended to instead require</p>	<p>1. Delete policies 2.1.1. and 2.1.2, and add a new policy as follows:</p> <p><u>Recognise the values of freshwater, and the beds of rivers, lakes, wetlands, and their margins, and manage them to:</u></p> <ul style="list-style-type: none"> a) <u>Protect outstanding water bodies and wetlands; and</u> b) <u>Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers; and</u> c) <u>Maintain ecosystem health and indigenous biodiversity; and</u> d) <u>Retain the range and extent of habitats provided by freshwater; and</u> e) <u>Maintain migratory patterns of freshwater species, unless detrimental to indigenous biodiversity; and</u> f) <u>Maintain or enhance natural character; and</u> g) <u>Avoid aquifer compaction, and seawater intrusion in aquifers; and</u> h) <u>Maintain or enhance coastal values supported by freshwater values; and</u> i) <u>Maintain good water quality or enhance it where it has been degraded; and</u> j) <u>Retain the quality and reliability of existing drinking water supplies; and</u> k) <u>Maintain Kāi Tahu values; and</u> l) <u>Provide for other cultural values; and</u>

Specific Provision	Submission	Decisions Sought [New text shown <u><i></i></u> and deleted text shown as <i>strike-through</i>]
	<p><i>'maintenance'</i> of these values and attributes. This would better recognise the effects of existing activities in water bodies, whilst continuing to give effect to the NPS on Freshwater.</p> <p>There is also considerable duplication of the values and attributes to be managed under the two policies, and the policies could be readily consolidated into one policy addressing the values associated with both water and the beds of waterbodies.</p>	<p>m) <u><i>Maintain important recreation values; and</i></u> n) <u><i>Maintain the landscape and amenity values of rivers, lakes, and wetlands; and</i></u> o) <u><i>Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and</i></u> p) <u><i>Mitigate the adverse effects of natural hazards, including flooding and erosion; and</i></u> q) <u><i>Maintain bank stability; and</i></u> r) <u><i>Maintain the ability of existing infrastructure to operate within their design parameters.</i></u></p> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>
<p>Policy 2.1.6 – Managing for ecosystem and indigenous biodiversity values</p>	<p>Policy 2.1.6 provides the basis for managing ecosystem and indigenous biodiversity values. Clause (e) requires <i>'protection'</i> of natural resources and processes that support indigenous biodiversity. Clause (g) requires <i>'protection'</i> of biodiversity significant to Kai Tahu.</p> <p>The <i>'protection'</i> requirement in these clauses is too high a test and is unnecessary to meet section 6(c) of the RMA with regard to indigenous biodiversity. It would fail to recognise that protection of natural resource and processes that support indigenous biodiversity, and biodiversity significant to Kai Tahu can be affected by the effects of existing activities, including nationally and regionally significant infrastructure. The requirement for protection could for example unduly affect the continued operation of the upstream Waitaki Hydro-Electric Power Scheme insofar that the existing scheme infrastructure impacts on processes that</p>	<p>1. Amend policy 2.1.6 as follows:</p> <p><i>Recognise the values of ecosystems and indigenous biodiversity, and manage ecosystems and indigenous biodiversity, to:</i></p> <p>a) <i>Maintain or enhance ecosystem health and indigenous biodiversity; and</i> b) <i>Maintain or enhance areas of predominantly indigenous vegetation; and</i> c) <i>Buffer or link existing ecosystems; and</i> d) <i>Protect important hydrological services, including the services provided by tussock grassland; and</i> e) <i>Protect <u><i>Maintain</i></u> natural resources and processes that support indigenous biodiversity; and</i></p>

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined bold italics</u> and deleted text shown as <i>italic-strike-through</i>]
	<p>support indigenous biodiversity, and biodiversity significant to Kai Tahu in the Lower Waitaki River.</p> <p>The wording in these clauses should be amended to instead require 'maintenance' of these values and attributes. This would better recognise the effects of existing activities affecting ecosystem and indigenous biodiversity values, whilst continuing to support the achievement of section 6(c) of the RMA.</p>	<p>f) <i>Maintain habitats of indigenous species that are important for recreational, commercial, cultural or customary purposes; and</i></p> <p>g) <i>Protect <u>Maintain</u> biodiversity significant to Kāi Tahu; and</i></p> <p>h) <i>Avoid the adverse effects of pest species, prevent their introduction and reduce their spread.</i></p> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>
<p>Policy 2.1.7 – Recognising the values of natural features, landscapes and seascapes</p> <p>Schedule 4 – Criteria for the identification of natural features and landscapes</p>	<p>Policy 2.1.7 and Schedule 4 sets out the attributes for determining the relative values of natural, features, seascapes, and the coastal environment. The reference in the policy to 'the coastal environment' is redundant given explicit recognition of 'seascapes' in the policy. The values of the coastal environment are also not limited to landscape matters and include a wider range of values which are otherwise managed under the proposed policy.</p> <p>The list of attributes within the policy (and Schedule 4) are not consistent with case law and best practice landscape planning. For example 'the presence of water' and 'vegetation' are captured under 'natural science factors' and do not need to be separately listed.</p>	<p>1. Amend policy 2.1.7 as follows:</p> <p><i>Recognise the values of natural features, landscapes, <u>and seascapes</u> and the coastal environment are derived from the following attributes, as detailed in Schedule 4:</i></p> <p>a) <i>Biophysical attributes, including:</i></p> <p>i. <i>Natural science factors, <u>including biotic and abiotic factors</u>;</i></p> <p>ii. <i>The presence of water <u>Legibility and expressiveness</u>;</i></p> <p>iii. <i>Vegetation (indigenous and introduced);</i></p> <p>iv. <i>The natural darkness of the night sky;</i></p> <p>b) <i>Sensory attributes, including:</i></p> <p>i. <i>Legibility or expressiveness</i></p> <p>ii. <i>Aesthetic values;</i></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i></i></u> and deleted text shown as <i>strike-through</i>]
		<ul style="list-style-type: none"> iii. <i>Transient values, including nature's sounds;</i> iv. <i>Wild or scenic values</i> c) <i>Associated attributes, including</i> <ul style="list-style-type: none"> i. <i>Whether the values are shared and recognised;</i> ii. <i>Cultural and spiritual values for Kai Tahu;</i> iii. <i>Historical and heritage associations.</i> <ol style="list-style-type: none"> 2. Consequentially amend Schedule 4 to reflect the amendments sought to policy 2.1.7 set out in this submission. 3. Make any other consequential amendments necessary to give effect to the relief sought.
<p>Policy 2.2.1 – Identifying areas of significant indigenous vegetation and significant habitats of indigenous fauna</p> <p>Schedule 5 – Criteria for the assessment of the significance of indigenous vegetation and habitat of</p>	<p>Policy 2.2.1 sets out how areas and values of significant indigenous vegetation and significant habitats of indigenous fauna will be established, with reference to assessment criteria in Schedule 5.</p> <p>The criteria in Schedule 5 are similar to other recent proposed RPS including the Canterbury RPS. However the thresholds to satisfy a criteria are lower than in other plans and the requirement to satisfy just one criteria to trigger significance means many sites would likely be identified as significant, subject to how District Plan's identify and list sites, and manage activities. The criteria as proposed will therefore not appropriately achieve section 6(c) of the RMA.</p>	<ol style="list-style-type: none"> 1. Amend the Criteria in Schedule 5 to make them more definitive, and in line with those used for the Canterbury Region, as attached to this submission. 2. Produce best practice guidance which provides clear and certain guidance to support the consistent interpretation and application of the criteria. 3. Make any consequential amendments necessary to give effect to the relief sought.

Specific Provision	Submission	Decisions Sought [New text shown <i><u>underlined bold italics</u></i> and deleted text shown as <i>italic-strike-through</i>]
indigenous fauna	<p>Particular issues identified with the criteria include for example:</p> <ul style="list-style-type: none"> - Criteria 1 – Representative. The criteria is very broad, and more definitive criteria is required as to what triggers representativeness. - Criteria 2 – Rarity. 2a. Including at risk and uncommon species without any qualification on the importance of the area, may trigger many sites as significant without meeting any other criteria. - Criteria 5 – Ecological Context. This criteria needs more guidance on how it is to be applied. <p>More guidance is required to assist in interpretation and ensure consistent application to determine what meets the significance threshold. Such guidance has been for example produced for the Canterbury Region. A footnote to Schedule 5 refers to additional information that ORC holds including the rationale for criteria and examples of areas representing the criteria in Otago. This guidance however has not been made available as part of the Proposed RPS.</p>	
Policy 2.2.2 – Managing significant indigenous vegetation and significant habitats of indigenous fauna	<p>Policy 2.2.2 provides for the protection and enhancement of the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna to achieve section 6(c) of the RMA.</p> <p>Clause (a) and (b) of the policy require avoidance of ‘adverse effects on those values which contribute to the area or habitats being significant’, and ‘significant’ adverse effects on other values’. Clause (d) and (e) then however allow adverse effects to be remediated or mitigated where they</p>	<p>1. Amend Policy 2.2.2 as follows:</p> <p><i>Protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</i></p> <p><u>a) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</u></p>

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined bold italics</u> and deleted text shown as <i>italic-strike-through</i>]
	<p>cannot be avoided. This undermines the protection intent of clause (a) and (b) and would not appropriately achieve section 6(c) of the RMA.</p> <p>Clause (b) requires 'avoiding significant adverse effects on other values...'. The requirement to protect 'other values' is unnecessary and redundant in the context of this policy. The significant qualities or otherwise of areas or habitats are only contingent on the values that contribute to that significance, and not other values. Clause (b) should therefore be deleted.</p> <p>The NPS on Renewable Electricity Generation, case law and current biodiversity best practice has establishment offsetting and environmental compensation provide a basis to address any remaining residual environmental effects on indigenous biodiversity which cannot otherwise be avoided, remedied and mitigated. Offsetting and compensation are recognised in Proposed RPS policies 3.5.2 and 4.5.8. Policy 2.2.2 policy should include reference to recognise these legitimate RMA practices.</p> <p>Interpretation of the policy would be aided by re-ordering it such clause (c) which provides the basis for assessing the scale of effects is moved to being clause (a). This better recognises the assessment process whereby the scale of effects must first be determined to then identify the appropriate management response under the remaining clauses in the policy.</p>	<p>a)b) <i>Avoiding adverse effects on those values which contribute to the area or habitat being significant; and</i></p> <p>b) <i>Avoiding significant adverse effects on other values of the area or habitat; and</i></p> <p>c) <i>Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</i></p> <p>d) <i>Remediating, when adverse effects cannot be avoided; and</i></p> <p>e) <i>Mitigating where adverse effects cannot be avoided or remediated; and</i></p> <p>c) <u>Offsetting or compensating residual effects on indigenous biodiversity, which cannot otherwise be avoided, remedied, or mitigated.</u></p> <p>f)d) <i>Encouraging enhancement of those areas and values.</i></p> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i></i></u> and deleted text shown as <i>strike-through</i>]
<p>Policy 2.2.4 – Managing outstanding natural features, landscapes, and seascapes.</p>	<p>Policy 2.2.4 provides the basis for the protection, enhancement, and restoration of outstanding natural features, landscapes, and seascapes, in response section 6(b) of the RMA, and to give effect to policy 15 of the NZCPS where it relates to the coastal environment. Section 6(b) and policy 15 of the NZCPS however only requires ‘<i>protection</i>’ from ‘<i>inappropriate subdivision, use, and development</i>’. Policy 2.2.4 therefore sets too high a test.</p> <p>Clause (b) requires ‘<i>avoiding, remedying, or mitigating other adverse effects on other values</i>’. The requirement to protect ‘<i>other values</i>’ is unnecessary and redundant in the context of this policy. The outstanding qualities or otherwise of a landscape or feature are only contingent on the values that contribute to that significance, and not other values. Clause (b) should therefore be deleted.</p> <p>Accordingly Interpretation of the policy would be aided by re-ordering it such clause (c) which provides the basis for assessing the scale of effects is moved to being clause (a). This better recognises the assessment process whereby the scale of effects must first be determined to then identify the appropriate management response under the remaining clauses in the policy.</p>	<p>1. Amend Policy 2.2.2 as follows:</p> <p><i>Protect <u>from inappropriate subdivision, use, and development, and encourage enhancement and restoration</u> of the values of outstanding natural features, landscapes and seascapes, by:</i></p> <p><u>a) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</u></p> <p><u>a)b) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</u></p> <p><i>b) Avoiding, remedying or mitigating other adverse effects on other values; and</i></p> <p><i>c) Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</i></p> <p><u>d)c) Recognising and providing for positive contributions of existing introduced species to those values; and</u></p> <p><u>e)d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</u></p> <p><i>f)e) Encouraging enhancement of those areas and values.</i></p> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i></i></u> and deleted text shown as <i>italic-strike-through</i>]
<p>Policy 2.2.6 – Managing special amenity landscapes and highly valued natural features</p>	<p>Policy 2.2.5 provides the basis for the protection or enhancement of special amenity landscapes and highly values natural features, in response to section 7(c) of the RMA, and to give effect to policy 15 of the NZCPS where it relates to the coastal environment. Section 7(c) however only requires 'maintenance and enhancement of amenity values', and therefore the 'protection' focus of policy 2.2.6 sets too high a test.</p> <p>Clause (a) requires avoidance of significant adverse effects on those values which contribute to the special amenity of the landscape or feature. However policy 15 of the NZCPS only affords the requirement to 'avoid' adverse effects on other landscapes where they are within the coastal environment. There is no higher order policy direction that requires avoidance of effects on other landscapes where they are inland, and avoidance is unnecessary to achieve section 7(c) of the RMA. Clause (a) should therefore only apply to the coastal environment, and clause (b) should be reworded to apply outside of the coastal environment.</p> <p>Interpretation of the policy would be aided by re-ordering it such clause (c) which provides the basis for assessing the scale of effects is moved to being clause (a). This better recognises the assessment process whereby the scale of effects must first be determined to then identify the appropriate management response under the remaining clauses in the policy.</p>	<p>1. Amend Policy 2.2.6 as follows:</p> <p><i>Protect Maintain or enhance the values of special amenity landscapes and highly valued natural features, by:</i></p> <p><u>a) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</u></p> <p><u>a)b) Within the coastal environment, A avoiding significant adverse effects on those values which contribute to the special amenity of the landscape or high value of the natural feature; and</u></p> <p><u>b)c) Other than where (b) applies, A avoiding, remedying or mitigating other adverse effects on other those values which contribute to the special amenity of the landscape or natural feature; and</u></p> <p>c) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</p> <p>d) Recognising and providing for positive contributions of existing introduced species to those values; and</p> <p>e) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</p> <p>f) Encouraging enhancement of those values.</p> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>
<p>Policy 2.2.9 –</p>	<p>Policy 2.2.9 sets out the basis for preserving or enhancing the natural</p>	<p>1. Amend Policy 2.2.9 as follows:</p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic-strike-through</i>]
<p>Managing the natural character of the coastal environment</p>	<p>character values of the coastal environment in response to section 6(a) of the RMA, and policy 13 of the NZCPS. Clause (b) however seeks significant adverse effects on areas of <i>'high natural character values'</i> be avoided. Policy 13 of the NZCPS does not make a distinction between areas of high and lesser natural character with regard to avoiding significant adverse effects. Instead policy 13 requires that significant adverse effects on natural character generally be avoided. Policy 2.2.6 therefore presents too low a test and does not give effect to the NZCPS.</p> <p>Interpretation of the policy would be aided by re-ordering it such clause (c) which provides the basis for assessing the scale of effects is moved to being clause (a). This better recognises the assessment process whereby the scale of effects must first be determined to then identify the appropriate management response under the remaining clauses in the policy.</p>	<p><i>Preserve or enhance the natural character values of the coastal environment, by:</i></p> <p><u><i>a) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</i></u></p> <p><i>a)b) Avoiding adverse effects on those values which contribute to the outstanding natural character of an area; and</i></p> <p><i>e) Avoiding significant adverse effects on those values which contribute to the high natural character values of an area; and</i></p> <p><i>d) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</i></p> <p><u><i>e)c) Avoiding significant adverse effects, and avoiding, remedying or mitigating other adverse effects on other <u>natural character</u> values; and</i></u></p> <p><i>f)d) Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment; and</i></p> <p><i>g)e) Encouraging enhancement of those values; and</i></p> <p><i>h)f) Controlling the adverse effects of pest species, prevent their introduction and reduce their spread.</i></p> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>
<p>Policy 2.2.13 – Managing outstanding</p>	<p>Policy 2.2.13 sets out the basis for protecting the values of outstanding water bodies and wetlands to give effect to sections 6(a) and (c) of the</p>	<p>1. Amend Policy 2.2.13 as follows:</p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i></i></u> and deleted text shown as <i>strike-through</i>]
water bodies and wetlands	<p>RMA, and objective A2 and B4 of the NPS on Freshwater Management. The policy requires 'protection' of all values, however Objectives A2 and B4 of the NPS however only seek to ensure that the 'significant' values of outstanding waterbodies, and wetlands are protected. Policy 2.2.13 therefore presents too high a test and does not appropriately give effect to the NPS on Freshwater Management.</p> <p>Interpretation of the policy would be aided by re-ordering it such clause (c) which provides the basis for assessing the scale of effects is moved to being clause (a). This better recognises the assessment process whereby the scale of effects must first be determined to then identify the appropriate management response under the remaining clauses in the policy.</p>	<p>Protect the <u><i>significant</i></u> values of outstanding water bodies and wetlands by:</p> <p><u><i>a) Assessing the significance of adverse effects on values in accordance with the criteria in Schedule 3; and</i></u></p> <p>a)b) <i>Avoiding significant adverse effects, including cumulative effects, on those <u><i>significant</i></u> values which contribute to the water body or wetland being outstanding; and</i></p> <p>b)c) <i>Avoiding, remedying or mitigating other adverse effects on the water body or wetland's values; and</i></p> <p>e) <i>Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</i></p> <p>d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</p> <p>e) Encouraging enhancement of outstanding water bodies and wetlands.</p> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>
Policy 2.3.2 – Applying an integrated management approach within a resource	<p>Policy 2.3.2 supports integrated management of resources. Clause (a) requires resource objectives to be complementary across administrative boundaries. This approach is supported, for example it is appropriate for the Lower Waitaki River where management of river values needs to be consistent between the Canterbury and Otago regions to achieve integrated management.</p> <p>However management approaches also need to be consistent where</p>	<p>1. Amend Policy 2.3.2 as follows:</p> <p><i>Apply an integrated management approach within a natural and physical resource, to achieve sustainable management by:</i></p> <p>a) <u><i>Ensuring that resource objectives and management approaches are consistent and</i></u> are <i>complementary across administrative boundaries; and</i></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic-strike-through</i>]
	<p>regions are jointly responsible for a common resource. This ensures conflicting approaches are avoided which will not achieve sustainable approaches, or create uncertainty for resource users. Meridian for example needs certainty of a consistent approach to the management of the Lower Waitaki River between regions to ensure the continued operation, maintenance, and upgrading of the Waitaki Hydro-Electric Power Scheme.</p>	<p>b) <i>Ensuring that the effects of activities on the whole of a resource are considered when that resource is considered by sub-units.</i></p> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>
<p>Policy 3.4.1 – Integrating infrastructure with land use</p>	<p>Policy 3.4.1 provides for the integration of infrastructure with land used. While supported, a minor change to clause (b) is sought clarifying that the requirements are also relevant in considering the 'location' of infrastructure.</p>	<p>1. Amend Policy 3.4.1 as follows:</p> <p><i>Achieve the strategic integration of infrastructure with land use, by:</i></p> <p>a) <i>Recognising functional needs of infrastructure of regional or national importance; and</i></p> <p>b) <u><i>Locating and</i></u> <i>designing infrastructure to take into account:</i></p> <ul style="list-style-type: none"> <i>i. Actual and reasonably foreseeable land use change; and</i> <i>ii. The current population and projected demographic changes; and</i> <i>iii. Actual and reasonably foreseeable change in supply of, and demand for, infrastructure services; and</i> <i>iv. Natural and physical resource constraints; and</i> <i>v. Effects on the values of natural and physical resources; and</i> <i>vi. Co-dependence with other infrastructural services; and</i> <i>vii. The effects of climate change on the long term viability of that infrastructure; and</i>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic-strike-through</i>]
		2. Make any consequential amendments necessary to give effect to the relief sought.
Policy 3.4.2 – Managing infrastructure activities	<p>Policy 3.4.2 sets out how infrastructure activities are to be managed. Clause (b) requires adverse effects on infrastructure activities to be reduced.</p> <p>Technical and operational constraints however can however influence the degree to which adverse effects from infrastructure can be reduced. With regard to renewable electricity generation, such practical constraints are recognised in Policy C1 of the NPS for Renewable Electricity Generation. However such practical constraints are applicable to all infrastructure.</p> <p>The location of existing infrastructure, logistical and technical practicalities, and the location of supporting natural resources can all influence the degree to which effects can be avoided, remedied, and mitigated. For example, renewable electricity generation needs to be located in areas where the renewable energy resource is available. Similarly the location of transmission infrastructure is dependent on being able to efficiency connect generation resources with areas of electricity demand.</p> <p>Clause (b) should therefore be amended to require adverse effects of infrastructure activities should be minimised ‘as far as practicable’.</p>	<p>1. Amend Policy 3.4.2 as follows:</p> <p><i>Manage infrastructure activities, to:</i></p> <ul style="list-style-type: none"> a) <i>Maintain or enhance the health and safety of the community; and</i> b) <i>Reduce <u><i>Minimise</i></u> adverse effects of those activities <u><i>as far as practicable</i></u>, including cumulative adverse effects on natural and physical resources; and</i> c) <i>Support economic, social and community activities; and</i> d) <i>Improve efficiency of use of natural resources; and</i> e) <i>Protect infrastructure corridors for infrastructure needs, now and for the future; and</i> f) <i>Increase the ability of communities to respond and adapt to emergencies, and disruptive or natural hazard events; and</i> g) <i>Protect the functioning of lifeline utilities and essential or emergency services.</i> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>
Policy 3.4.3 – Designing lifeline	Policy 3.4.3 sets out the basis for designing lifeline utilities and facilities for essential emergency services. While supported, a minor change is	1. Amend Policy 3.4.3 as follows:

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic-strike-through</i>]
utilities and facilities for essential or emergency services	sought clarifying that the requirements are also relevant in considering the 'location' of such utilities and facilities.	<p><u><i>Locate and</i></u> design lifeline utilities, and facilities for essential or emergency services, to:</p> <ul style="list-style-type: none"> a) <i>Maintain their ability to function to the fullest extent possible, during and after natural hazard events; and</i> b) <i>Take into account their operational co-dependence with other lifeline utilities and essential services to ensure their effective operation.</i> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>
Policy 3.4.4 – Managing hazard mitigation measures, lifeline utilities and essential and emergency services	<p>Policy 3.4.4 protects the functioning of hazard mitigation measures, lifeline utilities, and essential emergency services.</p> <p>While supported, interpretation of the policy would be aided by re-ordering it such clause (d) which provides the basis for assessing the scale of effects is moved to being clause (b). This better recognises the assessment process whereby the scale of effects must first be determined to then identify the appropriate management response under the remaining clauses in the policy.</p>	<p>1. Amend Policy 3.4.4 as follows:</p> <p><i>Protect the functioning of hazard mitigation measures, lifeline utilities, and essential or emergency services, including by:</i></p> <ul style="list-style-type: none"> a) <i>Restricting the establishment of those activities that may result in reverse sensitivity effects; and</i> <u><i>b)d) Assessing the significance of adverse effects on those measures, utilities or services in accordance with the criteria in Schedule 3; and</i></u> b)c) <i>Avoiding significant adverse effects on those measures, utilities or services; and</i> e)d) <i>Avoiding, remedying or mitigating other adverse effects on those measures, utilities or services; and</i> d) <i>Assessing the significance of adverse effects on those measures, utilities or services, as detailed in Schedule 3; and</i>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic-strike-through</i>]
		<p>e) <i>Maintaining access to those measures, utilities or services for maintenance and operational purposes; and</i></p> <p>f) <i>Managing other activities in a way that does not foreclose the ability of those mitigation measures, utilities or services to continue functioning.</i></p> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>
<p>Policy 3.5.1 – Recognising national and regional significance of infrastructure</p>	<p>Policy 3.5.1 recognises national and regionally significant infrastructure, including renewable electricity generation facilities. While the national significance of renewable electricity generation facilities is supported, Meridian considers that explicit recognition should be included for the Waitaki Hydro-Electric Power Scheme.</p> <p>The scheme is the largest hydro-electric power scheme in New Zealand, contributing on average some 18% of New Zealand’s annual electricity supply, although at times this can be as high as 30% of the national requirement. The scheme is critical to New Zealand’s social, economic, and cultural wellbeing.</p> <p>Specific recognition of the scheme would recognise its critical nature in giving effect to the NPS on Renewable Electricity Generation.</p>	<p>1. Amend policy 3.5.1 as follows:</p> <p><i>Recognise the national and regional significance of the following infrastructure:</i></p> <p>a) <i>Renewable electricity generation facilities, where they supply the national electricity grid and local distribution network, <u><i>including the Waitaki Hydro Electric Power Scheme</i></u>; and</i></p> <p>b) <i>Electricity transmission infrastructure; and</i></p> <p>c) <i>Telecommunication and radio communication facilities; and</i></p> <p>d) <i>Roads classified as being of national or regional importance; and</i></p> <p>e) <i>Ports and airports; and</i></p> <p>f) <i>Structures for transport by rail.</i></p> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>
<p>Policy 3.5.2 –</p>	<p>Policy 3.5.2 provides the basis for managing the adverse effects of</p>	<p>1. Amend Policy 3.5.2 as follows:</p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic-strike-through</i>]
<p>Managing adverse effects of infrastructure that has national or regional significance</p>	<p>nationally or regionally significant infrastructure.</p> <p>Clause (b) requires that only significant adverse effects on outstanding or significant natural resources where it is not possible to avoid locating such infrastructure in these areas. While this is supported in principal, reference should included to the practical constraints which generally result in the inability to avoid locating infrastructure in sensitive areas. The location of existing infrastructure, logistical and technical practicalities, and the location of supporting natural resources can all influence the degree to which effects can be avoided, remedied, and mitigated.</p> <p>Clause (f) enables consideration the use of offsetting, or other compensatory measures, for residual adverse effects on indigenous biodiversity. While recognition of offsetting and compensation is appropriate, the wording of the clause needs more accurately reflect the terms upon which such offsetting is enabled under policies 4.5.7 and 4.5.8 of the Proposed RPS. This extends to enabling offsetting where any effects cannot be avoided, remedied, and mitigated.</p> <p>Interpretation of the policy would be aided by re-ordering it such clause (d) which provides the basis for assessing the scale of effects is moved to being clause (b). This better recognises the assessment process whereby the scale of effects must first be determined to then identify the appropriate management response under the remaining clauses in the policy.</p>	<p><i>Minimise adverse effects from infrastructure that has national or regional significance, by:</i></p> <p>a) <i>Giving preference to avoiding their location in:</i></p> <ul style="list-style-type: none"> <i>i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna; and</i> <i>ii. Outstanding natural features, landscapes and seascapes; and</i> <i>iii. Areas of outstanding natural character; and</i> <i>iv. Outstanding water bodies or wetlands; and</i> <p><u>b) Assessing the significance of adverse effects on those values in accordance with the criteria in Schedule 3; and</u></p> <p>b)c) <u>Where it is not possible to avoid there is a functional necessity for locating in the areas listed in a) above, avoiding significant adverse effects on those values that contribute to the significant or outstanding nature of those areas; and</u></p> <p>e)d) <u>Avoiding, remedying or mitigating other adverse effects on values; and</u></p> <p>d) <u>Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</u></p> <p>e) <u>Considering the use of Offsetting, or other compensatory measures, <u>compensating</u> for residual adverse effects on indigenous biodiversity, <u>which cannot be otherwise avoided, remedied, or mitigated.</u></u></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic-strike-through</i>]
		<p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>
<p>Policy 3.5.3 – Protecting infrastructure of national or regional significance</p>	<p>Policy 3.5.3 protects nationally or regionally significant infrastructure from other activities. Minor changes are required to the wording of the policy to improve its clarity.</p> <p>The policy should also include specific reference to the need to maintain access to infrastructure for maintenance and operational purposes. Loss of access to such infrastructure as a consequence of the establishment of new activities can compromise the operational integrity of infrastructure.</p> <p>Interpretation of the policy would also be aided by re-ordering it such clause (d) which provides the basis for assessing the scale of effects is moved to being clause (b). This better recognises the assessment process whereby the scale of effects must first be determined to then identify the appropriate management response under the remaining clauses in the policy.</p>	<p>1. Amend Policy 3.5.3 as follows:</p> <p><i>Protect infrastructure of national or regional significance, by:</i></p> <p>a) <i>Restricting the establishment of activities that may result in reverse sensitivity effects; and</i></p> <p><u>b) Assessing the significance of adverse effects on those needs in accordance with the criteria in Schedule 3; and</u></p> <p><u>b)c) Avoiding significant adverse effects on the functional-needs operation of such infrastructure; and</u></p> <p><u>e)d) Avoiding, remedying or mitigating other adverse effects on the functional-needs operation of such infrastructure in a way that does not foreclose the ability of such infrastructure to continue functioning; and</u></p> <p>d) Assessing the significance of adverse effects on those needs, as detailed in Schedule 3; and</p> <p>e) <i>Protecting infrastructure corridors for infrastructure needs, now and for the future.</i></p> <p><u>g) Maintaining access to such infrastructure for maintenance and operational purposes.</u></p> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic-strike-through</i>]
<p>Policy 3.6.1 – Using existing renewable electricity generation structures and facilities</p>	<p>Policy 3.6.2 gives preference to the use of existing facilities to increase the region’s renewable electricity generation capacity over development new facilities.</p> <p>The Objective of the NPS for Renewable Electricity Generation is to provide for the development, operation, maintenance, and upgrading of new and existing renewable electricity generation activities. The NPS does not give preference to the use of existing renewable facilities over new facilities. The policy is inappropriate and does not give effect to the NPS. The policy should instead be amended to enabling the use of existing renewable electricity generation facilities generally, to give effect to give effect to the NPS.</p>	<p>1. Amend Policy 3.6.2 as follows:</p> <p><i>Give preference to <u>Enable</u> the use of existing structures or facilities to increase the region’s renewable electricity generation capacity-over developing new structures-in new locations.</i></p> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>
<p>Policy 3.6.3 – Protecting the generation capacity of renewable electricity generation activities</p>	<p>Policy 3.6.3 provides for the protection of the generation capacity of renewable electricity generation activities.</p> <p>While supported, interpretation of the policy would also be aided by re-ordering it such clause (c) which provides the basis for assessing the scale of effects is moved to being clause (a). This better recognises the assessment process whereby the scale of effects must first be determined to then identify the appropriate management response under the remaining clauses in the policy.</p>	<p>1. Amend Policy 3.6.3 as follows:</p> <p><i>Protect the generation capacity of nationally or regionally significant renewable electricity generation activities, by:</i></p> <p>a) <i>Recognising the functional needs of renewable electricity generation activities, including physical resource supply needs; and</i></p> <p>b) <i>Restricting the establishment of those activities that may result in reverse sensitivity effects; and</i></p> <p><u>c) Assessing the significance of adverse effects on the functional needs of that infrastructure in accordance with the criteria in Schedule 3; and.</u></p> <p><u>e)d) Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure; and</u></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic-strike-through</i>]
		<p><i>d) — Assessing the significance of adverse effects on those needs, as detailed in Schedule 3.</i></p> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>
Policy 4.4.1 – Ensuring efficient water allocation and use	Policy 4.4.1 sets out how the allocation and use of water is to be managed. Clause (b) requires the development or upgrading of infrastructure that increases use efficiency. While seeking the increased efficiency of the allocation and use of water is appropriate, it is impracticable to require such increases in efficiency where it is already efficient or it is technically impracticable to achieve greater efficiency.	<p>1. Amend Policy 4.4.1 as follows:</p> <p><i>Ensure an efficient allocation and use of water by:</i></p> <p><i>a) Requiring that the volume of water allocated does not exceed what is necessary for the purpose of use; and</i></p> <p><i>b) Requiring the development or upgrade of infrastructure that increases use efficiency <u><i>where it is currently inefficient, and technically practicable</i></u>; and</i></p> <p><i>c) Encouraging collective coordination and rationing of take and use of water when river flows or aquifer levels are lowering, to avoid breaching any minimum flow or aquifer level restriction; and</i></p> <p><i>d) Enabling water harvesting and storage, to reduce pressure on water bodies during periods of low flows.</i></p> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>
Policy 4.5.7 – Enabling offsetting of	Policy 4.5.7 enables offsetting of indigenous biodiversity values within set limits, and Policy 4.5.8 sets the requirements for any offset.	<p>1. Add a new Policy 4.5.9 as follows:</p> <p><u><i>Recognise and enable environmental compensation as a</i></u></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic-strike-through</i>]
<p>indigenous biodiversity</p> <p>Policy 4.5.8 – Offsetting for indigenous biodiversity</p>	<p>Offsetting provides a basis to address any remaining residual environmental effects which cannot otherwise be avoided, remedied, and mitigated. However the NPS on Renewable Electricity Generation, case law, and current biodiversity best practice has established that environmental compensation can also be used under the RMA to provide positive environmental enhancement as a means to counter any adverse environmental effects that cannot be avoided, remedied, mitigated, or offset.</p> <p>The Proposed RPS should therefore include a policy to recognise and enable the legitimate practice of environmental compensation under the RMA.</p>	<p><u><i>voluntary means to provide measurable positive environmental outcomes to counter adverse environmental effects on indigenous biodiversity values which cannot otherwise be avoided, remedied, mitigated, or offset.</i></u></p> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>
<p>Anticipated Environmental Result 3.4</p>	<p>AER 3.4 seeks that the adverse effects on Otago’s outstanding and highly-valued natural and physical resource values from nationally and regionally significant infrastructure are avoided or mitigated. The AER also specifies as an indicator, that <i>‘there is no net loss to the values of Otago’s outstanding, significant, or highly valued natural and physical resources resulting from nationally and regionally significant infrastructure.’</i></p> <p>The AER does not appropriately reflect what is sought by the Plan objectives and policies, in particular policy 3.5.2, which does not require no net loss of the values of outstanding, significant, or highly valued resources. Rather it requires significant effects to be avoided, and other adverse effects to be avoided, remedied, and mitigated, while also</p>	<p>1. Amend AER 3.4 as follows:</p> <p><i>Adverse effects on Otago’s outstanding and highly-valued natural and physical resource values from nationally and significant infrastructure are avoided, <u>remedied, or mitigated, offset, or compensated.</u></i></p> <p><i>Indicators:</i></p> <p><i>There is no net loss to <u>significant adverse effects on</u> the values of Otago’s outstanding, significant, or high valued natural and physical resources resulting from nationally and regionally significant infrastructure, <u>and residual adverse effects on indigenous</u></i></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic-strike-through</i>]
	<p>recognising offsetting and compensation for residual environmental effects on indigenous biodiversity. The AER requires amendment to more closely reflect what is intended by policy 3.5.2.</p>	<p><u><i>biodiversity are offset or compensated.</i></u></p> <p><i>How Indicators can be measured:</i></p> <p><i>State of the environment monitoring, evaluation reports</i></p> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>
<p>Glossary</p>	<p>The glossary does not include definitions for the terms '<i>offsetting</i>' or '<i>environmental compensation</i>'. Offsetting and compensation are recognised in the policies as a means to address residual environmental adverse environmental effects on indigenous biodiversity which cannot be avoided, remedied, or mitigated. Definition of these terms is required to make it clear as to the scope of offsetting and compensation, and ensure they are applied appropriately in the context of RMA practice, including policy making at the territorial authority level.</p>	<p>1. Add the following definitions to the Glossary:</p> <p><u><i>Offsetting - measureable outcomes resulting from actions designed to counter residual adverse effects of subdivision, use and development on indigenous biodiversity, which cannot otherwise be avoided, remedied, or mitigated.</i></u></p> <p><u><i>Environmental Compensation - measureable outcomes resulting from voluntary actions designed to provide new positive effects to counter residual adverse effects of subdivision, use and development on indigenous biodiversity, which cannot be otherwise avoided, remedied, mitigated, or offset.</i></u></p> <p>2. Make any consequential amendments necessary to give effect to the relief sought.</p>

New Zealand
PORK

OTAGO REGIONAL COUNCIL RECEIVED DUNEDIN	
24 JUL 2015	
FILE No.	PA38402
DIR TO	Sarah V

24 July 2015

New Zealand

Dear Sir / Madam

Proposed Otago Regional Policy Statement.

Please find attached a submission from the New Zealand Pork Industry Board (NZPork) on the Proposed Otago Regional Policy Statement

We have reviewed the proposals for their impact on pig farming in the district and have suggested a number of changes.

NZPork appreciates the opportunity to comment, and we would be pleased to elaborate further on our submission. Please contact me in the first instance via the details below.

Yours sincerely



Anita Murrell

Environmental Advisor

Phone: 04 917 4752, email: anita.murrell@pork.co.nz

SUBMISSION TO PROPOSED OTAGO REGIONAL POLICY STATEMENT

TO: Otago Regional Council
Private Bag 1954
Dunedin 9054
Email: rps@orc.govt.nz

SUBMITTER: NZ Pork Industry Board

CONTACT DETAILS: NZPork
Anita Murrell
New Zealand Pork
PO Box 4048
WELLINGTON 6140

Email: anita.murrell@pork.co.nz
Phone: 04 917 4752
Mobile: 029 220 3300

NZPork has an interest in the proposal that is greater than the interest the general public has.

NZPork wishes to be heard in support of this submission. If others make a similar submission, we will consider presenting a joint case with them at a hearing.

I am authorised to act and represent NZ Pork in making this submission.



Anita Murrell
23 July 2015

Introduction

The New Zealand Pork Industry Board (NZPork) is a statutory board funded by producer levies. It actively promotes “100% New Zealand Pork” to support a sustainable and profitable future for New Zealand grown pork. The board’s statutory function is to act in the interests of pig farmers to help attain the best possible net on-going returns while farming sustainably into the future.

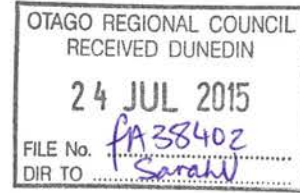
Nationally there are less than 110 registered commercial pork producers, comprising a relatively small but significantly integrated sector of the New Zealand Agricultural economy.

New Zealand pork producers are facing a number of economic, social and environmental challenges in order to remain viable. The contribution of imported pork to New Zealand’s total pork consumption has increased significantly in recent years, placing further demands on producers who have responded by developing increasingly efficient systems. Currently, nearly all pork produced in New Zealand is consumed locally and makes up approximately 51% of the domestic market supply.

Pig Farmers in New Zealand have a firm grasp of environmental issues, especially water quality and quantity pressures. They demonstrate a high level of innovation and environmental stewardship, particularly in regard to manure and nutrient management which has important implications for water quality. The New Zealand pork industry has committed significant time and resource to Sustainable Farming Fund projects centered on nutrient management and environmental initiatives. However, profit margins for the industry remain tight and dialogue with farmers indicates that compliance costs and uncertainty into the future are key issues.

(1) The specific provisions of the proposed RPS that my submission relates to are:	(2) I seek the following decisions from ORC:	(3) The reasons for my submission are:
Policy 2.1.5 Managing for soil values	Include a policy of protecting productive soils from fragmentation or inappropriate use by activities that do not have a functional need to be located in the rural environment.	Urban spread and the development of lifestyle subdivisions can undermine rural productivity and should be discouraged where they will impact on sustainable growth of rural activities.
Policy 2.2.15 Managing highly valued soil resources, point (d)	Add a qualifier to the policy that the appropriateness is dependent on the requirement for primary production to be assessed first.	Although urban expansion may be appropriate in areas with highly valued soil resources due to location, a qualifier is required to ensure that the need for these for use in primary production activities is assessed first.
Policy 3.8.1 Managing for urban growth, point (c) i	Add "... and avoids reverse sensitivity effects".	Reverse sensitivity is a significant adverse effect on rural production activities that is exacerbated by urban growth into rural areas. Urban growth needs to be managed to avoid this effect.
Policy 3.8.2 Controlling growth...	Retain point (c)	NZPork supports avoiding urban growth in inappropriate areas.
Policy 3.8.3 Managing fragmentation of rural land	Retain policy	NZPork supports the avoidance of fragmentation of rural land, especially with regard to reverse sensitivity effects.
Policy 4.3.1 Managing for rural activities	Retain the policy	Reverse sensitivity, fragmentation, and rural subdivision must be avoided in primary production areas. Rural activities have a functional need to be in rural locations – there is no alternative.
Policy 4.3.6 Managing locational needs for mineral and gas exploration...	Add to point (a): avoiding there location in rural areas where there may be adverse effects on primary production activities.	Mineral and gas exploration in rural areas can result in adverse effects including stock disturbance and loss of production land.
Policy 4.5.1 Avoiding objectionable discharges	Add to point (c): in inappropriate locations.	While it is preferable to avoid odorous discharges, in rural environments some odour is to be expected that may be considered objectionable in other environments (for example, animal effluent). It is important that the emphasis is on managing the effects of these discharges rather than seeking to avoid them completely.
Policy 4.5.6 Managing adverse	Add to point (a): avoiding there	Mineral and gas exploration in rural areas can result in adverse effects

effects from mineral and gas exploration...	location in rural areas where there may be adverse effects on primary production activities.	including stock disturbance and loss of production land.
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24 July 2015

Otago Regional Council
Private Bag 1954
Dunedin 9054

Attention: Fraser McRae

Dear Fraser

Otago Proposed Regional Policy Statement – Submission by Rayonier Matariki Forests Limited.

Thank you for providing Rayonier Matariki Forests New Zealand Ltd (Rayonier) the opportunity to submit on the Proposed Otago Regional Policy Statement (PRPS).

By way of background information, Rayonier is a wholly owned subsidiary of US based corporation Rayonier Inc. Matariki Forests (Matariki) is a joint venture company owned by Rayonier Inc and Phaunos Group. Rayonier New Zealand manages 173,000 hectares of plantation forest (128,000 hectares stocked) in New Zealand for Matariki. Matariki is New Zealand’s third largest forestry company by area and currently operates in most regions of New Zealand. On a day to day basis Matariki manages the planning rules of 10 regional and 26 district councils. All of Matariki’s forests are managed under the Forest Stewardship Council™ (FSC™) certification.

FSC is an international not for-profit, multi-stakeholder organization established in 1993 to promote responsible management of the world’s forests. FSC promotes environmentally appropriate, socially beneficial and economically viable management of the world's forests.

Rayonier are the owners and or managers of approximately 7,616 hectares of productive forested land in the Otago Region.

Please refer to the matrix of submission points attached to this letter for the detail of Rayonier’s submission on the PRPS.

Rayonier would like to be heard in regards to this submission.

Yours Sincerely

Sam Scarlett
Environmental Manager
Rayonier Matariki Forests



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Submitter: Rayonier Matariki Forests (Rayonier)
Contact: Sam Scarlett (sam.scarlett@rayonier.com)
Contact Person/ Address For Service: Katherine Davies (katherine@ktbplanning.co.nz)
 KTB Planning Consultants Ltd
 PO Box 641
 Cambridge 3450
 Phone: 07 823 3584 or 021 445 425

Trade Competition: Rayonier could not gain an advantage in trade competition through this submission.

Hearing: Rayonier does wish to be heard in support of its submission and is prepared to consider presenting their submission in a joint case with others making a similar submission at any hearing.

Notes:

1. In the table below, amendments are shown with deletions ~~struck through~~ and additions underlined.
2. Where Rayonier have requested specific changes to PRPS text, they may accept alternative amendments to those suggested which would achieve the relief sought.

Section	Identifier	Support/oppose	Rationale	Suggested changes
Whole of Proposed Otago Regional Policy Statement	Objectives, Policies and Methods	Support	Rayonier generally supports the objectives, policies and methods contained within the PRPS, with the exception of specific amendments sought in relation to the submission points set out below. Where a provision is considered to be of particular relevance/importance to Rayonier this been supported.	Retain the objectives, policies and methods of the PRPS as notified subject to specific amendments sought in the submission points below.

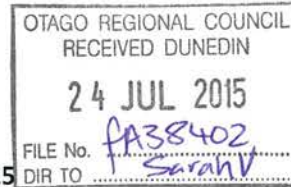
Section	Identifier	Support/ oppose	Rationale	Suggested changes
Part B	Policy 2.1.5 Managing for Soil Values	Support	Rayonier supports the need to recognise soil values and manage soils, particularly retaining soil resources for primary production (f). As requested in a latter submission point, Rayonier considers that the term 'primary production' should be defined and include plantation forestry to provide clarity.	Retain as notified.
Part B	Policy 2.3.1 Applying an integrated management approach among resources	Support	<p>Rayonier supports Policy 2.3.1 which seeks to apply an integrated management approach among resources. by:</p> <p><i>a) Taking into account the impacts of management of one resource on the values of another, or on the environment in general; and</i></p> <p><i>b) Recognising that the form and function of a resource may extend beyond the immediate, or directly adjacent, area of interest.</i></p> <p>This is particularly important in the case of plantation forestry when considering the positive environmental effects that accrue from the plantation forestry cycle. Plantation forestry also results in positive effects in terms of reducing erosion and improving water quality.</p>	Retain as notified
Part B	Policy 2.3.3 Applying and integrated management approach to freshwater catchments.	Support	<p>Rayonier supports Policy 2.3.3 which seeks to apply an integrated management approach for freshwater catchments. In particular, Rayonier supports b) <i>Recognising the importance of river morphology, catchment hydrology, natural processes and land cover in supporting catchment values.</i></p> <p>This is particularly important in terms of recognising the positive effects (including in relation to water quality and aquatic biodiversity) arising from plantation forestry for the majority of the forestry cycle.</p>	Retain as notified

Part B	Policy 3.8.3 Managing Fragmentation of rural land	Support in part	<p>Rayonier generally supports Policy 3.8.3 which seeks to manage subdivision, use and development of rural land to:</p> <p><i>a) Avoid development or fragmentation of land which undermines or forecloses the potential of rural land:</i></p> <p><i>i. For primary production; or</i></p> <p><i>ii. In areas identified for future urban uses; or</i></p> <p><i>iii. In areas having the potential for future comprehensive residential development; and</i></p> <p><i>b) Have particular regard to whether the proposal will result in a loss of the productive potential of highly versatile soil, unless:</i></p> <p><i>i. The land adjoins an existing urban area and there is no other land suitable for urban expansion; and</i></p> <p><i>ii. There highly versatile soils are needed for urban expansion, any change of land use from rural activities achieves an appropriate and highly efficient form of urban development; and</i></p> <p><i>iii. reverse sensitivity effects on rural productive activities can be avoided; and</i></p> <p><i>c) Avoid unplanned demand for provision of infrastructure, including domestic water supply and waste disposal; and</i></p> <p><i>d) Avoid creating competing demand for water or other resources.</i></p>	
			<p>Rayonier particularly supports the reference to avoiding reverse sensitivity effects on rural productive activities. However, Rayonier considers that the way the policy is drafted means that this only applies to managing reverse sensitivity effects in terms of the fragmentation of rural land – not managing reverse sensitivity effects generally. The Policy should be re-drafted to address the need to manage potential reverse sensitivity effects between residential and other sensitive activities and primary production activities, generally. Fragmentation of rural land is already addressed in a).</p>	<p>Amend Policy 3.8.3 as follows:</p> <p><u>Managing fragmentation subdivision, use and development of rural land</u></p> <p><i>Manage subdivision, use and development of rural land, to:</i></p> <p><i>a) Avoid development or fragmentation of land which undermines or forecloses the potential of rural land:</i></p> <p><i>i. For primary production; or</i></p> <p><i>ii. In areas identified for future urban uses; or</i></p> <p><i>iii. In areas having the potential for future comprehensive residential</i></p>

				<p>development; and</p> <p>b) Have particular regard to whether the proposal will result in a loss of the productive potential of highly versatile soil, unless:</p> <p>i. The land adjoins an existing urban area and there is no other land suitable for urban expansion; and</p> <p>ii. There highly versatile soils are needed for urban expansion, any change of land use from rural activities achieves an appropriate and highly efficient form of urban development; and</p> <p>iii. c) <u>Avoid</u> reverse sensitivity effects on rural productive activities can be avoided; and</p> <p>e) d) <u>Avoid</u> unplanned demand for provision of infrastructure, including domestic water supply and waste disposal; and</p> <p>e) e) <u>Avoid</u> creating competing demand for water or other resources.</p>
Part B	Objective 4.3 Sufficient land is management and protected for economic production	Support	<p>This objective acknowledges that the use of land for productive activity underpins the economy of the region and this is strongly supported by Rayonier. The explanation to the objective goes on to state that:</p> <p><i>‘We want to provide ongoing opportunities for economic growth and development by recognising and providing for the effects of activities’.</i> Rayonier considers it essential that the PRPS acknowledges that primary production activities are important to the region in terms of both social and economic wellbeing and that these activities may result in both positive and negative effects.</p>	Retain as notified.

Part B	Policy 4.3.1	Support in part	Rayonier supports the intent of Policy 4.3.1 which seeks to enable 'farming and other rural activities that support the rural economy'. Rayonier also particularly supports c) which relates to reverse sensitivity effects. However, for consistency it would be useful if the policy referred to 'primary production' in a) and e), a term which is used in b) of this policy and throughout the PRPS, rather than 'rural activities'.	<p><i>Policy 4.3.1 Managing for rural activities Manage activities in rural areas, to support the region's economy and communities, by:</i></p> <ul style="list-style-type: none"> <i>a) Enabling farming and other rural <u>primary production</u> activities that support the rural economy; and</i> <i>b) Minimising the loss of soils highly valued for their versatility for primary production; and</i> <i>c) Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects; and</i> <i>d) Minimising the subdivision of productive rural land into smaller lots that may result in rural residential activities; and</i> <i>e) Providing for other activities that have a functional need to locate in rural areas, including tourism and recreational activities that are of a nature and scale compatible with <u>primary production</u> rural activities.</i>
Part B	Policy 4.3.2 Managing land use change in dry catchments	Oppose	Rayonier opposes Policy 4.3.2, managing land use change in dry catchments, as it seeks to restrict any extension of forestry activities within catchments that would result in a significant reduction in water yield. This approach fails to take into account the significant environmental and economic benefits that are provided by plantation forestry. Rayonier considers that the proposed regulation in relation to forestry will deliver negligible improvements in water yield, whilst ignoring the well documented environmental benefits of plantation forestry. Rayonier considers this policy places undue weight on the importance of water quantity and fails to give sufficient regard to the important environmental and economic benefits provided by forestry. Rayonier favours taking an integrated catchment approach to ensure that water quantity issues are	<p>Amend Policy 4.3.2 so that it does not single out forestry.</p> <p><i>Managing land use change in dry catchments Manage land use change in dry catchments, to avoid any significant reduction in water yield, by:</i></p> <ul style="list-style-type: none"> <i>a) Restricting any extension of forestry activities within those catchments that would result in a significant reduction in water yield, including cumulative reductions; and</i> <i>b) Minimising the conversion of tussock grasslands to species which are less able to capture and hold precipitation.</i>

			not isolated from the broader issues that make up sustainable land management.	
Part B	Objective 4.4 Otago's communities can make the most of the natural and built resources available for use.	Support in part	This Objective supports efficient resource use and acknowledges that resources need to be used for economic activity and wellbeing, and this is supported by Rayonier. However, the associated policies do not appear to be about efficient resource use generally (other than specifically water use or waste minimisation) or the need to use resources to enable economic activity and wellbeing.	Include a new policy relating to the need to use resources efficiently to enable economic activity and social wellbeing and which will achieve the stated outcomes from Objective 4.4
Part D	Glossary	Oppose	The term 'dry catchment' is used in Policy 4.3.2 but is not defined in the Glossary. It would be useful if this term is defined so it is clearly understood where it the policy will apply.	Define what is meant by the term 'dry catchment'.
Part D	Glossary	Oppose	The Glossary does not contain a definition of 'primary production' however this term is used throughout the PRPS. In order to clarify exactly what activities are intended to fall within this term Rayonier considers a definition should be included.	Suggested definition (from the Proposed Auckland Unitary Plan): <u>Activities that involve the production of primary products such as those from farming, poultry farming, horticultural, or plantation forestry activities, and which have a functional need for a rural location</u>



Friday 24 July 2015

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

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1. Introduction

1.1 Trustpower Limited (“Trustpower”) wishes to make a submission on the Proposed Otago Regional Policy Statement (“RPS”).

1.2 Trustpower Limited could not gain an advantage in trade competition through this submission.

1.3 The specific provisions of the RPS that Trustpower submits on, the reasons for the submission and the relief sought is set out in the **attached table**.

2. Trustpower’s interests in the Otago Region

2.1 Trustpower’s generation assets consist of 19 electricity generation scheme strategically located around New Zealand to ensure power is generated close to where it is consumed. Trustpower has grown to become one of New Zealand’s largest electricity retailers, serving just under a quarter of a million customers throughout the country, utilising solely renewable energy generation.

2.2 Trustpower is committed to responsible and effective energy generation and to applying industry best practice to these activities. Trustpower acknowledges the importance of the environment, in particularly the aquatic environment, to its continued operations, and has adopted a set of environmental policies which encourage the practical minimisation

of any adverse environmental impacts associated with the company's activities. Trustpower is also active in various environmental initiatives within the vicinity of their generation assets.

- 2.3 Trustpower is a significant user of water within the Otago Region, operating a number of hydro-electricity power schemes. Trustpower has also been granted resource consent for the construction and operation of the Mahinerangi Wind Farm. Within the Otago Region Trustpower currently operates the following power schemes:

3. Paerau/Patearoa – Existing Power Scheme

- 3.1 The Patearoa/Paerau Gorge Power Scheme is a joint hydroelectric/irrigation scheme located within the Maniototo sub-region of the Taieri Catchment, utilising water diverted from storage reservoirs along the Taieri River. It is made up of the Paerau Power Station which has an annual output of 47.8GWh and the Patearoa Power Station which has an annual output of 7.5GWh. Both stations were commissioned in 1984 and between them produce an annual average output of 62GWh, sufficient to supply electricity to approximately 7,750 typical New Zealand households.

4. Deep Stream – Existing Hydro Scheme

- 4.1 The Deep Stream Hydro Scheme was commissioned in 2008 to utilise water discharged from the north side of Lake Mahinerangi. The Scheme channels water flowing from an existing Deep Stream Diversion, impounds that water in a storage reservoir, and then allows the water to be released through canals containing 2.5 MW generating units to Lake Mahinerangi. The Scheme supplies power for the equivalent of 3,100 homes and also provides an emergency water supply for Dunedin City in the event of prolonged drought.

5. Waipori – Existing Hydro Scheme

- 5.1 The Waipori Hydro Scheme was commissioned in 1907 and generates electricity from the Waipori River. The system begins near the headwaters of the Waipori River, high in the Lammerlaw Range. A web of water races, open channels, diversion tunnels and pipelines feed the scheme. Today, the scheme consists of a large hydroelectric storage lake - Lake Mahinerangi, which feeds four power stations located on the Waipori River. It has a total average annual output of 192GWh, sufficient to supply electricity to approximately 24,000 typical New Zealand households.

6. Mahinerangi Wind Farm

- 6.1 Aside from its existing operations, Trustpower has future development aspirations within the Otago Region and, as part of these, has proposed the Mahinerangi Wind Farm. The Mahinerangi Wind Farm is to be built on 1723 hectares of farmland located north of Lake Mahinerangi. Lake Mahinerangi feeds the Waipori Hydro Scheme, as described above.
- 6.2 The Mahinerangi Wind Farm has been consented by the ORC and Clutha District Council. Stage 1 of its development was completed in April 2011. The resource consents obtained by Trustpower provide for a 200MW wind farm with a maximum of 100 turbines, at a maximum height of 145 metres.

7. Summary

7.1 Trustpower's existing power schemes within the Otago Region are important strategic and physical resources that warrant protection under Part 2 of the Resource Management Act 1991 ("RMA") because of their contribution to the region's economic, social and cultural wellbeing. The power schemes listed above play a pivotal role in power generation in the region and will continue to do so in future. As such, enhancement of some or all of these schemes may be required within the life of the Regional Policy Statement. It is, therefore, appropriate that the Regional Policy Statement does not unreasonably impede either the operating regime or the future consenting requirements for these key strategic electricity generating assets.

7.2 Against this background, Trustpower has a great interest in the RPS provisions and their further development, as they will potentially affect the company's existing and future developments within the Otago Region.

8. Trustpower does wish to speak in support of our submission.

9. If others make a similar submission Trustpower will consider presenting a joint case with them at the hearing.

Regards,

Trustpower Limited



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Regulatory Advisor

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Provision	Submission Position	Reason for submission	Trust Power Requests the Following Relief from the Council (or similar wording to achieve desired relief)
Chapter 1 Kāi Tahu values, rights and interests are recognised and kaitiakitaka is expressed			
<p>Policy 1.1.2 Taking the principles of Te Tiriti o Waitangi into account Ensure that local authorities exercise their functions and powers, to:</p> <p>a) Accord Kāi Tahu a status distinct from that of interest groups and members of the public, consistent with their position as a Treaty partner; and,</p> <p>b) Involve Kāi Tahu in resource management decision-making processes and implementation; and</p> <p>c) Take into account Kāi Tahu views in resource management decision-making processes and implementation, particularly regarding the relationship of their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka ; and</p> <p>d) Ensure Kāi Tahu have the prerogative to:</p> <p>i. Identify their relationship with their ancestral lands, water, sites, wāhi tapu, and other taoka; and</p> <p>ii. Determine how best to express that relationship; and</p> <p>e) Ensure Kāi Tahu are able to exercise kaitiakitaka; and</p> <p>f) Ensure that district and regional plans:</p> <p>i. Give effect to the Ngāi Tahu Claims Settlement Act 1998; and</p> <p>ii. Recognise and provide for statutory acknowledgement areas, as detailed in Schedule 2; and</p> <p>iii. Provide for other areas in Otago that are recognised as significant to Kāi Tahu in a manner similar to that prescribed for statutory acknowledgement areas</p>	<p>Oppose in part</p>	<p>While it is recognised that it is important to maintain good working relationships with Kai Tahu when dealing with resource management issues within the Otago Region, it is submitted that this is already a requirement inherent within the RMA by:</p> <ul style="list-style-type: none"> Recognising and providing for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga (section 6(e) of the RMA); Having particular regard to kaitiakitanga (section 7(a) of the RMA); Taking into account the principles of the Treaty of Waitangi (section 8 of the RMA). <p>Clause (a) of this policy does not appear to have an identified resource management purpose and should be deleted. Clause (a) is also inconsistent with the notification determination which focuses on the extent of effects, not the status of a party.</p> <p>Clauses (d) and (e) require further amendment to better align with sections 6 and 7 of the RMA.</p>	<p>Amend this policy as follows:</p> <p>Policy 1.1.2 Taking the principles of Te Tiriti o Waitangi into account Ensure that local authorities exercise their functions and powers, to:</p> <p>a) Accord Kāi Tahu a status distinct from that of interest groups and members of the public, consistent with their position as a Treaty partner; and,</p> <p>b) Involve Kāi Tahu in resource management decision-making processes and implementation; and</p> <p>c) Take into account Kāi Tahu views in resource management decision-making processes and implementation, particularly regarding the relationship of their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka ; and</p> <p>d) Ensure Kāi Tahu have the prerogative to: <u>Recognise and provide for Kāi Tahu to identify their relationship with their ancestral lands, water, sites, wahi tapu and other taoka by:</u></p> <p>i. Identify their relationship with their ancestral lands, water, sites, wāhi tapu, and other taoka; and</p> <p>ii. Determine how best to express that relationship; and</p> <p>e) Ensure Kāi Tahu are able to exercise kaitiakitaka; and <u>Have regard to the exercise of kaitiakitaka; and</u></p> <p>f) Ensure that district and regional plans:</p> <p>i. Give effect to the Ngāi Tahu Claims Settlement Act 1998; and</p> <p>ii. Recognise and provide for statutory acknowledgement areas, as detailed in Schedule 2; and</p> <p>iii. Provide for other areas in Otago that are recognised as significant to Kāi Tahu in a manner similar to that prescribed for statutory acknowledgement areas</p>

<p>Objective 1.2 Kāi Tahu values, rights and interests and customary resources are sustained</p>	<p>Oppose in part</p>	<p>Trustpower consider that a requirement to 'recognise and provide for' Kai Tahu values should be implemented which will provide a broader framework for the management of these values.</p> <p>Trustpower also submits that reference to "rights" should be deleted as the subsequent policies do not provide any further context around what specific "rights" are being referred to.</p>	<p>Amend the objective as follows:</p> <p>Kāi Tahu values, rights and interests and customary resources are sustained <u>recognised and provided for</u>.</p>
<p>Chapter 2 Otago has high quality natural resources and ecosystems</p>			
<p>Objective 2.1 The values of Otago's natural and physical resources are recognised, maintained and enhanced</p>	<p>Support in part</p>	<p>Trustpower is concerned about how this objective will be applied in practice. It is noted that the objective refers to both natural and physical resources however the corresponding policies only relate to the values attaching to natural resources (i.e. water, soil, air etc). For this objective to be useful it needs to be supported by additional policies that recognise, maintain and enhance physical resources.</p>	<p>Maintain the objective as notified and include additional policies that recognise, maintain and enhance physical resources.</p>
<p>Policy 2.1.1 Managing for freshwater values Recognise freshwater values, and manage freshwater, to:</p> <ul style="list-style-type: none"> a) Support healthy ecosystems in all Otago aquifers, and rivers, lakes, wetlands, and their margins; and b) Retain the range and extent of habitats provided by freshwater; and c) Protect outstanding water bodies and wetlands; and d) Protect migratory patterns of freshwater species, unless detrimental to indigenous biodiversity; and e) Avoid aquifer compaction, and seawater intrusion in aquifers; and f) Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded; and g) Maintain or enhance coastal values supported by freshwater values; and h) Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers; and i) Retain the quality and reliability of existing drinking water supplies; and j) Protect Kāi Tahu values; and k) Provide for other cultural values; and l) Protect important recreation values; and m) Maintain the aesthetic and landscape values of rivers, lakes, and wetlands; and n) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and o) Mitigate the adverse effects of natural hazards, including flooding and erosion; and 	<p>Oppose in part</p>	<p>Trustpower is also concerned that this policy does not suitably recognise that the use of the region's fresh water resources is essential for the social and economic wellbeing of the region. Enabling infrastructure that relies on fresh water resources to only operate within the bounds of its existing parameters discourages any growth and this is opposed by Trustpower.</p> <p>Trustpower is of the view that better guidance is required throughout the RPS as to how these policies are to be implemented and what outcome is intended to be achieved by both regulatory authorities and resource users.</p> <p>It is also not clear what is intended by protecting Kāi Tahu values and providing for other cultural values. The intent of this clause can be better achieved by providing for Kāi Tahu values more generally.</p>	<p>Amend this policy so that it suitably recognises and provides for the development and growth of infrastructure that relies on fresh water resources. The policy also needs to recognise the use of freshwater in providing for the social and economic wellbeing of the community.</p> <p>The policy should also seek to "provide for" Kāi Tahu values (clause j) and remove reference to "other cultural values".</p> <p>Policy 2.1.1 Managing for freshwater values Recognise freshwater values, and manage freshwater, to:</p> <ul style="list-style-type: none"> a) Support healthy ecosystems in all Otago aquifers, and rivers, lakes, wetlands, and their margins; and b) Retain the range and extent of habitats provided by freshwater; and c) Protect <u>the values of</u> outstanding water bodies and wetlands; and d) Protect migratory patterns of freshwater species, unless detrimental to indigenous biodiversity; and e) Avoid aquifer compaction, and seawater intrusion in aquifers; and f) Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded; and g) Maintain or enhance coastal values supported by freshwater values; and h) Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers; and i) Retain the quality and reliability of existing drinking water

<p>p) Maintain the ability of existing infrastructure to operate within their design parameters.</p>			<p>supplies; and</p> <p>j) Protect<u>provide for</u> Kāi Tahu values; and</p> <p>k) Provide for other cultural values; and</p> <p>l) Protect important recreation values; and</p> <p>m) Maintain the aesthetic and landscape values of rivers, lakes, and wetlands; and</p> <p>n) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and</p> <p>o) Mitigate the adverse effects of natural hazards, including flooding and erosion; and</p> <p>p) Maintain the ability of existing infrastructure to operate within their design parameters <u>and provide for appropriate upgrade and expansion of infrastructure.</u></p> <p><u>Maintain the ability of water users to provide for the economic, health and safety and social wellbeing of the community.</u></p>
<p>Policy 2.1.2 Managing for the values of beds of rivers and lakes, wetlands, and their margins</p> <p>Recognise the values of beds of rivers and lakes, wetlands, and their margins, and manage them to:</p> <p>a) Protect or restore their natural functioning; and</p> <p>b) Protect outstanding water bodies and wetlands; and</p> <p>c) Maintain good water quality, or enhance it where it has been degraded; and</p> <p>d) Maintain ecosystem health and indigenous biodiversity; and</p> <p>e) Retain the range and extent of habitats supported; and</p> <p>f) <i>Maintain or enhance natural character; and</i></p> <p>g) Protect Kāi Tahu values; and</p> <p>h) Provide for other cultural values; and</p> <p>i) Maintain their aesthetic and amenity values; and</p> <p>j) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and</p> <p>k) Mitigate the adverse effects of natural hazards, including flooding and erosion; and</p> <p>l) Maintain bank stability.</p>	<p>Oppose in part</p>	<p>Trustpower is concerned that this policy does not suitably recognise that the use of the region's beds of rivers, lakes and wetlands can also be essential for the social and economic wellbeing of the region.</p> <p><i>Trustpower is also concerned that elements of this policy will be restrict the use of existing activities within freshwater resources, for example (a) seeks to protect or restore the natural functioning of beds and margins of rivers, lakes and wetlands. A hydro generation system alters the natural functioning of a river system so in order to give effect to this policy the removal of such facilities would be required. This is not considered to be appropriate.</i></p> <p>Additional minor amendments are also required to ensure this policy is consistent with Trustpower's submission on Policy 2.1.1.</p>	<p>Amend the policy as follows:</p> <p>Recognise the values of beds of rivers and lakes, wetlands, and their margins, and manage them to:</p> <p>a) Protect or restore their natural functioning; and <u>Maintain</u> functioning in order to provide for key values; and</p> <p>b) Protect <u>the values of</u> outstanding water bodies and wetlands; and</p> <p>c) Maintain good water quality, or enhance it where it has been degraded; and</p> <p>d) Maintain ecosystem health and indigenous biodiversity; and</p> <p>e) Retain the range and extent of habitats supported; and</p> <p>f) Maintain or enhance natural character; and</p> <p>g) Protect<u>Provide for</u> Kāi Tahu values; and</p> <p>h) Provide for other cultural values; and</p> <p>i) Maintain their aesthetic and amenity values; and</p> <p>j) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and</p> <p>k) Mitigate the adverse effects of natural hazards, including flooding and erosion; and</p> <p>l) Maintain bank stability <u>and</u></p> <p><u>Maintain the ability to use the beds of lakes and rivers for infrastructure and to those providing for the economic, health and safety and social wellbeing of the community.</u></p>

<p>Policy 2.1.5 Managing for soil values</p> <p>Recognise soil values, and manage soils, to:</p> <ul style="list-style-type: none"> a) Maintain their life supporting capacity; and b) Maintain soil biodiversity; and c) Maintain biological activity in soils; and d) Maintain soil's function in the storage and cycling of water, nutrients, and other elements through the biosphere; and e) Maintain soil's function as a buffer or filter for pollutants resulting from human activities, including aquifers at risk of leachate contamination; and f) Retain soil resources for primary production; and g) Protect Kāi Tahu values; and h) Provide for other cultural values; and i) Maintain the soil mantle where it acts as a repository of heritage objects; and j) Maintain highly valued soil resources; and k) Avoid contamination of soil; and l) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread. 	<p>Oppose in part</p>	<p>It is not clear why Kāi Tahu values are to be elevated above all other resource management issues relating to the management of air quality in the region, in that they are required to be protected.</p> <p>Trustpower is concerned that this policy does not suitably recognise that the use of soil resources can also be essential to the economic and social wellbeing of the region.</p>	<p>Amend the policy as follows:</p> <p>Recognise soil values, and manage soils, to:</p> <ul style="list-style-type: none"> a) Maintain their life supporting capacity; and b) Maintain soil biodiversity; and c) Maintain biological activity in soils; and d) Maintain soil's function in the storage and cycling of water, nutrients, and other elements through the biosphere; and e) Maintain soil's function as a buffer or filter for pollutants resulting from human activities, including aquifers at risk of leachate contamination; and f) Retain soil resources for primary production; and g) <u>Provide for Kāi Tahu values; and</u> h) Provide for other cultural values; and i) Maintain the soil mantle where it acts as a repository of heritage objects; and j) Maintain highly valued soil resources; and k) Avoid contamination of soil; and l) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread. <p><u>Maintain the ability to use soils for infrastructure and by those providing for the economic, health and safety and social wellbeing of the community.</u></p>
<p>Policy 2.1.6 Managing for ecosystem and indigenous biodiversity values</p> <p>Recognise the values of ecosystems and indigenous biodiversity, and manage ecosystems and indigenous biodiversity, to:</p> <ul style="list-style-type: none"> a) Maintain or enhance ecosystem health and indigenous biodiversity; and b) Maintain or enhance areas of predominantly indigenous vegetation; and c) Buffer or link existing ecosystems; and d) Protect important hydrological services, including the services provided by tussock grassland; and e) Protect natural resources and processes that support indigenous biodiversity; and f) Maintain habitats of indigenous species that are important for recreational, commercial, cultural or customary purposes; and g) Protect biodiversity significant to Kāi Tahu; and h) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread. 	<p>Oppose</p>	<p>Trustpower is concerned that this policy applies to all ecosystems, indigenous and otherwise and has no regard for the significance of these systems.</p> <p>Trustpower submits that this policy should seek to identify those indigenous ecosystems which have significance and seek to manage the effects of land use, subdivision and development on these significant ecosystems.</p> <p>Trustpower is also of the view that this policy is not required given that policies which follow seek to identify and provide for areas of significant indigenous biodiversity.</p>	<p>Delete this policy.</p>

<p>Policy 2.1.7 Recognising the values of natural features, landscapes, and seascapes</p> <p>Recognise the values of natural features, landscapes, seascapes and the coastal environment are derived from the following attributes, as detailed in Schedule 4:</p> <p>a) Biophysical attributes, including:</p> <ul style="list-style-type: none"> i. Natural science factors; ii. The presence of water; iii. Vegetation (indigenous and introduced); iv. The natural darkness of the night sky; <p>b) Sensory attributes, including:</p> <ul style="list-style-type: none"> i. Legibility or expressiveness; ii. Aesthetic values; iii. Transient values, including nature's sounds; iv. Wild or scenic values; <p>c) Associative attributes, including:</p> <ul style="list-style-type: none"> i. Whether the values are shared and recognised; ii. Cultural and spiritual values for Kāi Tahu; iii. Historical and heritage associations. 	<p>Support</p>	<p>While Trustpower generally supports the criteria identified in this policy and Schedule 4 in that it is consistent with case law and the National Coastal Policy Statement (NZCPS), Trustpower considers that better guidance is needed from the regional authority to ensure local authorities apply the criteria consistently. Within the Otago context, landscape values differ remarkably, for example Queenstown Lakes has a number of outstanding and remarkable landscapes, whereas the city of Dunedin has comparatively less and a landscape which has deemed to be of outstanding value in the Dunedin City context might not be awarded such a status elsewhere in Otago e.g. Queenstown Lakes.</p> <p>This has presented difficulties and inconsistencies in the current district planning framework, for example the Lammerlaw Ranges in Otago which run along the boundary of Dunedin City Council (DCC) and Central Otago District Council (CODC) jurisdictions, and which is host to Trustpower's Mahinerangi wind farm, are deemed to be outstanding in DCC District Plan but not in the CODC District Plan.</p> <p>With respect to Trustpower's wind farm application the Court determined that the site is not outstanding, despite having this overlay applied in DCC District Plan. This is not considered to be effective and efficient and as such Trustpower is of the view that District Council's should be guided by an assessment identifying outstanding landscapes and features at the regional level.</p>	<p>Retain policy as notified (or similar wording to achieve desired relief).</p>
<p>Objective 2.2</p> <p>Otago's significant and highly-valued natural resources are identified, and protected or enhanced</p>	<p>Oppose</p>	<p>Trustpower is concerned that this objective is too restrictive and generic in that it seeks to "protect" all of Otago's significant and highly valued natural resources. Given this Trustpower consider that the focus of the objective should be to identify such resources and to protect them from inappropriate use and development.</p>	<p>Amend the objective to better achieve part 2 of the Act:</p> <p>Objective 2.2</p> <p>Otago's significant and highly-valued natural resources are identified, and protected or enhanced from inappropriate use or development.</p>
<p>Policy 2.2.1</p> <p>Identifying areas of significant indigenous vegetation and significant habitats of indigenous fauna</p> <p>Identify areas and values of significant indigenous vegetation and significant habitats of indigenous fauna, using the attributes detailed in Schedule 5.</p>	<p>Support in part.</p>	<p>Trustpower consider it appropriate that those areas within the region that are significant are identified at the regional level. The policy requires a minor amendment to make this clear.</p>	<p>Amend the policy to be clear that the identification of significant indigenous vegetation and significant habitat of indigenous fauna is to occur at a regional level:</p> <p>Policy 2.2.1</p> <p>Identifying areas of significant indigenous vegetation and significant habitats of indigenous fauna <u>at a regional level.</u></p>

<p>Policy 2.2.2 Managing significant indigenous vegetation and significant habitats of indigenous fauna</p> <p>Protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</p> <ul style="list-style-type: none"> a) Avoiding adverse effects on those values which contribute to the area or habitat being significant; and b) Avoiding significant adverse effects on other values of the area or habitat; and c) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and d) Mitigating where adverse effects cannot be avoided or remediated; and e) Encouraging enhancement of those areas and values. 	<p>Support in part</p>	<p>Trustpower consider it to be appropriate that this policy acknowledges that the "protection" of significant indigenous vegetation and habitats of significant fauna can also be achieved via appropriate mitigation and/or offset strategies. Trustpower suggests some amendments to the structure and wording of this policy to provide better certainty as to how this policy is to be applied.</p>	<p>Amend the policy as follows:</p> <p>Protect and <u>where appropriate</u> enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</p> <ul style="list-style-type: none"> a) Avoiding <u>where practicable</u> adverse effects on those values which contribute to the area or habitat being significant; and b) Avoiding significant adverse effects on other values of the area or habitat; and c) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and d) <u>Remedying or mitigating</u> where adverse effects cannot be avoided or remediated; and e) Encouraging enhancement of those areas and values.
<p>Policy 2.2.3 Identifying outstanding natural features, landscapes and seascapes</p> <p>Identify areas and values of outstanding natural features, landscapes and seascapes, using the attributes as detailed in Schedule 4.</p>	<p>Support in part</p>	<p>While Trustpower generally supports the criteria identified in this policy and Schedule 4 in that it is consistent with case law and the National Coastal Policy Statement (NZCPS), Trustpower considers that better guidance is needed from the regional authority to ensure local authorities apply the criteria consistently. Within the Otago context, landscape values differ remarkably, for example Queenstown Lakes has a number of outstanding and remarkable landscapes, whereas the city of Dunedin has comparatively less and a landscape which has deemed to be of outstanding value in the Dunedin City context might not be awarded such a status elsewhere in Otago e.g. Queenstown Lakes.</p> <p>Trustpower is of the view that District Council's should be guided by an assessment identifying outstanding landscapes and features at the regional level.</p> <p>Trustpower also notes that the wording of this policy refers to identifying "outstanding natural features", "landscapes" and "seascapes". For the latter two components it is not clear if this policy will only apply to "outstanding natural landscapes" and "outstanding natural seascapes" and this needs to be clarified. The wording of the policy needs to be clear.</p>	<p>Undertake a regional assessment in order to identify outstanding natural features, and outstanding natural landscapes within the terrestrial and coastal environments.</p> <p>Amend the policy:</p> <p>Policy 2.2.3 Identifying outstanding natural features, landscapes and seascapes <u>at the regional level.</u></p>

		Trustpower submits that this policy reads essentially as a repeat of the earlier policy 2.1.7. One or either of these policies can be removed.	
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<p>Policy 2.2.4 Managing outstanding natural features, landscapes, and seascapes</p> <p>Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</p> <ul style="list-style-type: none"> a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and b) Avoiding, remedying or mitigating other adverse effects on other values; and c) Assessing the significance of adverse effects on values, as detailed in Schedule 3; and d) Recognising and providing for positive contributions of existing introduced species to those values; and e) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and f) Encouraging enhancement of those areas and values. 	Oppose in part	<p>Trustpower is concerned that this policy seeks to combine a number of different resource management issues (section 6(a), 6(b) RMA, and policies 13 and 15 of the NZCPS) and directives into one, and the result is somewhat confused.</p> <p>Clause a) is particularly problematic and goes further than part 2 of the Act. A blanket requirement to "avoid" adverse effects leaves no room to provide for important physical resources such as infrastructure or other activities common in areas of outstanding value.</p>	<p>Delete this policy or amend clause a) to read:</p> <ul style="list-style-type: none"> g) Avoiding <u>significant</u> adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and
<p>Policy 2.2.5 Identifying special amenity landscapes and highly valued natural features</p> <p>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, using the attributes detailed in Schedule 4.</p>	Support in part	Trustpower consider it appropriate to identify landscapes that have hold high amenity values. Trustpower is of the view that it is appropriate that following a regional wide landscape study local authorities are responsible for identifying such areas within their respective Districts.	<p>Amend this policy:</p> <p>Policy 2.2.5 Identifying special amenity landscapes and highly valued natural features <u>at a regional level.</u></p>
<p>Policy 2.2.6 Managing special amenity landscapes and highly valued natural features</p> <p>Protect or enhance the values of special amenity landscapes and highly valued natural features, by:</p> <ul style="list-style-type: none"> a) Avoiding significant adverse effects on those values which contribute to the special amenity of the landscape or high value of the natural feature; and b) Avoiding, remedying or mitigating other adverse effects on other values; and c) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and d) Recognising and providing for positive contributions of existing introduced species to those values; and e) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and f) Encouraging enhancement of those values. 	Oppose	This policy is opposed by Trustpower as it seeks to protect landscapes and features that are not deemed to be "outstanding" in accordance with section 6(b) of the RMA. While Trust accepts that it is appropriate to manage the adverse effects on amenity values, it does not agree that the focus of this policy should be to "protect" such landscapes. Trustpower is also concerned that the policy seeks to avoid significant adverse effects which establishes a very high threshold test which is not considered to be appropriate.	Delete this policy or rewrite to focus of the maintenance of amenity landscapes.
<p>Policy 2.2.14 Identifying highly valued soil resources</p>	Oppose	It is considered appropriate to identify areas of high valued soil resource, however it is noted that this policy appears to be a repetition of the matters contained within Policy 2.1.5. It is not considered that	Delete this policy.

<p>Identify areas and values of highly valued soil resources, using the following criteria:</p> <ul style="list-style-type: none">a) Degree of versatility for primary production;b) Significance for providing pollutant buffering or filtering services;c) Significance for providing water storage or flow retention services;d) Degree of rarity.		this duplication is necessary.	
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<p>Policy 2.2.15 Managing highly valued soil resources Protect the values of areas of highly valued soil resources, by:</p> <ul style="list-style-type: none"> a) Avoiding significant adverse effects on those values which contribute to the soil being highly valued; and b) Avoiding, remedying or mitigating other adverse effects on values of those soils; and c) Assessing the significance of adverse effects on values, as detailed in Schedule 3; and d) Recognising that urban expansion may be appropriate due to location and proximity to existing urban development and infrastructure. 	Oppose	<p>The RMA seeks that the life supporting capacity of the soil resource is sustained, this is not the same as requiring its protection and the avoidance of adverse effects. Trustpower does not consider it appropriate to apply the same management regime that has been established via the NZCPS with respect to outstanding natural character and outstanding natural landscapes within the coastal environment to all resource aspects throughout the Region.</p> <p>In addition, this policy appears to essentially be a repetition of Policy 2.1.5 above, which is better worded in that it refers to the maintenance of the values of soils, and is not necessary.</p>	Delete this policy.
<p>Objective 2.3 Natural resource systems and their interdependencies are recognised</p>	Oppose	<p>It is noted that the policies which follow relate to achieving integrated management. In achieving integrated management the human use and economic benefits arising from the development of natural and physical resources also needs to be taken into account. This is not achieved via the current drafting of this objective which only refers to natural resource systems.</p>	Delete this objective and rework it so that it seeks to achieve the integrated management of the natural and physical resources of the region. In achieving integrated management human use and economic benefits also need to be considered.
<p>Policy 2.3.2 Applying an integrated management approach within a resource Apply an integrated management approach within a natural and physical resource, to achieve sustainable management, by:</p> <ul style="list-style-type: none"> a) Ensuring that resource objectives are complementary across administrative boundaries; and b) Ensuring that effects of activities on the whole of a resource are considered when that resource is managed by sub-units. 	Oppose	<p>It is not clear what the intended purpose or outcome will be from this policy. It is inappropriate to try to manage resources in an integrated manner when only focusing on one resource. Given the more specific policies that follow relating to the direction of integrated management on certain resource values Trustpower submits that this policy should be deleted.</p>	Delete this policy.
<p>Policy 2.3.3 Applying an integrated management approach for freshwater catchments Apply an integrated management approach to activities in freshwater catchments, by:</p> <ul style="list-style-type: none"> a) Using consistent freshwater objectives for interconnected water bodies; and b) Recognising the importance of river morphology, catchment hydrology, natural processes and land cover in supporting catchment values; and c) Coordinating the management of land use and freshwater, to: <ul style="list-style-type: none"> i. Maintain or enhance freshwater values; and ii. Maintain or enhance the wetland values; and iii. Maintain or enhance the values of beds of rivers and lakes, wetlands, and their margins; and 	Oppose in part	<p>This policy refers to freshwater objectives. It is noted that this directive is probably derived from the NPS for Freshwater, however there is no further guidance provided in the Proposed RPS as to how these freshwater objectives are to developed, what matters should be considered and how they should be applied at the regional level. More detailed and transparent guidance is required in regard to these freshwater objectives to ensure the obligations inherent within the NPS for Freshwater will be achieved.</p> <p>Trustpower is of the view that when providing for the integrated management of natural and physical resources, the human use (ie economic and community) values of resources should also be clearly recognised and provided for.</p>	Amend the policy so that it is recognised that in achieving integrated management the human use and economic values of the resource are also taken into account.

iv. Reduce the potential for health and nuisance effects.			
Chapter 3 Communities in Otago are resilient, safe and healthy			
Objective 3.1 Protection, use and development of natural and physical resources recognises environmental constraints	Oppose in part	Trustpower is concerned that this objective is too vague to be effective and meaningful in its implementation. In particular it is not clear what is meant by reference to an "environmental constraint". It appears from the introductory text attaching to this chapter that it might refer to natural hazard type effects, but this is not clear.	Delete this objective or modify it to better reflect the objectives intention.

<p>Policy 3.1.1 Recognising natural and physical environmental constraints</p> <p>Recognise the natural and physical environmental constraints of an area, the effects of those constraints on activities, and the effects of those activities on those constraints, including:</p> <ul style="list-style-type: none"> a) The availability of natural resources necessary to sustain the activity; and b) The ecosystem services the activity is dependent on; and c) The sensitivity of the natural and physical resources to adverse effects from the proposed activity/land use; and d) Exposure of the activity to natural and technological hazard risks; and e) The functional necessity for the activity to be located where there are significant constraints. 	Oppose	Reference to "environmental constraint" is ambiguous and should be removed from the RPS. It is not at all clear how this policy will be implemented in practice and what this would mean for developments and activities throughout the region. Trustpower considers that the weighing of individual policies that provide for development and those that seek protection will ensure that environmental constraints are considered.	Delete this policy.
<p>Objective 3.2 Risk that natural hazards pose to Otago's communities are minimised</p>	Support	It is appropriate to seek to minimise the risk from natural hazards to communities.	Retain the objective as notified (or similar wording to achieve relief).
<p>Policy 3.2.1 Identifying natural hazards</p> <p>Identify natural hazards that may adversely affect Otago's communities, including hazards of low likelihood and high consequence.</p>	Support	It is appropriate to identify natural hazards present within the Otago region.	Retain policy as notified (or similar wording to achieve desired relief).
<p>Policy 3.2.2 Assessing natural hazard likelihood</p> <p>Assess the likelihood of natural hazard events occurring, having regard to a timeframe of no less than 100 years, including by considering:</p> <ul style="list-style-type: none"> a) Hazard type and characteristics; b) Multiple and cascading hazards; c) Cumulative effects, including from multiple hazards with different risks; d) Effects of climate change; e) Using the best available information for calculating likelihood; f) Exacerbating factors. 	Support	It is considered appropriate to assess the likelihood of natural hazard events occurring, and it is clear from the method that the onus is on the ORC and territorial authorities to undertake this work via their regional and district plans. It would be inappropriate for every resource user to have to complete an individual natural hazard assessment, as this is something that should be undertaken at a higher more strategic level by the regional council.	Retain policy as notified (or similar wording to achieve desired relief).
<p>Policy 3.2.3 Assessing natural hazard consequence</p> <p>Assess the consequences of natural hazard events, including by considering:</p> <ul style="list-style-type: none"> a) The nature of activities in the area; b) Individual and community vulnerability; c) Impact on individual and community health and safety; 	Support in part	Trustpower submits that this assessment should be undertaken as part of the higher level strategic assessment undertaken by the regional council.	Amend this policy to make it clear that this natural hazard assessment will be undertaken at a higher strategic level.

<ul style="list-style-type: none"> d) Impact on social, cultural and economic wellbeing; e) Impact on infrastructure and property, including access and services; f) Risk reduction and hazard mitigation measures; g) Lifeline utilities, essential and emergency services, and their co-dependence; h) Implications for civil defence agencies and emergency services; i) Cumulative effects; j) Factors that may exacerbate a hazard event. 			
<p>Policy 3.2.5 Assessing activities for natural hazard risk Assess activities for natural hazard risk, by considering:</p> <ul style="list-style-type: none"> a) The natural hazard risk identified, including residual risk; and b) Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods; and c) The long term viability and affordability of those measures; and d) Flow-on effects of the risk to other activities, individuals and communities; and e) The availability of, and ability to provide, lifeline utilities, and essential and emergency services, during and after a natural hazard event. 	Oppose in part	Trustpower consider it necessary to recognise that for certain activities, for example hydrogenation, these activities are necessarily located within areas which would otherwise be classified as potentially high natural hazard risk (i.e. river environment, flood events).	Amend the policy as follows: Assess activities for natural hazard risk, by considering: <ul style="list-style-type: none"> a. The natural hazard risk identified, including residual risk; and b. Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods; and c. The long term viability and affordability of those measures; and d. <u>The extent to which the activity is functionally required to locate within a natural hazard risk area; and</u> e. Flow-on effects of the risk to other activities, individuals and communities; and f. The availability of, and ability to provide, lifeline utilities, and essential and emergency services, during and after a natural hazard event.
<p>Objective 3.4 Good quality infrastructure and services meet community needs</p>	Support in part	This is supported, however it is necessary to recognise specifically within this objective that certain infrastructure might be required in order to support the wider needs of New Zealand, rather than the needs of Otago as a region or local area only.	Amend the objective as follows: Good quality infrastructure and services meets community needs <u>on a local, regional and national scale.</u>

<p>Policy 3.4.1 Integrating infrastructure with land use</p> <p>Achieve the strategic integration of infrastructure with land use, by:</p> <ul style="list-style-type: none"> a) Recognising functional needs of infrastructure of regional or national importance; and b) Designing infrastructure to take into account: <ul style="list-style-type: none"> i. Actual and reasonably foreseeable land use change; and ii. The current population and projected demographic changes; and iii. Actual and reasonably foreseeable change in supply of, and demand for, infrastructure services; and iv. Natural and physical resource constraints; and v. Effects on the values of natural and physical resources; and vi. Co-dependence with other infrastructural services; and vii. The effects of climate change on the long term viability of that infrastructure; and c) Managing urban growth: <ul style="list-style-type: none"> i. Within areas that have sufficient infrastructure capacity; or ii. Where infrastructure services can be upgraded or extended efficiently and effectively; and d) Co-ordinating the design and development of infrastructure with the staging of land use change, including with: <ul style="list-style-type: none"> i. Structural design and release of land for new urban development; or ii. Structural redesign and redevelopment within existing urban areas. 	<p>Support in part</p>	<p>It is accepted that for certain infrastructure (i.e. local roads) integration with land use patterns and development is essential, however Trustpower submits that for regionally or nationally significant infrastructure these activities can be quite distinct to land use. Certain infrastructure does not require it to be so closely integrated with urban areas and development, and in some cases the nature of the infrastructure influences the quality and use of the environment surrounding it. Therefore it is submitted that this policy should also seek to ensure that land use development does not result in adverse effects (i.e. reverse sensitivity effects) on certain infrastructure assets within the region.</p>	<p>Amend the policy as follows:</p> <p>Achieve the strategic integration of infrastructure with land use, by:</p> <ul style="list-style-type: none"> a) Recognising functional needs of infrastructure of regional or national importance; and b) Designing infrastructure to take into account: <ul style="list-style-type: none"> i. Actual and reasonably foreseeable land use change; and ii. The current population and projected demographic changes; and iii. Actual and reasonably foreseeable change in supply of, and demand for, infrastructure services; and iv. Natural and physical resource constraints; and v. Effects on the values of natural and physical resources; and vi. Co-dependence with other infrastructural services; and vii. The effects of climate change on the long term viability of that infrastructure; and c) Managing urban growth: <ul style="list-style-type: none"> i. Within areas that have sufficient infrastructure capacity; or ii. Where infrastructure services can be upgraded or extended efficiently and effectively; and d) Co-ordinating the design and development of infrastructure with the staging of land use change, including with: <ul style="list-style-type: none"> i. Structural design and release of land for new urban development; or ii. Structural redesign and redevelopment within existing urban areas; <u>and</u> e) <u>Ensuring that land use and development does not result in adverse effects on the operation, use and development of infrastructure.</u>
<p>Policy 3.4.2 Managing infrastructure activities</p> <p>Manage infrastructure activities, to:</p> <ul style="list-style-type: none"> a) Maintain or enhance the health and safety of the community; and b) Reduce adverse effects of those activities, including cumulative adverse effects on natural and physical resources; and 	<p>Oppose in part</p>	<p>The policy seeks to "manage infrastructure activities". This is not appropriate as the management of infrastructure activities is ultimately driven by commercial, economic, and other imperatives that are not relevant to the consideration of activities in context of the RMA. Given this Trustpower submits that this policy should be amended to refer to the "management of effects arising from the development and use of infrastructure activities". Furthermore Trustpower is of the view that as drafted this policy provides little guidance in terms of how projects relating to infrastructure will be assessed and considered under the</p>	<p>The policy should be amended to seek to provide for the development of infrastructure where it appropriately manages adverse effects on the environment, and where the development will give rise to benefits on a local, regional or national basis.</p>

<ul style="list-style-type: none"> c) Support economic, social and community activities; and d) Improve efficiency of use of natural resources; and e) Protect infrastructure corridors for infrastructure needs, now and for the future; and f) Increase the ability of communities to respond and adapt to emergencies, and disruptive or natural hazard events; and g) Protect the functioning of lifeline utilities and essential or emergency services. 		<p>RPS.</p> <p>Given this Trustpower submits that this policy should seek to enable the development of infrastructure which seeks to appropriately manage adverse effects on the environment, and where the development will give rise to benefits on a local, regional or national basis.</p>	
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<p>Policy 3.4.3 Designing lifeline utilities and facilities for essential or emergency services Design lifeline utilities, and facilities for essential or emergency services, to:</p> <ul style="list-style-type: none"> a) Maintain their ability to function to the fullest extent possible, during and after natural hazard events; and b) Take into account their operational co-dependence with other lifeline utilities and essential services to ensure their effective operation. 	<p>Oppose in part</p>	<p>Trustpower is supportive of the inclusion of "lifeline utilities" as part of the RPS. It is noted however that the definition of lifeline utilities in the RPS refers to the definition contained within the Civil Defence Emergency Management Act. While this is generally appropriate, it is noted that this definitions refers to "entities" rather than facilities. Given this Trustpower is of the view that the definition needs to be amended so that it is appropriate for its inclusion in the RPS. The definition should refer to the infrastructure, buildings, and other ancillary equipment and activities undertaken by the entities referred to in the Civil Defence Emergency Management Act.</p> <p>Given the status of such facilities as lifeline utilities and the standards required under other legislation (i.e. the Building Act) when designed and constructing such facilities, Trustpower is of the view that this policy does not need to ensure they will be developed to withstand natural hazard events. Instead this policy should seek to recognise the essential nature and benefits that are to be derived from the development and ongoing protection of such "lifeline utilities" within the region.</p>	<p>Amend this policy to seek to provide for the development and ongoing use and maintenance of lifeline utilities within the region.</p> <p>Amend the definition of "lifeline utilities" to specifically refer to the infrastructure, buildings, ancillary equipment and activities that are undertaken by the entities referred to in the Civil Defence Emergency Act.</p>
<p>Policy 3.4.4 Managing hazard mitigation measures, lifeline utilities, and essential and emergency services Protect the functioning of hazard mitigation measures, lifeline utilities, and essential or emergency services, including by:</p> <ul style="list-style-type: none"> a) Restricting the establishment of those activities that may result in reverse sensitivity effects; and b) Avoiding significant adverse effects on those measures, utilities or services; and c) Avoiding, remedying or mitigating other adverse effects on those measures, utilities or services; and d) Assessing the significance of adverse effects on those measures, utilities or services, as detailed in Schedule 3; and e) Maintaining access to those measures, utilities or services for maintenance and operational purposes; and f) Managing other activities in a way that does not foreclose the ability of those mitigation measures, utilities or services to continue functioning. 	<p>Support</p>	<p>This policy is considered appropriate, subject to the amendments to the definition of lifeline utility as noted above.</p>	<p>Retain policy as notified (or similar wording to achieve desired relief).</p>
<p>Objective 3.5 Infrastructure of national and regional significance is managed in a sustainable way</p>	<p>Support in part</p>	<p>This objective is generally supported, however Trustpower notes that it seeks that infrastructure is "managed in a sustainable way". As set out above, Trustpower does not consider it appropriate for the RPS to determine how infrastructure is to be managed as there are commercial, economic and other imperatives that drive the management of such facilities. It is appropriate however for the RPS to enable the development, use, operation and maintenance of infrastructure of national or regional significance.</p>	<p>Amend the objective as follows:</p> <p><u>The development, use, operation and maintenance of infrastructure of national and regional significance is recognised and provided for.</u></p>

<p>Policy 3.5.1 Recognising national and regional significance of infrastructure Recognise the national and regional significance of the following infrastructure:</p> <ul style="list-style-type: none"> a) Renewable electricity generation facilities, where they supply the national electricity grid and local distribution network; and b) Electricity transmission infrastructure; and c) Telecommunication and radio communication facilities; and d) Roads classified as being of national or regional importance; and e) Ports and airports; and Structures for transport by rail. 	Support	Trustpower considers it appropriate that regionally significant infrastructure including renewable energy generation facilities are identified as of national and regional significance.	Retain policy as notified (or similar wording to achieve desired relief).
<p>Policy 3.5.2 Managing adverse effects of infrastructure that has national or regional significance Minimise adverse effects from infrastructure that has national or regional significance, by:</p> <ul style="list-style-type: none"> a) Giving preference to avoiding their location in: <ul style="list-style-type: none"> i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna; and ii. Outstanding natural features, landscapes and seascapes; and iii. Areas of outstanding natural character; and iv. Outstanding water bodies or wetlands; and b) Where it is not possible to avoid locating in the areas listed in a) above, avoiding significant adverse effects on those values that contribute to the significant or outstanding nature of those areas; and c) Avoiding, remedying or mitigating other adverse effects on values; and d) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and e) Considering the use of offsetting, or other compensatory measures, for residual adverse effects on indigenous biodiversity. 	Oppose in part	Given the strategic importance of national and regional infrastructure assets Trustpower does not consider that the proposed management regime for dealing with adverse effects is necessary or appropriate. The <i>proposed management regime does not recognise that there is often locational, technical and/or functional constraints associated with ensuring infrastructure is strategically located, and operates effectively and efficiently.</i> Trustpower submits that this policy should require that if an infrastructure development is proposed within any of the identified areas, an assessment of the significance of adverse effects on those values should be undertaken as set out in d) taking into account the measures to avoid, remedy or mitigate those effects, as well as the overall benefits arising from the development.	Amend the policy as follows: Minimise manage adverse effects from infrastructure that has national or regional significance, by that is located in: <ul style="list-style-type: none"> i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna; and ii. Outstanding natural features, landscapes and seascapes; and iii. Areas of outstanding natural character; and iv. Outstanding water bodies or wetlands; and <u>By</u> b) Assessing the significance of adverse effects on those values, as detailed in Schedule 3, <u>taking into account the measures to avoid, remedy or mitigate adverse effects;</u> and c) Considering <u>where appropriate</u> the use of offsetting, or other compensatory measures, for residual adverse effects <u>that are significant and cannot be otherwise avoided, remedied or mitigated.</u>
<p>Policy 3.5.3 Protecting infrastructure of national or regional significance Protect infrastructure of national or regional significance, by:</p> <ul style="list-style-type: none"> a) Restricting the establishment of activities that may result in reverse sensitivity effects; and 	Support	Trustpower supports the policy in so far as it seeks to "protect infrastructure".	Retain policy as notified (or similar wording to achieve desired relief).

<p>b) Avoiding significant adverse effects on the functional needs of such infrastructure; and</p> <p>c) Avoiding, remedying or mitigating other adverse effects on the functional needs of such infrastructure; and</p> <p>d) Assessing the significance of adverse effects on those needs, as detailed in Schedule 3; and</p> <p>e) Protecting infrastructure corridors for infrastructure needs, now and for the future.</p>			
<p>Objective 3.6 Energy supplies to Otago's communities are secure and sustainable</p>	<p>Oppose in part</p>	<p>While Trustpower supports a specific objective and policies which relate to energy, Trustpower does not consider that this objective goes far in giving effect to the National Policy Statement for Renewable Electricity Generation 2011 (NPS REG). In particular Trustpower, is of the view that this objective should specifically seek to enable the ongoing operation, use and maintenance as well as the development of renewable energy facilities within the region, which would in turn enable the benefits of such activities to be realised which is consistent with the intent of the NPSREG. It is also considered that this objective is inappropriately focussed on the energy needs of Otago. The objective also fails to recognise that electricity generation is nationally significant and that the use of the region's renewable resources are currently used, and likely to be used in the future, for the benefit of Otago and the rest of New Zealand.</p> <p>Trustpower submits that this chapter of the RPS should also explicitly recognise the benefits that are to be derived from the development and ongoing use of renewable energy generation activities.</p>	<p>Insert an additional objective which seeks to:</p> <p><u>Enable the ongoing operation, use, maintenance and development of renewable energy generation facilities within the Otago Region.</u></p> <p>Include new objectives and policies that recognise the benefits of and the need to enable the development of new renewable electricity generation activities.</p>
<p>Policy 3.6.1 Using existing renewable electricity generation structures and facilities</p> <p>Give preference to the use of existing structures or facilities to increase the region's renewable electricity generation capacity over developing new structures in new locations.</p>	<p>Oppose in part</p>	<p>Trustpower opposes this policy.</p> <p>The Ministry for the Environment's Implementation Guide for the NPSREG (2011) states that Policy B of the NPSREG reinforces the important contribution existing renewable energy assets make in advancing the Government's renewable energy target¹. In essence this policy requires such assets to be provided for as significant physical resources. It is therefore appropriate that the RPS seek to recognise the importance of such existing facilities, and enable their ongoing use and upgrading as required without undue regulatory control and constraint. This policy does not achieve this.</p> <p>However Trustpower sees it as more appropriate to recognise the importance of existing facilities, without stating that this preference overrides the development of new facilities. In this way we are able to recognise the importance of existing structures without minimising the importance of new development, leaving the policy silent on this area.</p>	<p>Amend this this policy as follows:</p> <p>Give preference to <u>Recognise and provide for</u> the use of existing structures or facilities to increase the region's renewable electricity generation capacity. over-developing new structures in new locations.</p>

¹ Page 14 of the MfE NSPREG Implementation Guide 2011

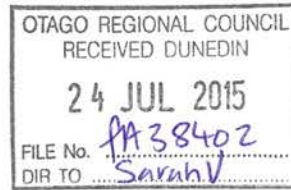
<p>Policy 3.6.3 Protecting the generation capacity of renewable electricity generation activities Protect the generation capacity of nationally or regionally significant renewable electricity generation activities, by:</p> <ul style="list-style-type: none"> a) Recognising the functional needs of renewable electricity generation activities, including physical resource supply needs; and b) Restricting the establishment of those activities that may result in reverse sensitivity effects; and c) Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure; and d) Assessing the significance of adverse effects on those needs, as detailed in Schedule 3. 	<p>Support in part</p>	<p>Trustpower supports this policy in so far as it seeks to protect the generation capacity of existing nationally or regionally significant renewable electricity generation activities, however Trustpower is of the view that this policy also needs to enable the development of such activities. This would achieve consistency with the NPSREG, which provides a national direction for energy generation activities, which explicitly includes retaining existing renewable energy generation assets and the development of new renewable generation assets (Policy B).</p>	<p>Amend the policy as follows: <u>Enable the development of new and</u> Protect the generation capacity of <u>existing</u> nationally or regionally significant renewable electricity generation activities, by:</p> <ul style="list-style-type: none"> a) Recognising the functional needs of renewable electricity generation activities, including physical resource supply needs; and b) Restricting <u>Avoiding</u> the establishment of those activities that may result in reverse sensitivity effects; and c) Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure; and <p>Assessing the significance of adverse effects on those needs, as detailed in Schedule 3.</p>
<p>Objective 3.8 Urban growth is well designed and integrates effectively with adjoining urban and rural environments</p>	<p>Support</p>	<p>It is considered appropriate to seek that urban development takes place in a manner which takes into account the existing environment and minimises potential conflicts between incompatible activities.</p>	<p>Retain the objective as notified (or similar wording to achieve desired relief).</p>
<p>Policy 3.8.1 Managing for urban growth Manage urban growth and creation of new urban land in a strategic and co-ordinated way, by:</p> <ul style="list-style-type: none"> a) Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for demand for such land, projected over at least the next 10 years; and b) <i>Co-ordinating urban growth and extension of urban areas</i> with relevant infrastructure development programmes, to: <ul style="list-style-type: none"> i. Provide infrastructure in an efficient and effective way; and ii. Avoid additional costs that arise from unplanned infrastructure expansion; and c) Identifying future growth areas that: <ul style="list-style-type: none"> i. Minimise adverse effects on rural productivity, including loss of highly valued soils or creating competing urban demand for water and other resources; and ii. Maintain or enhance significant biodiversity, landscape or natural character values; and iii. Maintain important cultural or heritage values; and iv. Avoid land with significant risk from natural hazards; and d) Considering the need for urban growth boundaries to control urban expansion; and e) Ensuring efficient use of land; and 	<p>Support in part</p>	<p><i>Trustpower consider that in effectively managing urban growth</i> consideration of conflicts and reverse sensitivity effects should be had particularly with respect to the encroachment of incompatible activities around key infrastructure assets.</p>	<p>Amend the policy as follows: Manage urban growth and creation of new urban land in a strategic and co-ordinated way, by:</p> <ul style="list-style-type: none"> a) Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for demand for such land, projected over at least the next 10 years; and b) Co-ordinating urban growth and extension of urban areas with relevant infrastructure development programmes, to: <ul style="list-style-type: none"> i. Provide infrastructure in an efficient and effective way; and ii. Avoid additional costs that arise from unplanned infrastructure expansion; and x. <u>Avoiding urban development which constrains the ability of regionally significant infrastructure to be developed and used without undue constraint that may arise from adverse effects relating to reverse sensitivity or safety; and</u> c) Identifying future growth areas that: <ul style="list-style-type: none"> i. Minimise adverse effects on rural productivity, including loss of highly valued soils or creating competing urban demand for water and other resources; and ii. Maintain or enhance significant biodiversity, landscape or natural character values; and iii. Maintain important cultural or heritage values;

<p>f) Requiring the use of low or no-emission heating systems in buildings, when ambient air quality in or near the growth area is:</p> <ul style="list-style-type: none"> i. Below standards for human health; or ii. Vulnerable to degradation given the local climatic and geographical context; and <p>g) Giving effect to the principles of good urban design, as detailed in Schedule 6; and</p> <p>h) Giving effect to the principles of crime prevention through environmental design.</p>			<p>and</p> <ul style="list-style-type: none"> iv. Avoid land with significant risk from natural hazards; and <p>d) Considering the need for urban growth boundaries to control urban expansion; and</p> <p>e) Ensuring efficient use of land; and</p> <p>f) Requiring the use of low or no-emission heating systems in buildings, when ambient air quality in or near the growth area is:</p> <ul style="list-style-type: none"> i. Below standards for human health; or ii. Vulnerable to degradation given the local climatic and geographical context; and <p>g) Giving effect to the principles of good urban design, as detailed in Schedule 6; and</p> <p>h) Giving effect to the principles of crime prevention through environmental design.</p>
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<p>Policy 3.9.1 Integrating management of hazardous substances and waste</p> <p>Promote an integrated approach to the management of hazardous substances and waste in Otago.</p>	Support	It is appropriate to recognise that because hazardous substances are managed by a number of different agencies an integrated approach will need to be adopted, taking into consideration the various roles and responsibilities at a national, regional and local level when dealing with hazardous substances in particular.	Retain policy as notified (or similar wording to achieve desired relief).
<p>Policy 3.9.5 Avoiding the creation of new contaminated land</p> <p>Avoid the creation of new contaminated land.</p>	Oppose	It is not clear what implications this policy might have on development throughout the region. For example, airports, ports, and other infrastructure activities are all listed on the Ministry for the Environment's HAIL list. This policy could be interpreted that because such facilities use hazardous substances they will become sites of contaminated land and therefore should be avoided. This is not considered appropriate.	Delete the policy.
<p>Chapter 4 People are able to use and enjoy Otago's natural and built environment</p>			
<p>Policy 4.2.3 Managing historic heritage values</p> <p>Protect and enhance the values of places and areas of historic heritage, by:</p> <ul style="list-style-type: none"> a) Recognising that some places or areas are known or strongly suspected of containing archaeological sites, wāhi tapu or wāhi taoka which could be of significant historic or cultural value; and b) Applying these provisions immediately upon discovery of such hitherto unidentified archaeological sites or areas, wāhi tapu or wāhi taoka; and c) Avoiding adverse effects on those values which contribute to the area or place being of regional or national significance; and d) Avoiding significant adverse effects on other values of areas and places of historic heritage; and e) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and f) Remediating, when adverse effects on other values cannot be avoided; and g) Mitigating when adverse effects on other values cannot be avoided or remediated; and h) Encouraging the integration of historic heritage values into new activities; and i) Enabling adaptive reuse or upgrade of historic heritage places and areas where heritage values can be maintained. 	Oppose in part	<p>Trustpower opposes this policy, while it is appropriate to protect historic heritage from inappropriate subdivision, use and development in accordance with section 6(f) of the RMA, Trustpower is concerned that this policy goes further than this. It is noted that there is an entire chapter of the Proposed RPS specifically providing for values associated with iwi and Kai Tahu values including the protection of wahi tapu and wahi taoka and other sites that might be of cultural value. Therefore this does not need to be repeated here.</p> <p>In addition, it is noted that this policy seeks to avoid adverse effects on areas which might only have "suspected" heritage or cultural values. This is a very strong policy position and is not considered an appropriate response. It would be more helpful to plan users if clear guidance was given on specific areas or values sought to be managed.</p>	<p>Amend the policy as follows:</p> <p><u>To recognise and provide for the protection of historic heritage resource of the region from inappropriate subdivision, use and development by:</u></p> <ul style="list-style-type: none"> a) <u>Identifying and assessing the significance of the historic heritage resources within the region;</u> b) <u>Having regard to any relevant entry in the Historic Places register in the process of identifying and assessing the historic heritage resource;</u> c) <u>Considering historic heritage items, places, or areas of significance or importance to communities in the process of identifying and assessing the historic heritage resource;</u> d) <u>Recognising that knowledge about some historic heritage may be culturally sensitive and support protection of those areas through the maintenance of silent files held by local authorities;</u> e) <u>Recognise that there may be sites of historic heritage which are unknown and having appropriate accidental discovery protocols in place to manage the discovery of such features.</u>

<p>Objective 4.5 Adverse effects of using and enjoying Otago's natural and built environment are minimised</p>	<p>Oppose in part</p>	<p>This objective should relate to the development and use of Otago's natural and physical resources, rather than the enjoyment, which is vague and subjective. It should also seek to avoid, remedy or mitigate adverse effects on such resources.</p>	<p>Amend the objective as follows: <u>Adverse effects arising from the development and use of Otago's natural and physical resources are avoiding, remedied or mitigated.</u></p>
<p>Policy 4.5.2 Applying an adaptive management approach Apply an adaptive management approach, to address adverse effects that might arise and that can be remedied before they become irreversible, by:</p> <p>a) Setting appropriate indicators for effective monitoring of those adverse effects; and</p> <p>b) Setting thresholds to trigger remedial action before the effects result in irreversible damage.</p>	<p>Support</p>	<p>It is appropriate to recognise and enable the use of adaptive management regimes in dealing with adverse effects from activities.</p>	<p>Retain policy as notified (or similar wording to achieve desired relief).</p>
<p>Policy 4.5.7 Enabling offsetting of indigenous biodiversity Enable offsetting of adverse effects on indigenous biodiversity values, only when:</p> <p>a) The activities causing those effects have a functional necessity to locate in significant or outstanding areas; and</p> <p>b) Those effects cannot be avoided, remedied or mitigated; and</p> <p>c) Those effects do not result in the loss of irreplaceable or vulnerable biodiversity.</p>	<p>Support in part</p>	<p>It is considered useful to include a policy enabling offsetting in certain situations. It is not clear why the ability to offset adverse effects on indigenous biodiversity has been limited to only being an acceptable response when those activities causing the effects have a functional necessity to locate in areas of significant biodiversity.</p> <p>Trustpower seeks to broaden the opportunities to consider off setting.</p>	<p>Amend this policy:</p> <p>Policy 4.5.7 Enabling offsetting of indigenous biodiversity Enable offsetting of adverse effects on indigenous biodiversity values, only <u>including</u> when:</p>
<p>Methods</p>	<p>Oppose in part</p>	<p>Trustpower considers it important the region's:</p> <ul style="list-style-type: none"> - outstanding natural landscapes and features, - areas of outstanding natural character (including in the coastal environment) and - significant indigenous vegetation and habitats of significant indigenous fauna are identified at a regional level. Accordingly, additional methods are necessary to ensure this occurs. 	<p>Add methods to require that:</p> <ul style="list-style-type: none"> - a region wide landscape/features and natural character assessment to determine areas of outstanding natural character, and outstanding landscape areas and features is carried out; and - a region wide assessment of significant indigenous vegetation and habitats of significant indigenous fauna is carried out. <p>These assessments could be carried out by the Regional Council, or as a collaborative effort between territorial authorities and the regional Council.</p>

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Submission on

Proposed Otago Regional Council Regional Policy Statement 2015

TO: Otago Regional Council

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Name of submitter: NEW ZEALAND PETROLEUM & MINERALS (NZP&M)

1. This is a submission on the Proposed Otago Regional Policy Statement (PORPS).
2. The specific provisions of the PORPS that this submission relates to are set out in Appendix 1.
3. NZP&M could not gain an advantage in trade competition through this submission.
4. NZP&M's submission is set out in Appendix 1.
5. NZP&M seeks the decisions from Otago Regional Council (ORC) set out in Appendix 1, or such similar and consequential relief as necessary to address the submissions in Appendix 1.
6. NZP&M wishes to be heard in support of its submission.
7. If others make a similar submission, NZP&M will consider presenting a joint case with them at a hearing.

DATED 24 July 2015

AJ Millward
Manager, Regional Relationships
NEW ZEALAND PETROLEUM & MINERALS

APPENDIX 1 – NZP&M’s SUBMISSION

1. INTRODUCTION

- 1.1. NZP&M manages the New Zealand government’s oil, gas, mineral and coal reserves, known as the Crown Mineral Estate. It allocates permits to prospect, explore or mine Crown-owned minerals; it establishes and advises on operational regulation; and promotes investment in the mineral estate. NZP&M is part of the Ministry of Business, Innovation and Employment (**MBIE**).
- 1.2. MBIE’s purpose is to grow New Zealand for all. We do this by helping business to become more productive and internationally competitive, and by increasing opportunities for all New Zealanders to contribute to the economy.

2. PETROLEUM AND MINERAL RESOURCES IN THE OTAGO REGION

- 2.1. The Otago region has substantive mineral and petroleum resources as a result of a complex geological history from mid-Palaeozoic to Recent. Mining of high value metallic minerals - gold and tungsten - is a significant economic activity in the region (e.g., the Macraes and Fraser gold mines). Other commodities including copper, coal (and lignite), aggregate (rock, gravel, sand, and boulders for rip rap protection), building and dimension stone, limestone, clay, diatomite, phosphate and lump silica are also important resources now and for future generations.
- 2.2. The East Otago region includes the western extent of the Great South and Canterbury Basins that are attracting significant interest as emerging basins of petroleum potential. Currently TAG Oil (NZ) Limited is actively exploring in the east of the region from Dunedin to north of Oamaru. Elsewhere there are petroleum/coal seam gas wells at Waikaia and also immediately west of the Hawkdun Range.

3. HIGH LEVEL CONCERNS

- 3.1. NZP&M’s concern is to ensure that the Resource Management Act 1991 is correctly interpreted and applied. NZP&M is concerned to ensure that appropriate recognition of petroleum, mineral and aggregate resources and provision for their use is made in the PORPS because of:
 - Its responsibility for administering the Crown Minerals Act 1991 the purpose of which is to promote prospecting for, exploration for, and mining of Crown owned minerals for the benefit of New Zealand;
 - Its role as the manager of Crown owned minerals.

- 3.2. More particularly, NZP&M has significant concerns that the wording of proposed policies for protecting Outstanding Natural Landscapes (ONLs) and other section 6 RMA matters of national importance will unduly restrict activities in connection with the use and development of petroleum and mineral resources across the Otago region.
- 3.3. The most recent decision to consider the application of ONLs is the High Court decision in *Man O'War Station Limited v Auckland Council*¹. In this decision, Andrews J also considers the application of the King Salmon² decision to new policy provisions for ONLs, and ONL maps in a Regional Policy Statement, summarising the decision:
- [13] The Supreme Court held by a majority that the Board of Enquiry considering the proposed plan change was required to give effect to the NZCPS policies, that “avoid” (in the phrase “avoid adverse effects”) means “not allow”, or “prevent the occurrence of”, and that the Policies provided “something in the nature of a bottom line”. The NZCPS is “an instrument at the top of the hierarchy” of environmental instruments, and gives effect to the protective element of sustainable management. In reaching this conclusion, the majority rejected the “overall judgement” approach adopted by the Board of Enquiry, and the High Court on appeal.
- 3.4. Taking the Central Otago District Plan as an example of Otago’s lower order planning instruments that are required to give effect to the region’s RPS, therein ONLs and ONFs are identified³ as broad overlays across about 50% of the district. These overlays are coincident with many of Otago’s most prospective hard-rock gold fields outside of the Hyde-Macraes Shear Zone, for example, the 7km long ‘Rise and Shine Shear Zone’ in the Dunstan Mountains; the newly discovered ‘Sparrow Hawk’ and ‘Garibaldi’ deposits at North Rough Ridge; the ‘Serpentine’ deposit in the Upper Manorburn area, to name just a few.
- 3.5. Currently, mining and some exploration activities in ONLs, ONFs and Landscape Management Areas in the Central Otago district may require *discretionary* resource consents⁴. However, if (as it does) the PORPS directs that adverse effects on the values of certain areas are to be avoided in those areas (and such policy becomes operative), then the region’s lower order planning instruments that follow must give effect to such policy direction and essentially prevent (i.e., *prohibit*) activities that would have perceptible adverse effects on those values. The likely widespread application of *prohibited* activity status would be out of all proportion with the track record of modern mining operations.
- 3.6. The same concerns are also relevant to other policies in the PORPS that apply the wording “avoiding adverse effects” (and “avoiding significant adverse effects” as determined by

¹ [2015] NZHC 767

² *Environmental Defence Society Inc v the New Zealand King Salmon Co Ltd* [2014] NZSC 38

³ See Figure 2.2 – Areas of Outstanding Natural Landscape and Outstanding Natural Features, Central Otago District Plan, Page 2:10

⁴ That is, if *permitted* standard 4.7.6L is breached, see Rule 4.7.4(i) of the Central Otago District Plan.

the 'Significance Threshold' in Schedule 3 of the PORPS) to other characteristics / values of areas, including other section 6 RMA matters of national importance.

- 3.7. It may indeed be that mining and petroleum activities could be inappropriate activities in certain areas (for example, open cast mining in ONLs identified in the coastal environment). However, what is clear is that the policy framework as proposed will not achieve integrated management of resources as far as mineral/petroleum resources are concerned, and will potentially significantly restrict or curb the use and development of both the Crown mineral estate and privately owned minerals across the region.
- 3.8. The opportunity cost both regionally and nationally of sterilisation of much of the Otago region's mineral/petroleum endowment will be high, and it is difficult to see how in respect of these resources, Objective 4.3 *Sufficient land is managed and protected for economic production* of the PORPS (along with its explanatory statement "...We want to provide ongoing opportunities for economic growth and development by recognising and providing for the effects of activities") can really be achieved.

Aeromagnetic survey of the Otago region

- 3.9. In 2014 the government set aside \$6 million over four years for high resolution regional aeromagnetic surveys in Southland, Otago and Marlborough. These surveys provide valuable geophysical data that can promote investment into exploration and development of mineral and petroleum resources in the regions, and also provide useful information for scientists and councils on land use capability, soil-science, hazard identification, seismic risk and aquifer identification. NZP&M is managing these surveys.
- 3.10. For the Otago region, the investment in these surveys is approximately \$2.9M to acquire data across about 11,000 square kilometres of the northern, western and southern parts of the province. The boundaries of the new surveys will be contiguous with the perimeters of the 2007/08 aeromagnetic survey across 13,000 square kilometres of Central Otago undertaken by Glass Earth Gold Limited (Otago Regional Council contributed \$1M to this earlier survey). A concern is that the benefits of these new NZP&M surveys (and those of the earlier survey) will not be able to be realised where they coincide with overlay zones and values that are underpinned by directive policies with 'avoidance' wordings as in the PORPS.

4. SPECIFIC SUBMISSIONS

Section/specific provisions	Support/ Oppose	Reasons	Relief Sought
Part B, Chapter 1 – Kāi Tahu values, rights and interests are recognised and kaitiakitaka is expressed			
Objective 1.1 <i>The principles of Te Tiriti o Waitangi are taken into account in resource management decisions</i> & Objective 1.2 <i>Kāi Tahu values, rights and interests and customary resources are sustained</i>	Support	The provisions reflect ORC's current and desired practice in relation to Kāi Tahu and its obligation under s8 RMA to take into account the principles of the Treaty of Waitangi.	Retain provisions without amendment.
Policy 1.2.3 <i>Protecting important sites and values of cultural significance to Kāi Tahu</i>	Oppose in part	As set out above in section 3. <i>High Level Concerns</i> , and noting the breadth of sites of possible cultural significance as listed in Schedule 1C, that prevention of development may not always be the appropriate resource management outcome.	Amend limb a) of Policy 1.2.3 as follows: "a) <u>Avoiding, remedying, or mitigating</u> significant adverse effects on those values and sites, as detailed in Schedule 3; and"
Part B, Chapter 2 – Otago has high quality natural resources and ecosystems			
Objective 2.2	Support in	The objective itself – <i>Otago's</i>	Amend the qualifying statement of Objective 2.2 as follows:

<p><i>Otago's significant and highly-valued natural resources are identified, and protected or enhanced</i></p>	<p>part</p>	<p><i>significant and highly-valued natural resources are identified, and protected or enhanced</i> – is supported. However, its qualifying statement does not recognise that in practice mineral and petroleum deposits are not transferable and can only be mined where they exist.</p>	<p>“Otago has many unique 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, while consumptive use of resources, <u>where practicable</u>, will be directed to areas where adverse effects are more acceptable.”</p>
<p>Policy 2.2.2 <i>Managing significant indigenous vegetation and significant habitats of indigenous fauna</i></p>	<p>Oppose</p>	<p>As set out above in section 3. <i>High Level Concerns</i> and that prevention of what can be an appropriate use and development may not always be the appropriate resource management outcome.</p>	<p>Amend limbs a) & b) of Policy 2.2.2 as follows:</p> <p>“a) <u>Avoiding, remedying, or mitigating</u> adverse effects on those values which contribute to the area or habitat being significant; and</p> <p>a) <u>Avoiding, remedying, or mitigating</u> significant adverse effects on other values of the area or habitat; and”</p>
<p>Policy 2.2.4 <i>Managing outstanding natural features, landscapes and seascapes</i></p>	<p>Oppose</p>	<p>As set out above in section 3. <i>High Level Concerns</i> and that prevention of what can be an appropriate use and development may not always be the appropriate resource management outcome.</p>	<p>Amend limb a) Policy 2.2.4 as follows:</p> <p>“a) <u>Avoiding, remedying, or mitigating</u> adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</p>
<p>Policy 2.2.6 <i>Managing special amenity landscapes and highly valued natural features</i></p>	<p>Oppose</p>	<p>As set out above in section 3. <i>High Level Concerns</i> and that prevention of what can be an appropriate use and development may not always be the appropriate resource management outcome.</p>	<p>Amend limb a) Policy 2.2.6 as follows:</p> <p>“a) <u>Avoiding, 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</p>

Policy 2.2.13 <i>Managing outstanding water bodies and wetlands</i>	Oppose	As set out above in section 3. <i>High Level Concerns</i> and that prevention of what can be an appropriate use and development may not always be the appropriate resource management outcome.	Amend limb a) Policy 2.2.13 as follows: “a) Avoiding, <u>remedying, or mitigating</u> significant adverse effects, including cumulative effects, on those values which contribute to the water body or wetland being outstanding; and
Policy 2.2.15 <i>Managing highly valued soil resources</i>	Oppose	As set out above in section 3. <i>High Level Concerns</i> and that prevention of what can be an appropriate use and development may not always be the appropriate resource management outcome.	Amend limb a) Policy 2.2.15 as follows: “a) Avoiding, <u>remedying, or mitigating</u> significant adverse effects on those values which contribute to the soil being highly valued; and
Objective 2.3 <i>Natural resource systems and their interdependencies are recognised</i>	Support	The objective is consistent with the RMA framework, including the statutory responsibility of regional councils “to achieve integrated management of the natural and physical resources of the region” as set out at s30 RMA.	Retain provision without amendment.
Part B, Chapter 3 – Communities in Otago are resilient, safe and healthy			
Policy 3.8.3 <i>Managing fragmentation of rural land</i>	Oppose in part	<ul style="list-style-type: none"> As set out above in section 3. <i>High Level Concerns</i> and that prevention of what can be an appropriate use and development may not always be the appropriate resource management outcome, and 	Amend limbs a) & c) of Policy 3.8.3 as follows: “a) Avoid, <u>remedy, or mitigate</u> development or fragmentation of land which undermines or forecloses the potential of rural land; or c) Avoid, <u>remedy, or mitigate</u> unplanned demand for provision of

		<ul style="list-style-type: none"> The fact that farmland used for mining can be rehabilitated and restored as more productive farmland. 	<p>infrastructure, including domestic water supply and waste disposal; and”</p>
<p>Policy 3.9.5 <i>Avoiding the creation of new contaminated land</i></p>	<p>Oppose</p>	<ul style="list-style-type: none"> As set out above in section 3. <i>High Level Concerns</i> and that prevention of what can be an appropriate use and development may not always be the appropriate resource management outcome, and The necessity to provide for the development of tailings impoundments in proximity to gold mining sites. 	<p>Amend Policy 3.9.5 as follows:</p> <p>“Policy 3.9.5 Avoiding, <u>remedying</u>, or <u>mitigating</u> the creation of new contaminated land</p> <p>Avoid, <u>remedy</u>, or <u>mitigate</u> the creation of new contaminated land”</p>
<p>Part B, Chapter 4 – People are able to use and enjoy Otago’s natural and built environment</p>			
<p>Policy 4.2.3 <i>Managing historic heritage values</i></p>	<p>Oppose in part</p>	<p>As set out above in section 3. <i>High Level Concerns</i> and that prevention of what can be an appropriate use and development may not always be the appropriate resource management outcome.</p>	<p>Amend limbs c) & d) of Policy 4.2.3 as follows:</p> <p>“c) Avoiding, <u>remedying</u>, or <u>mitigating</u> adverse effects on those values which contribute to the area or place being of regional or national significance; and</p> <p>d) Avoiding, <u>remedying</u>, or <u>mitigating</u> significant adverse effects on other values of areas and places of historic heritage; and”</p> <p>And such further relief or alternative relief as is appropriate to give effect to this submission, including <u>deletion</u> of limbs f) & g).</p>

<p>Policy 4.3.6 <i>Managing locational needs for mineral and gas exploration, extraction and processing</i></p>	<p>Oppose</p>	<ul style="list-style-type: none"> • As set out above in section 3. <i>High Level Concerns</i> and that prevention of what can be an appropriate use and development may not always be the appropriate resource management outcome; • Consistency in recognising that in practice mineral and petroleum deposits are not transferable and can only be mined where they exist; • The protection of section 6 RMA matters of national importance; • The desirability and statutory responsibility of regional councils to act <i>“to achieve integrated management of the natural and physical resources of the region”</i> as set out at s30 RMA; • That “gas” is included in the s2(1) definition of “petroleum” in the Crown Minerals Act 1991 to which the RMA defers to for its definition of “Mineral” 	<p>Amend Policy 4.3.6 as follows:</p> <p>“Managing locational needs for mineral and petroleumgas exploration, extraction and processing</p> <p>Recognise the needs of mineral exploration, extraction and processing activities to locate where the resource exists, and manage them by:</p> <ul style="list-style-type: none"> a) Giving preference to avoiding their location <u>Implementing methods to achieve integrated management of natural and physical resources, in particular in:</u> <ul style="list-style-type: none"> i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna; or ii. Outstanding natural features, landscapes and seascapes; or iii. Area of outstanding natural character; or iv. Outstanding water bodies; or v. Areas subject to significant natural hazard risk; and b) Restricting the establishment of those activities in areas used for mineral and petroleumgas exploration, extraction and processing that may result in reverse sensitivity effects. “
<p>Policy 4.5.2 <i>Applying an adaptive management approach</i></p>	<p>Support</p>	<p>The objective is consistent with the RMA framework</p>	<p>Retain provision without amendment</p>
<p>Policy 4.5.6</p>	<p>Oppose</p>	<ul style="list-style-type: none"> • As set out above in section 3. 	<p>Amend Policy 4.5.6 as follows:</p>

<p><i>Managing adverse effects from mineral and gas exploration, extraction and processing</i></p>		<p><i>High Level Concerns</i> and that prevention of what can be an appropriate use and development may not always be the appropriate resource management outcome;</p> <ul style="list-style-type: none"> • Consistency with Policy 4.3.6; • That “gas” is included in the s2(1) definition of “petroleum” in the Crown Minerals Act 1991 to which the RMA defers to for its definition of “Mineral”; • A ‘precautionary approach’ is synonymous with ‘precautionary principle’ which is not strictly adhered to in the RMA because it is not a ‘no-risk’ statute. However, the Courts have utilised it as part of “overall judgement” but the Supreme Court in the King Salmon decision has now rejected that approach at least in respect of plan changes. • The application of the precautionary approach to managing adverse effects of minerals and petroleum use is <i>inconsistent with the manner in which the PORPS proposes to regulate activities for other</i> 	<p>“Managing adverse effects from mineral and petroleumgas exploration, extraction and processing</p> <p>Minimise adverse effects from exploration, extraction and processing of minerals by:</p> <ul style="list-style-type: none"> a) Giving preference to avoiding their location <u>implementing methods to achieve integrated management of natural and physical resources, in particular in:</u> <ul style="list-style-type: none"> i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna; and ii. Outstanding natural features, landscapes and seascapes; and iii. Areas of outstanding natural character; and iv. Outstanding water bodies; and v. Areas subject to significant natural hazard risk; b) Where mineral and petroleum activities are it is not possible to avoid locating <u>in the areas listed in a) above, avoiding, remedying, or mitigating</u> significant adverse effects of the activity on those values that contribute to the significant or outstanding nature of those areas, and c) d) e) f)
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		industries that may have similar effects, including infrastructure (see Policy 3.5.2).	g) h) Applying a precautionary approach to assessing the effects of the activity, where there is scientific uncertainty, and potentially significant or irreversible adverse effects.
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Submission Date 2015-07-23 19:35:27

Name of submitter: Bridget Irving

Organisation (if applicable): on behalf of Blueskin Resilient Communities Trust

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I wish / do not wish to be heard in support of my submission: I wish

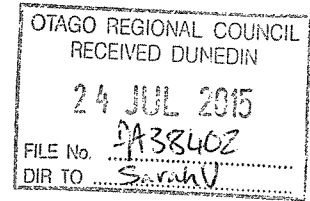
If others make a similar submission, I will / will not consider presenting jointly with them at the hearing: I will not consider presently jointly

1. State what your submission relates to and if you support, oppose or want it amended: Please see attached document

2. State what decision you want the Otago Regional Council to make: Please see attached document

3. Give reasons for the decision you want made: Please see attached document

Attach a document (if applicable): [Submission - Blueskin \(3\).pdf](#)



BRCT Submission on the Otago Proposed Regional Policy Statement, 2015



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Trade Competition: The submitter could not gain a trade advantage through this submission.

Thank you for this opportunity to submit to the Otago Regional Proposed Regional Policy Statement.

The Blueskin Resilient Communities Trust (BRCT) is a registered charitable trust formed in 2008 to support sustainability and transition initiatives in a planned and structured way. We work as a legal body to provide a public benefit and achieve the long-term objective of building community resilience. Our headline work is our community wind development and our core activity areas are in energy, climate change action, and provision of community services. We offer support to number of community groups working in the field of sustainability. Jeanette Fitzsimons is our patron.

We commend the Council for its work in developing the proposed regional policy statement (RPS) and have made a number of suggestions for improving the RPS and bringing it further into line with the National Policy Statement on Renewable Electricity Generation 2011, and case law generally. We look to the Council to take a leadership role in building a **low carbon** region, through careful appreciation of opportunity and risk. Our changing world requires innovation and creativity and we offer our support to the ORC in addressing the challenges ahead

We, the Blueskin Resilient Communities Trust, wish to speak to our submission.

Submission:

Policy 2.2.5 and 6 – Oppose

BRCT seeks that policy 2.2.5 be deleted or amended. Recognition of Special Amenity Landscapes (“SAL”) and Highly Valued Natural Features (“HVF”) introduces a new threshold for the protection of landscapes and natural features. The PRPS confers on these features a level of protection commensurate with matters of national importance under section 6 of the Act. It is submitted that this level of protection is too high. The examples of SAL include areas known as VAL’s in the Queenstown Lakes area. It is also likely to include areas identified as landscape conservation areas in Dunedin. Such landscapes are often working landscapes utilised for a wide variety of activities. The requirement for effects to be avoided on these landscapes creates the potential for significant fettering of land uses in those areas to the detriment of the social, cultural and economic wellbeing of the community.

If the level of protection for these areas is not to be reduced (to reflect the fact SAL’s and HVF’s are not matters of national importance) then it is submitted that the PRPS should identify those areas that are afforded this protection so that the community can assess the potential impact of the PRPS on their land uses.

If policy 2.2.5 and 2.2.6 are to remain we submit that they should be amended in the following way:

Policy 2.2.5

Identifying special amenity landscapes and highly valued natural features

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, using the attributes detailed in Schedule 4.

- Method 1: Kāi Tahu Relationships
- Method 4: City and District Plans
- Method 6: Research, Monitoring and Reporting
- Method 9: Landscape Maps

Policy 2.2.6

Managing special amenity landscapes and highly valued natural features

Minimise the effect of activities on values of special amenity landscapes and highly valued natural features, by:

- a) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and
- b) Avoiding where possible significant adverse effects on those values which contribute to the special amenity of the landscape or high value of the natural feature; and
- c) Avoiding, remedying or mitigating other adverse effects on other values; and
- d) Recognising and providing for positive contributions of existing introduced species to those values; and
- e) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and
- f) Encouraging enhancement of those values.

- Method 1: Kāi Tahu Relationships
- Method 4: City and District Plans

Method 6: Research, Monitoring and Reporting

Policy 2.2.8 and 9 – Oppose

BRCT seeks that policy 2.2.8 and 9 be amended. Once again the PRPS seeks to confer an extremely high level of protection on matters that are not of national importance. Whilst in some circumstances this may be appropriate the lack of detail regarding the areas that this should occur creates significant risk of unintended consequences for land users.

In relation to Policy 2.2.8 the reference to the attributes in policy 2.1.8 appears inconsistent with the similar approach for other features. It may be better to be consistent and for the attributes in policy 2.1.8 to be included in the schedule as is the case for other assessment criteria.

In order to avoid this risk we submit that policy should be amended in the following way:

Policy 2.2.8

Identifying areas of high and outstanding natural character in the coastal environment

Identify areas and values of high outstanding natural character in the coastal environment, using the attributes details in Schedule [?].

- Method 2: Regional, City and District Council Relationships
- Method 3: Regional Plans
- Method 4: City and District Plans
- Method 6: Research, Monitoring and Reporting
- Method 9: Landscape Maps

Policy 2.2.9

Managing the natural character of the coastal environment

Preserve or enhance the natural character values of the coastal environment, by:

- a) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and
- b) Avoiding adverse effects on those values which contribute to the outstanding natural character of an area; and
- c) Avoiding where possible significant adverse effects on those values which contribute to the high natural character values of an area; and
- d) Avoiding, remedying or mitigating other adverse effects on other values; and
- e) Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment; and
- f) Encouraging enhancement of those values; and
- g) Controlling the adverse effects of pest species, prevent their introduction and reduce their spread.

- Method 2: Regional City and District Council Relationships
- Method 3: Regional Plans
- Method 4: City and District Plans
- Method 7: Strategies and Plans (non-RMA)
- Method 11: Advocacy and Facilitation

Objective 3.1 and Policy 3.1.1 – Oppose

BRCT recognises that environmental constraints need to be considered when deciding whether to consent to activities. This is addressed by assessing effects, particularly cumulative effects which is already adequately addressed by the Act and the other

provisions of the PRPS. To that extent Objective 3.1 and Policy 3.1.1 do not add anything to the regulatory assessment framework.

If the Council is concerned about providing for activities where there is a functional necessity then it would be appropriate to articulate this in a positive way. It is submitted however that the regulatory authorities are not well placed to assess the “functional necessity” of a particular location for a proposed activity, and for an activity to be located in an area should not be a matter for Council to determine. This is consistent with the case law that has developed around the assessment of alternatives.

Therefore we request that these provisions be deleted or amended in the following way.

“Objective 3.1 – Enable use and development where there is a functional necessity for the activity to be located to utilise the natural and physical resource”

Policy 3.1.1 – Recognise the functional necessity for activities to be located in particular areas where they rely on access to natural and physical resources in that location whilst considering the effects of the those activities, including:

- a. The nature of the resource to be utilised by the activity;*
- b. The ecosystem services the activity is dependant on;*
- c. The sensitivity of the natural and physical resources to adverse effects from the proposed activity;*
- d. Whether the activity or resource is readily transferable or relocatable for the activity to occur in the particular area.*

Objective 3.3 and Policy 3.3.1 and 2 – Support with amendments

BRCT supports this suite of provisions as climate change is a significant risk to the communities of New Zealand. BRCT submits that more explicit support for activities that mitigate climate change and reduce associated impacts should be included in the PRPS.

Therefore we request that these provisions be deleted or amended in the following way:

Policy 3.3.2(c) to be amended to read

“Enable and encourage activities that assist to reduce or mitigate the effects of climate change”

Objective 3.4 and Policies 3.4.1-3.4.4 – Support with amendments

BRCT supports this objective and its associated policies. Good quality infrastructure and services are needed to meet community needs. BRCT believes that more communities can develop greater resilience and become more sustainable if community based infrastructure is also developed alongside regional and strategic infrastructure. This should facilitate community and regional infrastructure development and allow each to compliment the other.

Therefore we request that these provisions be deleted or amended in the following way.

Policy 3.4.1 be amended as follows:

- (e) encourage the development of community based infrastructure projects that enhance the resilience and security of those communities.*

Policy 3.6.1 – Oppose

BRCT supports the purpose of this policy to increase the renewable energy generation capacity, but is concerned that the policy as it is drafted will have a stifling effect on new development. It is submitted that stifling new development thwarts the goal of increasing

capacity. Rather than giving preference to existing facilities the policy should seek to encourage those facilities to be fully utilised.

It is submitted that the policy is also contrary to the National Policy Statement for Renewable Electricity Generation 2011 ("NPSREG" which requires decision makers to recognise and provide for renewable electricity generation activities.

Therefore we request that these provisions be deleted or amended in the following way.

*"Policy 3.6.1 - Efficient use of existing renewable electricity generation structures and facilities –
Encourage the efficient use of existing structure or facilities to increase or maintain the region's renewable electricity generation capacity".*

Policy 3.6.2 – Support with amendments

BRCT supports this policy subject to some minor amendments that make the provision more enabling of small scale renewable development. This will give more express recognition that small-scale renewable electricity is important to the region and provide a clear directive to District Council's to provide for and enable this development which will help increase the likelihood of small scale generation taking place. The proposed changes will also ensure the policy more effectively gives effect to the NPSREG, particularly Policy A(b) and Policy F.

Enabling small scale renewable energy generation allows communities to provide for their social, economic and cultural wellbeing. It also helps improve security of supply for those communities.

Therefore we request that this provision be amended in the following way:

*"Policy 3.6.2 – Promoting small scale renewable electricity development –
Promote and enable small scale renewable electricity generation activities that:*
a. Increase the local communities resilience and security of energy supply; and
b. Avoid, remedy or mitigate adverse effects from that activity"

New Policy to be added to 3.6

BRCT also seeks further relief through the addition of some more policy supporting the investigation of new renewable electricity generation sites consistent with the NPSREG Policy G. The policy that BRCT seeks is as follows:

"Enable the identification of new renewable electricity generation activities by
a. Providing for activities associated with the investigation and identification of new sites for renewable electricity generation.

Policy 3.6.6 – Support

BRCT supports this policy because reducing the long term need for fossil fuels reduces the green house gas emissions we as a region will make, and will consequently reduce our regional climate change impact.

Objective 3.7 and Policy 3.7.1-4 – Support with amendments.

BRCT supports the proposed objectives but believes that the objective should apply to all residential development, not only urban development. Residential development in rural areas would also benefit from the direction in the objective and the subsequent policies. All residential development should be encouraged to minimise its environmental footprint.

Policy 3.7.2

Use of low impact design techniques have a number of benefits, some of which are articulated in the policy. However, there are other benefits such as reducing demand on infrastructure (such as stormwater infrastructure through use of low impact stormwater systems and rain water capture or wastewater infrastructure through the use of grey water recycling systems). The policy should also recognise and encourage this type of low impact design which would also achieve the objectives associated with infrastructure provision.

Therefore we request that this provision be amended in the following way:

Policy 3.7.2

Encouraging use of low impact design techniques

Encourage the use of low impact design techniques in subdivision and development, to:

- a) Reduce potential adverse environmental effects, including on water and air quality; or
- b) Reduce demand on infrastructure services, including on storm and wastewater infrastructure; or
- c) Mitigate the effects of natural hazards and climate change; or
- d) Enhance amenity; or
- e) Enhance habitat for indigenous species and biodiversity values.

Method 4: City and District Plans

Method 8: Education and Information

Method 11: Advocacy and Facilitation

Policy 3.7.3 – Support with amendments

BRCT supports this policy because warmer buildings lead to healthier homes and communities. The cost to the community of poor quality housing is significant and can readily be reduced through more actively encouraging good design solutions to be employed at the outset. The proposed policy does not identify all of the opportunities to achieve this. There is also the opportunity to further encourage the outcomes sought by the renewable energy objectives.

BRCT seeks relief that the policy be re-drafted as follows:

“Design of subdivision and development (including renovations) must reduce the adverse effects of Otago’s colder climate, and higher demand for energy, by:

- a) Maximising passive solar gain; and*
- b) Incorporating energy saving technology into the development; and*
- c) Insulating to warmer standards than those set out in the building legislation; and*
- d) Making provision for solar hot water equipment to be installed including solar ready hot water cylinders, plumbing and ducting.”*

This policy would require developers to construct residential units to be warm and cosy. This will help improve the health of the occupants and reduce the energy bill associated with heating houses over winter.

Method 9 – Support with amendments

BRCT supports this method. Many community organisations depend on public funding to operate effectively. BRCT seeks relief that specifically identifies community groups that assist with climate change resilience, cosy homes and small scale renewable energy generation initiatives. Therefore BRCT requests the following amendments to Method 9.1.1 by adding the following:

(c) fund community groups and projects that are focussed on climate change resilience, reduction of reliance on fossil fuels within the region and developing small scale renewable electricity generation.

This amendment recognises the importance of community groups in achieving some of the objectives and policies within the RPS. These groups often have existing community relationships and access to other resources that cannot be mobilised by the Council on its own. Council funding can help catalyse this and encourage it to occur more quickly.

Method 11 - Support with amendments

BRCT supports this method with some amendments. Regional and District Councils are best placed to promote and advocate the interests of the districts and region to central government. Similarly, community groups are best placed to advocate for individual communities. For this reason, BRCT seeks relief that method 11.1.4 be amended to include a paragraph (e) which reads:

Engage with community groups about issues associated with climate change resilience, cosy home initiatives and methods to reduce reliance on fossil fuels. Such engagement will utilise the "rich engagement model" as detailed in NIWA's Engaging Communities: Making it Work 2011.

NIWA's Engaging Communities details the "rich engagement model" at page 61 of that document. The rich engagement model is a model where community organisations run an open day, where members of the community identify areas of importance to them. The community then considers how those areas may be affected by climate change by discussing the matters with scientists on hand. Finally, the community negotiates and brainstorms methods to adapt and mitigate to climate change. Following the workshop, a community forum is held. The outcome of this forum is reported to Council. Council then has a detailed understanding of what is important to that community, and how that community may, with Council's help, adapt and mitigate the effects of climate change on the matters of community importance.

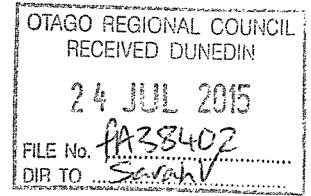
Incorporating this method will provide for Council to engage with communities in a progressive and more meaningful manner. Council involvement may include providing the expert scientists to the community to discuss issues. This ensures that Council has input into the community consultation, but the community feels responsible for the solutions that are proposed. Through this method, accurate information will flow between communities and Council, promoting active community involvement in matters of importance to the region.

Thank you for your attention to this submission.

Yours sincerely,

Bridget Irving

Submission Date 2015-07-23 19:36:40
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I wish / do not wish to be heard in support of my submission: I wish
If others make a similar submission, I will / will not consider presenting jointly with them at the hearing: I will not consider presently jointly

1. State what your submission relates to and if you support, oppose or want it amended: See Attached

2. State what decision you want the Otago Regional Council to make: See Attached

3. Give reasons for the decision you want made: See Attached

Attach a document (if applicable): Formatted Final submission on ORC Regional Policy Statement.docx

Background

Save the Otago Peninsula Inc Soc (“STOP”) is an incorporated society that serves to address issues, especially those relating to conservation, on the Otago Peninsula and in the surrounding marine environment. The 34 year old society has been active in negotiating protection of native vegetation sites and actively manages a number of revegetation sites. Other activities include conservation awareness and education. The society actively engages in input to DCC and ORC policy and planning. The society submits on resource consents with landscape and environmental matters affecting Otago Peninsula landscapes and biodiversity. The membership consists of 214 registered members, (as at July 23, 2015), but when issues arise this number can swell to several hundred more local people.

Over-arching comments

The issues outlined in the overview of the RPS as being of significance to the region are all highly relevant to the Otago Peninsula. Indeed, the Peninsula can be seen as a microcosm of the larger area for which the ORC is responsible. Rare indigenous wildlife, historically and culturally significant locations, natural resources, aesthetic beauty, outdoor recreation and land- and sea-based food production can all be found here, alongside around 10,000 humans who have chosen to live in this totally captivating but environmentally unstable landscape. For residents and businesses of the Peninsula, balancing our own demands and those of visitors with the ecological limitations of the natural environment is a daily reality. As a conservation body, STOP goes further and works at both a practical and policy level to protect the Peninsula in the long-term.

In this context, STOP welcomes the general thrust of the proposed Regional Policy Statement, which provides a sound framework for addressing inter-related and competing issues across the region.

However, STOP is concerned about the ORC and DCC’s ability to implement the strategy in practice, unless sufficient funding is allocated to staffing and other support. In our experience, for example, the DCC does not have enough Compliance Officers to monitor compliance with Resource Consents; as a result, the Council has limited ability to enforce conditions which are designed to protect the environment. We recognise that funds are limited and that the councils are rightly sensitive to pressure from ratepayers to keep rates and other charges down. The monitoring suggested in the Implementation Section of this ORC Plan, while essential in our view, is likely to be very costly. However, unless policy statements of ORC and DCC are backed up by practical, adequately resourced implementation systems, the policies become meaningless. At the very least, we would like to see a commitment in the Regional Policy Statement for the regional, city and district councils to make a formal and explicit assessment of the impact that any budget proposals would have on the councils’ ability to implement the Policy Statement. The conclusions of that assessment should be made available to the relevant decision-making bodies (e.g. council committees) and in any public consultation documents such as the DCC’s Long Term Plan.

The Statement could also outline what funding principles could be applied to resourcing the achievement of the policy objectives, such as targeted rates for polluters or those who benefit financially from a natural resource, or general rates for amenities perceived to be of general public value.

Specific points

1.State what your submission relates to and if you support, oppose or want it amended	2. State what decision you want the Otago Regional Council to make	3. Give reasons for the decision you want made
e.g. amend provision 'y'	e.g. provision 'y' should say...	e.g. I want provision 'y' changed because...
Ch 1 - Support		We support the objectives in this chapter and acknowledge Kāi Tahu's distinct status as a Treaty partner.
Chapter 2 – Objective 2.1. Amend the Need	Add "and identify and implement measures to reverse the degradation"	The <i>Need</i> is not only to understand the values and characteristics of Otago's natural and physical resources but also to identify and implement measures to reverse the degradation.
Objective 3.3 amend the Need	Add other predicted impacts of climate change	Energy supplies to Otago's communities are secure and sustainable The <i>Need</i> should refer not only to sea level rise but also all other predicted impacts of climate change, such as the result of increased numbers of extreme weather events, with increased risk of flooding, landslips, erosion and drought, all of which are likely to have significant adverse effects on residents, farmers and other businesses on the Peninsula.
Objective 3.6 - Endorse		<i>We need to reduce our dependency on fossil fuels and improve our energy resilience.</i> Recognition of this need is agreed by STOP and the society endorses steps to achieve this goal.
Objective 3.7 Endorse generally		Endorse the concept of urban areas being well designed, sustainable and importantly reflect local character.
Objective 3.7.1 and Method 6 Amend by an addition	Add "landscape' as a variable	Using the Principles of Good Urban Design. A variable missing from 3.7.1 would seem to be that of landscape. It could be argued that "b) <i>Ensure that the built form relates well to its natural environment</i> " covers this, but the following sub items carry a number of specific variables that need to be taken into consideration and while topography is mentioned in b i) this does not adequately cover the

		<p>overall landscape. In our experience, even areas designated Outstanding Landscape Areas need constant vigilance. This is particularly important when considering the outstanding harbour landscape and the creeping built development occurring along its sides which can quickly have an adverse effect on the overall landscape.</p> <p>It is also not clear where the DCC's Spatial Plan fits here.</p> <p>Under Method 6 [6.1.2 <i>Regional, city and district councils, in their areas of responsibility, will identify:</i></p> <p><i>a) Significant indigenous vegetation and significant habitat of indigenous fauna; b) Areas of outstanding natural character in the coastal environment; c) Outstanding natural features, and outstanding natural landscapes and seascapes; d) Special amenity landscapes; e) Outstanding water bodies; f) The values of water margins critical to threatened or rare indigenous flora and fauna;</i>] this could seem to be covered, at least for areas adjoining water, but not for other inland areas of outstanding landscape value apart from tussock grasslands.</p>
<p>Objective 3.8 especially 3.8.1 and 3.8.2 - Endorse</p>		<p>Of particular importance to the Peninsula is 3.8.1 and specifically <i>c) Identifying future growth areas that: ii) Maintain or enhance significant biodiversity, landscape or natural character values.</i> Item d) <i>Considering the need for urban growth boundaries to control urban expansion. Policy 3.8.2 Controlling growth where there are identified urban growth boundaries ...</i> is of vital importance.</p>
<p>Policy 3.8.3 – Addition</p>	<p>Add a fourth sub item iv) have a cumulative negative effect on landscape values in such a way that they flow on to negatively affect tourism and local</p>	<p><i>Managing fragmentation of rural land: Manage subdivision, use and development of rural land To the three items under a) Avoid development or fragmentation of land which undermines or forecloses</i></p>

	amenity areas.	<i>the potential of rural land: should be added a fourth: iv) have a cumulative negative effect on landscape values in such a way that they flow on to negatively affect tourism and local amenity areas.</i>
Chapter 4 - addition	Add visual landscapes	Missing from this section seems to be the importance of visual landscapes not only for locals but also economically for tourism. This is not necessarily physical access as covered in Objective 4.1, but also purely visual access, where the setting of the city including the Otago Peninsula is so important to the perception of Dunedin's outstanding beauty appreciated by locals and visitors alike, but whose integrity can be easily compromised by cumulative built development.
Policy 4.3.6: (<i>Managing locational needs for mineral and gas exploration, extraction and processing</i>) Endorse		
Policy 4.4.1 to 3 inclusive (<i>Otago's communities can make the most of the natural and built resources available for use</i>) - Endorse		
4.5.1 to 5, especially 4.5.4 and 4.5.5 endorse		<i>(Adverse effects of using and enjoying Otago's natural and built environment are minimised) especially Policy 4.5.4 (Minimising soil erosion) and Policy 4.5.5 (Controlling the introduction and spread of pest plants and animals). With the aim of controlling the adverse effects of pest species, prevent their introduction and reduce their spread. STOP hopes that this will lead to a more inclusive Pest Management Strategy that takes into account not just those pest plants and animals that affect farmers, unlike the current ORC Pest Management Strategy, but also includes a) The viability of indigenous species and habitats for indigenous species. This would bring the ORC into line with other</i>

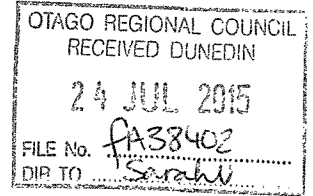
		councils in recognising mustelids as pests for instance. Section 7.4 in the Chapter on Implementation shows a distinct change of policy re the effects of pests on indigenous biodiversity and will bring the ORC into line with other Regional Councils.
Policy 4.5.6 especially (h)		<i>(Managing adverse effects from mineral and gas exploration, extraction and processing) and especially h) Applying a precautionary approach to assessing the effects of the activity, where there is scientific uncertainty, and potentially significant or irreversible adverse effects.</i>
Policy 4.5.7 and 8 -Amend	Delete "if practicable" from Item (d)	Generally endorse given that these conditions should make offsetting for indigenous biodiversity an extremely rare occurrence, not undertaken lightly. Removal of the words "if practicable" on Item (d) would provide more certainty.
Policy 4.5.9 Amend	Delete the large number of reasons to opt out of improving air quality.	Policy 4.5.9 appears to offer a large number of reasons to opt out of improving air quality.
Chapter 6		
Part C: Implementation Roles and Responsibilities	Amend to ensure that wetlands are not restricted to the so-called "Significant Wetlands"	We note that Regional council will: <i>Specify objectives, policies and methods for the control of the use of land for: c) The maintenance of indigenous biological diversity in the coastal marine area, in beds of rivers and lakes, and wetlands.</i> However, of concern is that the ORC has already moved to reduce its definition of wetlands to "Significant Wetlands" and this does not cover most of the smaller wetland areas. It would be easy for such areas e.g. on the Otago Peninsula at Otakou and at the base of the catchments of Smiths and Stewarts Creeks to slip through the cracks with neither local body taking responsibility. Presumably that is why it has also been felt necessary to state that <i>"Regional, city and district councils will: Share joint responsibility for specifying</i>

		<p><i>objectives, policies and methods for the purpose of the maintenance of indigenous biological diversity through the management of the margins of the coastal marine area, beds of rivers and lakes, and wetlands.</i>" Again STOP is concerned that neither ORC nor other local bodies will find it their prime responsibility to undertake this. The society considers that ORC should be taking the lead here, but include not merely the defined "significant" wetland areas.</p> <p>The Society commends the co-operative approach between Regional Council and City and District Councils as advocated and would like to see this actively pursued.</p>
Method 7: Strategies and Plans - Addition	Add the development of a Biodiversity Strategy	<p>The Society believes the ORC also needs to develop a Biodiversity Strategy. This would give ORC an explicit leadership role in protecting the natural values of the region. Previous consultation documents have referred to the need to develop a Biodiversity Strategy, so we are concerned by its omission here. 12 years ago STOP had an excellent working relationship with the ORC Biodiversity Officer, Albert Rebergen and a great deal was achieved, particularly on the control of "Biodiversity weeds". Sadly, of late there has been no interest by ORC in making a contribution to maintaining native biodiversity on the Otago Peninsula. We hope that an ORC Biodiversity Strategy will remedy this situation.</p>
Method 7.5 Amend	Clarify when a pan-regional pest management strategy is appropriate but ensure the region still has its own strategy plan that fits its own region	<p>Pan-regional pest management strategy (p.102)</p> <p>Where the defined boundaries of pest species are artificial, and control, to be of maximum effectiveness, needs to happen on both sides of a border, it makes sense to collaborate on a Pan-regional pest management strategy</p>

		<p>(7.5). Under 7.5.1 the regional council may: a) <i>Develop a joint pest management strategy with neighbouring regions.</i> However to create single pest management strategies that cover very large areas may be counter-productive if the local conditions allow for local pest control as is happening on the Otago Peninsula which may be considered a “mainland island”, or where a pest plant is currently restricted to one area.. STOP has in the past however argued that information material on particular pest plants can easily be shared between Regional Councils to gain maximum cost effectiveness, rather than each group starting from scratch. Collaboration and co-operation is required to ensure that control species are the same on both sides of local body boundaries, but this should not affect the need for each jurisdiction to have its own strategy and plan that can be consulted by local ratepayers. It may also be that on occasions one council will have more lenient rules than the adjoining council eg as to when a landowner has to remove gorse and from what area.</p>
Method 8: Education and Information - Addition	Add Information about pest plants and animals	<p>Education and Information Missing from the list is information about pest plants and animals. STOP has in the past made submissions to the Annual Plans asking for such material to be made available and not just on request in small numbers. This can be done at a relatively small cost, especially these days when low cost printing on demand is more feasible. While the suggestion met with approval from the Councillors at the oral hearing, it had sunk without a trace, and was not even acknowledged in the letter commenting on the outcomes on our submitted items.</p>
Method 11.2.2 – Addition	Delete wilding pines as	Needs something more substantive

and Deletion	example from 11.2.2 and create a new item specifically for wilding pines because of their importance to native biodiversity and water retention and the economics of farming, and tourism	on reducing pest species than just 11.2.2 which draws attention only to wilding pines which need an item on their own because of their importance.
Part C: Implementation. Endorse monitoring suggestions		<i>Otago has high quality natural resources and ecosystems offers useful Indicators and how these Indicators can be measured. Monitoring is essential in our view, although it is not clear how many of the suggested measures would actually be implemented. The cost could be considerable and the complexity (For example: Regular monitoring of the state (distribution, abundance, health) of indigenous biodiversity, ecosystems and Significant Natural Areas in Otago) could be daunting. However, one can only hope that public pressure will allow implementation of at least some of these.</i>
AER 3.7 - Addition	Add a meaningful indicator that would measure the effects on the natural and physical environment	<i>(Otago's urban areas are able to adapt to evolving standards and to the changing requirements of its inhabitants and surrounding natural and physical environment) the suggested indicators do not include a meaningful indicator to measure the effects on the natural and physical environment, but focus solely on building developments and transport infrastructure and whether these are showing signs of stress.</i>
AER 3.4 - Addition	Add an indicator based on visitor numbers	<i>(The effects of current land management do not preclude future economic uses of land) has no indicator showing that there has been no decline in tourism visitor numbers due to degradation of the environment/landscape/biodiversity</i>

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I wish / do not wish to be heard in support of my submission: I do not wish

1. State what your submission relates to and if you support, oppose or want it amended: Please see attached document

2. State what decision you want the Otago Regional Council to make: Please see attached document

3. Give reasons for the decision you want made: Please see attached document

Attach a document (if applicable): [McKeague Consultancy Submission on ORC Proposed RPS 2015.docx](#)

McKeague Consultancy Ltd

Submission on Otago Regional Council's Proposed Regional Policy Statement

State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
<p>Amend</p> <p>All policies using the word “avoid”, but particularly those without a qualifying statement such as “where avoidance is not possible, remedy....”</p> <p>See for example Policies 2.1.1, 2.1.5, 2.2.1, 2.2.4, 2.2.13, 2.2.15, 3.8.3, 3.9.5</p>	<p>Amend to ‘avoid or minimise’ or delete the word ‘avoid’ and replace with ‘minimise’</p>	<p>There is overuse of the word ‘avoid’ in the proposed policies. A 2014 Supreme Court decision (Environmental Defence Society Incorporated v The New Zealand King Salmon Co Ltd) has provided an indication that the word ‘avoid’ in policies in high level resource management documents (such as an RPS) would normally correspond with the use of the prohibited activity status in other ORC or district plans under the Resource Management Act, such as the Regional Plan: Water for Otago.</p> <p>If an activity has a prohibited activity status no resource consent for an activity can be made, and the particular circumstances of the activity cannot be taken into account. Accordingly, the word ‘avoid’ should be very used sparingly in the Proposed RPS and only where there is absolute certainty that there will never be circumstances which may mean that it is appropriate for an activity to occur.</p> <p>It the word ‘avoid’ is used, it should almost always be accompanied by a qualifier such as “if avoidance is not possible, remedy adverse effects so that....”</p>
<p>Amend</p> <p>Policy 2.1.1 – Managing for freshwater values</p> <p>Recognise freshwater values, and manage freshwater to:</p>	<p>Amend to provide greater clarity on how the Regionally Significant Wetlands fit with this concept.</p>	<p>The ORC Regional Plan: Water identifies Regional Significant Wetlands – how do these compare with outstanding waterbodies/wetlands?</p>

State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
<p>c) Protect outstanding water bodies and wetlands</p> <p>Support</p> <p>Policy 2.1.1 – Managing for freshwater values Recognise freshwater values, and manage freshwater to: ... d) Protect migratory patterns of freshwater species, unless detrimental to indigenous biodiversity;</p>	Retain this.	This gives greater protection to indigenous biodiversity over other freshwater species, in accordance with the RMA.
<p>Amend</p> <p>Policy 2.1.1 – Managing for freshwater values Recognise freshwater values, and manage freshwater to: ... n) Avoid the adverse effects of pest species....</p>	Replace ‘avoid’ with ‘avoid and minimise’ or ‘minimise’.	<p>The use of the word ‘avoid’ is too restrictive, particularly if it results in a prohibited activity status in other resource management plans within Otago.</p> <p>In addition it is unclear who the onus will fall on to avoid the adverse effects of pest species – the land owner, the ORC, or in some cases the source of pest species (e.g. forestry companies)? This is particularly problematic in the case of an existing pest species problem.</p> <p>The use of the word ‘avoid’ seems at odds with the approach in Policy 4.5.5 which talks about <i>controlling</i> adverse effects.</p>
<p>Amend</p> <p>Policy 2.1.5 Managing for soil values Recognise soil values, and manage soils, to: ...</p>	Remove the word ‘avoid’ and replace with ‘avoid or minimise’ or ‘minimise’	<p>The use of the word ‘avoid’ is too restrictive, particularly if it results in a prohibited activity status in other resource management plans within Otago.</p> <p>As contamination of the soil can occur with the introduction of</p>

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k) Avoid contamination of soil l) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread		any foreign substance, this policy is overly restrictive, unrealistic and would be impossible to implement and monitor effectively.
<p>Amend</p> <p>Policy 2.2.4 Managing outstanding natural features, landscapes, and seascapes <i>Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</i> a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and b) Avoiding, remedying or mitigating other adverse effects on other values; and</p>	<p>Replace 'avoid' with 'avoid or minimise' or 'minimise'.</p> <p>Delete (b).</p>	<p>The use of the word 'avoid' is too restrictive, particularly if it results in a prohibited activity status in other resource management plans within Otago.</p> <p>With regard to (b), it is unclear what other values are being protected. It also extends beyond the protection or enhancement of the values that contribute to the area or habitat being significant.</p>
<p>Amend / oppose</p> <p>Policy 2.2.5 Identifying special amenity landscapes and highly valued natural features 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, using the attributes detailed</p>	<p>Delete policy 2.2.5 and remove reference to special amenity landscapes and highly valued natural features.</p> <p>OR</p> <p>Make it very clear what a special amenity landscape and highly valued natural feature is, and provide different criteria</p>	<p>There is a large body of practice and case law that assists with the identification of outstanding features and landscapes.</p> <p>The concept of 'special amenity landscapes and highly valued natural features' is new, and the attributes to be used to identify these are the same as those to be used for the identification of outstanding features and landscapes. No guidance is given as to how to differentiate between what is outstanding from what is special or highly valued.</p>

State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
<p>in Schedule 4.</p> <p>Amend 2.2.4(a) and oppose 2.2.4(b)</p> <p>Policy 2.2.4 Managing outstanding natural features, landscapes, and seascapes Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</p> <ul style="list-style-type: none"> a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and b) Avoiding, remedying or mitigating other adverse effects on other values... 	<p>for these from outstanding natural features, landscapes and seascapes. Replace 'avoid' with 'avoid or minimise' or 'minimise'.</p> <p>Delete (b).</p>	<p>The use of the word 'avoid' is too restrictive, particularly if it results in a prohibited activity status in other resource management plans within Otago.</p> <p>The second paragraph of this policy in (b) adds nothing and is confusing – what are the 'other values' referred to, if they do not contribute to the area or habitat being significant, then they may actually be competing values.</p>
<p>Amend</p> <p>Policy 2.2.12 Identifying outstanding water bodies and wetlands Identify outstanding water bodies and wetlands and their values, using the following criteria:</p> <ul style="list-style-type: none"> a) A high degree of naturalness; b) Outstanding aesthetic or landscape values; c) Significant takata whenua cultural values; d) Significant recreational values; e) Significant ecological values; f) Significant hydrological values. 	<p>Provide greater detail of what constitutes a significant value.</p> <p>Provide clarity around what a hydrological value is.</p> <p>Provide clarity as to whether all of these criteria need to be present or just one.</p>	<p>There is a lack of clarity around how these values will be assessed – what is a significant recreational value, or hydrological value? Do all values need to be present? How do the values in (b) get assessed - through reference to the attributes in Schedule 4?</p>

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<p>Amend</p> <p>Policy 2.2.13 Managing outstanding water bodies and wetlands Protect the values of outstanding water bodies and wetlands by:</p> <ul style="list-style-type: none"> a) Avoiding significant adverse effects, including cumulative effects, on those values which contribute to the water body or wetland being outstanding; and b) Avoiding, remedying or mitigating other adverse effects on the water body or wetland's values; and c) Assessing the significance of adverse effects on values, as detailed in Schedule 3; and d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and e) Encouraging enhancement of outstanding water bodies and wetlands. 	<p>Replace 'avoid' with 'avoid or minimise' or 'minimise'.</p> <p>Delete (b)</p>	<p>The use of the word 'avoid' is too restrictive, particularly if it results in a prohibited activity status in other resource management plans within Otago.</p> <p>Paragraph (b) of the policy adds nothing to what is already in the RMA and is unnecessary.</p>
<p>Amend</p> <p>Policy 2.2.14 Identifying highly valued soil resources Identify areas and values of highly valued soil resources, using the following criteria:</p> <ul style="list-style-type: none"> a) Degree of versatility for primary production; b) Significance for providing pollutant buffering or filtering 	<p>Include highly productive soils.</p> <p>Include an 'or' in the list.</p>	<p>The criteria in this policy are specific and exclusive and therefore should also include soils that are highly productive (rather than only those that are versatile).</p> <p>Need more clarity as to whether soils have to meet all the criteria, or just one (ie use 'and' or 'or' in the list). This comment applies equally to a number of other policies in the proposed RPS.</p>

State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
<p>services; c) Significance for providing water storage or flow retention services; d) Degree of rarity.</p> <p>Amend</p> <p>Policy 2.2.15 Managing highly valued soil resources Protect the values of areas of highly valued soil resources, by: a) Avoiding significant adverse effects on those values which contribute to the soil being highly valued; and b) Avoiding, remedying or mitigating other adverse effects on values of those soils; and</p>	<p>Replace 'avoid' with 'avoid or minimise' or 'minimise'.</p> <p>Delete (b)</p>	<p>The use of the word 'avoid' is too restrictive, particularly if it results in a prohibited activity status in other resource management plans within Otago.</p> <p>Paragraph (b) adds nothing to what is already in the RMA and is unnecessary.</p>
<p>Amend</p> <p>Policy 3.8.3 Managing fragmentation of rural land Manage subdivision, use and development of rural land, to: a) Avoid development or fragmentation of land which undermines or forecloses the potential of rural land: i. For primary production... ... d) Avoid creating competing demand for water or other resources</p>	<p>Amend 3.8.3(a)(i) by replacing 'avoid' with 'avoid or minimise' or 'minimise'.</p> <p>Amend (d) to make it clearer that primary production is one of the key priority uses for water and soil.</p>	<p>Support the principle in (a)(i) of this policy, however the use of the word 'avoid' is too restrictive, particularly if it results in a prohibited activity status in other resource management plans within Otago.</p> <p>It is unclear which effects (d) is aimed at, and how this will be managed under the RMA, which focuses on the effects of activities, and generally operates on a first come first served basis.</p> <p>If it is intended that priority in rural areas is for water and soil to</p>

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<p>Amend</p> <p>Policy 3.9.5 Avoiding the creation of new contaminated land Avoid the creation of new contaminated land.</p>	<p>Replace ‘avoid’ with ‘avoid or minimise’ or ‘minimise’.</p>	<p>be used for primary production, then more clarity is needed.</p> <p>The use of the word ‘avoid’ is too restrictive, especially as many rural activities will contaminate land to some extent. The use of the word ‘avoid’ is particularly concerning if it results in a prohibited activity status in other resource management plans within Otago.</p>
<p>Amend</p> <p>Policy 4.1.1 Maintaining and enhancing public access Maintain and, where possible, enhance public access to the natural environment, including to the coast, lakes, rivers and their margins, and areas of cultural or historic significance, unless restricting access is necessary to:</p> <ul style="list-style-type: none"> a) Protect public health and safety; or b) Protect the natural heritage and ecosystem values of sensitive natural areas or habitats; or c) Protect identified sites and values associated with historic heritage or cultural significance to takata whenua 	<p>Amend to provide greater clarity as to how competing values and uses might be weighed against each other, possibly by adding another paragraph - ‘(d) enable water use and storage that adequately mitigates adverse effects on public access’</p>	<p>It is unclear how this policy might impact on water use and storage – how these sometimes competing values might be balanced against each other.</p>
<p>Support but Amend (b)</p> <p>Policy 4.3.1 Managing for rural activities Manage activities in rural areas, to support the region’s</p>	<p>Correct the inconsistency between Policy 2.2.14 and Policy 4.3.1(b), by:</p> <ul style="list-style-type: none"> • referring to ‘highly valued soils as outlined in Policy 2.2.14’; or • including the full list of criteria 	<p>Support this policy in general, however (b) seems to be at odds with Policy 2.2.14, as that policy identifies a range of other criteria which may contribute to soils being highly valued.</p>

State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
<p>economy and communities, by:</p> <ul style="list-style-type: none"> a) Enabling farming and other rural activities that support the rural economy; and b) Minimising the loss of soils highly valued for their versatility for primary production; and c) Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects; and d) Minimising the subdivision of productive rural land into smaller lots that may result in rural residential activities; and e) Providing for other activities that have a functional need to locate in rural areas, including tourism and recreational activities that are of a nature and scale compatible with rural activities. 	<p>contained in Policy 2.2.14</p>	
<p>Amend</p> <p>Policy 4.3.2 Managing land use change in dry catchments Manage land use change in dry catchments, to avoid any significant reduction in water yield, by:</p> <ul style="list-style-type: none"> a) Restricting any extension of forestry activities within those catchments that would result in a significant reduction in water yield, including cumulative reductions; and b) Minimising the conversion of tussock grasslands to species which are less able to capture and hold precipitation. 	<p>Amend by finishing policy after 'yield' and deleting (a) and (b).</p>	<p>This policy is too specific in its focus on 2 issues only – forestry and conversion of tussock grasslands - without properly addressing either. For example, it is not just the extension of forestry activities that can be an issue for dry catchments, but wilding pine spread from existing forestry activities. There may also be other activities that can affect water yield, which this policy does not include.</p> <p>Accordingly this policy should be more general, and other resource management plans should then address specific issues affecting dry catchments in more detail.</p>

State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
<p>Amend</p> <p>Policy 4.4.1 Ensuring efficient water allocation and use Ensure an efficient allocation and use of water by:</p> <ul style="list-style-type: none"> a) Requiring that the volume of water allocated does not exceed what is necessary for the purpose of use; and b) Requiring the development or upgrade of infrastructure that increases use efficiency; and c) Encouraging collective coordination and rationing of take and use of water when river flows or aquifer levels are lowering, to avoid breaching any minimum flow or aquifer level restriction; and d) Enabling water harvesting and storage, to reduce pressure on water bodies during periods of low flows. 	<p>Amend (b) by replacing 'requiring' with 'give preference to...'</p> <p>Amend (c) to: 'Encouraging collective coordination and collaborative catchment management'</p> <p>Provide clarity within the RPS as to how competing values and uses should be evaluated and weighed against each other.</p>	<p>Paragraph (b) of this policy requires infrastructure that increases efficiency. While this is often desirable, the wider implications of this policy should be able to be considered, including increasing reliance on infrastructure which in turn involves increasing reliance on fossil fuels and energy. In this respect this policy is at odds with Policy 3.6.6 of the PRPS – 'reduce the long term demand for fossil fuels from Otago's communities...'</p> <p>Consider whether (c) leaves the door open sufficiently for different approaches in the future (other than rationing). While 'encouraging' is a term that is not definitive or exclusive, this policy may still be too specific – possibly the inclusion of words such as 'collaborative catchment management' are boarder.</p> <p>Paragraph (d) may be at odds with other policies in the proposed RPS – e.g. Policy 2.1.1 Managing for freshwater values (see for example '(h) maintain or enhance the natural function of rivers, lakes, and wetlands, their riparian margins, and aquifers') and Policy 2.2.13 – managing outstanding water bodies and wetlands. Guidance should be provided on how competing policies should be evaluated and weighted, to reduce uncertainty during consent application processes.</p>
<p>Amend</p> <p>Method 7.4 Pest management strategy</p>	<p>Amend to include another paragraph: 'iv) have adverse effects on water yield in dry catchments'</p>	<p>While the use of the word 'including' does not exclude pest species that have other types of adverse effects, it does provide an indication of the types of effects that will be most readily</p>

State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
<p>7.4.1 The regional council will:</p> <p>a) Develop and implement a pest management strategy, for the control of pest species, including those which:</p> <p>i) Have adverse effects on the natural character of the coastal environment;</p> <p>ii) Have adverse effects on significant indigenous biodiversity;</p> <p>iii) Have significant adverse effects on indigenous biodiversity</p> <p>Support</p> <p>Method 11.2.2 Regional council will:</p> <p>...</p> <p>c) Facilitate the establishment of:</p> <p>i) Water management groups that co-ordinate the exercise of water-related consents;</p> <p>ii) Water allocation committees for the management of water allocation in case of drought.</p>	<p>Retain this policy.</p>	<p>considered.</p> <p>Missing from this list is the effect of pest species on water yield or grazing species – this should be included.</p> <p>This method provides an indication to communities that the ORC will continue to support water management groups.</p>

LOSS OF HEADWATER GRASSLANDS MAY REDUCE CATCHMENT WATER FLOWS



Snow tussock grasslands are a quintessential feature of Otago's high country landscape. They are also an important consideration for the region's natural water supply.

Previously reported catchment studies have presented hydrologic changes arising from converting snow tussock grasslands into exotic pasture or forest. For example, on a per hectare basis, conversion to pasture had reduced low flows by as much as 50% and conversion to forest resulted in a 62% reduction in low flows. These measured and predicted changes also extended to storm runoff and the resulting modification to flood peaks.

While these previous catchment studies describe the overall impact of land use change on hydrology, they had not specifically shown how existing water users could be affected.

A recent study by Tom Heller of Environmental Associates Limited and the Department of Conservation investigated effects of land use change in the Kakanui and Manuherikia catchments (Table 1). Good quality hydrological data from the last two decades was used to model changes to the quantum of minimum flows including frequency and duration, and thus how existing users may have been affected, if different proportions of each catchment were converted from existing snow tussock cover to exotic pasture or forest.

The study catchments were chosen because they have communities with economic welfare closely tied to the availability and extraction of water, they contain threatened fish species, support relatively large areas of tussock grassland in their headwaters, and face increasing pressure from higher altitude farm development, exotic forestry, and the spread of wilding pines¹.

The model confirmed that minimum flows in both catchments would be reduced as a result of conversion from tussock to forest or pasture cover; with forestry having the greater effect. In the Kakanui catchment, a 5% change of the watershed from tussock to forest would likely reduce minimum flows by only about 2%, whilst a conversion to 50% forest cover would reduce minimum flows by over 21%. A 5% pasture conversion may reduce minimum flows by less than 2%, whilst a 20% pasture conversion reduces flows by about 7%. A similar, but more subdued result was apparent for the Manuherikia catchment.

The number of minimum flow exceedances (ie, the number of days the mean river flow is below the current regulated minimum flow) for each catchment during the irrigation season for the period 1991-2010 are shown in Table 2. Based on hydrologic conditions for the data period, conversions to forest (either from plantations or wilding spread) or pasture would have increased the frequency of minimum flows with existing water users facing more days of restricted abstraction in both catchments.

¹ Currently about 2-3% of the Kakanui headwaters is covered in wilding pines. With a heavy seed rain and uncontrolled wilding pine coverage, this could exceed 50% by 2016. In the Manuherikia <1% of the landcover is wilding pines and similarly this could exceed 50% by 2020 (P. Raal, *pers. comm.*).

Overall, the study highlighted that land use and cover in the Kakanui and Manuherikia catchments does impact on water flows and this should be addressed in planning land management changes. How these effects might specifically affect existing or future users is uncertain, but the effects appear significant if a further 10% of the Kakanui catchment or 20% of the Manuherikia catchment (tussock covers respectively) were to be converted to forest (or covered in wilding pines). Other unintended effects may also become apparent with reduced river flows which are known to negatively impact water quality, and natural, aesthetic and recreational values.

Because of variations in climate and landscape, these results will have variable applicability to other areas in Otago and elsewhere, but they do suggest caution. Sustaining headwater tussock cover, and thoughtful land and water management planning is needed to ameliorate what might result in significant unintended economic and environmental effects.

Table 1. Catchment characteristics

Catchment	Total catchment area (ha)	Headwaters in snow tussock	Public conservation land	Pastoral lease land	Area over 900m asl
Kakanui	89,519	5371ha or approx 9%	1.7%	23%	8%
Manuherikia	303,453	75863ha or approx 25%	10%	15%	16%

Table 2. Actual and predicted frequency of minimum flows (number of days mean flows are below the minimum flow) modelled for different levels (%) of land use change from snow tussock grassland to exotic forest or pasture.

Recording Site	Actual days	Predicted Frequency of Minimum Flows (days)						
		Forest 5%	Forest 10%	Forest 20%	Forest 50%	Pasture 5%	Pasture 10%	Pasture 20%
Kakanui ⁽¹⁾	50	57	67	107	210	54	61	90
Manuherikia ²⁾	49	59	66	75	114	56	63	73
Manuherikia ⁽³⁾	34	38	39	54	74	38	39	45

⁽¹⁾ Mill Dam - 1991-2010 Irrigation Seasons

⁽²⁾ Ophir - 1975/6, 1981/2, 1984/5, 1988/9, 1998/9 2009/10 & 2010/11 Irrigation Seasons

⁽³⁾ Hawkdun - Idaburn Irrigation Take - 2007-2010 Irrigation Seasons

RPS Feedback Form

Submission Date 2015-07-23 21:07:01

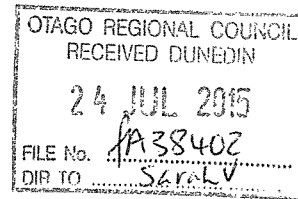
Name of submitter: Briana Pringle

Organisation (if applicable): Wakatipu Wilding Conifer Control Group

Postal Address: Street: C/- QLDC
Suburb: Private Bag 50072
City: Queenstown
Postal Code: 9300

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E-mail: brianap@qldc.govt.nz



I wish / do not wish to be heard in support of my submission: I wish

If others make a similar submission, I will / will not consider presenting jointly with them at the hearing: I will consider presenting jointly

1. State what your submission relates to and if you support, oppose or want it amended:

Roles and Responsibilities

1. AMEND AND SUPPORT- Method 7: Strategies and Plans (non-RMA) page 102 -
7.4 Pest management strategy
7.4.1 The regional council will:
a) Develop and implement a pest management strategy, for the control of pest species, including those which:
i) Have adverse effects on the natural character of the coastal environment;
ii) Have adverse effects on significant indigenous biodiversity;
iii) Have significant adverse effects on indigenous biodiversity;

2. SUPPORT - Method 9: Funding page 104
9.1 Providing financial support
9.1.1 Regional, city and district councils may:
a) Establish and administer funds to provide public access or services to sites of significance on privately owned land;
b) Fund community groups and projects with aims that complement RPS objectives and policies.

3. SUPPORT AND AMEND - Method 11: Advocacy and Facilitation –
11.2 Facilitation
11.2.2 Regional council will:
b) Facilitate the control of pest species, including wilding pines, particularly when it contributes to the protection or restoration of :
i) Outstanding or amenity landscapes;
ii) Indigenous species;

2. State what decision you want the Otago Regional Council to make:

1. AMEND - Method 7: Strategies and Plans (non-RMA) page 102 -

The ORC add the following :

- 4) Have adverse effects on significant outstanding or amenity landscapes
- 5) Have adverse effects on water catchments

Avoid, or minimise as far as practicable, the risk of wilding tree spread, through the location of planting, design of planting, species selection and management, once planting has occurred

Include provisions in a Regional Pest Management Strategy to assist in avoiding the risk of wilding tree spread, including consideration of specific nonregulatory methods such as rates relief, monitoring, and dissemination of information/education, that may assist parties in controlling the further spread of wilding trees.

2. SUPPORT- Method 9: Funding page 104

We support that ORC fund community groups and projects with aims that complement RPS objectives and policies.

We support that ORC contribute funding to groups such as the Wakatipu Wilding Conifer Control Group (WCG). That ORC actively contribute to funding the fight against wilding conifers in order to protect our regional landscapes, water resources, productive farmland, native flora and fauna and historic features.

3. SUPPORT AND AMEND - Method 11: Advocacy and Facilitation –

We support that 'outstanding or amenity landscapes' have been recognised when describing the effects and management of wilding conifers.

We would like the facilitative role changed to an active, functioning, operating role.

3. Give reasons for the decision you want made:

The WCG would like to recognise and commend ORC on their inclusion of 'outstanding or amenity landscapes' when describing the effects and management of wilding conifers.

This generation will win or lose the wilding war". Wilding conifer are one of the biggest issues facing the high country of Otago. Wilding spread is exponential, meaning what thousands of dollars can accomplish today, millions will be needed if the problem is not dealt with.

The wilding issue in the Otago region is currently at a point where the battle to gain control of areas can be 'won' if the work is completed now – 'a stitch in time saves nine'. What is required to reach this point is financial support for control work from ORC.

The uncontrolled spread of wilding conifers has the following key impacts on Otago's land and water resources that the Otago Regional Council should be concerned about:

- a) Loss of visual amenity from the views of beautiful golden tussock glacial landscapes being spoiled – the scenery is a key reason why people visit Otago and tourism drives the local economy.
- b) Loss of water into rivers / catchments due to high uptake and dense impenetrable canopy of wilding species (refer Attachment A for scientific research on this issue).
- c) Loss of productive farmland – the timber in wilding conifers has little economic use but a closed conifer canopy prevents grass growth for grazing.
- d) Loss of flora and fauna that is endemic (unique) to the Otago region. Once the conifer canopy closes, nothing grows underneath.
- e) Loss of historic features and archaeological sites from wilding damage. For example, wildings are obscuring historic sites in Skippers, Queenstown.
- f) Loss of the natural bush line, as exotic conifers have no natural control in New Zealand and can grow well above our natural tree line

Name of submitter:

ROD RUST

Organisation (if applicable):

SOUTH COAST BOARDRIDERS ASSOCIATION

Postal address:

1 The Esplanade
P.O. Box 2309
St Clair, DUNEDIN

Postcode:

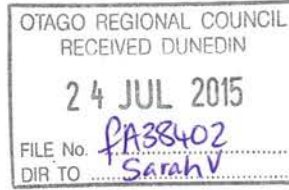
9012

Telephone:

0274 306648

Email:

southcoastboardriders@xtra.co.nz



I wish to be heard / do not wish (circle preference) to of my submission

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

Signature: Rod Rust Date: 23/7/2015

Trade competitors declaration (if applicable)

I could gain through trade competition from a subm. submission is limited to addressing environmental e. impacting my business

Signature:

Note that all submissions are made available for public inspection

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM, FRIDAY 24 JULY 2015





July 23 2015

To: Otago Regional Council

Re: Submission On Proposed Regional Policy Statement for Otago

My name is Rod Rust and I am submitting on behalf of the South Coast Board Riders Association, an incorporated society that was formed in 1966 to represent the collective surf riders of the region.

In the 40 years that I have been associated with the club we have been proactive in the stewardship and protection of our precious coastline's resources.

We were strong protagonists in the development of the recent NZCPS and finally achieved formal recognition of swell corridors and Surf Breaks of National Significance.

Four of the listed surf breaks gazetted in that document are within our region and we note that your proposed RPS for Otago has recognised them accordingly.

Overall, we applaud the approach of the proposed RPS but are bound to draw attention to a number of issues which we submit for your consideration as they relate to our particular area of concern and expertise, the Otago coast.

1: *To implement all of the excellent ideals espoused in Part A, "The Introduction", the resources of the Otago regional coastline need to be identified as such and recognised as valuable.*

Our comments therefore concentrate on Part B chapters 2 &3, and Part C methods 4 and 6.

2: *Part B Chapter 2 is key to our perspective and your page 23 sums up our position beautifully:*

"It is critical to recognise the value we place on Otago's natural resources and to manage these resources accordingly. This includes identifying resources which we want to preserve for future generations."

Policy 2.2.10

Finally, **“Surf breaks of National Importance”** are identified as a valuable resource, but only those 4 surf breaks imposed from the top down.

The significance of Otago's wealth of surf breaks cannot be overstated and only now is this goldmine being recognised by its own local authority.

The quality and quantity of surfbreaks in the Blueskin Bay area alone is so rare and important that there are moves to seek World Surfing Reserve status for the area from Taiaroa to Cornish Head. Such is its reputation !

*What is missing in this proposed policy statement is recognition of **“Surf Breaks of Regional Significance”** , and we feel it is an appropriate time for an inventory of these.*

Whilst the named surf breaks are a major draw card for tourists, an inventory of the surf breaks of the Otago Region needs to categorise and value more than just those that will draw the experts to our shores. The nursery breaks and intermediate breaks and other excellent breaks are part of the rare package that our region is blessed with..., a package that nurtures our own community as much as those who visit and are delighted by its diversity.

Whether such an inventory could be researched and mapped in consultation with the South Coast Board Riders by expanding policy 2.2.8 is uncertain to us. However, we do believe that it is an obligation under policies 13 &15 of the NZCPS and we are keen to give the ORC every assistance it needs to bring the coastal portion of our Regional Plan up to speed with other significant New Zealand surfing destinations, such as the Taranaki region for example.

It is our preference that this inventory be undertaken as a specific information gathering exercise done in conjunction with the local surfing community to properly assess the values we place on particular surf breaks, especially those which are not necessarily listed in the popular press.

Policy 2.2.11

“Managing Surf Breaks of National Importance” is great with its **“Protect”** message.

We would like to see that protection afforded to the Regional Surf Breaks when they are gazetted; and also, in terms of management, (should the unthinkable occur, like another Rena for example) that all surf breaks be subject to the pursuit of remedy and mitigation.

Objective 2.3

Regarding the objective 2.3, and the example given of management and administration of the Coastal Environment being complex and needing to be integrated...

It would be very helpful to be able to clarify the responsibilities of each Council and whom to contact in situations where the land meets the sea.

This has been of particular concern at St Clair over the years, and leads us to comment on the next objective...

Objective 3.3 & 3.4

The infrastructure failure at St Clair has made access dangerous, and frustrated local rescue services (St Clair and St Kilda Surf Lifesaving Clubs). Access for the public at large is a serious issue for all concerned.

Integration of management means working together with some clear delineation of responsibilities, some of which, we (SCBRA) as one of the foremost users of the coastal environment in Otago, would be very amenable to being involved in any processes that will be undertaken moving forward.

Part C Implementation

4.1.6...Council's undertaking to "maintain and wherever possible enhance access to Surf Breaks of National Significance" is well received by us.

Method 6 Research

6.2.1 b) ...ORC's undertaking to "Identify the values of Otago's coast and the processes and resources upon which those values are dependent"

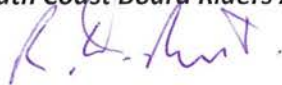
...Perhaps here the matter of mapping the inventory of Surf breaks and their swell corridors may also be addressed as part of the process.

We would like to reiterate our willingness to work alongside yourselves and the DCC and any other working parties with similar interests or submissions on this very important issue moving forward.

We do wish to be heard in respect of our submission, and will consider to present jointly at a hearing with the Surfbreak Protection Society or any other submitter with a similar submission.

Signed on behalf of South Coast Board Riders Association Incorporated

Rod Rust



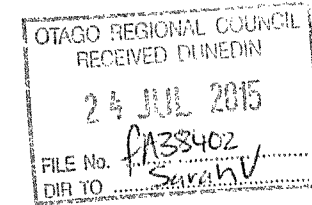
Environmental Officer SCBRA

South Coast Boardriders Association Incorporated
1 The Esplanade St Clair Dunedin Otago
PO Box 2309 South Dunedin 9012
Email: southcoastboardriders@xtra.co.nz



SUBMISSION FORM (Print clearly on both sides)

Proposed Regional Policy Statement for Otago



92

Office use only

Name of submitter:

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Postcode:

8024

Telephone:

(03) 339 7500

Email:

nickey.hogarth@holcim.com

I wish / do not wish (circle preference) to be heard in support of my submission

If others make a similar submission, **I will** / will not consider presenting jointly with them at a hearing (circle preference)

Signature:

Date: 24.07.15

(of submitter, or person authorised to sign on their behalf)

Trade competitors declaration (if applicable)

I could gain through trade competition from a submission, but my submission is limited to addressing environmental effects directly impacting my business

Signature:

Note that all submissions are made available for public inspection

**SUBMISSIONS MUST BE RECEIVED BY 5.00 PM,
FRIDAY 24 JULY 2015**



Send to:

Freepost ORC 497
Otago Regional Council
Private Bag 1954
Dunedin 9054

Please turn over

1 State what your submission relates to <i>and</i> if you support, oppose or want it amended	2 State what decision you want the Otago Regional Council to make	3 Give reasons for the decision you want made
<p>e.g. amend provision 'y'</p> <p>PLEASE SEE ATTACHED FILE</p>	<p>e.g. provision 'y' should say...</p> <p>PLEASE SEE ATTACHED FILE</p>	<p>e.g. I want provision 'y' changed because...</p> <p>PLEASE SEE ATTACHED FILE</p>

Submission on the Proposed Otago Regional Policy Statement

To: Otago Regional Council

Name of submitter: Holcim (New Zealand) Limited



Introduction:

1. This is a submission on the Proposed Otago Regional Policy Statement ("RPS").
2. The submitter could not gain an advantage in trade competition through this submission.
3. Holcim (New Zealand) Limited ("Holcim") is a wholly owned subsidiary of Holcim Ltd, one of the world's largest cement producers. Holcim's core business activities include the production and distribution of cement and aggregates. Holcim has been a supplier of cement to the New Zealand construction and building industries for in excess of 125 years.
4. In 2009 Holcim was granted consent to construct and operate a new cement manufacturing plant at Weston, and for an associated limestone-siltstone quarry and tuff quarry at Weston, coal pit at Ngapara and sand pit at Windsor. While Holcim has decided not to implement the resource consents in the immediate future, it has retained ownership of the land and minerals so that the Weston project can be reactivated at some point in the future.
5. The minerals are fixed in location, and the Weston site was determined by Holcim to be the most appropriate location nationally for the development of a new cement plant. Holcim is primarily concerned to ensure that the possible future extraction of limestone and coal and the possible development of a cement plant at Weston are not compromised by activities established near to those resources which are not fixed in location, and which do not rely on access to those mineral resources.

General Submission

6. The RPS does not currently contain appropriate or sufficient provisions that promote the responsible use of minerals, recognising that they are fixed in location, and need to remain available for future generations. The RPS should therefore recognise the need to protect mineral resources from encroachment by incompatible land uses that could reasonably be located elsewhere.
7. The RPS should recognise that mineral processing activities do, or could, occur in rural areas and must locate there because of the presence of the mineral resource. The effects of mineral processing activities (primarily air and water discharges) must be properly managed in the rural environment, but the RPS should recognise that rural areas do, and could in the future, also include appropriate industrial activities which should not be compromised by other activities (especially residential and rural residential activities).
8. Holcim seeks that these matters be provided for in objectives and policies in the RPS. This will enable them to be reflected in subordinate regional and district plans and for local authorities to find policy support in the RPS for addressing potential 'reverse sensitivity' issues related to the mineral extraction industry.

Specific Submission

9. Holcim seeks:
 - i. Policy 2.1.4 be retained as notified;
 - ii. Objective 4.3 be retained as notified;
 - iii. The issue associated with Objective 4.3 is retained as notified;
 - iv. The 'need' statement associated with objective 4.3 is retained as notified;
 - v. The explanation statement beneath Objective 4.3 on page 82 of the RPS be retained as notified;
 - vi. Policy 4.3.6 be retained in part and otherwise amended as follows:

Policy 4.3.6

Managing locational needs for mineral and gas exploration, extraction and processing

Recognise the needs of mineral exploration, extraction and processing activities to locate where the resource exists, and manage them by:

- a) Giving preference, where possible, to avoiding their location in:
 - i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna; or

- ii. Outstanding natural features, landscapes and seascapes; or
- iii. Areas of outstanding natural character; or
- iv. Outstanding water bodies; or
- v. Areas subject to significant natural hazard risk; and

b) Restricting Avoiding the establishment of those activities in or adjacent to areas used for mineral and gas exploration, extraction and processing or in areas containing or adjacent to regionally significant mineral resources that may result in reverse sensitivity effects or compromise future mineral extraction and processing activities.

c) Identifying mineral deposits for future use and safeguarding the regionally significant ones from inappropriate land use, subdivision and development.

d) Enabling industries that principally use the products of mineral extraction activities to co-locate in, or adjoining, land containing mineral extraction activities or mineral resources.

- vii. Policy 4.5.6 be retained in part and otherwise amended as follows:

Policy 4.5.6

Managing adverse effects from mineral and gas exploration, extraction and processing

Minimise significant adverse effects from the exploration, extraction and processing of minerals, by:

- a) Giving preference to avoiding their location in:
 - i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna; and
 - ii. Outstanding natural features, landscapes and seascapes; and
 - iii. Areas of outstanding natural character; and
 - iv. Outstanding water bodies; and
 - v. ~~Areas subject to significant natural hazard risk;~~

b) Where it is not possible to avoid locating in the areas listed in a) above, avoiding significant adverse effects of the activity on those values that contribute to the significant or outstanding nature of those areas; and

c) Avoiding adverse effects on the health and safety of the community; and

d) Remedying or mitigating adverse effects on other values; and

e) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and,

- f) Reducing unavoidable adverse effects where practical by
 - i. Staging development for longer term activities; ~~and~~ or

- ii. Progressively rehabilitating the site, where possible; or
- iii. Preparing management and mitigation plans

g) Considering the use of offsetting, or compensatory measures, for residual adverse effects; ~~and~~

~~h) Applying a precautionary approach to assessing the effects of the activity, where there is scientific uncertainty, and potentially significant or irreversible adverse effects.~~

- viii. Insert a new policy X as follows:

x. Recognise the benefits derived from mineral prospecting, exploration, extraction and processing, particularly their contribution towards social, cultural and economic wellbeing.

- ix. Policy 4.5.7 be retained in part and otherwise amended as follows:

Policy 4.5.7

Enabling offsetting of indigenous biodiversity

Enable offsetting of adverse effects on indigenous biodiversity values, ~~only~~ when:

- a) The activities causing those effects have a functional necessity to locate in significant or outstanding areas; ~~and/or~~
- aa) The activities causing those effects are regionally or nationally significant; and
- b) Those effects cannot be avoided, remedied or mitigated; and
- c) Those effects do not result in the loss of irreplaceable or vulnerable biodiversity.

- x. Policy 4.5.8 be retained in part and otherwise amended as follows:

Policy 4.5.8

Offsetting for indigenous biodiversity

Provide for offsetting for indigenous biodiversity, when it is enabled, by ensuring that:

- a) The offset achieves no net loss and where possible preferably a net gain in indigenous biodiversity values; and
- b) The offset is undertaken close to the location of development, where this will result in the best ecological outcome; and
- c) The ecological values being achieved are the same or similar to those being lost; and
- d) The positive ecological outcomes of the offset last at least as long as the impact of the activity, if practicable.

- xi. Amend Method 4: City and District Plans to require Council's to:
- Identify regionally significant mineral resources and mineral extraction activities to be protected from reverse sensitivity effects; and
 - Apply buffers and setbacks to regionally significant mineral resources and mineral extraction activities to avoid reverse sensitivity effects.

General Reasons for Submission

10. At a general level, for the provisions of the RPS that the submitter supports, those provisions:
- (a) will promote sustainable management of resources, achieve the purpose of the RMA and are not contrary to Part 2 and other provisions of the RMA;
 - (b) will enable the social, economic and cultural well-being of the community in the region;
 - (c) will meet the reasonably foreseeable needs of future generations; and
 - (d) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.
11. For those provisions of the RPS that the submitter opposes, those provisions require amendment, as sought. This is because, without the amendments proposed by the submitter, the provisions:
- (a) will not promote sustainable management of resources, will not achieve the purpose of the RMA and are contrary to Part 2 and other provisions of the RMA;
 - (b) will not enable the social and economic wellbeing of the community in the region;
 - (c) will not sustain the potential of the physical resource represented by the submitters' assets in the region for the future;
 - (d) are not adequate to protect and enable the submitters' operations in the region generally;
 - (e) do not have sufficient regard to the efficient use and development of the submitters' assets and of those resources which are dependent on, or benefit from, the submitters' assets and operations; and

- (f) do not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means, and do not discharge the Council's duty under section 32 of the RMA.

Specific Reasons for Submission

12. A sustained supply of minerals and aggregate is essential for the continued development of the region and wider New Zealand. Mineral and aggregate demand is essentially driven by population growth. As the population grows, a sustained supply of minerals and aggregate will not only be required to provide for building, construction and roading projects associated with this growth, but it will also be needed to maintain and redevelop existing infrastructure which is key to unlocking regional economic potential. Minerals and aggregate are extensively used in manufacturing, including ready-mixed and asphaltic concrete, pre-cast concrete beams and panels, masonry, pavers, pipes and other products.
13. Although minerals and aggregate are a commodity upon which everyone depends, the importance of aggregate resources to regional economies is not always fully appreciated. New Zealand's annual aggregate production since 1993 amounts to nearly 500 million tonnes of quarried rock, sand and gravel. Estimates for the annual per capita consumption of aggregate range between 7.5 tonnes per person to 11 tonnes per person. Between 1991 and 2007, the use of aggregate in New Zealand for roading and building increased at an average annual rate of 5% per annum.
14. Economic wellbeing considerations are intertwined with the concept of the sustainable management of natural and physical resources, as embodied in the RMA. In particular, section 5(2) refers to enabling "*people and communities to provide for their ... economic ... well being*" as part of the meaning of "*sustainable management*". Section 7(b) of the RMA directs that, in achieving the purpose of the RMA, all persons "*shall have particular regard to ... the efficient use and development of natural and physical resources*". Because of the significance of minerals and aggregate in building and infrastructure, enabling the extraction of locally sourced low cost minerals and aggregate is important to economic wellbeing and the efficient use and development of resources.
15. Lower prices in turn reduce the cost for infrastructure and construction projects. This directly enables "*people and communities to provide for their economic wellbeing*", resulting in positive effects. To achieve this, there is not only a need to expand existing quarrying activities, there is also a need to find new sources of minerals and aggregate, to meet demand well into the future. This is consistent with the requirement on Council to have particular regard to the "*efficient use and development of physical and natural resources*", along with their sustainable management.

Relief sought

16. The submitter seeks the following decision from the Council:
 - (a) that the proposed provisions be amended to address the concerns set out in this submission so as to provide for the sustainable management of the region's natural and physical resources and thereby achieve the purpose of the RMA.
 - (b) any other additional or consequential relief to the RPS, including but not limited to, the maps, issues, objectives, policies and explanations that will fully give effect to the matters raised in this submission.
17. There may be other methods or relief that are able to address the submitter's concerns, and the suggested revisions do not limit the generality of the reasons for this submission.
18. The submitter requests that the Council undertake alternative dispute resolution procedures prior to the hearings, so that the issues underpinning this submission can be better resolved without the need to rely on substantial participation in the formal hearing process.
19. The submitter wishes to be heard in support of its submission.
20. If others make a similar submission, the submitter will consider presenting a joint case with them at any hearing.

Signature:

FOR THE SUBMITTER

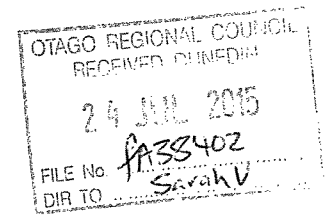


Nicky Hogarth
Environmental Manager
Holcim (New Zealand) Ltd
Date: 24 July 2015

Address for Service:
PO Box 6040
Christchurch
Phone (03) 339 7582
e-mail nicky.hogarth@holcim.com

Sarah Valk

From: jolyon <jolenda@ihug.co.nz>
Sent: Friday, 24 July 2015 2:50 p.m.
To: RPS ORC
Subject: SUBMISSION JOLYON MANNING



GREETINGS FROM JOLENDALE PARK. Here's my submission that could perhaps find a place on the file with earlier submissions.

Jolyon Manning JP Jolendale Park, 9 Peterson Place, Bridge Hill, Alexandra 9320
 Tel. 03 448 9399 Email jolenda@ihug.co.nz Website www.jolendale.com
 24 July 2015. Yes, I would be pleased to front up to panel members in due course.

OTAGO Draft RPS 2015 / 2025

Since the earlier discussion I have given much thought to the ' Otago Future ' theme. It seems a long time since we last had a gathering of Otago sector leaders to consider such matters. The RMA schedule for such debates was first introduced in 1991. I personally attended many days of formal hearings related to Contact Energy hydro dams at Roxburgh and Clyde about a decade ago, and again in consideration of an ambitious proposal to create a very large wind energy complex in the Lammerlaws. In such hearings we can better understand the wide ranging community viewpoints and legal considerations that flow from the RMA statute.

Much of my professional life has been devoted to the matter of regional development both here in Otago and also in serving national advisory agencies responsible for oversight of the forestry, tourism and national parks sectors. It is difficult to confine my accumulated experience as a sort of ' Mr Otago ' to the present exercise being conducted by the ORC.

A broad present day overview of the ' progress ' of Otago would suggest a rather average performance in most key socio-economic issues when compared with other provinces. However this disguises some really important underlying detail. Two thirds of the expansion since the turn of the century has been centred in the QLDC and CODC inland districts dominated by the lifestyle settlement, international tourism and grape growing business businesses. Dunedin's growth has been handicapped by a seemingly endless succession of major firms moving out of the district - including Shacklock's and the Railway workshops, with threatened loss of at least part of the Invermay agricultural research unit. Oamaru is currently showing fresh enterprise with additional irrigation but discouraged by postponement of the big cement mill. South Otago has suffered from the failure of downstream processing of a steadily expanding harvest of quality conifer softwood plantations nearby.

Spectacular expansion at the University of Otago and Otago Polytechnic appears now to have slackened somewhat. These investments have hitherto compensated employment wise for losses of commercial jobs in the City. The advent of huge cruise ships at Port Chalmers and special Stadium events do not provide regular well paid jobs. There is currently a real crisis in city hospital management and the pursuit of millions of dollars for clinical service block replacement. Together with the major update of the nearby Dental School one can only but worry about a forthcoming and predictable crisis for those travelling on bicycles in the same congested site as construction teams move in.

When looking ahead to the next decade we have only to consider the changes of the past 10 years in Otago. An unprecedented lifestyle settlement at McArthur ridge (near Alexandra) would have provided housing equivalent to that already established in Clyde. This has been abandoned. So has a major goldmining venture in the nearby

Earnsclough Flats. On the other hand the fortunes are gathering at Cromwell where its closer access to major expansion in Wanaka and Queenstown / Arrowtown assure building firms to relocate from Alexandra to Cromwell. It is easy to forget that Alexandra was until quite recent times the administrative capital of a 'Central Otago' that included the Lakes District, Lawrence and Tapanui.

Queenstown is now expected to become the South Island's first inland city and its present rate of settlement growth closely matches that of Auckland. Its airport has a passenger throughput equal to about 50% more than that of Dunedin whose traffic is boosted by the presence of the University of Otago.

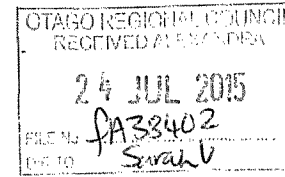
Otago has seen a few spectacular farmland conversions to pivot irrigated pastures with dairying. Hopefully its continued dominance in sheep and wool will be rewarded with a lower NZ dollar. But Otago does need more job rich downstream processing - quality fine wools, conifer softwoods, aluminium nearby, and cheap hydro energy, all internationally competitive in pricing - these elements brought together must surely find a place on the international market.

It is now 15 years since the big Clutha flood events but the recent South Dunedin flooding reminds us of the continuing need for vigilance. The ORC has a special role here. The Christchurch earthquake has brought us all a vital understanding of these risks.

I think the ORC should have a stand alone quality soil monitor policy - a follow up of the earlier 'Grow Otago' project. The advent of pivot style irrigation and abandonment of hedgerows and shelterbelts has set back important elements of biodiversity. The loss of big trees in the settled urban districts has also set back biodiversity. Climate change is a fact of life. I would welcome the opportunity to submit a comprehensive paper on this topic. Indeed there are many aspects relative to Otago's Future I would have discussed but there is a limit in this sort of consultation.



SUBMISSION FORM (Print clearly on both sides)
Proposed Regional Policy Statement for Otago



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Office use only

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If others make a similar submission, I will / will not consider presenting jointly with them at a hearing (circle preference)

Signature: *JW Douglas* Date: *24 July 2015*
(of submitter, or person authorised to sign on their behalf)

Trade competitors declaration (if applicable)

I could gain through trade competition from a submission, but my submission is limited to addressing environmental effects directly impacting my business

Signature:

Note that all submissions are made available for public inspection

**SUBMISSIONS MUST BE RECEIVED BY 5.00 PM,
FRIDAY 24 JULY 2015**



Send to:
Freepost ORC 497
Otago Regional Council
Private Bag 1954
Dunedin 9054

Please turn over

1 State what your submission relates to and if you support, oppose or want it amended	2 State what decision you want the Otago Regional Council to make	3 Give reasons for the decision you want made
e.g. amend provision 'y'	e.g. provision 'y' should say...	e.g. I want provision 'y' changed because...
Overall the proposal is very good - now to be implemented.		
Objective 2.1 2.1.1 2.1.2	to include in methods - Water Conservation Order(s)	WCOs are a very important legislation.
Objective 2.1 2.1.6	DOC Tenure Reports / scientific Reports	Provide good background and an information resource.
Objective 2.2 2.2.2	" " "	Identifies many heritage sites in Otago.
Objective 4.1	Methods to make mention:- the Heritage NZ reports / listings	Appears this Reserve around the rock has been overlooked.
Schedule 2	Kapuwai (Old Man Rock, Old Man Range	to be added as (e) Under z - Sensory attributes
Schedule 4	distinctive seasonal changes	

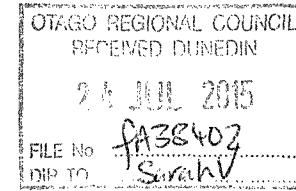


SUBMISSION FORM (Print clearly on both sides)

Proposed Regional Policy Statement for Otago

95

Office use only



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Trade competitors declaration (if applicable)

I could gain through trade competition from a submission, but my submission is limited to addressing environmental effects directly impacting my business

Signature:

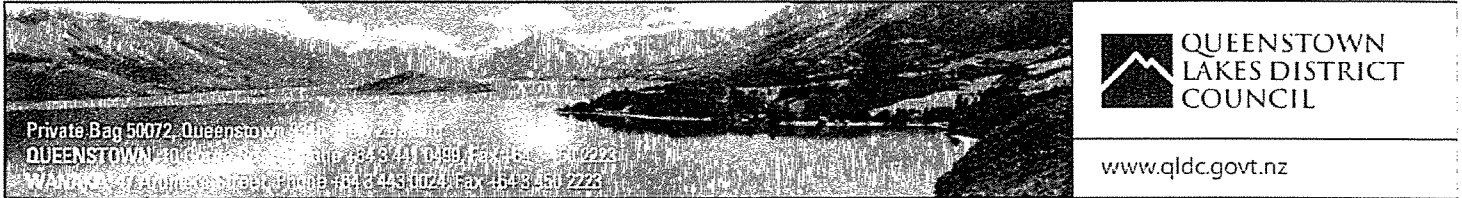
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Private Bag 1954
Dunedin 9054

Please turn over



24 July 2015

Dale Meredith
Manager Policy
Otago Regional Council
Private Bag 1954
DUNEDIN 9054

OFFICE OF THE MAYOR

Dear Dale

FEEDBACK ON PROPOSED OTAGO REGIONAL POLICY STATEMENT

Thank you for continuing to involve QLDC in the development of the ORC's Proposed Regional Policy Statement (RPS). We note that the feedback we have provided to date has been considered and has been reflected in some changes in the latest version.

We firstly wish to commend the ORC in developing a new generation RPS which addresses current planning issues in a clear and concise manner, and will support the ongoing integration of local and regional decision making. The approach of the RPS in relation to the managing urban growth is generally consistent with QLDC's direction, and the principles for urban growth and design align well with the QLDC Proposed District Plan (to be notified in August 2015). In particular, Policies 3.7.2 and 3.7.3 provide the framework for sustainable building forms which are encouraged via the High Density and Medium Density Residential provisions of the Proposed District Plan.

We also wish to highlight support for the encouragement of small scale renewable energy generation in minimising reliance on fossil fuels and improving the resilience of local energy supplies. This is also an element which QLDC is seeking to encourage via a more enabling regulatory framework.

Additionally, provisions relating to pest management provide the basis for more effective control of wilding pines, an issue particularly significant for this District. We support policies 2.2.4, 2.2.6(e) and 2.2.13(d), and look forward to working with ORC in developing the Pest Management Strategy and specific actions and priorities going forward.

As discussed over the phone on the 17 July 2015, QLDC has some remaining concerns and questions relating to the following key matters within the Proposed RPS:

- Natural hazards
- Climate change
- Urban growth
- Scenic Amenity Landscapes
- Roles and responsibilities

Additionally, we also wish to make further general comments and identify suggested amendments to address local resource management issues. These more general comments are detailed within Attachment A.

Natural hazards:

Objectives 3.2, 3.7; Policies 3.2.6, 3.2.11, 3.7.1(c), 3.8.1 and AER 3.1

We support ORC's current approach with regard to the choice of methods for the identification of natural hazards; and scope for site specific hazard investigations where there is limited information with regard to natural hazard risk or effects. The general risk based approach to assessing and managing natural hazards is also positive improvement to the operative RPS. However, we have remaining concerns with the extent to which the current drafting acknowledges the constraints of natural hazards within the Queenstown Lakes District; the finite area of land suitable for urban development and significant growth pressures affecting this land.

Avoidance of "significant" risk

The current structure of policies within the Proposed RPS relating to managing natural hazard risk place a strong emphasis on the "avoidance" of risk, and do not sufficiently balance development pressures on a limited land supply.

For example, Policy 3.2.6 states (emphasis added):

"Avoid increasing natural hazard risk, including by:

- a) Avoiding activities that **significantly increase risk**, including displacement of risk off-site; and*
- b) Encouraging design that facilitates:
 - i. Recovery from natural hazard events; or*
 - ii. Relocation to areas of lower risk".**

Policy 3.7.1(c) states (emphasis added):

"Encourage the use of good urban design principles in subdivision and development in urban areas, as detailed in Schedule 6, to:...

- c) Reduce risk from natural hazards, including by **avoiding areas of significant risk**"*

Whilst we support the approach of "avoiding" development in greenfield areas subject to significant hazard risk, we also note that QLDC's objectives for reducing urban sprawl and improving the efficient use of existing urban areas will necessitate further infill within existing urban areas. In such circumstances, the complete "avoidance" of natural hazard risk may not be appropriate or achievable.

Secondly, "significant" is not defined in this context, and there is no explicit option under these policies to enable development to proceed where innovative design or mitigation is able to reduce risk to an acceptable level. It may be completely feasible that mitigation of hazard risk may be possible by hard mitigation controls (such as bunds or retaining walls), or site design methods (such as increased height of building platforms). It is considered in the QLDC context that mitigation options be considered on a case by case basis, and should be informed by a site specific analysis (as enabled by Method 4.2.6).

The social and economic consequences of "avoidance" strategies are significant on local, regional and national levels. Such consequences are likely to be significant to the

Queenstown Lakes District, given that existing development may be within areas considered to be of 'significant risk'. These include:

- Inability to meet housing and accommodation demands to address significant growth pressures
- Increased overcrowding and social health concerns due to lack of new housing
- Compromised urban growth boundaries and need for new settlements at increasing distances from urban centres, with associated environmental, social and financial implications
- Viability of town centres and public transport routes compromised by lack of density
- Economic and tourism decline, associated with all of the above.

We also note that it is not possible to fully appreciate the costs and benefits of avoidance strategies without an understanding of what 'significant' risk is, or where these areas may be.

We understand based on our discussion with ORC on 17 July, that the policy approach of the Proposed RPS was intended to enable local councils to use their discretion in determining appropriate methods of managing natural hazard risks. We also understand that reference to "significant risk" was a result of questions around the robustness of previous policies which otherwise referred to "intolerable" risk.

To enable QLDC sufficient discretion to manage natural hazard risks, we seek an alternative approach that recognises within urban limits there may be natural hazard risks and these need to be appropriately managed and mitigated. It is appreciated that the methods of managing risk will be dependent upon the tolerance of the community, the willingness to accept risk, and how limited the land resource is at any given point in time.

Accordingly, we suggest that the scope of Policies 3.2.6 and 3.1.7 is widened to enable consideration of the extent to which risk can be mitigated or reduced to tolerable levels. This is consistent with a risk based planning approach reflected by the current research of GNS, and AS/NZS ISO 31000:2009 (as referenced in ORC's s32 analysis).

Relating to the aim of risk reduction, it is considered that the intent of policy 3.2.6 and 3.7.1(c) would be maintained by amending these policies to include reference to "*avoiding or reducing natural hazard risk*", and the encouragement of design that facilitates an acceptable reduction in natural hazard risk. These amendments retain the overall goal of risk reduction, whilst enabling flexibility to allow for site specific analysis.

Tolerance

The Proposed RPS also refers to the concept of community "tolerance" to natural hazards (Policy 3.2.4, 3.2.7 & AER 3.1). The concept of tolerance is not discussed or defined. AER 3.1 states that: *Otago's communities have defined their tolerance of risks from natural hazards and climate change* and that this risk tolerance is reflected in planning documents.

We interpret the intent of Policy 3.2.4 and 3.2.7 as being sufficiently wide in scope such that tolerance should be considered as just one of a number of items to be had "regard to" when considering methods to reduce and manage hazards. We also understand that ORC sought not to define this term. However, we seek further clarification on the meaning of this concept moving forward, and the intended roles and responsibilities of District and Regional Councils in addressing this.

QLDC would support an approach that provides territorial authorities with the responsibility to determine, in conjunction with the community, what their tolerance of natural hazard risk is, and to identify appropriate tools and methods to manage this risk.

Overall, QLDC appreciates the need for responsible management of natural hazards to protect community health and safety. However, we consider that the proposed policy approach does not recognise QLDC's unique circumstances and the need to enable infill development to meet predicted levels of growth. We seek greater flexibility within the policy approach to enable consideration of hazards by means appropriate for the local context.

Climate change AER 3.1

It is appreciated that how climate change is defined and managed will vary by location and environmental context. This is suitably acknowledged by the structure of objectives and policies of the RPS relating to climate change. However, the Anticipated Environmental Results (AER) associated with climate change do not apply the same level of flexibility.

AER3.1 states (emphasis added):

*"New developments and activities require **no financial assistance** from the community to persist through natural hazards and climate change"*
*Evaluation reports show new developments and activities can **withstand** the effects of natural hazards and climate change"*

We consider that this AER is possibly impractical to achieve. Climate change is undefined, and by nature is wide in scope and application. For example, climate change effects may extend to an extreme rainfall or snowfall event. Whilst QLDC seeks to minimise the effects of climate change and financial liability to the community associated with extreme events, it may not be feasible that no financial assistance would be required after such an event. Furthermore, "withstand" is also a significantly high bar to achieve, given the uncertainty and changing nature of climate change. It is also unclear as to what is meant by the term "new developments", as this could practically apply to a wide range of 'new' buildings or developments, wherever located.

We suggest that this AER may not be appropriate to apply generally across all climate change events. QLDC would prefer that such criteria are rephrased to reflect the goal of improving community resilience and reducing liability associated with climate change.

Urban Growth: **Objectives 3.7, 3.8; Policies 3.8.1, 3.8.2, 3.8.3; Method 4.1.12, 5.1.2(ii); Definition of 'Urban growth boundary'**

The approach of the RPS in relation to the managing urban growth is generally consistent with QLDC's direction; however there are a few inconsistencies in the intended role and function of urban growth boundaries (UGB's).

Analysis undertaken for the preparation of the Proposed District Plan demonstrated that staging and sequencing of land release within UGB's is problematic, and may have unintended economic consequences. In seeking to address housing affordability and improve the ease of housing development QLDC has intentionally avoided interfering with market control over land release. This also minimises the potential for urban containment to increase property values.

Furthermore, the function of UGB's in the Queenstown Lakes District is not only related to land supply, but also protecting the cohesion and heritage/character of urban centres. For this reason, they will not in all cases necessarily cater for 10 years of growth. Reference to providing 10 years of growth is problematic, and may result in the perception that increased density is not necessary because sufficient supply exists for a 10 year period.

Therefore, we would prefer that the definition and function of urban growth boundaries within the Proposed RPS does not refer to staging or sequencing, or specify a time period of growth.

We also anticipate that urban growth boundaries would be reviewed and potentially amended over time. For this reason, we request that the RPS provide the framework for the use of UGB's as a tool, but that the mapping of UGB's is limited to the District Plan, and not replicated within the RPS. We understand discretion is enabled on this matter by Method 5.1.

Special Amenity Landscapes

Based on our discussion of 17 July, it is understood that the term 'Special Amenity Landscapes' has been determined to apply generally across the region, and that District councils have the ability to determine specific titles more appropriate for specific locations/areas.

However, we seek to question Method 6.1.2(d) which states:

*"Regional, city and district councils, in their areas of responsibility, **will** identify...
d) Special amenity landscapes".*

It is suggested that the identification of Special Amenity Landscapes be at the discretion of the territorial authority, where necessary to give effect to Section 7(c) of the RMA. It is therefore requested that this method state 'may' rather than 'will'.

Additionally, we seek clarification as to whether this term would be intended to also apply to urban environments or heritage sites with particular amenity values, and if so, whether this is suitably addressed by the policy framework.

Roles and responsibilities

Method 6.3.1, Method 6.4.1

Method 6.3.1 states that District Councils *will* undertake State of the Environment Reporting. The current role of QLDC with regard to the management and monitoring of the environment is governed by the roles and responsibilities under the *Local Government Act 2002* and *Resource Management Act 1991*. Whilst we recognise the value of such a task, we note that this is not a specific requirement of these Acts. Section 35 of the RMA states that:

*"Every local authority shall monitor—
(a) the state of the whole or any part of the environment of its region or district—
(i) to the extent that is appropriate to enable the local authority to effectively carry out its functions under this Act; and..."*

Section 35 enables a local authority to undertake State of the Environment reporting where appropriate or necessary; however this responsibility is not mandatory. As such, it is considered that the Councils role with regard to environmental monitoring is best delivered by the existing responsibilities under these Acts.

Additionally, Method 6.4.1 states that District Councils *will* include indicators for determining plan effectiveness in all plans developed under the RMA. Again, whilst we support the approach of the RPS in defining indicators of plan effectiveness; we consider our role with regard to monitoring the effectiveness of the District Plan is governed by Section 35 of the RMA. Section 35 of the RMA states that a local authority shall monitor "*the efficiency and effectiveness of policies, rules, or other methods in its policy statement or its plan*" however does not specify the method of doing so. It is considered the monitoring approach is best tailored according to the particular context and subject matter, and that flexibility should be enabled for the District Council to determine appropriate evaluation methods.

Overall, we consider that the implementation of Section 35 of the RMA is best determined by the territorial authority, with flexibility retained to adapt to local issues and needs. As such, we request that Methods 6.3.1 and 6.4.1 are reformulated to state to 'may', rather than 'will'.

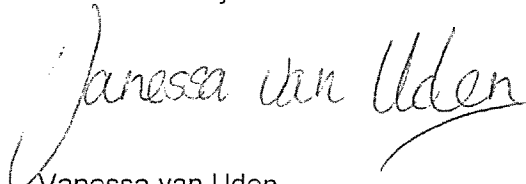
General comments

More general comments relating to the provisions of the Proposed RPS are included in Attachment A.

I would also again draw your attention to the draft Strategic Direction Chapter of the proposed District Plan. This chapter sets the framework for the Proposed District Plan and acts as a set of guiding principles for policy development. The QLDC Proposed District Plan will be notified in August 2015 and we look forward to working with you to ensure that this appropriately integrates with the Proposed RPS.

Thank you for considering this feedback and continuing to involve us in the development of the Proposed RPS.

Yours sincerely



Vanessa van Uden
MAYOR

Attachment A – General comments

Reference	Comment	Action sought
Heritage		
Method 4.1.9(a)	Promoting the use of accidental discovery protocols (for archaeology) should not be a substitute for correctly assessing the effects of development on historic heritage. Additionally, this method statement is currently linked to Policy 4.3.2 (<i>Managing land use change in dry catchments</i>) – however is likely to be relevant to other policies more specifically related to heritage.	Consider inclusion policies and methods to guide historic heritage assessments, and linkage of Method 4.1.9 to other policies more specifically related to heritage.
General	The document does not make it clear on who is responsible for identifying historic heritage. This covers a wide range including cultural sites, archaeology, landscapes as well as built heritage and precincts.	Clarify intended roles and responsibilities for historic heritage.
General	The items identifying historic heritage are specific to built features and there does not appear to be a reference/policy that recognises vegetation within urban environments and exotic vegetation such as protected trees.	Recommend inclusion of vegetation within the scope of policies relating to historic heritage.
Energy		
Intro to Chapter 3 (page 43) Objective 3.6	Support for local energy production and conservation will also reduce reliance on fossil fuels and improve resilience.	Consider greater emphasis on the importance of local energy production
Climate change		
Objective 3.3	Objective does not recognise the increasing frequency of extreme events associated with climate change.	Consider including recognition that extreme weather events are becoming more common, increasing demands on infrastructure networks.
Urban Growth		
Policy 3.8.1(f) (Low or no emission heating systems)	Policy 3.8.1 proposes to require the use of low- or no-emission heating in new urban areas, in areas with degraded air quality, or at risk of degradation. However, the RPS does not provide detail of the specific locations to be managed, or 'air pollution sensitive areas'.	Suggest inclusion of specific locations subject to management control, or linkage to relevant external documents.
Policy 3.8.3 (a) – Managing fragmentation of rural land "Avoid development or	Primary production is undefined. If avoidance strategies are sought then further definition of the activities encompassed by primary production should be provided (eg. does this term extend to the wine industry?). An activity may affect the potential use of land for productive use, but this productive use may not	Define 'primary production'. Consider appropriateness of avoidance in all economic circumstances.

fragmentation of land which undermines or forecloses the potential of rural land: (a) for primary production...."	be of strategic or economic importance – and this fact changes over time. Suggest greater scope enabled to determine avoidance which is consistent with potential economic significance of the loss of productive capacity; and reference to permanent loss of productive capacity – recognising that some effects may be temporary.	
Tangata whenua		
General	Tangata whenua values are given elevated prominence in the document. District Council obligations under the Treaty, and duty and method of consultation are expressly included within the RMA, repetition of such protocols within the RPS is unnecessary. Iwi management plans exist and should be referenced in favour of duplicating their content in the RPS.	Greater reference to Iwi Management plans in favour of replication.
Otago's significant and highly-valued natural resources		
Policy 2.2.1 and 2.2.2	QLDC wishes to acknowledge our support for these policies and confirm that these align well with the approach of the Proposed District Plan in managing significant indigenous vegetation and significant habitats of indigenous fauna.	N/A - QLDC wish to acknowledge support for these policies.
Outstanding natural features and landscapes		
Policy 2.2.3 and 2.2.4	QLDC wishes to acknowledge our support for these policies. Identifying outstanding natural features and landscapes supports the Council's approach to identify and map these in the Proposed District Plan, and will be important in providing certainty to the community, in addition to improving the efficiency of regulatory processes.	N/A – QLDC wish to acknowledge support for these policies.
Special Amenity Landscapes		
Method 6.1.2(d) "Regional, city and district councils, in their areas of responsibility, will identify... d) Special amenity landscapes".	Suggest that the identification of Special Amenity Landscapes be at the discretion of the territorial authority, where necessary to give effect to Section 7(c) of the RMA.	Amend Method 6.1.2 to state district councils 'may' identify Special amenity landscapes
Structure/formatting		
General	Objectives and policies are repeated (in full) several times throughout the document.	Suggest that repetition be reduced to assist in a more streamlined document.
Issue statements	Issue statements are perhaps unnecessary within the RPS itself and are more relevant to the s32 analysis.	Removal of issue statements may assist in a more

		streamlined document.
Public Transport		
Policy 3.6.6	It is also important to highlight that public transport networks and facilities (eg bus shelters) should be considered during the planning stages of development as an integral component of the transport system. Retrofitting systems into developed urban areas can be challenging and often more costly.	Recommend that policy addresses the need to consider public transport requirements during site design and transport planning phases.
Economic production		
Policy 4.3.4	The term "central business district" does not appropriately reflect the nature of urban centres within the Queenstown Lakes District.	Recommend that this Policy also includes reference to 'Town Centres' to ensure appropriate application in the Queenstown Lakes District.
Environmental enhancement		
Policy 4.4.3	This policy could also encourage activities which contribute to (or minimise effects on) the recharging of ground water, potable water tables and aquifers.	Consider inclusion of water quantity and quality as an additional matter of consideration within this policy.
Mineral Gas Exploration		
Policy 4.5.6	It is appreciated that this policy is intended to be general in nature and does not contain provisions specific to any type of mineral activity. However it is questioned whether the policy has sufficient strength to consider the potential effects of fracking, specifically with regard to impacts on water quality and quantity; potential increased earthquake risk; and soil/water contamination. Additionally, subsequent policies do not consider potential requirement for offsetting due to impacts to water.	Request inclusion of policy to address the potential known or feasible risks of mineral exploration, particularly fracking; and scope for offsetting for significant water quality/quantity effects.
Urban form and design		
Schedule 6	Request more specific recognition of: <ul style="list-style-type: none"> • 2 (h) – connections with blue networks, as reflected by Objective 3.7 • 3(h) - cycling connectivity • 4(b) - stronger emphasis on heritage to consider adverse effects but also the positive effects of proposals which can enhance the value or useability of a heritage feature. 	Request inclusion of the matters identified.

Schedule 6, 3(a)	Request clarification of the meaning of "disadvantaged". The wording of this provision suggests that the disadvantaged should be given priority within an urban context. Depending on the meaning of this term, this extends into social planning and is outside the scope of the regional councils functions under the RMA.	Clarify meaning and suggest 'especially' is amended to 'including' to avoid suggestion that one social group has priority over another.
Natural Resources and Ecosystems		
Chapter 2 – Introduction	The introduction of this chapter refers to the intrinsic values of the environment in the context of values to people. However it is considered that greater emphasis could be placed on the inherent natural values of flora and fauna, and greater recognition of ecosystem services that they provide.	Consider greater emphasis on natural values and ecosystem services.
Method 6.3.1 – State of the Environment Reporting	We would encourage inclusion of the assessment of 'ecosystem services' within the Proposed RPS, and State of the Environment Reporting. This will provide the basis for further investigation of the effects of development on ecosystem services.	Consider inclusion of assessment of ecosystem services within State of the Environment reporting.
Infrastructure of national and regional significance		
Policy 3.5.2	It is recognised that this policy seeks to avoid impacts to outstanding natural features, landscapes and seascapes associated with the development of infrastructure of national or regional significance. Given the extent of outstanding natural features and landscapes within the Queenstown Lakes District, it is requested that this policy be strengthened to include greater emphasis on the consideration of alternatives; and that location within outstanding natural features, landscapes and seascapes should only occur where there are no feasible alternatives.	Request that policy is strengthened with regard to the protection of outstanding natural features and landscapes.