



SUBMISSION FORM (Print clearly on both sides)

# Proposed Regional Policy Statement for Otago

OTAGO REGIONAL COUNCIL  
 RECEIVED DUNEDIN  
 24 JUL 2015  
 FILE No. FA 38402  
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Office use only

Name of submitter:

D. P. Pedersen

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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: *D.P. Pedersen*

Date: 6/7/2015

(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 <b>and</b> 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...
<p>I would like to see the Council keeping our City clean and every say monthly clean out the culverts and keep the gutters clear of leaves and stones etc. so when the rain comes, flooding of all areas will be minimalised.</p>	<p>Also trees that are huge and are Councils responsibility are putting huge amounts of leaves in peoples spoutings and all over the surrounding area and down into gutters and culverts. Beauty has to be maintained, by cleaning out the drains and culverts regularly, and cleaning away the leaves. It takes so little to save so much. One can see the rubbish and plant debris in the gutters and of course it will block up the drains and stop the water from being drained away. We pay our rates for this sort of thing, also to keep our creeks and streams free from any rubbish that has been put in them by uncaring people or from a natural event.</p>	<p>My reason for all this is because I believe prevention is better than cure, and a stitch in time saves nine, and in the end it will cost a lot more money to fix up a flooded area caused through blocked drains and culverts.</p> <p>Also I find ivy is as much a nuisance as old man's beard. It is really much worse it splits fences and does a lot of damage to older buildings.</p>



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**Proposed Regional Policy Statement for Otago**



**72**  
Office use only

Name of submitter:

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**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:

*T. Pedersen*

Date: 20.7.15.

(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:

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1 State what your submission relates to <b>and</b> 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>Significant Values,</p>	<p>e.g. provision 'y' should say...</p> <p>Make it compulsory to list buildings that are of Heritage value <del>and</del> and place with Historic Places Trust and protect these. <del>Here</del> immediately.</p> <p>Go out and identify and list such historic Buildings.</p> <p>Encourage their maintenance.</p>	<p>e.g. I want provision 'y' changed because...</p> <p>Many heritage buildings are not listed. This is wrong. Historic places need power to save + retain heritage buildings individually and as a total area/precinct, rather than leaving them to be picked off one by one.</p> <p>Maintain total historic integrity of an area;</p>
<p>Natural Hazards</p>	<p>actively pursue "old man's beard" and respond to complaints + not "fob" people off who make you aware of it.</p> <p>List ivy also.</p>	

RPS Feedback Form

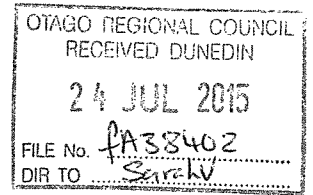
73

**Submission Date** 2015-07-23 18:42:11

**Name of submitter:** Don Robertson

**Organisation (if applicable):** Guardians of Lake Wanaka, & Guardians of Lake Hawea

**Postal Address:** Street: c/o Secretary PO Box 93  
City: Wanaka  
Postal Code: 9343



**Phone Number:** 0274446640

**E-mail:** donandgaye@xtra.co.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 not consider presently jointly

**1. State what your submission relates to and if you support, oppose or want it amended:** See attached submission on behalf of Guardians of Lake Wanaka and Guardians of Lake Hawea

**2. State what decision you want the Otago Regional Council to make:** See attached submission on behalf of Guardians of Lake Wanaka and Guardians of Lake Hawea

**3. Give reasons for the decision you want made:** See attached submission on behalf of Guardians of Lake Wanaka and Guardians of Lake Hawea

**Attach a document (if applicable):** [ORC PRPS Submission from Guardians of Lake Wanaka & Guardians of Lake Hawea.docx](#)

# Guardians of Lake Wanaka

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Serviced by  
Department of Conservation,  
Wanaka Area Office

The Secretary  
PO Box 93  
Wanaka

## Comments on the ORC's Proposed Regional Policy Statement (23 May 2015)

### Submitted by the Guardians of Lake Wanaka and the Guardians of Lake Hawea.

1. The Guardians of Lake Wanaka and the Guardians of Lake Hawea have commented mainly on aspects of the PRPS relating to ecosystem management, but have not commented on air quality issues, hazards, or Kai Tahu Treaty Partnership sections. Many of our comments on terrestrial and freshwater ecosystems are also applicable to the PRPS sections on coastal ecosystems. Our primary concerns however relate yet again to the absence of effective attention to management of the Otago deepwater lakes, Lake Hawea, Lake Wanaka and Lake Wakatipu.
2. The Guardians of Lake Wanaka and the Guardians of Lake Hawea have read and support the points made in the submission from the Upper Clutha Conservation Task Force.
3. This ORC PRPS document says that it is a high level statement providing for the requirements of the RMA. But if we look at Appendix 1 it states "Under sections 59 to 62 of the RMA, regional councils must always have a regional policy statement to achieve the purpose of the RMA, by providing an overview of: the resource management issues of the region; and policies and methods to achieve integrated management of the natural and physical resources of the whole region". We maintain that the PRPS document provides a slim list of many but not all of the "resource management issues of the region". Methods are equally lacking in detail. And in the absence of more tangible targets, measurable outcomes, or more operationally focused management plans the PRPS may not adequately serve the people of Otago. We are also concerned that many important aspects of the feedback from submitters in November – December 2014 on the earlier consultation draft are apparently ignored by the ORC policy team in the preparation of this most recent PRPS.
4. The document states that it has four inter-related outcomes. As the Upper Clutha Conservation Task Force submission on the previous draft of the ORC RPS stated in December 2014, "the Outcome "Otago has high quality natural resources and ecosystems" is weak, and could be said to be already true and therefore has no stretch. It could also be achieved by diminishing existing standards". This weak Outcome remains in the current PRPS. We again suggest that ORC consider a more meaningful aspirational outcome –something like: "Otago's natural resources and ecosystems are maintained, enhanced and sustainably managed." Also as before, similar comment is suggested in relation to the other listed outcomes as shown in the diagram on page 10 of the PRPS.
5. While it is pleasing to see that there are many parts of the PRPS which focus on biodiversity issues, we again signal a recommendation to see a Regional Biodiversity Strategy that links in with the NZ Biodiversity Strategy and District biodiversity

strategies. The Regional Biodiversity Strategy should include specific targets with measurable outcomes – especially those that relate to water bodies in general and the Otago deepwater lakes in particular. In the PRPS we note the inclusion of Schedule 5 – a useful inclusion - but with almost no cross reference to it in the text (only Policy 2.2.1 refers to Schedule 5 – why?). It seems to refer only to the “significance of indigenous vegetation and habitat of indigenous fauna”. What action towards biodiversity protection/enhancement does this imply? What will be the organism size cut-off below which ORC ignores 1) Representativeness; 2) Rarity; 3) Diversity; 4) Distinctiveness; 5) Ecological context - as listed in Schedule 5? Diversity, biomass, and biogeochemical functionality generally increase with diminishing organism size, especially in aquatic ecosystems. Is ORC committed to acting on these aspects of biocomplexity in its management of Otago’s natural resources?

6. The Upper Clutha Conservation Task Force in the December comments stated “Throughout the draft Regional Policy Statement, wherever the term “values” is used (especially in the absence of a definition), it should be removed and replaced with something more meaningful. Alternatively a functional definition should be provided”. We note that in the PRPS this concern has not been addressed. One net effect of this vague use of the term “values” is that any actions taken by ORC to address such “values” will not be able to be assessed to determine whether or not they can be or have been achieved. We presume the term “values” as used in the PRPS must have the same meaning as “intrinsic values” in the RMA. If so for this usage to be tested against ORC’s progress towards achieving the intent in its PRPS, this RMA definition should be included in the PRPS: i.e. “**intrinsic values**, in relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including—(a) their biological and genetic diversity; and (b) the essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience”.
7. See page 24 – under the heading of the Outcome: “Otago has high quality natural resources and ecosystems”, we have difficulty with Objectives 2.1, 2.2 and 2.3. Objective 2.1 states the “values of Otago’s natural and physical resources are recognised, maintained and enhanced”. This is vague and imprecise. See comments above about values. What is the difference between “natural and physical resources”? What happens when they are “recognised”? Then, the “Need” states “We need to know enough about the many values and characteristics of Otago's natural and physical resources, and the ecosystem services they provide for us, to be able to manage the effects of human activities on the environment's life supporting capacity adequately.” The lack of clarity makes such statements ambiguous and of limited use. The intent of this “Need” is good but there does not appear to be solid operational intent in the PRPS to give us confidence that these statements will be acted on by ORC.
8. Is this “need” reflected in freshwater management plans - especially for the deepwater lakes? Is it ORC’s intent to include Otago’s deepwater lakes? The PRPS should be explicit on ORC’s intent for the management of these major Otago freshwater ecosystems, but especially the iconic deepwater Lakes Hawea, Wanaka

and Wakatipu. The abysmal lack of management of these lakes by ORC is of serious concern to the Guardians of Lake Wanaka and Guardians of Lake Hawea.

9. Objective 2.2 “Otago's significant and highly valued natural resources are identified, and protected or enhanced to maintain their distinctiveness”, does not differ substantially from Objective 2.1. The “Need” for Objective 2.2 states: “It is a matter of national importance to recognise and provide for natural resources systems and processes. We need to recognise the importance of these matters in sustaining Otago’s economic advantage and quality of life.” What ORC action does “recognise and provide for natural resources systems and processes” imply? These seem to be vague waffley statements that are not supported here or elsewhere in the document by clear methods and intended operational activities by ORC. Being so imprecise will mean that there is no way of assessing ORC’s progress towards these objectives. In particular the use of the term “recognise” should be reviewed – it does not imply anything significant, tangible or useful in relation to many of Otago’s natural ecosystems.
10. Objective 2.3 (page 25) “Natural systems and interdependencies are recognised and sustained” is also very similar to and about as vague as Objectives 2.1 and 2.3. And again the “Issue” and “Needs” statements overlap with those for the previous two objectives and they are not supported here or elsewhere in the document by operational activities planned by ORC. They should probably all be merged to a single more meaningful policy.
11. The use of the term “values” in the Policy numbers 2.1.1, 2.1.2, and 2.1.3 in the expanded text on Objective 2.1 (page 26) is vague in the absence of a clear definition of “values”. This concern was also made in December submissions. The problem remains in the PRPS (see comment above about RMA definition of “intrinsic values”) and should be addressed by ORC.
12. Policy 2.1.1 (page 27) “Managing for freshwater values” contains an excellent list of apparent freshwater management intentions. If these are addressed with meaningful operational plans by ORC then we can expect to see some major improvements in how Otago’s freshwater ecosystems are managed, especially the deepwater Lakes Hawea, Wanaka and Wakatipu. These water bodies must be mentioned as a part of ORC’s intent. There is however almost nothing here that explicitly acknowledges issues of assessing status of, and managing freshwater biodiversity. Nor is there any clear statement of operational intent in relation to “Managing for freshwater values”.
13. The same could be said for Policy 2.1.2 (page 28) “Managing for the values of beds of rivers and lakes, wetlands and their margins”. However, given that the beds and margins of rivers and lakes, wetlands are an integral component of these water bodies mentioned in 2.1.1, it would surely make more sense to merge these two policies (2.1.1 and 2.1.2) and their two action lists. The separation of these two policies is artificial, un-necessary and misleading.
14. Again, for these two policies and a number of others, the term “recognise the values” is used, but it is not clear what this means, especially in an operational



sense. What is the purpose of the use of this term? How will the Otago community be able to assess ORC's performance against such terms?

15. Page 30, Policy 2.1.6 "Managing for ecosystem and indigenous biodiversity values" includes a good list of intended actions, but this policy should be subject to more clarity on the vague terms "values" and "recognise" – or they should be replaced.
16. Page 30, Policy 2.1.7 "Recognising the values of natural features, landscapes and seascapes" is vague, unclear. How would this be achieved operationally? This lack of clarity is not helped by reference to Schedule 4. How are the "values" defined and quantified? Policy 2.1.7 also refers to "Natural science factors". What does "Natural science factors" mean?? This is not a helpful statement in terms of managing these biophysical attributes. Science is a major tool that will/should be used to manage everything that this PRPS sets out to achieve. What determines the presence or absence of "Natural science factors"? How is Schedule 4 achieved operationally? How does it help with the delivery of Policy 2.1.7 – if at all?
17. Pages 32-41, Objective 2.2 "Otago's significant and highly-valued natural resources are identified, and protected or enhanced" – as mentioned above, this objective is barely distinguished from Objectives 2.1 and 2.3 "Natural resource systems and their interdependencies are recognised". We suggest that these 3 Objectives and the Policies they contain should be reviewed and merged to avoid their redundancies and overlap, but to retain their important elements. The similarity of these 3 objectives with their multiple similar policies does not help the credibility of the PRPS. For some of the policies under Objective 2.2, it is not clear whether both terrestrial and aquatic habitats and ecosystems are included. If this is not explicit it seems likely that major freshwater systems (e.g. deepwater Lakes Hawea, Wanaka and Wakatipu) will continue to be overlooked. For these three (merged) objectives Schedule 5 could be helpful, and should be referred to more than it is at present, but it needs to be clearer. Wherever Schedule 4 is referred to, Schedule 5 would also be helpful – possibly more useful than Schedule 4.
18. Pages 43-74, Chapter 3: "Communities in Otago are resilient, safe and healthy". This chapter addresses a number of important issues which we agree with. In places there is still some vague language which weakens the clarity of ORC's intent – e.g. "recognising" various things listed. Perhaps sections "recognising" things could be deleted, and the text go straight to "assessing" various risks etc.
19. Pages 75-91, Chapter 4: "People are able to use and enjoy Otago's natural and built environment". This chapter also addresses a number of important issues which we agree with. As with previous chapters, in places there is some vague language which weakens the clarity of ORC's intent – e.g. "recognising" various things listed. Again, sections "recognising" things could be deleted as they add no value. There is very limited mention of the importance of tourism and in turn, its dependence on the Otago environment and ecosystems remaining in a state of high attractiveness – again, especially the deepwater Lakes Hawea, Wanaka and Wakatipu. For example, there is no strong intent to provide for a much greater focus on the management of Otago's deepwater lake ecosystems, and the water quality supported by the lakes biodiversity. The importance of these lakes in under-pinning Otago's tourism

industry must not be underestimated. ORC continues to “drop the ball” with respect to its statutory role for effective management of these lakes.

20. With respect to Policy 4.4.3 “Encouraging environmental enhancement” it is not obvious why the items a) through to i) are all followed by “or” implying that only one or a few of these items will be addressed with ORC action. The same concern exists with some other lists where each item is followed by “or” e.g. Policy 4.5.5.
21. Policies 4.5.7 and 4.5.8 – both on the topic of off-setting of indigenous biodiversity – would need to be handled with great care including the use of meaningful metrics of biodiversity and taking into account ecosystem function. However this potentially complex process is done, it should include the intent to result in a net increase in biodiversity as a result of any off-setting – or at the very least be conditional on no-loss of biodiversity. Potential industrial/agricultural/or residential developer proponents of such biodiversity off-setting can have a strong vested interests in pushing such off-setting through to help ensure resource consent granting without there being compelling evidence of the environmental/biodiversity benefits.
22. Pages 93-107, “Implementation”: Throughout the PRPS a number of policy specific methods are listed by a brief name after each policy statement. In pages 93-107 these methods are spelled out but in scant detail. In places the process of how this will happen is confusing. For example in relation the Method 3, (page 95) there is reference to “Regional Plans” which states that “Regional Plans will set objectives, policies and methods to implement policies in the RPS...”. But these objectives and policies have already been set in the PRPS (and eventually the RPS), so why would they need to be reset in the Regional Plans? What is a bit confusing about this Implementation section of the PRPS which sets out to address methods is that all it seems to be stating is repeating the policies from previous chapters and stating that Regional Plans will provide methods, and at that point the PRPS repeats all of the policies from the rest of the document with no methods actually listed, even though it states that it is describing methods. This seems strange and ineffective. For example, under the heading “Method 6” – page 99, we see the following:

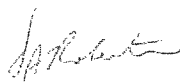
“Method 6: Research, Monitoring and Reporting  
6.1 Identification of important resources.  
6.1.2 Regional, city and district councils, in their areas of responsibility, will identify:  
a) Significant indigenous vegetation and significant habitat of indigenous fauna;  
b) Areas of outstanding natural 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.
23. It is difficult to understand how this list of items more or less identical to many of the items in the lists under those policies which have had Method 6 assigned to them amongst various methods, can be called “Methods”. In searching for some operationally achievable methods, the reader is taken on this circular path through the PRPS document where going from the Objectives and policies to search for methods results in returning to the policy item lists. This limits the value of the PRPS

as a useful working document for ORC staff as well as for concerned members of the Otago community wishing to understand and participate in the process.

24. Furthermore, even though the heading of Method 6 includes the term “Monitoring” this whole section only includes the term “monitor” twice – as follows (page 101), and not in the sense expected:  
  
“6.5 Plan implementation reporting  
6.5.1 Regional council will:  
a) Monitor and report publicly on the achievement of regional and district plan objectives, policies and methods.  
6.5.2 City and district councils will:  
a) Monitor and report publicly on the achievement of regional and district plan objectives, policies and methods.”
25. So this means that ORC will monitor its achievements against its “regional and district plan objectives, policies and methods”, and not carry out environmental monitoring to support research, as implied in the heading of Method 6.
26. Method 6 is again mentioned in the section headed: “Anticipated environmental results (AERs) and monitoring programme” (Page 108), where it is stated that this section “identifies environmental results anticipated from implementing the policies and methods of the RPS. These AERs will be measured and reported on using the procedures set out in Method 6 Research, Monitoring and Reporting”. There are concerns with this section of the PRPS. For example, AER 2.2 states: *Otago’s water bodies support healthy ecosystems, are safe for swimming, and maintain their natural form and character.* None of the indicator descriptions, or the text on how these indicators are measured, are likely to address the major risks to Otago’s deepwater lakes. Being “safe for swimming” is not a useful indicator for these lakes, - they could experience substantial decline in their quality and ecosystems and still be considered safe for swimming. Current “water quality indicator values” are quite inadequate for managing for the status quo conditions of Otago’s deepwater lakes.
27. We have similar concerns with the applicability and utility of most of the other indicators under the other AERs on pages 109-118.
28. Schedules 4 and 5, pages 136-7 are mentioned as key components of a number of policies (however Schedule 5 is mentioned only in Policy 2.2.1!?!). It is not clear how the items listed in these schedules will provide for operationally achievable actions by ORC with respect to its environmental management responsibilities.
29. Another deficiency of the PRPS is how it relates to and interacts with all ORC planning documents. Clearly the PRPS does not stand alone. It serves the ORC Long Term Plan and is served by Regional, District and City Plans. The nature of this relationship should be clearly spelled out at the beginning of the PRPS – or explained by expanding the text on page 144. It would probably be better at the beginning of the document.
30. Given the inadequacies of the PRPS it is of concern to the Guardians of Lake Wanaka and the Guardians of Lake Hawea that this document will not function as an

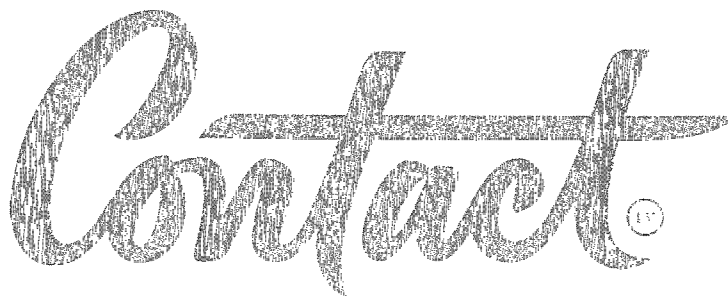
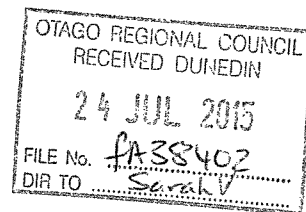
effective cornerstone guide document to serve the ORC Long Term Plan, nor to provide ecosystem management leadership to Regional, District and City Plans.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Don Robertson', written in a cursive style.

Don Robertson  
Chair, Guardians of Lake Wanaka;  
and Member, Guardians of Lake Hawea

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**Submission to Otago Regional Council on Proposed  
Regional Policy Statement for Otago**

**From**

**Contact Energy Limited**

**24 July 2015**

**To:** Chief Executive  
Otago Regional Council  
Private Bag 1954  
70 Stafford Street  
DUNEDIN 9054  
  
rps@orc.govt.nz

**Name of Submitter:** Contact Energy Limited

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Cell: 021 222 1181

Email: rosemary.dixon@contactenergy.co.nz

Contact Energy Limited (**Contact**) wishes to be heard in support of this submission.

If others make a similar submission, Contact would not be prepared to consider presenting jointly with them at any hearing.

Contact could gain through trade competition but this submission is limited to addressing environmental effects directly impacting the company's business.

## Introduction

1. **Contact** is pleased to be able to submit on the Proposed Regional Policy Statement for Otago.

### About Contact

2. Contact is one of New Zealand's leading energy generators and retailers, providing electricity, natural gas and LPG to around 570,000 customers nationwide and generating around 23 per cent of New Zealand's electricity.
3. Contact is one of the country's most widely held stocks with around 75,000 shareholders. Contact employs approximately 1,100 people throughout New Zealand so Contact is an integral part of the national economy, our diverse society and local communities.
4. In the Otago Region, Contact owns and operates two hydro-electric power stations at Clyde and Roxburgh as well as the Hawea Dam at Lake Hawea. Contact also operates a call-centre from central Dunedin.

### Summary of Submission

5. Contact generally **supports** this proposed Regional Policy Statement (**RPS**) and its intent. In particular Contact supports:
  - The positive focus on desired outcomes rather than issues seen as problems to be addressed as was the approach in the previous RPS. This new approach is forward looking and aspirational and enables outcomes;
  - Objective 3.5 and its accompanying policies which recognise nationally and regionally significant infrastructure;
  - Objective 3.6 and its accompanying policies which recognise the importance of existing renewable electricity generation.
6. Contact has concerns with particular matters and seeks changes as outlined below. Where alterations to the text are sought, those changes are shown as ~~striketrough~~ for text to be deleted and underlined for new text.

## Submissions

### 1. Part B chapter 1: Kāi Tahu values, rights and interests are recognised and kaitiakitaka is expressed

#### Chapter overview and Objective 1.1

7. Contact supports Objective 1.1 which correctly identifies the s8 RMA obligation to take the principles of the Treaty of Waitangi into account in resource management decisions. However, the subsequent text uses the phrase “give effect to” in relation to these principles at paragraph 2 under *Need* Objective 1.1 at page 16 (Chapter overview box) and again in the first and third paragraphs of the explanatory text on page 17. Given that “give effect to” is a term of art under the RMA and case law has clarified that it has a different meaning from “take into account” it is important that the language used does not accidentally confuse the decision maker’s obligations.

#### Relief Sought

8. Amend paragraph 2 under *Need* under Objective 1.1 (page 16) to read as follows:
- “Local authorities need to find a way to incorporate ~~give effect to~~ these principles in their decision making that ensures they are properly applied, and that accounts for the effects of resource management decisions on ...”
9. Amend the explanatory text under “The principles of Te Tiriti o Waitangi are taken into account in resource management decisions” first paragraph, second sentence, (page 17) to read as follows:
- “It can be challenging to effectively incorporate these principles in resource management decision making, so deliberate measures need to be taken to ensure the principles are properly understood and ~~given effect to~~ taken into account.”
10. Amend the explanatory text under “The principles of Te Tiriti o Waitangi are taken into account in resource management decisions” third paragraph (page 17) to read as follows:
- “A partnership approach, which involves Kāi Tahu and elevates their values, rights and interests in decision making processes, enables the principles, including kaitiakitaka, to be ~~given effect~~ taken into account in an appropriately flexible way...”



## **2. Part B chapter 1: Kāi Tahu values, rights and interests are recognised and kaitiakitaka is expressed**

### **Objective 1.2 Policy 1.2.1 a)**

11. Contact supports this policy and particularly recognises that the management of the natural environment to support Kāi Tahu wellbeing is important. However, Contact is concerned that given the modification of the natural environment by human occupation and settlement and the breadth of the customary uses and cultural values identified in the Schedules 1A and B, Policy 1.2.1 a) should not overstate what is possible. For example, rivers modified by dams (and other infrastructure) may not be able to 'ensure' traditional customary uses and cultural values such as Mahika Kai are always delivered.

### **Relief Sought**

12. Amend Policy 1.2.1 a) to read as follows:

“a) Ensuring resources continue to support their current customary uses and cultural values (as detailed in Schedules 1A and B);”

## **3. Part B chapter 2: Otago has high quality natural resources and ecosystems**

### **Objective 2.1 Policy 2.1.1**

13. Contact supports Objective 2.1 which seeks to recognise, maintain and enhance the values of Otago's natural and physical resources. The explanation notes that conflicts occur amongst those values and that a “good quality resource management framework addresses all the values attached to our resources, and identifies those which need protection.” (page 26)
14. Given that recognition of physical (as well as natural) resources, value conflict and protection, Contact is surprised that Policy 2.1.1 makes no reference to hydro generation and its infrastructure. Hydro electric power generation is a national value in the National Policy Statement for Freshwater Management 2014 and nationally significant in terms of the National Policy Statement for Renewable Electricity Generation 2011. Section 62 (3) of the RMA requires an RPS to give effect to both.

### Relief Sought

15. Amend Policy 2.1.1 Managing for freshwater values by the addition of:

“g) Provide for and protect hydro electric power generation”

16. Retain Policy 2.1.1 p).

## 4. Part B chapter 2: Otago has high quality natural resources and ecosystems

### Objective 2.1 Policy 2.1.1 c) d) f) h) m) n)

17. The values provided for in Policy 2.1.1 are broadly expressed and require some clarification or qualification to “manage” freshwater to achieve them.

- a. In c), what is meant by “outstanding” water body needs clarification by way of a cross reference to Policy 2.2.12;
- b. In d), it is appropriate to clarify that it is existing, as may be inferred, migratory patterns of freshwater species that are to be protected;
- c. In f), a general policy of maintaining good water quality needs to acknowledge periodic lapses as a result of natural processes;
- d. In h), ‘natural functioning’ needs to be qualified to recognise existing non-natural functioning of rivers through hydro and other uses given the tight interpretation placed on “maintain” and “enhance” by the superior courts;
- e. In m), it is appropriate to clarify that the broad protection applies to current values (as may be inferred), rather than historical values that reflected the natural and physical environment as it was in former times;
- f. In n), it is unclear how freshwater management may achieve this.

### Relief Sought

18. Amend Policy 2.1.1 c) d) f) h) m) n) as follows:

- a. In c), insert a cross reference to Policy 2.2.12;
- b. In d), amend to read: “Protect current migratory patterns...”

- c. In f), amend to read: “Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded, acknowledging that naturally occurring processes such as floods intermittently lower water quality”.
- d. In h), amend to read: “Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers, other than those rivers modified by hydro electric generation use or other infrastructure.”
- e. In m), amend to read: “Maintain the existing aesthetic and landscape values of...”
- f. Delete n).

## **5. Part B chapter 2: Otago has high quality natural resources and ecosystems**

### **Objective 2.1 Policy 2.1.2**

19. As noted above, Contact supports Objective 2.1 which seeks to recognise, maintain and enhance the values of Otago’s natural and physical resources. In terms of the commentary on this Objective (page 26) already discussed, it is appropriate that Policy 2.1.2 also includes maintaining infrastructure, in particular hydro electric generation infrastructure.

### **Relief Sought**

20. Add a further management outcome to Policy 2.1.2 as follows:

“m) Maintain the ability of existing infrastructure to operate within their design parameters.”

## 6. Part B chapter 2: Otago has high quality natural resources and ecosystems

### Objective 2.1 Policy 2.1.2 a) b) c) f) i) j)

21. It has been noted with regard to Policy 2.1.1 that the values to be protected, restored, maintained etc are expressed too broadly. The same issue arises in relation to the beds of rivers and lakes, wetlands, and their margins provided for in Policy 2.1.2. Some clarification or qualification is required.

### Relief Sought

22. Amend Policy 2.1.2 a) b) c) f) i) j) as follows:
- a. In a), amend to read: "Protect ~~or restore~~ their existing natural functioning;"
  - b. In b), insert a cross reference to Policy 2.2.12;
  - c. In c), amend to read: "Maintain good water quality, or enhance it where it has been degraded, acknowledging that naturally occurring processes such as floods intermittently lower water quality";
  - d. In f), amend to read: "Maintain or enhance existing natural character";
  - e. In i), amend to read: "Maintain existing aesthetic and amenity values";
  - f. Delete j).

## 7. Part B chapter 2: Otago has high quality natural resources and ecosystems

### Objective 2.2 Policy 2.2.2

23. Policy 2.2.2 provides for avoidance, remediation or mitigation of adverse effects on the values of significant indigenous vegetation and habitats of indigenous fauna. It is appropriate that this policy also provides for offsetting of adverse effects as do Policies 4.5.7 and 4.5.8 in relation to indigenous biodiversity.

## Relief Sought

24. Add a further method to Policy 2.2.2 (new f)) to protect and enhance values as follows:

“f) Offsetting where adverse effects cannot be avoided, remedied or mitigated and the activities causing those effects have a functional necessity to locate in the area of vegetation or habitat.”

## 8. Part B chapter 2: Otago has high quality natural resources and ecosystems

### Objective 2.2 Policy 2.2.3 and Schedule 4

25. Policy 2.2.3 appropriately requires identification of areas and values of outstanding natural features, landscapes and seascapes. It cross references a list of attributes in Schedule 4. However, the attributes so listed are very broad and no guidance is provided as to how to apply them or what is required in terms of these attributes to qualify as “outstanding”. Further the list is not exclusive. The assessment of “outstanding” quality “will be based on, but not limited to” the attributes listed.

## Relief Sought

26. Either in Policy 2.2.3 or within Schedule 4 provide guidance as to how the attributes in Schedule 4 are to be applied to natural features, landscapes, and seascapes to distinguish between those that are “outstanding” and those that are not. (Policy 2.2.12 provides an example in relation to water bodies and wetlands.)
27. Clarify that highly modified landscapes do not qualify as “outstanding”.

## 9. Part B chapter 2: Otago has high quality natural resources and ecosystems

### Objective 2.2 Policy 2.2.4 a) and b)

28. Policy 2.2.4 sets up a strongly protectionist regime for outstanding natural features, landscapes and seascapes, extending to restoration of lost values. Accordingly avoidance is the only option offered in relation to values that “contribute to the significance of the natural feature, landscape or seascape”. Avoidance is tantamount to prohibition and should not be a standard required in relation to anything less than

an outstanding natural feature, landscape or seascape (presumably as assessed in accordance with Policy 2.2.3). It may be inferred that avoidance in a) is intended to apply to those assessed as “outstanding” but the policy does not say so.

29. Further, in terms of b) it is not clear what “other values” may be. The policy relates to “the values of outstanding natural features, landscapes and seascapes”. Reference to “other values” therefore cannot relate to natural features, landscapes and seascapes. They could relate to anything at all. If the intention is that Policy 2.2.4 b) be read as relating to Policy 2.2.4 a) then the question remains as to why adverse effects on values that do not contribute to the significance of the natural feature, landscape or seascape should require to be avoided, remedied or mitigated.

### **Relief Sought**

30. Amend Policy 2.2.4 a) to read as follows:

“Avoid significant adverse effects on those values which ~~contribute to the significance of~~ make the natural feature, landscape or seascape outstanding.”

31. Delete Policy 2.2.4 b).

## **10. Part B chapter 2: Otago has high quality natural resources and ecosystems**

### **Objective 2.2 Policy 2.2.5 and Schedule 4**

32. The identification of special amenity landscape or natural features under this policy cross references Schedule 4 as does Policy 2.2.3. However, whereas that policy was directed at identifying what is “outstanding” this policy is directed at identifying landscape/natural features which are highly valued but less than outstanding. There is no guidance on how to use Schedule 4’s attributes to enable a different qualification assessment. That is, identification of something less than outstanding.
33. Further, the same attributes are not necessarily appropriate to an identification of a special amenity landscape. For example, its recreational value may give it special amenity value but that is not provided for in Schedule 4.

### **Relief Sought**

34. Either in Policy 2.2.5 or within Schedule 4 provide guidance as to how the attributes in Schedule 4 are to be applied to special amenity landscapes or natural features to distinguish between those that are “outstanding” and those that are highly valued but not outstanding.

## **11. Part B chapter 2: Otago has high quality natural resources and ecosystems**

### **Objective 2.2 Policy 2.2.6 a) and b)**

35. Policy 2.2.6 relates to landscapes and highly valued natural features which are less than “outstanding”. It is therefore appropriate that a lesser standard of protection of such landscapes/features is mandated than in relation to those which are outstanding. Given the interpretation put on the imperative “avoid” by the Supreme Court it is not appropriate that a) requires avoidance of adverse effects, even those that are significant, without providing for the alternatives of remediation or mitigation.
36. Policy 2.2.6 b) has the same issue as to what is meant by “other values” discussed above in relation to Policy 2.2.4 b). If the intention is that the Policy 2.2.6 b) is read in relation to Policy 2.2.6 a) then the question again arises as to why adverse effects on values that do not contribute to the special amenity of the landscape or high value of the natural feature should be avoided, remedied or mitigated.

### **Relief Sought**

37. Amend Policy 2.2.6 a) to read as follows:
- “a) Avoiding, remedying or mitigating significant adverse effects on those values which contribute to the special amenity of the landscape or high value of the natural feature;”
38. Delete Policy 2.2.6 b)

## **12. Part B chapter 2: Otago has high quality natural resources and ecosystems**

### **Objective 2.2 Policy 2.2.12 and 13**

39. Contact supports Policy 2.2.12 as providing clear criteria as to how “outstanding” quality will be assessed.
40. Contact suggests that an explanation of a) “a high degree of naturalness” may assist the Policy and suggests a definition in its submission on the Glossary below.

41. Given the Policy's approach of including natural and anthropogenic values, f) requires some clarification.
42. Contact supports Policy 2.2.13's qualification of significant adverse effects on outstanding water bodies that require avoidance.

### **Relief Sought**

43. Amend Policy 2.2.12 f) to read as follows:
 

“f) Significant hydrological values (including electricity generation capacity)”
44. Retain Policies 2.2.12 (as amended) and 2.2.13.

## **13. Part B chapter 3: Communities in Otago are resilient, safe and healthy**

### **Objective 3.1 Policy 3.1.1**

45. Contact supports Objective 3.1 which recognises that protection of natural and physical resources has to take account of environmental constraints. However that aspect is not picked up in the key policy: 3.1.1 which focuses on the effects of constraints on activities.
46. In this context Policy 3.1.1 should also appropriately recognise constraints posed by the physical environment (for example, dams) and not just the natural environment.

### **Relief Sought**

47. Amend Policy 3.1.1 to read as follows:
 

“Recognise the ~~natural and physical~~ environmental constraints of an area and their effect on the protection, use and development of natural and physical resources including the effects of ~~those~~ constraints on activities, and the effects of those activities on those constraints, including:”
48. Add a further factor to Policy 3.1.1 (new f) to recognise the constraint posed by the physical environment as follows:
 

“f) The constraint created by the physical environment such as dams.”



## 14. Part B chapter 3: Communities in Otago are resilient, safe and healthy

### Objective 3.2 Policy 3.2.7 f)

49. Contact supports the recognition in Policy 3.2.7 f) that essential physical infrastructure must be maintained, upgraded and developed to reduce natural hazard risk.

### Relief Sought

50. Retain Policy 3.2.7 f)

## 15. Part B chapter 3: Communities in Otago are resilient, safe and healthy

### Objective 3.4 Policy 3.4.1 a) b) c)

51. Contact supports the recognition of infrastructure in this policy.
52. While it might be inferred, b) should make explicit that it applies to new infrastructure.
53. c) needs to recognise that urban growth must also be managed to protect the infrastructure.

### Relief Sought

54. Retain Policy 3.4.1 a)
55. Amend Policy 3.4.1 b) to read as follows:

“b) Designing new infrastructure to take into account:”

56. Amend Policy 3.4.1 c) to add a further subpolicy to read as follows:

“c) iii. In a way that does not limit or foreclose the ability of infrastructure to continue functioning within its design parameters.”

## 16. Part B chapter 3: Communities in Otago are resilient, safe and healthy

### Objective 3.4 Policy 3.4.2 g)

57. Contact supports the intent of Policy 3.4.2 but considers that the RPS in general fails to recognise that infrastructure (particularly significant infrastructure) requires protection in its own right. Policy 3.4.2 g) limits protection to "the functioning of lifeline utilities and essential or emergency services." Contact considers that this policy should be extended to include all significant infrastructure otherwise it will not achieve meeting community needs in Objective 3.4 such as being integrated with land use and serving urban growth (Policy 3.4.1).

### Relief Sought

58. Amend Policy 3.4.2 g) to read as follows:

"g) Protect the functioning of significant infrastructure, in particular of lifeline utilities and essential or emergency services."

## 17. Part B chapter 3: Communities in Otago are resilient, safe and healthy

### Objective 3.5 Policy 3.5.1 a)

59. Contact supports Objective 3.5 and the intent of Policy 3.5.1. Contact considers that Policy 3.5.1 a) needs some minor amendment to ensure it gives effect to the National Policy Statement for Renewable Electricity Generation 2011 which refers to and defines renewable electricity generation activities (rather than facilities). The policy as written may also be construed as requiring the electricity generated to be supplied into both the national grid and local network whereas the NPS does not require both.

### Relief Sought

60. Amend Policy 3.5.1 a) to read as follows:

"a) Renewable electricity generation activities ~~facilities~~, where they supply the national electricity grid and /or local distribution network;"

## 18. Part B chapter 3: Communities in Otago are resilient, safe and healthy

### Objective 3.5 Policy 3.5.2 b) c) e)

61. While it may be inferred, Policy 3.5.2 needs to be clarified so it is read as relating to new infrastructure.
62. Policy 3.5.2 b) needs some qualification so that it is not read as relating to physical impossibility which would be too narrow in this context.
63. Policy 3.5.2 c) again requires avoiding remedying or mitigating adverse effects on values other than those that contribute to the significance of the feature, landscape, seascape, natural character etc. As noted previously, if the values do not contribute to the quality of the area/vegetation/water body etc then there should not be an open ended requirement to avoid, remedy or mitigate.
64. Contact notes and supports the inclusion of offsetting in Policy 3.5.2 e). However, the requirement to offset “residual” effects requires some qualification. The RMA is not a ‘no effects’ statute and there is no requirement under the Act to address all adverse effects of an activity which this subpolicy effectively requires.

### Relief Sought

65. Amend Policy 3.5.2 to read as follows:
 

“Minimise adverse effects from new infrastructure that has national or regional significance”
66. Amend policy 3.5.2 b) to read as follows:
 

“b) Where it is not reasonably possible to avoid locating....”
67. Delete 3.5.2 c).
68. Amend Policy 3.5.2 e) to read as follows:
 

“e) Considering the use of offsetting, or other compensatory measures, for residual adverse effects on indigenous biodiversity that are more than minor.”

## 19. Part B chapter 3: Communities in Otago are resilient, safe and healthy

### Objective 3.5 Policy 3.5.3 a) b) c)

69. Contact supports the intent of Policy 3.5.3. Contact considers that Policy 3.5.3 a) needs strengthening to avoid reverse sensitivity effects. Contact also considers that the policy needs to include recognition of cumulative effects.

#### Relief Sought

70. Amend 3.5.3 a) to read as follows:

“a) ~~Restricting~~ Preventing the establishment of activities that may result in reverse sensitivity effects”

71. Amend Policy 3.5.3 b) and c) to read as follows:

“b) Avoiding significant adverse effects, including effects which are cumulatively significant, on the functional needs of such infrastructure.”

“c) Avoiding, remedying or mitigating other adverse effects, including cumulative effects, on the functional needs of such infrastructure.”

## 20. Part B chapter 3: Communities in Otago are resilient, safe and healthy

### Objective 3.6 Policy 3.6.1

72. Contact supports Policy 3.6.1 which encourages electricity operators to search for greater efficiencies within existing facilities and operations to increase capacity. To that end, the policy needs some expansion to recognise that that entails supporting ongoing maintenance, operation, upgrading and development.

#### Relief Sought

73. Expand Policy 3.6.1 by adding a) to read as follows (using the language of the NPS REG):

“a) enabling the maintenance, operation, upgrading and development of existing renewable electricity generation activities.”

## 21. Part B chapter 3: Communities in Otago are resilient, safe and healthy

### Objective 3.6 Policy 3.6.3

74. Contact supports Policy 3.6.3 and the intent to protect significant renewable electricity generation activities. Contact seeks minor amendments to a) and b) to give effect to the National Policy Statements for Freshwater and Renewable Electricity Generation. 3.6.3 a) needs to provide for as well as recognise renewable electricity generation's needs and to refer to natural resources as well as physical resource supply needs. 3.6.3 b) needs strengthening to avoid reverse sensitivity effects.

### Relief Sought

75. Amend 3.6.3 a) to read as follows:

“a) Recognising and providing for the functional needs of renewable electricity generation activities including natural and physical resource supply needs;”

76. Amend 3.6.3 b) to read as follows:

“b) ~~Restricting~~ Preventing the establishment of those activities that may result in reverse sensitivity effects;”

## 22. Part B chapter 4: People are able to use and enjoy Otago's natural and built environment

### Objective 4.2 Policy 4.2.2 and Schedule 7 and Policy 4.2.3

77. Contact agrees that common criteria in identifying historic heritage promote a consistent approach across the region. However, the list is extremely wide and goes beyond the criteria listed in the RMA definition. Policy 4.2.2 includes values more commonly associated with identification of biodiversity. Further, a list without any guidance as to how to make a qualitative assessment as Policy 4.2.2 and the accompanying Schedule 7 are written, is likely to lead to a “tick box” outcome. That is, many “historic” places and areas will be identified and they will all be treated as significant or of equal significance because they meet a listed attribute or can answer ‘yes’ to one or some of the questions in Schedule 7.

78. This contrasts with the approach to waterbodies and wetlands where the relevant policy (2.2.12) specifically identifies “outstanding” water bodies and provides guidance on how to make a qualitative assessment. For example, “a high degree of naturalness” or “significant recreational values” etc.
79. This lack of qualitative assessment becomes important when Policy 4.2.3 is applied as this policy requires that all historic heritage be protected and enhanced irrespective of comparative value. Further, Policy 4.2.3 c) requires that adverse effects on those values which contribute to the area or place being of regional or national significance be avoided but as noted, no guidance has been given as to what constitutes regional or nationally significant heritage. Similarly, Policy 4.2.3 d) requires that significant adverse effects be avoided on “other values”. That is, values other than those which contribute to the area or place having regional or national significance. Thus, significant adverse effects on all places and areas of historic heritage must be avoided. This is too broad brush an approach to heritage.
80. Further, it fails to take account of the fact that a place may qualify as historic through this process (perhaps having technological value) but may still be in use as a commercial or industrial facility. The Roxburgh Power Station is one such example. It is historic under Schedule 7, may even be nationally significant in terms of historic values, but a requirement to avoid adverse effects on those values would also likely prevent its ongoing use as a power station.

### **Relief Sought**

81. Amend Policy 4.2.2 to read as follows:
- “Identify the values of historic heritage places and areas to identify those of regional and national significance, using the following attributes, detailed in Schedule 7.”
82. Delete “rarity”, “representativeness’ ‘integrity’ from Policy 4.2.2.
83. Amend either Policy 4.2.2 or Schedule 7 to provide guidance as to how to apply the attributes to determine regional or national significance.
84. Amend Policy 4.2.3 to read as follows:
- “Subject to constraints created by ongoing use and financial impact, protect and enhance the values of places and areas of historic heritage by:”

## **23. Part B chapter 4: People are able to use and enjoy Otago’s natural and built environment**

### **Objective 4.3 Policy 4.3.1**

85. Farming is obviously important to the Otago Region’s economy. However, all farming everywhere is not appropriate. For example, economic production must co-exist with the natural resources identified and protected and enhanced in Chapter 2 and Objectives 2.1 and 2.2 and meet the Objectives of the National Policy Statement for Freshwater Management 2014 in particular. Contact is concerned that Policy 4.3.1 a) is too broad and needs to acknowledge these constraints.

### **Relief Sought**

86. Amend Policy 4.3.1 a) to read as follows:

“a) Enabling the continuation of existing farming and other rural activities that support the rural economy;

87. Add a further subpolicy to Policy 4.3.1, new b), to read as follows:

“b) Enabling new farming activities to establish where natural resources are available to sustain the activity without derogating from existing uses and the sensitivity of natural and physical resources to adverse effects from the proposed activity/land use is accounted for;

## **24. Part B chapter 4: People are able to use and enjoy Otago’s natural and built environment**

### **Objective 4.4 Policy 4.4.1**

88. Contact supports the emphasis in Objective 4.4 on efficient use of water with its benefits of delivering environmental as well as economic well-being. However, the policy does not establish a basis for the allocation of water including managing conflicts between resource users or adverse effects on existing users.

89. Further, AER 4.4 anticipates that there will be fewer conflicts between resource uses and users, presumably as a result of this policy. It needs to address this point.

## Relief Sought

90. Amend Policy 4.4.1 to add a new e) as follows:

“e) In making allocation decisions assess potential conflicts between resource users and ensure there is no derogation of existing lawfully established uses of water.

## 25. Part B chapter 4: People are able to use and enjoy Otago’s natural and built environment

### Objective 4.5 Policy 4.5.7 c)

91. Contact supports offsetting as a valuable tool in addressing adverse environmental effects of activities. Contact considers that the policy unnecessarily narrows the circumstances in which offsetting may be used. In particular, Policy 4.5.7 c) does not allow offsetting when the adverse effects of the activity will/may result in the loss of vulnerable biodiversity. However, there are environmental advantages to being able to offset in such situations because being able to offset (on a like for like basis) will make other vulnerable biodiversity less so.

## Relief Sought

92. Amend Policy 4.5.7 c) to read as follows:

“c) Those effects do not result in the loss of irreplaceable ~~or vulnerable~~ biodiversity.”

## 26. Part B chapter 4: People are able to use and enjoy Otago’s natural and built environment

### Objective 4.5 Policy 4.5.8 b)

93. The drafting of Policy 4.5.8 b) is ambiguous. It is not clear whether offsetting close to the location of development is a prerequisite of offsetting as an option or only applies in the event that it will result in the best ecological outcome.



## Relief Sought

94. Amend Policy 4.5.8 b) to read as follows:

“b) The location of the offset chosen will result in the best ecological outcome with the offset being sited close to the development’s location being preferred;  
~~The offset is undertaken close to the location of development, where this will result in the best ecological outcome;~~

## 27. Part C: Anticipated Environmental Results and Monitoring Programme

### AER 2.2

95. AER 2.2 focuses on the ecological aspects of Otago’s waterways and, derived from Policies 2.2.12 and 2.2.13, presumably the environmental benefits that such waterways may deliver. However, not all Otago’s waterways are “outstanding” for their natural values or unmodified. The AER needs to be amended to clarify the waterways to which this outcome applies.

## Relief Sought

96. Amend AER 2.2 to read as follows:

*“Otago’s water bodies generally support healthy ecosystems, are safe for swimming, and where unmodified, maintain their natural form and character.”*

## 28. Part C: Anticipated Environmental Results and Monitoring Programme

### AER 4.1

97. This AER sees achievement of public access to Otago’s coast, lakes and rivers as the absence of complaints about access which suggests an assumption of a right of access. This is a far less nuanced approach to public access than the related policy (4.1.1) which recognises that access may be restricted where it is necessary to protect public health and safety.

### Relief Sought

98. Amend AER 4.1 to read as follows:

“Otago’s coast, lakes and rivers can be accessed by the public (within limits to protect health and safety).”

## 29. Part C: Anticipated Environmental Results and Monitoring Programme

### AER 4.4

99. AER 4.4’s emphasis on reducing conflict among users and cases going to the Environment Court is a laudable objective. However, there is no policy that specifically addresses reducing conflicts or requires consideration of the impact on existing users of allocation decisions in relation to water. It is a leap to assume that reduced conflict will follow from efficient allocation unless a policy focuses on achieving that outcome.

### Relief Sought

100. Amend Policy 4.4.1 as sought in this submission (Section 24 above).

101. Alternatively, delete AER 4.4.

## 30. Part D: Schedules and Appendices - Schedule 3 Significance Threshold

### 1. Nature of Effect

102. While “effect” is a defined term in the RMA and therefore qualified, the requirement to consider effects that “might occur” in establishing a significance threshold encompasses events with a remote probability of occurring.

### Relief Sought

103. Amend 1. Nature of Effect, to read as follows:

“A detailed description of the effect that is occurring or might reasonably be expected to occur...”

### **31. Part D: Schedules and Appendices - Schedule 4 Criteria for the identification of natural features and landscapes**

104. The heading and description for this Schedule are incorrect. As Policies 2.2.3 and 2.2.5 apply the Schedule, these criteria are to be used for determining the value of natural features and landscapes. That is, whether they qualify as outstanding or have special amenity value. The criteria are not suitable for general identification purposes, nor is it necessary to have criteria to identify 'natural features and landscapes' irrespective of quality.
105. Further, given the importance of this identification, the list of attributes to be considered should be exclusive.

#### **Relief Sought**

106. Amend Schedule 4 heading to read as follows:

“Criteria for the identification of outstanding/highly valued natural features and landscapes.”

107. Amend Schedule 4 introductory description to read as follows:

“The identification of outstanding natural features, ~~and~~ landscapes and seascapes (Policy 2.2.3) and special amenity landscapes and highly valued natural features (Policy 2.2.5) will be based on ~~but not limited to~~ an assessment of the following factors:”

### **32. Part D: Schedules and Appendices – Glossary**

#### **Definition of No Net Loss**

108. Policy 4.5.8 uses the term “no net loss” as an outcome to be achieved from offsetting. As noted in the discussion of Policy 3.5.2 above, in the context of offsetting to address residual effects, the RMA is not a ‘no effect’ statute. Accordingly, the interpretation of ‘no net loss’ is important and the term should be defined. Contact suggests the definition in the Waikato RPS which was the subject of appeal and mediation and is now settled.

## Relief Sought

109. Add a definition of ‘No net loss’ to the Glossary to read as follows:

“No net loss- Means no reasonably measurable overall reduction in the type, extent, long-term viability and functioning of indigenous biodiversity. When the term is applied in a policy context it has regard to the overall contribution of regulatory and non-regulatory methods as contained in local indigenous biodiversity strategies. It does not create a no adverse effects regime.”

## 33. Part D: Schedules and Appendices – Glossary

### Definition of Reverse Sensitivity

110. Contact considers that the definition of reverse sensitivity included in the Glossary, while substantially correct, misplaces the emphasis in the opening sentence. The established activity may not be having an adverse environmental impact on nearby land. The adverse impact arises because and when the incompatible activity seeks to establish in proximity to the lawfully established activity.

### Relief Sought

111. Amend the definition of “Reverse sensitivity” in the Glossary to read as follows:

~~“Reverse sensitivity – Arises where an established activity is causing adverse environmental impact to nearby land and an activity susceptible to those impact is proposed for that land.~~ Is an effect under the RMA. It arises when an activity that may be sensitive to the effects of a lawfully established activity seeks to establish, expand or intensify in proximity to that activity (e.g. by resource consent application) or when activities susceptible to impacts from the established activity are proposed for that land (e.g. through a plan change). If the new incompatible use is permitted, the established activity may be required to restrict its operations or mitigate its effects to avoid adversely affecting the new activity.

### 34. Part D: Schedules and Appendices – Glossary and Policy 2.2.12 a)

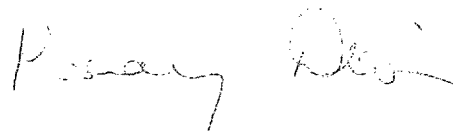
#### Definition of “a high degree of naturalness”

112. To assist in identifying outstanding water bodies and wetlands in accordance with Policy 2.2.12 a), include an explanation of “a high degree of naturalness”.

#### Relief Sought

113. Add a definition of “a high degree of naturalness” to the Glossary as follows.  
Alternatively, add this explanation to Policy 2.2.12”:

“A high degree of naturalness - Waters of superior water quality, where impacts of human activities are absent or minimal. Examples include water in national parks, wilderness areas, forest parks, reserves and other areas of high ecological significance.”



**Rosemary Dixon**  
**Special Counsel – Environment**  
**Contact Energy Limited**

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

**Name of submitter:** Matthew Sole

**Organisation:** Citizen, custodian & concerned grandparent.

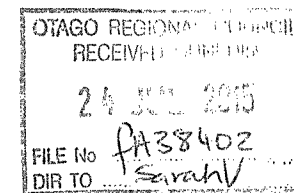
**Postal address:** 1936A Omakau-Chatto Creek Road, RD 3, Alexandra 9393

**Telephone:** 03 447 3336

**Email:** solem@xtra.co.nz

I wish to be heard in support of my further submission.

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



1. I Matthew Sole am a self-employed archaeological consultant and part time engaged in statutory land management and trail design associated with Clutha Gold Trail and more recently Dunedin Tunnels Trails Trust 2008 to the present. Previously employed for MAF as an agricultural field officer 1982 – 1996. Employed by DoC as a programme manager in Recreation and Heritage and subsequently Community Relations involving RMA and Statutory Land Management, 1996 – 2006. Prior to private contracting I was engaged on contract with Central Otago District Council 2006 -2008 to complete feasibility studies on Cycling and Walking trails for Roxburgh to Lawrence and Alexandra via Roxburgh Gorge to Roxburgh, and drafting a Central Otago Outdoor Recreation Strategy.
2. In a voluntary capacity my partner and I are actively involved in weed control (wilding conifer & brier) and plant restoration projects via the Lindis Conservation Group (LPCG) and Forest and Bird (F&B). As Forest and Bird and Central Environmental Society (COES) representative I am a member of the environmental interest group working on the Manuherikia Catchment Water Study Group (MCWSG). I am also a member of Central Otago Wilding Conifer Control Group. The preparation of this submission has drawn on submissions being prepared from Central Otago Environmental Society, Forest and Bird and other members of the community.

3. I am particularly concerned about the ongoing loss to Central Otago's dryland catchments ecosystems and biodiversity. Within the past three years the traditional dryland farming landscape has been transformed by the widespread conversion to irrigated cropping and stocking systems. Despite public comment and protest, the territorial authorities continue to studiously ignore this rush to intensify land use; consequentially the wholesale modification through removal of trees, the levelling and re-forming of land contours, conversion to near mono cultural systems and increased stocking rates have further degraded an already threatened natural reservoir of threatened species and habitat. Now, after weeks of snow and rain, the detrimental effects on pasture resulting from intensive break-feeding on fodder crops are readily observed and lead to heightened concern for consequential adverse effects on local soils and water quality.
4. Through both practical experience on the land and through informed discussion I consider the non-human world to be of vital value and that all living creatures are both interdependent and reliant on a complex natural environment for their well-being. By reason of our intelligence and development, we humans have assumed (if only out of self-interest) a responsibility to exercise wise stewardship of this environment. The issues of concern to me/us (water quality, land use, loss of species, bio-diversity and amenity values), are part of a wider picture of learning to live within responsible limits which need to be established by way of policies and strategies.
5. We need to address the "incompatibility of infinite economic growth in a finite world." Moving from the traditional economic model to one that takes into account the biophysical limits of the planet. Once you take into account the fact that the planet is a closed system, energy-wise, and the economy is an open system, you can't have infinite growth. At some point the cost of pollution and non-renewable resource extraction outweigh the benefits. To this end we need to evolve beyond the terminally flawed model of profit based economics to a wholeistic integrated ethically based approach.
  - a. quantify environmental, social and cultural values.

- b. account for incommensurable values.
- c. responsibility of public officials to establish policies and make decisions on the basis of ethics and morality ie:
  - i. What benefits and what harms will a policy/decision produce?
  - ii. Which alternative will lead to the best overall consequences?
  - iii. Which course of action treats everyone the same and does not show favouritism or discrimination?

### **General Submissions**

- 6. I support the proposals to manage land use change in dry catchments and to avoid reduction in water yields, and methods requiring local authorities to restrict and control forestry planting, and conversion of dryland grasslands to protect these values especially among the valley floor and walls. These remnant systems are some of last vestiges of locally endemic highly threaten species.
- 7. I appreciate the layout and intent of the proposed RPS. The clear four high level outcomes. At issue are the continued premise of development and growth and the lack of definition around this in relation to restoring and retaining our finite natural and environmental resources. Achieving a steady-state society in the near future requires that we begin now to imagine and plan for the contraction which will enable our grandchildren to live within a budget of renewable resources and recycled minerals and metals.
- 8. The framework, with generalised non-specific objectives, needs more detail on causes of problem, or what is being affected, how and where to achieve integrated management of natural and physical resources of the whole region.



9. The policies appear more as outcome statements and need further detail on how the issues with objective polices and methods to address and or achieve them.

***Relief Sought***

10. Write the objectives so that they deal with each of the regionally significant resource issues, defined outcomes, and provide clear reasons and explanations for Objectives and Policies and how they will be achieved, by who and where.

**Specific Submissions**

Title of Provision	Support/Oppose /Amend	Reasons	Relief Sought
<b>Chapter 2</b>	<b>Support with amendments</b>	Re write the Chapter to include /explain that 'integration' requires that RPS be based on the following statement of fundamental principles: <b>Guardianship</b> All users of land and water accept the responsibilities of guardianship. <b>Sustainable Management</b> The values and life supporting capacity of Otago's natural and physical resources are recognised, maintained and enhanced. <b>Water - a public resource</b> to be managed in accordance with sustainability principles: First order priority considerations: the	<b>Provides basis for integrated management plans across Districts.</b>

		<p>environment, customary uses, community supplies and stock water;  Second order priority considerations incl: Irrigation, industry, renewable electricity generation, recreation and amenity.</p> <p><b>Natural character</b>  The natural character (mauri) of the region's rivers, lakes, streams, wetlands and significant landscapes is preserved and enhanced.</p> <p><b>Land-Use</b>  Land management and water use systems are integrated so as to preserve soils and enhance environmental values and water quality.</p> <p><b>Biodiversity</b>  Flora, fauna (both indigenous and introduced) and their habitats on land and in water bodies are protected and valued.</p> <p><b>Access</b>  Public access to and along rivers, lakes, waterways and wetlands is maintained and, where appropriate, enhanced.</p> <p><b>Caution</b>  A pre-cautionary approach is taken when information is uncertain, unreliable or inadequate</p>	
Chapter overview -Issues p24-25	Oppose	The list of issues is general and not specific to Otagos resources. The list does not include specific issues affecting specific natural and physical resources that are of regional significance.	<p>Re write the issues to issues that specifically address the following:</p> <p>Objective 2.1 Issues</p> <ul style="list-style-type: none"> <li>• Cumulative effects of human activities, past and current on natural resources have</li> </ul>

			<p>resulted in loss of resource (eg extinct or nearly extinct species and rare ecosystem types such as salines) or diminished value (eg, freshwater ecosystems)</p> <ul style="list-style-type: none"> <li>• Over allocation (both quality and quantity) and degradation of freshwater resources.</li> <li>• Loss of indigenous habitats and species through land intensification and development, clearance of indigenous vegetation, tree planting.</li> <li>• Loss and degradation of wetlands.</li> <li>• Degradation and loss of resilience of indigenous ecosystems, through loss of area and fragmentation due to land use change, pests and weeds, climate change.</li> <li>• Loss of natural character along the margins of rivers lakes and the coast, through inappropriate land use and development.</li> <li>• Intensifying land use, resource exploitation and utility development threatening Outstanding Natural Landscapes and Features</li> <li>• Insufficient inventory and data collection, monitoring and analysis of natural resource attributes and values. (??? Is this an issue or a cause behind an issue??)</li> <li>• Also poor integration of land and water use management between agencies resulting in loss and degradation of natural resources – similarly not sure if an issue or a cause!</li> <li>• Poor and inadequate awareness and education</li> </ul>
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			<p>on biodiversity and systems interconnectedness.</p> <p><b>Objective 2.2 Issues</b></p> <ul style="list-style-type: none"> <li>• Lack of and inconsistent inventory and identification, recognition and protection of biodiversity values, significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes.</li> </ul>
<b>Objective 2.1</b>	<b>Oppose</b>	<p>It is not only the values of natural and physical resources but also the life supporting capacity of air, water and soil and ecosystems that need to be recognised, maintained, and enhanced or restored where they have been degraded or lost.</p> <p>One general objective addressing all resources fails to provide sufficient guidance to decision makers and resource users.</p> <p>Also the issues imply that degradation and loss may yet still happen whereas it's been happening for years already!</p>	<p><b>Re write to read:</b> The values and life supporting capacity of Otago's natural and physical resources are recognised, maintained and enhanced (restored where identified necessary).</p> <p>Add objectives relating specifically to freshwater, beds of rivers lakes wetlands and their margins, coastal water, outstanding natural features and landscapes including seascapes, land and seascapes, natural character.</p> <p>Add the following biodiversity objective Indigenous biodiversity in terrestrial, freshwater and coastal environments is maintained through protection and is restored and/or enhanced where it has been lost or degraded so that the full range of naturally occurring ecosystems and habitats and their complement of flora and fauna is present across/characterises the region, and enhancement, and restoration particularly in places where</p>

			<p>biodiversity has been lost, or degraded.</p> <p><b>Add further objective</b>  Human activity supports the healthy functioning and resilience of naturally occurring ecosystems including where integrated with production systems.</p> <p><b>Add an explanation that this objective seeks to halt and more so reverse the decline in Otago’s biodiversity, and how retaining and enhancing indigenous habitats, will help halt the decline and why this is important for Otago’s identity and economy.</b></p> <p><b>Compile assessment frameworks of desired common values/attributes for Water quality, Air, Soil, Ecosystems &amp; Biodiversity. Attach as Appendices similar to Schedules 4,5, 6 &amp; 7.</b></p>
Text to Objective 2.1.1	Oppose	As the text observes the values that are held for our resources can be conflicting, so it is not possible to maintain or enhance the resources to meet all values. The RMA requires that the life-supporting capacity of air, water, soil, and ecosystems; is safeguarded and adverse effects on the environment need to be avoided remedied or mitigated. The text implies that a quality resource management framework identifies and protects those which need protection. The purpose of an RPS also includes providing for the integrated and sustainable	Re write text to better reflect the purposes of regional Policy statements and explain the importance of safeguarding the life supporting capacity of ecosystems and resources, and maintaining biodiversity.

		management of the natural and physical resources which better reflects the focus of objective 2.1.	
Policy 2.1.1	Support with amendments	The policy creates ambiguity as freshwater values are not defined, and can be conflicting.	Re name title to read: Managing for healthy freshwater ecosystems
Policy 2.1.1 (a)	Support with amendments	Strongly support managing for healthy ecosystems in all Otago aquifers, rivers, lakes, wetlands and their margins; however this should include all water bodies. Use of the term “support” is unclear and does not provide direction to decision makers. The word “Ensuring” is used in other policies e.g. Policies; 2.3.2 3.3.2, 3.8.1 and is appropriate for this policy.	Amend to read: a) Ensure healthy ecosystems in all Otago water bodies and their margins.
Policy 2.1.1 (b)	Support with amendments	This policy should be clear that it is the full range of habitats that needs to be retained as is stated in the NZ Biodiversity Strategy.	Amend to read: Retain the <u>full natural</u> range of habitats and indigenous species supported by freshwater.
Policies 2.1 .1(c- and e-k)	Support		Retain and their margins. F – restore good quality where degraded?
Policy 2.1.1 d)		The terminology migratory patterns are imprecise and could be more related to behaviour than protecting the habitat requirements for all life cycle stages.	Amend to read Protect migratory requirements for all life cycle stages of freshwater species, unless detrimental to indigenous species. And restore where impeded.
Policy 2.1 (l)	Support with amendments	The RPS does not define important recreational values; this is a superfluous and restricting qualifier.	Amend to read: Protect recreation values Policy M refer also to water bodies and their margins
Missing policies	Add policies	I seek further policies to address the issues	Add the following policies

		relating to the degradation and over allocation of freshwater resources.	<p>q) Avoid human induced erosion and sedimentation</p> <p>r) Ensure all water bodies are safe for human health and contact recreation</p> <p>s) Avoid changes in hydrology which could adversely affect indigenous biodiversity.</p> <p>t) Halt and reverse the decline of indigenous species</p> <p>u) Phase out the over allocation of freshwater that adversely affects water quality and in stream flows by 2035.</p>
Policy 2.1.2 a-c, f-k	Support		Retain a-c and f-k as proposed.
Policy 2.1.2 d)	Support with amendments	Not all ecosystems are currently healthy, so the policy needs to provide for the restoration and enhancement of degraded ecosystems.	Amend to read: Maintain indigenous biodiversity and healthy ecosystems, enhance and restore degraded ecosystems and indigenous biodiversity.
Policy 2.1.2 e)		This policy should be clear that it is the full range of habitats that needs to be retained as is stated in the NZ Biodiversity Strategy.	Amend to read Retain the full natural range of habitats and indigenous species supported by freshwater.
Policy 2.1.2	Add new policy	A key tool for managing margins is to maintain and restore riparian vegetation.	l) Maintain riparian vegetation where it protects water quality and habitat and restore riparian vegetation where it fails to protect water quality
Policy 2.1.2	Add new policy	Margins of water bodies are important for	Protect recreational use and access to the margins of

		recreation.	Otago's water bodies.
Policy 2.1.3	Support with amendment	The policy creates ambiguity as values are not defined, and can be conflicting.	Managing for healthy coastal ecosystems.
Policy 2.1.3 a)	Support with amendment	Use of the term "support" is unclear and does not provide direction to decision makers. The word "Ensuring" is used in other policies e.g. Policies; 2.3.2 3.3.2, 3.8.1 and is appropriate for this policy.	Amend to read Ensure healthy coastal ecosystems, and
Policy 2.1.3 b)	Support with amendment	This policy should be clear that it is the full range of habitats that needs to be retained as is stated in the NZ Biodiversity Strategy.	Amend to read Retain the full range of habitats and indigenous species in the coastal marine area
Policy 2.1.3 h)	Support with amendment	The RPS does not define important recreational values, this is a superfluous and restricting qualifier.	Protect recreation values
Policy 2.1.3 c-g and i	Support		Retain as proposed.
Policy 2.1.4	support	Need to manage burning to protect air quality for visual reasons eg winter burnoffs ruining views of landscape on the best days, ash & smell. Incongruous with policy 2.1.5 & 2.1.7 and eco servicing	may be difficult as effect is temporary – but it is a real issue up in Central and coincides with clear fine still days...
Policy 2.1.5	Support with amendment	There is conflict between achieving values (a-e) and (f)	Rewrite to manage soil impacts from intensive soil use. b) maintain soil diversity and restore where it has been degraded. Add k) protect significant undeveloped soils from disturbance
Policy 2.1.6		The policy creates ambiguity as neither ecosystem nor biodiversity values are defined,	Re write heading to read: Managing to achieve healthy natural ecosystems and



		<p>and they can be conflicting.</p> <p>The introductory text restricts management of activities to managing ecosystems and indigenous biodiversity. A significant issue that needs to be addressed through policies is stopping the loss and degradation of natural ecosystems as a consequence of land use activities and pests and maintaining indigenous biodiversity. This requires managing adverse effects rather than managing the ecosystems and indigenous biodiversity.</p>	<p>indigenous biodiversity.</p> <p>Re write the introductory text to read:  <b>Protect and support the healthy natural functioning of ecosystems, halt and reverse the decline in indigenous biodiversity and avoid significant and/or cumulative adverse effects on ecosystems and indigenous biodiversity, by:</b></p>
Policy 2.1.6 a)	Support with amendments	This policy more or less repeats the Act. Amend to make policy describe what is going to be done, rather than the outcome	<p>Amend to read;  <b>Maintaining or enhancing good ecosystem health and function, intact natural processes, and indigenous biodiversity and habitats for indigenous species through-out Otago; and</b></p>
Policy 2.1.6 b)	Support with amendments	Much of Otago’s remaining indigenous vegetation has been significantly modified, yet it retains habitats for indigenous species, and seed sources for restoration and enhancement. These can provide seasonal food sources, and ecological links.	<p>Amend to read:  <b>Protecting, maintaining or enhancing areas of modified indigenous vegetation which contain indigenous biodiversity and habitats for indigenous species.</b></p>
Policy 2.1.6 c)	Support with amendment		<p><b>Providing for buffers and linking existing habitats of indigenous species where opportunities exist.</b></p>
Policy 2.1.6 d)	Support with amendment		<p><b>Protecting and optimising the hydrological services of tussock grasslands and other natural ecosystems.</b></p>
Policy 2.1.6 e-g)	Support		<p><b>Protecting and sustaining natural resources ... protecting and improving where degraded habitats...for recreational, aesthetic, etc...Retain but</b></p>

			reword to grammatically match above amendments.
Policy 2.1.6 h)	Support with amendment	It is important to prevent rather than just reduce the spread of pests.	Avoid the adverse effects of pest species, prevent their introduction and prevent their spread.
Add new policy as b)		Restoration is needed in places where biodiversity has been lost and habitats degraded, because this is required to restore viable populations of indigenous species across their natural ranges. Using eco sourced indigenous species that occur or once occurred will assist Councils to maintain indigenous biodiversity	Put as policy b) Facilitating and supporting restoration of degraded natural ecosystems and indigenous habitats using indigenous species that naturally occur and/or previously occurred in the area.
		<i>Some indigenous biodiversity is under threat of extinction or becoming Nationally Endangered. This biodiversity needs to be identified and the critical threats actively managed to reverse the threat status</i>	<i>As a priority identifying Nationally Endangered and Nationally Critical species and their habitats and managing threats to reduce and where practicable eliminate risk of further loss; and facilitate and support activities to protect and improve habitat</i>
Add new policy as c)		Biodiversity is lost through fragmentation, reduction in size and extent of habitats.	Put as policy c) Avoiding fragmentation, reduction in size and extent of indigenous ecosystems and habitats of indigenous species.
Add new policy		Biodiversity maintenance is not achieved if biodiversity that is lost is not replaced by enhancement measures under a biodiversity offset.	Avoiding any significant adverse effects as far as practicable, minimising adverse effects where total avoidance is impracticable, remedying and mitigating remaining adverse effects as far as practicable and offsetting any residual adverse effects that are more than minor.
Add new policy		The creation of new habitat will be one way of reversing the decline of indigenous biodiversity	Facilitating and supporting the creation of new areas of indigenous vegetation and habitat for indigenous species , using species and processes inherently natural to the area
Add new policy		The protection, sustenance and enhancement of	Implementing policies a) to h) in a planned, strategic ,

		indigenous biodiversity needs to be undertaken in a coordinated and strategic manner including prioritization to ensure objectives are achieved with greatest efficiency and maximum benefit	prioritised and coordinated manner
Policy 2.1.7	support	Adopts the widely accepted methodology for determining landscape value promoted by the NZILA	
2.1.8	support	Could also equally apply to the riparian and lacustrine environments but better captured in next section	
Policy 2.2.2 a)	Support with amendments	Vulnerable and irreplaceable habitats will be significant, but these particular values may not be signified as contributing to the sites being significant	Avoiding adverse effects including cumulative effects on significant biodiversity that is vulnerable or irreplaceable and on those values which contribute to the area or habitat being significant; and
Policy 2.2.2 b -f	Support with amendments		Retain and amend f) encouraging, facilitating and supporting enhancement....
2.2.3		Needs more guidance - the attributes, qualities and features underlying outstanding status need to be identified	Identify the outstanding natural landscapes and features including coastal features and landscapes; and identify the attributes, qualities and features that contribute to their outstanding status using the methodology set out in Schedule 4.
2.2.4			A) avoiding adverse effect on those attributes and qualities which ... d) where those species do not have an actual or potential adverse effect on indigenous biodiversity, or landscape values in other areas e) preventing spread not reducing but reducing presence too f) encouraging, facilitating and supporting ....

			Add h) encouraging facilitating and supporting mitigation of existing adverse effects to enhance outstanding natural character
2.2.5		Identify the attributes, qualities and features that contribute to the amenity value of other landscapes and natural features (all landscape has amenity value of some kind and the RMA does not distinguish between <i>important and significant</i> or “special amenity” or “visual amenity” landscape and other landscape – it’s just straight out amenity value eg, QLDC is not distinguishing between VAL and other landscape anymore...)	Reword title Identifying the attributes, qualities and features that give other landscapes and natural features amenity value
2.2.6			Protect or enhance the amenity of other landscapes and natural features , by: a) avoiding adverse effects on those attributes, qualities and features that contribute significantly to their amenity value b)ok but replace values with a/q/f as above c) as above d)as for 2.2.4 d) as for 2.2.4e) Add h) encouraging facilitating and supporting mitigation of existing adverse effects to improve amenity values  as for 2.2.4f)
New policy		2.2.8 Identifying the landward extent of the margins of lakes, rivers and wetlands	Identify the landward extent of margins of all freshwater bodies using the following criteria:

		<p>to manage natural character of the margins of freshwater bodies the spatial extent needs to be defined. The interpretation of “margin” has varied considerably from little more than the high water mark to considerable distance back from the water’s edge. Natural character is a perceptual landscape term. A landscape approach has been taken to defining the coastal margin, a similar approach should be taken to freshwater body margins for meaningful management of natural character.</p> <p>Degradation of natural character has occurred along our river and lake edges for example from housing allowed too close or removal of indigenous vegetation within river corridors, because there has been no definition of margin and/or it has been limited to the physical banks of a water body</p> <p>Note rivers is defined to mean streams and creeks including ephemeral flows</p>	<p>a) area or landform where active riparian or lacustrine and/or wetland processes, influences or qualities are significant including legible historic processes and influences ; and</p> <p>b) the area dominated by vegetation associated with the waterbodies and providing habitat for species dependent on the waterbody and its margins including dry to wet environments; and</p> <p>c) any landscape and natural feature that significantly contributes to the natural character, visual amenity and recreational value of the substitute word for coast?? waterbody and its margin??</p> <p>e) the relationship of takata whenua with the margins of freshwater bodies</p>
2.2.8		<p>This policy should only be about coastal landscape that is of high natural character but not outstanding</p>	<p>Reword heading: Identify areas of high but not outstanding natural character in the coastal environment and the attributes, qualities and features contributing to the natural character, using Schedule 4 factors:</p>
2.2.9			<p>Reword as for 2.2.4 and 2.2.6 re changing word “values” for attributes qualities and features and also</p>

			<p>other changes already suggested</p> <p>Add h) encouraging facilitating and supporting mitigation of existing adverse effects to improve natural character</p>
2.2.13			Same wording change re values as for 2.2.4
2.3	Support		
Objective 4.3	Oppose	<p>The term “sufficient” is open to much interpretation, sufficient for what, how much is sufficient. The focus of the RMA is on sustainable management which is not reflected in this Objective. It is unclear what the land is to be protected from, and for what sorts of economic production. For instance it could be argued that all land is needed for economic production, whether or not the activities are sustainable and economic production may not be considered to include biodiversity services which underpin Otago’s economy and tourism. This chapter contains a grab bag of activities which are difficult to embrace under land use sustainability, which is a significant regional issue that needs to be addressed in the RPS, but which is not readily identifiable.</p>	<p>Remove policies relating to rural land use from this chapter and embrace under a new Objective that reflects the requirements for sustainable management, protecting the life supporting capacity of productive rural ecosystems.</p>
Policy 4.3.1	Oppose	<p>This policy fails to implement S5 of the RMA.</p>	<p>Amend to read: Managing for sustainable rural activities</p> <p>Ensure sustainable management of Otago’s land resources to meet the present and reasonably</p>

			foreseeable needs of Otago's communities by:
Policy 4.3.1 a)	Amend	This policy fails to implement S5 of the RMA.	Protect the life supporting capacity of land resources and ecosystems and enable sustainable farming and other rural activities; and
Policy 4.3.2 a) and b)	support	Active in wilding conifer control I am pleased to see recognition of the need to manage land to protect water yield. Equally is the need to preserve and restore natural water harvesting catchments.	Retain Also need to promote and encourage if not regulate?? land uses that reduce biomass such as burning and grazing.  What does minimise mean? Why not simply avoid?
Policy 4.3.6 a)	Support	I support the importance of avoiding mineral and gas exploration, extraction and processing in Otago's significant and outstanding areas.	Retain
Objective 4.4	Support with amendment		Statement should reference fundamental principles – specifically water use priorities
Policy 4.4.1		Note difference from 4.4.3 which is focussed on enhancement	Include new sub para e) Efficiency of water allocation and use taking into account fundamental principles and preserving environmental values.
Policy 4.4.1 d)	Amend	Not all water harvesting and storage should be enabled. Large storage lakes can inundate significant aquatic and terrestrial indigenous biodiversity and result in adverse visual effects due to drawdown and erosion along shorelines, new roading and access tracking, construction areas and presence of infrastructure detracting from naturalness (eg, Manuherikia irrigation storage Falls Dam)	Enable small scale on farm water harvesting and storage to reduce pressure on water bodies during periods of low flows. Avoid locating new (large) water storage where there would be adverse impacts on significant indigenous biodiversity and outstanding natural landscapes and features.
Policy 4.4.3	Support with amendments		Retain and amend to read Encourage, facilitate and support activities that... and instead of or it should be "and/or" projects may do more than one thing

			<p>Add restore natural character and ecosystem function of riparian corridors</p> <p>Protect natural features</p> <p>Control or eradicate pest species</p>
Issues Statement Policy 4.5	Amend	Otago's areas of biodiversity, natural ecosystems are under threat, as well as Otago's significant areas of biodiversity,	<p>Amend to read:</p> <p>Otago's natural ecosystems and indigenous biodiversity and areas of significant indigenous vegetation and significant habitats of indigenous fauna and outstanding landscapes, for example.....</p>
Policy 4.5.5	Support with amendments		<p>Amend to read:</p> <p>Preventing the introduction and spread of pest plants and animals</p> <p>Control the adverse effects of pest species, prevent their introduction and spread, to safeguard:</p> <p>Add :</p> <p>productive values</p> <p>Landscape and visual values and natural character</p>
Policy 4.5.5 a-g)	Support with amendments		<p>Retain and amend.</p> <p>Change the word values as before... see 2.2.4</p>
Policy 4.5.7 c)	Support	Biodiversity offsetting should not be applied to justify impacts on vulnerable and irreplaceable biodiversity values or biodiversity values which can not be offset.	Retain
Method 4.1.4	Support		Retain
New Method		As it is unlikely that all areas of significant	Add methods to specify that City and District plans



4.1.13		indigenous vegetation and significant habitats of indigenous fauna will be identified at one time, and many may be missed, due to difficulty of gaining access, lack of resourcing, or overlooked, and as schedules inevitably go out of date, it is important that there are mechanisms to identify sites that meet the criteria at the time of resource consents that involve adverse effects on vegetation and habitats.	<p>will set objectives, policies and methods to implement policies 2.1.6 – Managing for ecosystem and indigenous biodiversity values and 2.2.2 – Managing significant indigenous vegetation and significant habitats of indigenous fauna, by including provisions to:</p> <ul style="list-style-type: none"> <li>a) Manage indigenous vegetation clearance using case by case assessments to determine whether an area of indigenous vegetation or habitat is significant and warrants protection</li> <li>• b) Include appropriate regulatory methods that control the clearance or modification of, indigenous vegetation and habitats of indigenous fauna.</li> <li>• c) Require ecological assessments to accompany a resource management proposal or plan for an activity or development that may affect areas of indigenous vegetation and habitats of indigenous fauna.</li> </ul>
Method 6.1.2	Support with amendments to a)	The identification of Significant indigenous vegetation and significant habitats of indigenous fauna needs to be done consistently by all districts using the same identification criteria as specified in the Schedules. Indigenous	<p>Amend a) to read:</p> <p>Significant indigenous vegetation and significant habitats of indigenous fauna in using criteria for terrestrial and freshwater in Schedule 5 (as amended</p>

		vegetation and habitats do not conform to district boundaries but the proposed criteria are relevant for all districts.	by this submission) and for the coastal marine area in Schedule xxxx  Retain b-f
Method 7	Add amendment	Reduce carbon emissions	New Policy 7.3.5 to promote/encourage transition to electric powered vehicles
AER 3.5	Add	Reduce carbon emissions	Positive indicators – increasing uptake of domestic solar generation and use of electric powered transport. Increase in available public transport and increase of “freight efficiency” (in other words increase in buses and trains).
Schedule 5	Support with amendments	<p>The description does not adequately describe representative and does not include habitats of indigenous fauna. As most indigenous vegetation types and assemblages of native fauna have been modified to some extent often this means that vegetation types or communities that are closest to the composition and structure that would have been expected to occur at the baseline of 1840 need to be included as representing the typical or characteristic of the natural diversity of the ecological district.</p> <p>Pattern refers to changes in the distribution and abundance of species/habitats across the site and is driven by underlying variation in the environment.</p>	<p>Representative</p> <p>An area of indigenous vegetation or habitat of indigenous fauna that is representative, typical or characteristic of the natural diversity of the relevant ecological district.</p> <p>Diversity add and Pattern Amend to read: An area that supports a high diversity of indigenous ecosystem types, indigenous taxa or has changes in species composition reflecting the existence of diverse natural features or gradients.</p> <p>Ecological Context</p>

		<b>Some areas can have important connectivity values for the dispersal of indigenous plants.</b>	<b>Add vegetation to a)</b>

## Appendix one

Schedule xxx

### SIGNIFICANT ECOLOGICAL AREAS\_MARINE CRITERIA

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

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

#### INCLUSION CRITERIA

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

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

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

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

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

iii It is a habitat that is required to provide for the life cycle of a plant or animal that occurs naturally in Otago and has been assessed by a nationally or

internationally recognised assessment process (e.g., NZTCS, IUCN) and determined to have a threatened conservation status including Critical, Endangered, or Vulnerable. OR

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

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

OR

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

**c.UNIQUENESS OR DISTINCTIVENESS:**

i. It is habitat for a marine plant or animal that is endemic or near-endemic to the Otago region OR

ii. It is an indigenous ecosystem that is endemic to the Otago region or supports ecological assemblages, structural forms or unusual combinations of species that are endemic to the Otago region. OR

iii. It is a habitat that supports occurrences of a plant, animal or fungi that are the largest specimen or largest population of the indigenous species in Otago or New Zealand

**d.DIVERSITY:**

i. It is an intact habitat sequence extending across an environmental gradient, and including both floral and faunal habitat components; OR

ii. It includes a large number of intertidal and/or sub tidal habitats; OR

iii. It is a habitat type that supports a high species richness for its type.

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

i. It is a site which makes an important contribution to the resilience and ecological integrity of surrounding areas. OR

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

**f. REPRESENTATIVENESS:**

- i. It is an example of an indigenous marine ecosystem (including both intertidal and sub tidal habitats, and including both faunal and floral components) that makes up part of at least 10% of the natural extent of each of Otago's original marine ecosystem types and reflecting the environmental gradients of the region; AND
- ii It is an example of an indigenous marine ecosystem, or habitat of indigenous marine fauna (including both intertidal and sub tidal habitats, and including both faunal and floral components), that is characteristic or typical of the natural marine ecosystem diversity of Otago; OR
- iii It is a habitat that is important to indigenous species of Otago, either seasonally or permanently, including for migratory species and species at different stages of their life cycle (and including refuges from predation, or key habitat for feeding, breeding, spawning, roosting, resting, or haul out areas for marine mammals); OR
- iv. It is an ecosystem that contains an intact ecological sequence across an environmental gradient (e.g., intact intertidal vegetation sequence including sea grass, salt marsh, and terrestrial coastal vegetation); OR
- v. It is an ecosystem that contains a large number of marine habitat types, with the full range of habitats represented that is typical for that depth and exposure within the Otago region; OR
- vi. It is a habitat or ecosystem of particular importance for indigenous or migratory species

**EXCLUSION CRITERIA**

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

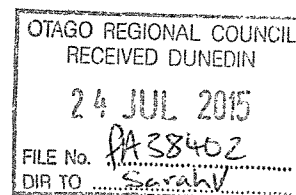
i. It is a novel or synthetic ecosystem dominated by non-indigenous marine fauna or flora.

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Date 24 July 2015

Director Policy and Resource Planning  
Freepost 497  
Proposed RPS  
Otago Regional Council  
Private Bag 1954  
DUNEDIN 9054



Attention: Fraser McRae

Dear Fraser

**SUBMISSION ON PROPOSED REGIONAL POLICY STATEMENT 2015**

Please find attached a submission on behalf of Aurora Energy Limited in respect of the Proposed Regional Policy Statement 2015.

If you require any further information or clarification on the submission do not hesitate to contact me either by phone on (03) 471 6783 or email [joanne.dowd@thinkdelta.co.nz](mailto:joanne.dowd@thinkdelta.co.nz).

Yours sincerely

A handwritten signature in black ink, appearing to read "Joanne Dowd". The signature is written in a cursive, flowing style.

Joanne Dowd  
NETWORK POLICY MANAGER

Encl



**FORM 5**  
**SUBMISSION ON PROPOSED REGIONAL POLICY STATEMENT FOR OTAGO**  
**UNDER CLAUSE 6 OF THE FIRST SCHEDULE,**  
**RESOURCE MANAGEMENT ACT 1991**

**To:** Otago Regional Council  
Private Bag 1954  
**DUNEDIN**

**Submission on:** Submissions on the Proposed Otago  
Regional Policy Statement 2015

**Name:** Aurora Energy Limited  
**Address:** PO Box 1404,  
**DUNEDIN 9054**

- 1. This is a submission on the following proposed policy statement: Proposed Regional Policy Statement for Otago 2015 (“PRPS”).**
- 2. Aurora Energy Limited (“Aurora”) could not gain an advantage in trade competition through this submission.**
- 3. Overall issues that have determined the approach of Aurora in preparing submissions on the Proposed District Plan are outlined below and attached as Annexure One.**

**About Aurora**

Aurora depends upon and fully support the principles of sustainable management and efficient use of resources as outlined in Part 2 of the Resource Management Act (“the RMA”). Aurora have particular interests in ensuring that the PRPS enables the continued and efficient operation of its regionally significant infrastructure as well as generally ensuring that other existing and new regionally significant infrastructure within the Otago region are adequately provided for. Aurora is supportive of the Otago Regional Councils notified RPS and is pleased to see that a number of the suggestions made by us on the consultation draft have been incorporated in the PRPS. However we do have some suggested modifications which we believe should be addressed. These are discussed in detail in **Annexure One** of our submission.

Aurora owns, operates and maintains an electricity distribution network in the Dunedin and Central Otago regions. This network carries electricity from the National Grid to more than 85,000 homes and businesses across Dunedin City and Central Otago Region. Aurora owns substations, lines and cables located in public road reserve, as well as on private property. In addition to the distribution network, Aurora has the capacity to own and operate high voltage (up to 110kV) transmission lines, and associated structures in future, and may be required to do so as regional electricity demand grows. Aurora is committed to providing its customers in the region with an effective and secure supply of electricity, which in doing so provides a critical service to customers as well as a public good to local communities including hospitals, schools, offices and residential dwellings

## **Infrastructure Overview**

The electricity network works provided by Aurora, which have the potential to impact on land and vegetation resources includes the excavation of land/earthworks and vegetation clearance associated with the erection, placement, upgrade, repair and maintenance of its infrastructure both on land and within the beds and margins of lakes and rivers. Aurora is responsible for the construction and maintenance of an efficient and safe electricity network, which involves the following infrastructure:

- Underground cables;
- Overhead lines;
- Substations/transformers/kiosks;
- Electricity structures (poles/pylons, earth rods and associated buildings); and
- Access tracks.

Aurora's key area of concern is the effect of the policies and objectives in the PRPS on the activities or processes that are required to establish the above infrastructure. There are certain land use activities associated with establishing new infrastructure and maintaining existing infrastructure which involve:

- The excavation of land,
- The disturbance/deposition of soil,
- Vegetation clearance and
- Potential discharges to water.

Currently Aurora undertakes these activities in accordance with strict Industry codes of practice, Local Authority requirements, and electricity network technical specification standards.

It is therefore appropriate, given the regional significance of Aurora's assets, that its management is comprehensively addressed in the proposed Otago Regional Policy Statement (PRPS). It is appropriate that the PRPS contains close and practical linkages between its objectives, policies and methods relating to the physical resources, at both the regional and district level. This will facilitate integrated resource management occurring within the region, particularly as it relates to significant physical resources, such as Aurora's critical infrastructure.

Aurora seeks to ensure that the PRPS for Otago contains appropriate provisions to ensure that it can provide adequate guidance in the development of any new regional and/or district plan and/or plan changes. More specifically, the PRPS needs to adequately provide for the core strategic infrastructure that is required to support growth within the Otago region.

For Aurora, the provisions of the PRPS for the Otago Region need to:

- a) recognise the benefits of Regionally Significant and Critical Infrastructure;
- b) ensure and protect the ability for ongoing operation and maintenance of the network;
- c) enable the existing network to be upgraded in order to meet growth in power demand;
- d) protect the existing network from issues of reverse sensitivity; and
- e) provide an appropriate policy framework for the development of new lines.

In addition, Aurora seeks that the RPS recognises the strategic and lifeline importance of all parts of the electricity network. This is essential to ensure that the RPS achieves the purpose of the RMA, in that the use, development, and protection of the electricity network (a physical resource) is managed in the most appropriate way to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

The PRPS goes some way to achieving these outcomes. In particular, it recognises the benefits of regionally significant infrastructure, and seeks to protect regionally significant infrastructure from new and incompatible land uses. Acceptable provisions are identified and sought to be retained. However some modifications and/or clarifications are required to the existing text, and additional text is required in order to address all of the relevant resource management issues identified above.

#### **4. Aurora's specific submissions are outlined in Annexure One below.**

The specific provisions that Aurora's submission relates to are set out in **Annexure One** using the numbering system and headings contained in the PRPS. The submissions are set out immediately following these headings, together with the decision sought from Council. The decision that has been requested may suggest new or revised wording for identified sections of the PRPS. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. The wording of decisions sought shows new text as underlined and original text to be deleted as ~~strikethrough~~.

Unless specified in each submission point the reasons for supporting are that the policies are consistent with the RMA and would support the enhancement or protection of regionally significant infrastructure.

#### **5. Aurora seeks the following decisions from the Otago Regional Council:**

- (a) that the amendments (or those with similar or like effect or consequential amendments to the PRPS that stem from the submissions and general relief sought) outlined in **Annexure One**, be accepted to ensure:
  - the sustainable management of Regionally Significant and Critical Infrastructure as a physical resource is provided for;
  - that there is appropriate provision for the ongoing operation and maintenance of the network, including ensuring that lines can be accessed;
  - that the existing network can be upgraded in order to meet growth in energy demand;
  - the protection of the existing network from issues of reverse sensitivity and the effects of others' activities; and
  - appropriate provision for the planning and development of new lines
- (b) such further or other relief as is appropriate or desirable in order to take account of the concerns expressed in this submission; and
- (c) that, in the event that the amendments set out above are not implemented, the PRPS be withdrawn.

#### **6. Aurora wish to be heard in support of its submission.**

7. **If others make a similar submission, Aurora will consider presenting a joint case with them at a hearing.**

Signed:.....

On behalf of Aurora Energy Limited

**Dated at Dunedin this 24<sup>th</sup> day of July 2015**

**Address for Service:**

Aurora Energy Limited

C/- Delta Utility Services Limited

PO Box 1404

**DUNEDIN 9054**

**Contact Details:**

Attention: Joanne Dowd – Network Policy Manager

Telephone: 03 471 6783

E-mail: [joanne.dowd@thinkdelta.co.nz](mailto:joanne.dowd@thinkdelta.co.nz)

Provision	Support/Oppose	Reason	Relief Sought
<p><b>Objective 2.1</b>  <i>The values of Otago's natural and physical resources are recognised, maintained and enhanced</i>  <i>Some of the many values of our natural resources may conflict with each other: for example, we depend on water for food production, yet we want water for healthy rivers. Otago's biodiversity is an example of another resource under pressure, in part from indirect consequences of land use, such as the introduction and spread of pest species. A good quality resource management framework addresses all the values attached to our resources, and identifies those which need protection.</i></p>	Support	Aurora supports Objective 2.1, as it is important that natural and physical resources (including regionally significant and critical infrastructure) are identified and relevant protection measures are provided for.	Retain Objective 2.1.
<p><b>Policy 2.1.1</b>  <b>Managing for freshwater values</b>  <i>Recognise freshwater values, and manage freshwater, to:</i></p> <ul style="list-style-type: none"> <li>a) <i>Support healthy ecosystems in all Otago aquifers, and rivers, lakes, wetlands, and their margins; and</i></li> <li>b) <i>Retain the range and extent of habitats provided by freshwater; and</i></li> <li>c) <i>Protect outstanding water bodies and wetlands; and</i></li> <li>d) <i>Protect migratory patterns of freshwater species, unless detrimental to indigenous biodiversity; and</i></li> <li>e) <i>Avoid aquifer compaction, and seawater intrusion in aquifers; and</i></li> <li>f) <i>Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded; and</i></li> <li>g) <i>Maintain or enhance coastal values supported by freshwater values; and</i></li> <li>h) <i>Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers; and</i></li> <li>i) <i>Retain the quality and reliability of existing drinking water supplies; and</i></li> <li>j) <i>Protect Kāi Tahu values; and</i></li> <li>k) <i>Provide for other cultural values; and</i></li> <li>l) <i>Protect important recreation values; and</i></li> <li>m) <i>Maintain the aesthetic and landscape values of rivers, lakes, and wetlands; and</i></li> <li>n) <i>Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and</i></li> <li>o) <i>Mitigate the adverse effects of natural hazards, including flooding and erosion; and</i></li> <li>p) <i>Maintain the ability of existing infrastructure to operate within their design parameters.</i></li> </ul>	Oppose in part	Aurora considers that it is important that existing infrastructure and essential structures are provided for. River and lake beds, and their riparian margins, often provide the location for new and existing regionally significant infrastructure and essential structures, many of which may not be able to locate elsewhere. Essential structures represent significant capital investment and they can provide economic and social benefits and should also be provided for in this policy.	<p>Amend Policy 2.1.1 as follows:</p> <p><b>Managing for freshwater values</b>  Recognise freshwater values, and manage freshwater, to:</p> <ul style="list-style-type: none"> <li>a) .....</li> <li>p) Maintain the ability of existing infrastructure <u>and essential structures</u> to operate within their design parameters.</li> </ul> <p>Insert new definition of <u>Essential Structures</u> (see below).</p>
<p><b>Policy 2.1.2</b>  <b>Managing for the values of beds of rivers and lakes, wetlands, and their margins</b>  <i>Recognise the values of beds of rivers and lakes, wetlands, and their margins, and manage them to:</i></p> <ul style="list-style-type: none"> <li>a) <i>Protect or restore their natural functioning; and</i></li> <li>b) <i>Protect outstanding water bodies and wetlands; and</i></li> <li>c) <i>Maintain good water quality, or enhance it where it has been degraded; and</i></li> <li>d) <i>Maintain ecosystem health and indigenous biodiversity; and</i></li> <li>e) <i>Retain the range and extent of habitats supported; and</i></li> <li>f) <i>Maintain or enhance natural character; and</i></li> <li>g) <i>Protect Kāi Tahu values; and</i></li> <li>h) <i>Provide for other cultural values; and</i></li> <li>i) <i>Maintain their aesthetic and amenity values; and</i></li> </ul>	Oppose in part	<p>Aurora opposes this policy, in part, on the basis that it is unbalanced. While it is appropriate to direct regional plans to include policies and methods associated with the management of adverse effects, in order to achieve the balance of values required by section 5(2) of the Act, there should also be policies that provide for the use and development of river and lake beds, where this is appropriate.</p> <p>Aurora is concerned that this policy does not enable the use and development of river and lake beds, where these might be appropriate, and there are no other policies proposed that provide for this. The policies, therefore, do</p>	<p>Insert new clause (m) as follows:</p> <p>(M) <u>provide for the current and reasonably foreseeable future needs and cultural, economic and social wellbeing of people and the community by enabling the use and development of river and lake beds where appropriate.</u></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>not provide for growth and development opportunities in the Region, which are important for Otago's social and economic wellbeing. Aurora submits that new uses should be provided for.</p>	
<p><b>Policy 2.1.3</b> <b>Managing for coastal water values</b> Recognise coastal water values, and manage coastal water, to:</p> <p>a) Support healthy coastal ecosystems; and</p> <p>b) Retain the range of habitats provided by the coastal marine area; and</p> <p>c) Protect migratory patterns of coastal water species, unless detrimental to indigenous biodiversity; and</p> <p>d) Maintain coastal water quality, or enhance it where it has been degraded; and</p> <p>e) Maintain or enhance coastal values; and</p> <p>f) Protect Kāi Tahu values; and</p> <p>g) Provide for other cultural values; and</p> <p>h) Protect important recreation values; and</p> <p>i) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread.</p>	<p>Oppose in part</p>	<p>Aurora opposes this policy, in part, on the basis that it is unbalanced. While it is appropriate to direct regional plans to include policies and methods associated with the management of adverse effects, in order to achieve the balance of values required by section 5(2) of the Act, there should also be policies that provide for the use and development of coastal water values, where this is appropriate.</p> <p>Aurora is concerned that this policy does not enable the use and development of coastal water where these might be appropriate, and that there are no other policies proposed that provide for this. The policies, therefore, do not provide for growth and development opportunities in the Region, which are important for Otago's social and economic wellbeing. Aurora submits that new uses should be provided for.</p>	<p>Insert new clause (j) as follows:</p> <p>(j) provide for the current and reasonably foreseeable future needs and cultural, economic and social wellbeing of people and the community by enabling the use and development of coastal water where appropriate.</p>
<p><b>Objective 2.2</b> <b>Otago's significant and highly-valued natural resources are identified, and protected or enhanced</b> 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 will be directed to areas where adverse effects are more acceptable.</p>	<p>Oppose in part</p>	<p>Aurora 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. It could be construed that, by seeking to protect such resources, no development or use would be deemed to be acceptable in such an environment. Given this, Aurora consider that the focus of the objective should be to identify such resources, and to maintain and, where appropriate, enhance the values that contribute to the significance of the resource.</p>	<p>Amend Objective 2.2 as follows:</p> <p><b>Otago's significant and highly-valued natural resources are identified, and protected maintained or where appropriate enhanced</b></p> <p>Otago has many unique landscapes, natural features and areas of indigenous biodiversity which are nationally or regionally important. <u>These resources should be maintained and where appropriate enhanced. Giving these a higher level of protection ensures they will be retained, while consumptive use of resources will be directed to areas where adverse effects are more acceptable.</u></p>
<p><b>Policy 2.2.2</b> <b>Managing significant indigenous vegetation and significant habitats of indigenous fauna</b> Protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</p> <p>a. Avoiding adverse effects on those values which contribute to the area or habitat being significant; and</p> <p>b. Avoiding significant adverse effects on other values of the area or habitat; and</p> <p>c. Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</p> <p>d. Remediating, when adverse effects cannot be avoided; and</p> <p>e. Mitigating where adverse effects cannot be avoided or remediated; and</p> <p>f. Encouraging enhancement of those areas and values.</p>	<p>Oppose in part</p>	<p>The policy seeks to "protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna by avoiding adverse effects". This is of concern in light of the King Salmon Supreme Court decision. In King Salmon, "avoid" was held (by the majority) to have a greater weight than if the environmental bottom line approach was adopted.</p> <p>While Aurora acknowledges that it is a necessary requirement, under the RMA, to protect areas of significant indigenous fauna; it is considered that this can be achieved with the appropriate management of adverse effects rather than the outright avoidance of all adverse</p>	<p>Amend Policy 2.2.2 as follows:</p> <p><b>Managing significant indigenous vegetation and significant habitats of indigenous fauna</b> Protect and where appropriate enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</p> <p>a. Avoiding adverse effects on those values which contribute to the area or habitat being significant; and</p> <p>b. Avoiding significant adverse effects on other values of the area or habitat; and</p>

		effects, particularly where there is no regard had to the scale or significance of that adverse effect.	
<p><b>Policy 2.2.4</b>  <b>Managing outstanding natural features, landscapes, and seascapes</b>  <i>Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</i></p> <ul style="list-style-type: none"> <li>a. <i>Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</i></li> <li>b. <i>Avoiding, remedying or mitigating other adverse effects on other values; and</i></li> <li>c. <i>Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</i></li> <li>d. <i>Recognising and providing for positive contributions of existing introduced species to those values; and</i></li> <li>e. <i>Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</i></li> <li>f. <i>Encouraging enhancement of those areas and values.</i></li> </ul>	Oppose in part	<p>This policy also seeks to “<i>protect, enhance and restore the values of outstanding natural features and seascapes by avoiding adverse effects</i>”. This is of concern in light of the King Salmon Supreme Court case<sup>1</sup>. In <i>King Salmon</i>, “avoid” was held (by the majority) to have a greater weight<sup>2</sup> than if the environmental bottom line approach was adopted.</p> <p>While Aurora acknowledges that it is a necessary requirement, under the RMA, to protect areas of outstanding natural landscapes and features from inappropriate use, subdivision and development; it is considered that this can be achieved with the appropriate management of adverse effects rather than the outright avoidance of all adverse effects, particularly where there is no regard had to the scale or significance of that adverse effect.</p>	<p><b>Amend</b> Policy 2.2.4 as follows:</p> <p><b>Policy 2.2.4</b>  <b>Managing outstanding natural features, landscapes, and seascapes</b>  <i>Protect <u>where appropriate</u>, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</i></p> <ul style="list-style-type: none"> <li>a. <del>Avoiding, remedying or mitigating</del> adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; <del>and</del></li> <li>b. <del>Avoiding, remedying or mitigating other adverse effects on other values; and</del></li> <li>c. <i>Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</i></li> <li>d. <i>Recognising and providing for positive contributions of existing introduced species to those values; and</i></li> <li>e. <i>Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</i></li> <li>f. <i>Encouraging enhancement of those areas and values.</i></li> </ul>
<p><b>Policy 2.2.6</b>  <b>Managing special amenity landscapes and highly valued natural features</b>  <i>Protect or enhance the values of special amenity landscapes and highly valued natural features, by:</i></p> <ul style="list-style-type: none"> <li>a. <i>Avoiding significant adverse effects on those values which contribute to the special amenity of the landscape or high value of the natural feature; and</i></li> <li>b. <i>Avoiding, remedying or mitigating other adverse effects on other values; and</i></li> <li>c. <i>Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</i></li> <li>d. <i>Recognising and providing for positive contributions of existing introduced species to those values; and</i></li> <li>e. <i>Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</i></li> <li>f. <i>Encouraging enhancement of those values.</i></li> </ul>	Oppose in part	<p>This policy is opposed by Aurora, 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 Aurora 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. Aurora is also concerned that the Policy seeks to avoid adverse effects which, as set out above, establishes a very high threshold test that is not considered to be appropriate.</p>	<p><b>Amend</b> Policy 2.2.6 as follows:</p> <p><b>Policy 2.2.6</b>  <b>Managing special amenity landscapes and highly valued natural features</b>  <i><u>Protect</u> <u>Maintain</u> or <u>where appropriate</u> enhance the values of special amenity landscapes and highly valued natural features, by:</i></p> <ul style="list-style-type: none"> <li>a. <del>Avoiding, remedying or mitigating significant</del> adverse effects on those values which contribute to the special amenity of the landscape or high value of the natural feature; <del>and</del></li> <li>b. <del>Avoiding, remedying or mitigating other adverse effects on other values; and</del></li> <li>c. <i>Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</i></li> <li>d. <i>Recognising and providing for positive contributions of existing introduced species to those values; and</i></li> <li>e. <i>Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</i></li> <li>f. <i>Encouraging enhancement of those values.</i></li> </ul>
<p><b>Policy 2.2.7</b>  <b>Identifying the landward extent of the coastal environment</b>  <i>Identify the landward extent of the coastal environment, using the following criteria:</i></p> <ul style="list-style-type: none"> <li>a. <i>Area or landform dominated by coastal vegetation or habitat of indigenous coastal species; and</i></li> </ul>	Support	<p>Aurora notes that this policy is generally consistent with that of Policy 1 of the New Zealand Coastal Policy Statement 2010, and while this is generally appropriate Aurora considers that the PRPS should be more definitive in identifying the extent of the coastal environment in Otago. Aurora is of the view that the</p>	<p><b>Insert</b> a map defining the extent of the coast environment including identification of regionally significant infrastructure.</p>

<sup>1</sup> Environmental Defence Society Inc. v The New Zealand King Salmon Co Ltd [2014] NZSC 38.

<sup>2</sup> In the sense of “not allow” or “prevent the occurrence of”.

<p>b. Landforms and the margins of landforms where active coastal processes, influences or qualities are significant; and</p> <p>c. Any landscapes or features, including coastal escarpments, which contribute to the natural character, visual quality or amenity values of the coast; and</p> <p>d. Any physical resource or built form, including infrastructure, that has modified the coastal environment and retains a connection to or derives character from connection to the coast; and</p> <p>e. The relationship of takata whenua with the coastal environment.</p>		<p>Regional Council should prepare a map to accompany the RPS delineating the extent of the coastal environment.</p> <p>In addition, Aurora considers it appropriate that existing physical resources or built form, including infrastructure, is recognised within the coastal environment. Aurora's assets in the coastal environment form a key part of Aurora's regionally significant network and it is appropriate that the modification that such infrastructure has made is recognised and provided for.</p>	
<p><b>Policy 2.2.9</b> <b>Managing the natural character of the coastal environment</b> Preserve or enhance the natural character values of the coastal environment, by:</p> <p>a. Avoiding adverse effects on those values which contribute to the outstanding natural character of an area; and</p> <p>b. Avoiding significant adverse effects on those values which contribute to the high natural character values of an area; and</p> <p>c. Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</p> <p>d. Avoiding, remedying or mitigating other adverse effects on other values; and</p> <p>e. Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment; and</p> <p>f. Encouraging enhancement of those values; and</p> <p>g. Controlling the adverse effects of pest species, prevent their introduction and reduce their spread.</p>	Oppose in part	<p>This policy also seeks to “preserve or enhance the natural character of the coastal environment” by avoiding adverse effects. As set out above, this is of concern in light of the King Salmon Supreme Court case<sup>3</sup>. In <i>King Salmon</i>, “avoid” was held (by the majority) to have a greater weight<sup>4</sup> than if the environmental bottom line approach was adopted.</p> <p>While Aurora acknowledges that it is a necessary requirement under the RMA to preserve natural character values of the coastal environment and to protect these from inappropriate use, subdivision and development; it is considered that this can be achieved with the appropriate management of adverse effects rather than the outright avoidance of all adverse effects, particularly where there is no regard had to the scale or significance of that adverse effect.</p>	<p>Amend Policy 2.2.9 as Follows:</p> <p><b>Policy 2.2.9</b> <b>Managing the natural character of the coastal environment</b></p> <p>Preserve or <u>where appropriate</u> enhance the natural character values of the coastal environment, by:</p> <p>a. Avoiding, <u>remedying or mitigating</u> adverse effects on those values which contribute to the outstanding natural character <u>or high natural character values</u> of an area; and</p> <p><del>b. Avoiding significant adverse effects on those values which contribute to the high natural character values of an area; and</del></p> <p>c. Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</p> <p>d. Avoiding, remedying or mitigating other adverse effects on other values; and</p> <p>e. Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment; and</p> <p>f. Encouraging enhancement of those values; and</p> <p>g. Controlling the adverse effects of pest species, prevent their introduction and reduce their spread.</p>
<p><b>Policy 2.2.13</b> <b>Managing outstanding water bodies and wetlands</b> Protect the values of outstanding water bodies and wetlands by:</p> <p>a. Avoiding significant adverse effects, including cumulative effects, on those values which contribute to the water body or wetland being outstanding; and</p> <p>b. Avoiding, remedying or mitigating other adverse effects on the water body or wetland's values; and</p> <p>c. Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</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>	Oppose in part	<p>Aurora is of the view that there should be scope within the policy to allow for the remediation or mitigation of adverse effects, including significant adverse effects.</p> <p>The absolute wording of the Policy “to avoid significant adverse effects” is of concern in light of the <i>King Salmon</i> Supreme Court decision<sup>5</sup>. In <i>King Salmon</i>, “avoid was held (by the majority) to have a greater weight<sup>6</sup> than if the environmental bottom line approach was adopted.</p>	<p>Amend Policy 2.2.13 as follows:</p> <p><b>Managing outstanding water bodies and wetlands</b> Protect the values of outstanding water bodies and wetlands by:</p> <p>a. Avoiding significant adverse effects, including cumulative effects, on those values which contribute to the water body or wetland being outstanding, <u>where it is practicable to do so</u>; and</p> <p>b. Avoiding, remedying or mitigating other adverse effects on the water body or wetland's values; and</p> <p>c. Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</p> <p>d. Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</p>

<sup>3</sup> *Environmental Defence Society Inc. v The New Zealand King Salmon Co Ltd* [2014] NZSC 38.

<sup>4</sup> In the sense of “not allow” or “prevent the occurrence of”.

<sup>5</sup> *Environmental Defence Society Inc. v The New Zealand King Salmon Co Ltd* [2014] NZSC 38.

<sup>6</sup> In the sense of ‘not allow’ or ‘prevent the occurrence of’.



			<i>e. Encouraging enhancement of outstanding water bodies and wetlands.</i>
<p><b>Policy 3.1.1</b>  <b>Recognising natural and physical environmental constraints</b>  <i>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:</i></p> <ul style="list-style-type: none"> <li><i>a) The availability of natural resources necessary to sustain the activity; and</i></li> <li><i>b) The ecosystem services the activity is dependent on; and</i></li> <li><i>c) The sensitivity of the natural and physical resources to adverse effects from the proposed activity/land use; and</i></li> <li><i>d) Exposure of the activity to natural and technological hazard risks; and</i></li> <li><i>e) The functional necessity for the activity to be located where there are significant constraints.</i></li> </ul>	Support	<p>Aurora submits that infrastructure is a significant physical resource and is essential to the social and economic wellbeing of the community. Such infrastructure is already located in areas subject to environmental constraints in Otago and is the subject of considerable financial investment and unlikely to be readily replaced or duplicated.</p> <p>It is therefore appropriate to recognise that regionally significant and critical infrastructure and essential structures can have a functional, technical or operational requirement to be sited within areas subject to environmental constraints.</p> <p>This policy should be retained.</p>	<b>Retain</b> Policy 3.1.1.
<p><b>Objective 3.2</b>  <b>Risk that natural hazards pose to Otago's communities are minimised</b>  <i>Natural hazards can injure or kill people, damage property, create stress and fear, affect the operation of infrastructure and impact on the economy. Natural hazards can also be exacerbated. For example, an increase in the extent of hard surfaces increases stormwater runoff, which can exacerbate flooding and erosion. Accordingly it is prudent to act now rather than letting risk increase. Natural hazards should be identified and managed appropriately, so that risk of avoidable social and economic harm to communities is reduced as much as possible.</i></p>	Support	<p>Aurora agrees with Objective 3.2 that the risk of natural hazards to Otago's Communities are minimised /reduced. However, it should be recognised that there may be cases where it is necessary to locate regionally significant and critical infrastructure and essential structures in areas subject to hazards, and that this risk can be managed through appropriate measures, rather than avoidance. Infrastructure providers, such as Aurora, are in the best position to assess the risks of locating network utility structures (involving non-habitable buildings) in potential hazard areas in terms of continuity of electricity services.</p>	<b>Retain</b> Objective 3.2.
<p><b>Policy 3.2.3</b>  <b>Assessing natural hazard consequence</b>  <i>Assess the consequences of natural hazard events, including by considering:</i></p> <ul style="list-style-type: none"> <li><i>a) The nature of activities in the area;</i></li> <li><i>b) Individual and community vulnerability;</i></li> <li><i>c) Impact on individual and community health and safety;</i></li> <li><i>d) Impact on social, cultural and economic wellbeing;</i></li> <li><i>e) Impact on infrastructure and property, including access and services;</i></li> <li><i>f) Risk reduction and hazard mitigation measures;</i></li> <li><i>g) Lifeline utilities, essential and emergency services, and their co-dependence;</i></li> <li><i>h) Implications for civil defence agencies and emergency services;</i></li> <li><i>i) Cumulative effects;</i></li> <li><i>j) Factors that may exacerbate a hazard event.</i></li> </ul>	Support	<p>As with other policies within the PRPS, it should be recognised that there may be cases where it is necessary to locate regionally significant and critical infrastructure, and essential structures, in areas subject to hazards, and that this risk can be managed through appropriate measures, rather than avoidance. Infrastructure providers, such as Aurora, are in the best position to assess the risks of locating network utility structures (involving non-habitable buildings) in potential hazard areas in terms of continuity of electricity services.</p>	<b>Retain</b> Policy 3.2.3.
<p><b>Policy 3.2.6</b>  <b>Avoiding increased natural hazard risk</b>  <i>Avoid increasing natural hazard risk, including by:</i></p>	Support	<p>Aurora submits that infrastructure is a significant physical resource and is essential to the social and economic wellbeing of the community. Such</p>	<b>Retain</b> Policy 3.2.6.

<p>a) <i>Avoiding activities that significantly increase risk, including displacement of risk</i></p> <p>b) <i>off-site; and</i></p> <p>c) <i>Encouraging design that facilitates:</i></p> <p>i. <i>Recovery from natural hazard events; or</i></p> <p>ii. <i>Relocation to areas of lower risk.</i></p>		<p>infrastructure is already located in areas subject to natural hazard risk in Otago and is the subject of considerable financial investment and unlikely to be readily replaced or duplicated.</p> <p>It is therefore appropriate to recognise that regionally significant and critical infrastructure and essential structures can have a functional, technical or operational requirement to be sited within areas subject to natural hazard risk, and it may not always be possible to avoid locating such assets within these areas. The ability to design electricity network assets, such that the potential adverse effects of natural hazards are minimised, is supported.</p>	
<p><b>Policy 3.2.7</b> <b>Reducing existing natural hazard risk</b> <i>Reduce existing natural hazard risk, including by:</i></p> <p>a) <i>Encouraging activities that:</i></p> <p>i. <i>Reduce risk; or</i></p> <p>ii. <i>Reduce community vulnerability; and</i></p> <p>b) <i>Discouraging activities that:</i></p> <p>i. <i>Increase risk; or</i></p> <p>ii. <i>Increase community vulnerability; and</i></p> <p>c) <i>Considering the use of exit strategies for areas of significant risk; and</i></p> <p>d) <i>Encouraging design that facilitates:</i></p> <p>i. <i>Recovery from natural hazard events or</i></p> <p>ii. <i>Relocation to areas of lower risk; and</i></p> <p>e) <i>Relocating lifeline utilities, and facilities for essential and emergency service, to areas of reduced risk, where appropriate and practicable; and</i></p> <p>f) <i>Enabling development, upgrade, maintenance and operation of lifeline utilities and facilities for essential and emergency services; and</i></p> <p>g) <i>Re-assessing natural hazard risk, and community tolerance of that risk, following significant natural hazard events.</i></p>	Support	<p>Aurora submits that infrastructure is a significant physical resource, and is essential to the social and economic wellbeing of the community. Such infrastructure is already located in areas subject to natural hazard risk in Otago, and is the subject of considerable financial investment and unlikely to be readily replaced or duplicated.</p> <p>It is therefore appropriate to recognise that regionally significant and critical infrastructure, and essential structures, can have a functional, technical or operational requirement to be sited within areas subject to natural hazard risk, and it may not always be possible to avoid locating such assets within these areas. It is therefore considered appropriate that clause (c) recognises that relocation may not always be appropriate or practicable, and that clause (f) provides for the development, upgrade, maintenance and operation of lifeline utilities. However, Aurora considers that this should be extended to encompass <i>Critical Infrastructure</i> also.</p>	Retain Policy 3.2.7.
<p><b>Objective 3.4</b> <b>Good quality infrastructure and services meet community needs</b> <i>It is essential for Otago's economy and the wellbeing and health and safety of its communities, that the people of Otago are serviced by the right infrastructure at the right time. Some infrastructure is provided by local authorities (such as water supply, waste water and stormwater), while others are managed by private companies. Local authorities have a role to play, to ensure that the local and regional infrastructure needs are being met.</i></p>	Oppose in part	<p>Aurora supports this objective, as it is important that good quality infrastructure is enabled to be constructed, operated and maintained. However, Aurora considers that the <i>explanation</i> to the objective should be amended to recognise that providers of <i>Regionally Significant Infrastructure</i> have a role to play to ensure infrastructure needs are met.</p>	<p><b>Amend</b> Explanation to Objective 3.4 as follows:</p> <p><b>Objective 3.4</b> <b>Good quality infrastructure and services meet community needs</b> <i>It is essential for Otago's economy and the wellbeing and health and safety of its communities, that the people of Otago are serviced by the right infrastructure at the right time. Some infrastructure is provided by local authorities (such as water supply, waste water and stormwater), while others are managed by private companies. Local authorities <u>and providers of Regionally Significant Infrastructure</u> have a role to play, to ensure that the local and regional infrastructure needs are being met.</i></p>

<p><b>Policy 3.4.1 Integrating infrastructure with land use</b>  Achieve the strategic integration of infrastructure with land use, by:</p> <ul style="list-style-type: none"> <li>a. Recognising functional needs of infrastructure of regional or national importance; and</li> <li>b. Designing infrastructure to take into account: <ul style="list-style-type: none"> <li>i. Actual and reasonably foreseeable land use change; and</li> <li>ii. The current population and projected demographic changes; and</li> <li>iii. Actual and reasonably foreseeable change in supply of, and demand for, infrastructure services; and</li> <li>iv. Natural and physical resource constraints; and</li> <li>v. Effects on the values of natural and physical resources; and</li> <li>vi. Co-dependence with other infrastructural services; and</li> <li>vii. The effects of climate change on the long term viability of that infrastructure; and</li> </ul> </li> <li>c) Managing urban growth: <ul style="list-style-type: none"> <li>i. Within areas that have sufficient infrastructure capacity; or</li> <li>ii. Where infrastructure services can be upgraded or extended efficiently and effectively; and</li> <li>iii. Effectively; and</li> </ul> </li> <li>d) Co-ordinating the design and development of infrastructure with the staging of land use change, including with: <ul style="list-style-type: none"> <li>i. Structural design and release of land for new urban development; or</li> <li>ii. Structural redesign and redevelopment within existing urban areas.</li> </ul> </li> </ul>	<p>Oppose in part</p>	<p>Aurora is generally supportive of this policy, as it is appropriate to ensure that infrastructure is developed and able to be developed, in response to growth and development. It is, however, also noted that there are circumstances which require the development of infrastructure in other areas (i.e., rural areas) where a change in land use (for example, dairy conversion) places greater pressure on current infrastructure supply, and that upgrades are also necessary in rural areas. It is therefore considered necessary to amend this policy to refer to “growth”. Urban development is addressed elsewhere in the RPS.</p>	<p><b>Amend</b> Policy 3.4.1 as follows:</p> <p>Policy 3.4.1 (c):</p> <ul style="list-style-type: none"> <li>C) Managing <del>Urban</del> Growth <ul style="list-style-type: none"> <li>i. Within areas that have sufficient infrastructure capacity; or</li> <li>ii. Where infrastructure services can be upgraded or extended efficiently and effectively; and</li> </ul> </li> </ul>
<p><b>Policy 3.4.2</b>  <b>Managing infrastructure activities</b>  Manage infrastructure activities, to:</p> <ul style="list-style-type: none"> <li>a. Maintain or enhance the health and safety of the community; and</li> <li>b. Reduce adverse effects of those activities, including cumulative adverse effects on natural and physical resources; and</li> <li>c. Support economic, social and community activities; and</li> <li>d. Improve efficiency of use of natural resources; and</li> <li>e. Protect infrastructure corridors for infrastructure needs, now and for the future; and</li> <li>f. Increase the ability of communities to respond and adapt to emergencies, and disruptive or natural hazard events; and</li> <li>g. Protect the functioning of lifeline utilities and essential or emergency services.</li> </ul>	<p>Oppose in part</p>	<p>Aurora considers that Policy 3.4.2 should apply specifically to <i>Regionally Significant</i> and <i>Critical Infrastructure</i> (including the distribution assets owned by Aurora).</p> <p>In addition, Aurora considers that the policy should be extended to refer to restricting activities that may potentially result in reverse sensitivity, in order to protect its assets into the future.</p>	<p><b>Amend</b> Policy 3.4.2 as follows:</p> <p><b>Policy 3.4.2</b>  <b>Managing <u>Regionally Significant and Critical</u> infrastructure activities</b>  Manage infrastructure activities, to:</p> <ul style="list-style-type: none"> <li>a. Maintain or enhance the health and safety of the community; and</li> <li>b. Reduce adverse effects of those activities, including cumulative adverse effects on natural and physical resources; and</li> <li>c. Support economic, social and community activities; and</li> <li>d. Improve efficiency of use of natural resources; and</li> <li>e. Protect infrastructure corridors for infrastructure needs, now and for the future; and</li> <li>f. Increase the ability of communities to respond and adapt to emergencies, and disruptive or natural hazard events; and</li> <li>g. Protect the functioning of lifeline utilities and essential or emergency services.</li> <li>h. <u>Restricting the establishment of those activities that may result in reverse sensitivity effects.</u></li> </ul>
<p><b>Policy 3.4.3</b>  <b>Designing lifeline utilities and facilities for essential or emergency services</b>  Design lifeline utilities, and facilities for essential or emergency services, to:</p> <ul style="list-style-type: none"> <li>a. Maintain their ability to function to the fullest extent possible, during and after natural hazard events; and</li> <li>b. Take into account their operational co-dependence with other lifeline utilities and essential services to ensure their effective operation.</li> </ul>	<p>Oppose in part</p>	<p>Aurora supports Policy 3.4.3, but considers that the scope of the policy should be extended to include <i>Critical Infrastructure</i>.</p>	<p><b>Amend</b> Policy 3.4.3 as follows:</p> <p><b>Policy 3.4.3</b>  <b>Designing lifeline utilities and facilities for essential or emergency services <u>and critical infrastructure</u></b>  Design lifeline utilities, and facilities for essential or emergency services, to:</p> <ul style="list-style-type: none"> <li>a. Maintain their ability to function to the fullest extent possible, during and after natural hazard events; and</li> <li>b. Take into account their operational co-dependence with other lifeline utilities and essential services to ensure their effective operation.</li> </ul>

			<u>Insert definition of Critical Infrastructure.</u>
<p><b>Policy 3.4.4</b>  <i>Managing hazard mitigation measures, lifeline utilities, and essential and emergency services</i>  <i>Protect the functioning of hazard mitigation measures, lifeline utilities, and essential or emergency services, including by:</i></p> <p>a. Restricting the establishment of those activities that may result in reverse sensitivity effects; and</p> <p>b. Avoiding significant adverse effects on those measures, utilities or services; and</p> <p>c. Avoiding, remedying or mitigating other adverse effects on those measures, utilities or services; and</p> <p>d. Assessing the significance of adverse effects on those measures, utilities or services, as detailed in Schedule 3; and</p> <p>e. Maintaining access to those measures, utilities or services for maintenance and operational purposes; and</p> <p>f. Managing other activities in a way that does not foreclose the ability of those mitigation measures, utilities or services to continue functioning.</p>	Oppose in part	Aurora considers that it is important that provision is made to manage hazard mitigation measures but considers that the scope of the policy should be extended to include Critical Infrastructure.	<p><b>Amend</b> Policy 3.4.4 as follows:</p> <p><b>Policy 3.4.4</b>  <i>Managing hazard mitigation measures, lifeline utilities, and essential and emergency services <u>and critical infrastructure</u></i>  a. ....</p>
<p><b>Objective 3.5</b>  <i>Infrastructure of national and regional significance is managed in a sustainable way</i>  <i>Infrastructure of national and regional significance, including roads, rail, electricity generation and transmission, and telecommunication, are part of a national network, and contribute to the economic and social wellbeing of the nation. It is important to recognise the benefits of this infrastructure, such as to the economy and to achieving community resilience, as well as managing any adverse effects on Otago's natural resources.</i></p>	Oppose in part	<p>Aurora submits that its distribution assets are regionally significant and should be identified in this section of the proposed RPS. While it is noted that provision has been made for distribution assets within proposed policy 3.6.5, locating it in a different section of the plan suggests that the activities are somehow separated.</p> <p>There are three stages of electric power supply; generation, transmission and distribution, and provision should be made within the PRPS for the activities associated with these activities.</p>	<p><b>Amend</b> Objective 3.5 as follows:</p> <p><b>Infrastructure of national and regional significance is managed in a sustainable way</b>  Infrastructure of national and regional significance, including roads, rail, electricity generation <u>and transmission and distribution</u>, and telecommunications <u>networks</u>, <del>are part of a national network</del>, and contribute to the economic and social wellbeing of the nation. It is important to recognise the benefits of this infrastructure, such as to the economy and to achieving community resilience, as well as managing any adverse effects on Otago's natural resources.</p> <p>And</p> <p><b>Insert</b> a definition of <u>Regionally Significant Infrastructure</u> (See below).</p>
<p><b>Policy 3.5.1 Recognising national and regional significance of infrastructure</b>  <i>Recognise the national and regional significance of the following infrastructure:</i></p> <p>a. Renewable electricity generation facilities, where they supply the national electricity grid and local distribution network; and</p> <p>b. Electricity transmission infrastructure; and</p> <p>c. Telecommunication and radio communication facilities; and</p> <p>d. Roads classified as being of national or regional importance; and</p> <p>e. Ports and airports; and</p> <p>f. Structures for transport by rail.</p>	Oppose in part	<p>Aurora submits that its distribution assets are regionally significant and should be identified in this section of the proposed RPS. While it is noted that provision has been made for distribution assets within proposed policy 3.6.5, locating it in a different section of the plan suggests that the activities are somehow separated.</p> <p>There are three stages of electric power supply; generation, transmission and distribution, and provision should be made within the PRPS for the activities associated with these activities.</p>	<p><b>Amend</b> Policy 3.5.1 as follows:</p> <p><b>Policy 3.5.1 Recognising national and regional significance of infrastructure</b>  Recognise the national and regional significance of the following infrastructure:</p> <p>a. Renewable electricity generation facilities, where they supply the national electricity grid and local distribution network; and</p> <p>b. Electricity transmission <u>and distribution</u> infrastructure; and</p> <p>c. Telecommunication and radio communication facilities; and</p> <p>d. Roads classified as being of national or regional importance; and</p> <p>e. Ports and airports; and</p> <p>f. Structures for transport by rail.</p>
<p><b>Policy 3.5.3</b>  <i>Protecting infrastructure of national or regional significance</i>  <i>Protect infrastructure of national or regional significance, by:</i></p>	Support	Aurora is supportive of provisions that seek to protect infrastructure corridors now and into the future. Critical Infrastructure can be vulnerable to inappropriate subdivision or proximity to land use development, as	<b>Retain</b> Policy 3.5.3.

<p>a. Restricting the establishment of activities that may result in reverse sensitivity effects; and</p> <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>such activities can restrict access and affect the ability to maintain network assets. The protection of such corridors will assist in ensuring that Aurora can continue to provide a resilient electricity network.</p>	
<p><b>Policy 3.6.4</b> <b>Enabling more efficient transport of electricity</b> Enable electricity transmission and distribution infrastructure activities that:</p> <p>a. Maintain or improve the security of supply of electricity; or</p> <p>b. Enhance the efficiency of transporting electricity; and</p> <p>c. Avoid, remedy or mitigate adverse effects from that activity.</p>	<p>Oppose in part</p>	<p>Aurora supports the introduction of provisions relating specifically to electricity distribution infrastructure. However, it is considered that including Policy 3.6.4 under Objective 3.6 is misplaced and disjoints the consideration of the regionally significant electricity network in its entirety. Provisions should be made for policy direction under Objective 3.4 and Objective 3.5, rather than as a standalone consideration, as is the case with the notified version of PRPS.</p>	<p>As stated above, <b>Insert</b> provisions relating to regionally significant and critical infrastructure (including electricity distribution assets) under Objective 3.4 and Objective 3.6.</p>
<p><b>Policy 3.6.5</b> <b>Protecting electricity distribution infrastructure</b> Protect electricity distribution infrastructure, by:</p> <p>a. Recognising the functional needs of electricity distribution activities; and</p> <p>b. Restricting the establishment of those activities that may result in reverse sensitivity effects; and</p> <p>c. Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure; and</p> <p>d. Assessing the significance of adverse effects on those needs, as detailed in Schedule 3; and</p> <p>e. Protecting existing distribution corridors for infrastructure needs, now and for the future.</p>	<p>Oppose in part</p>	<p>Aurora supports the introduction of provisions relating specifically to electricity distribution infrastructure. However it is considered that including Policy 3.6.5 under Objective 3.6 is misplaced and disjoints the consideration of the regionally significant electricity network as a whole. Provisions should be made for policy direction under Objective 3.4 and Objective 3.5, rather than as a standalone consideration, as is the case with the notified version of PRPS.</p>	<p>As stated above, <b>Insert</b> provisions relating to regionally significant and critical infrastructure (including electricity distribution assets) under Objective 3.4 and Objective 3.6.</p>
<p><b>Policy 4.1.1</b> <b>Maintaining and enhancing public access</b> 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> <p>a) Protect public health and safety; or</p> <p>b) Protect the natural heritage and ecosystem values of sensitive natural areas or habitats; or</p> <p>c) Protect identified sites and values associated with historic heritage or cultural significance to takata whenua.</p>	<p>Oppose in part</p>	<p>Aurora agrees that it is appropriate to provide for public access to the natural environment, including access to the beds of lakes and rivers. However, Aurora considers that public access may also need to be restricted in order to protect the performance and operation of existing activities and essential structures, and that should be recognised in the policy.</p>	<p><b>Amend</b> Policy 4.1.1 as follows:</p> <p><b>Policy 4.1.1</b> <b>Maintaining and enhancing public access</b> 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> <p>a) Protect public health and safety; or</p> <p>b) Protect the natural heritage and ecosystem values of sensitive natural areas or habitats; or</p> <p>c) Protect identified sites and values associated with historic heritage or cultural significance to takata whenua; <u>or</u></p> <p>d) <u>Avoid conflicts with existing uses and protect existing essential structures.</u></p>
<p><b>Policy 4.3.1</b> <b>Managing for rural activities</b> Manage activities in rural areas, to support the region's economy and communities, by:</p> <p>a. Enabling farming and other rural activities that support the rural economy; and</p>	<p>Oppose in part</p>	<p>Aurora considers that it is important that provision is made within Policy 4.3.1 to provide for regionally significant infrastructure.</p>	<p><b>Amend</b> Policy 4.3.1 as follows:</p> <p><b>Policy 4.3.1</b> <b>Managing for rural activities</b></p>

<ul style="list-style-type: none"> <li>b. Minimising the loss of soils highly valued for their versatility for primary production; and</li> <li>c. Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects; and</li> <li>d. Minimising the subdivision of productive rural land into smaller lots that may result in rural residential activities; and</li> <li>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.</li> </ul>			<p>Manage activities in rural areas, to support the region's economy and communities, by:</p> <ul style="list-style-type: none"> <li>a. Enabling farming and other rural activities that support the rural economy; and</li> <li>b. Minimising the loss of soils highly valued for their versatility for primary production; and</li> <li>c. Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects; and</li> <li>d. Minimising the subdivision of productive rural land into smaller lots that may result in rural residential activities; and</li> <li>e. Providing for other activities that have a functional need to locate in rural areas, including <u>regionally significant infrastructure</u>, tourism and recreational activities that are of a nature and scale compatible with rural activities.</li> </ul>
<p><b>Objective 4.5</b>  <i>Adverse effects of using and enjoying Otago's natural and built environment are minimised</i>  Any use of natural or physical resources has the potential to generate adverse effects. It is important to manage activities to avoid, individually or cumulatively, degrading the quality of Otago's natural environment. This requires the proactive management of natural resources, and can only be achieved through the integrated management of Otago's natural resources, and by giving due consideration to both managing adverse effects and maintaining and enhancing environmental values. Resource use can also have adverse effects on other uses or prevent the normal operation of existing uses. Resource management decisions are often about arbitrating between conflicting values or uses. For example, Section 2.3 of this document identifies resources which are so significant that adverse effects on their values should be avoided. Some activities, such as mineral extraction or infrastructure development, may have to locate in areas containing significant values. If we are to provide for those activities, it is important to outline how their adverse effects should be managed. Lastly, it is important to recognise that community values have regard to the quality of the environment, but also to the activities which are allowed and the management of their adverse effects. For instance, the preservation of the life supporting capacity of water is important to Kāi Tahu, as is the avoidance of human waste discharges to water, or close to mahika kai sites.</p>	Support	Aurora supports this objective in so far as it seeks to ensure that potential adverse effects of regionally significant infrastructure are minimised; particularly in stances where assets are located in areas of significant value.	Retain Objective 4.5
<p><b>Policy 4.5.7</b>  <b>Enabling offsetting of indigenous biodiversity</b>  Enable offsetting of adverse effects on indigenous biodiversity values, only when:</p> <ul style="list-style-type: none"> <li>a. The activities causing those effects have a functional necessity to locate in significant or outstanding areas; and</li> <li>b. Those effects cannot be avoided, remedied or mitigated; and</li> <li>c. Those effects do not result in the loss of irreplaceable or vulnerable biodiversity.</li> </ul>	Support	Aurora considers it appropriate that measures are provided to enable potential adverse effects of regionally significant and critical infrastructure to be offset in instances where there is a functional necessity to locate in significant or outstanding areas.	Retain Policy 4.5.7
<b>PART C - IMPLEMENTATION</b>			
<p><b>Method 4: City and District Plans</b></p>		Aurora submit that implementation methods have not been included within the PRPS that would implement both Policy 3.4.2(e) (Managing infrastructure activities) and Policy 3.5.3 (Protecting infrastructure of national or regional significance). Aurora submits that new methods should be included under Method 4: City and District Plans, which will implement these policies.	<p><b>Insert</b> New Method 4 -</p> <p><u>Method 4 - 4.1.13</u>  <u>City or district plans will implement Policy 3.4.2 (c) and 3.5.3 by:</u></p> <ul style="list-style-type: none"> <li>i. <u>identifying Regionally Significant and Critical Infrastructure corridors on the Planning maps; and</u></li> <li>ii. <u>include provisions managing land use activities within these corridors to address potential reverse sensitivity effects.</u></li> </ul>

<i>Glossary</i>			
Insert New Definition - <i>Critical Infrastructure</i>		Aurora submits that a definition of <i>Critical Infrastructure</i> should be inserted into the PRPS. Such definitions are used in other Regional Policy Statement documents within New Zealand, and provide greater certainty around the nature and type of infrastructure that is considered “critical” in the regional context.	<p><b>Insert New Definition as follows:</b></p> <p><u>Critical infrastructure</u></p> <p><u>Infrastructure necessary to provide services which, if interrupted, would have a serious effect on the communities within the Region or a wider population, and which would require immediate reinstatement. This includes any structures that support, protect or form part of critical infrastructure. Critical infrastructure includes:</u></p> <ol style="list-style-type: none"> <li>1) <u>regionally significant airports</u></li> <li>2) <u>regionally significant ports</u></li> <li>3) <u>gas storage and distribution facilities</u></li> <li>4) <u>electricity substations, networks, and distribution installations, including the electricity distribution network</u></li> <li>5) <u>supply and treatment of water for public supply</u></li> <li>6) <u>storm water and sewage disposal systems</u></li> <li>7) <u>telecommunications installations and networks</u></li> <li>8) <u>strategic road and rail networks (as defined in the Regional Land Transport Strategy)</u></li> <li>9) <u>petroleum storage and supply facilities</u></li> <li>10) <u>public healthcare institutions including hospitals and medical centres</u></li> <li>11) <u>fire stations, police stations, ambulance stations, emergency coordination facilities.</u></li> </ol>
Insert New Definition - <i>Essential Structures</i>		Aurora submits that a definition of <i>Essential Services</i> should be inserted into the PRPS. Such definitions are used in other Regional Policy Statement documents within New Zealand, and provide greater certainty around the nature and type of essential structures associated with <i>Regionally Significant Infrastructure</i> .	<p><b>Insert New definition as follows:</b></p> <p><u>Essential structures</u></p> <p><u>Structures that support or form part of:</u></p> <ol style="list-style-type: none"> <li>(1) <u>a maritime, road or rail transport network or service;</u></li> <li>(2) <u>water supply, including irrigation infrastructure;</u></li> <li>(3) <u>a telecommunications or radio-communication network;</u></li> <li>(4) <u>an energy generation, supply or transmission facility or distribution network;</u></li> <li>(5) <u>a flood-protection work or facility;</u></li> <li>(6) <u>water containment, flow or diversion infrastructure;</u></li> <li>(7) <u>a water level or flow-measurement facility;</u></li> <li>(8) <u>a drainage or sewerage system; or</u></li> <li>(9) <u>the infrastructure forming parts of other network utilities.</u></li> </ol> <p><u>This includes any structures that support essential infrastructure.</u></p>
Insert New Definition – <i>Regionally Significant Infrastructure</i>		Aurora submits that a definition of <i>Regionally Significant Infrastructure</i> should be inserted into the PRPS. Such definitions are used in other Regional Policy Statement documents within New Zealand, and provide greater certainty around the nature and type of infrastructure that is significant on a regional scale.	<p><b>Insert New definition as follows:</b></p> <p><u>Regionally significant infrastructure</u></p> <p><u>Regionally significant infrastructure is:</u></p> <ol style="list-style-type: none"> <li>(1) <u>Strategic land transport network and arterial roads</u></li> <li>(2) <u>Dunedin Airport</u></li> <li>(3) <u>Queenstown Airport</u></li> </ol>

			<p><u>(4) Commercial maritime facilities at Port Otago</u></p> <p><u>(5) Telecommunication facilities</u></p> <p><u>(6) National, regional and local renewable electricity generation activities of any scale</u></p> <p><u>(7) The electricity transmission and distribution networks</u></p> <p><u>(8) Sewage collection, treatment and disposal networks</u></p> <p><u>(9) Community land drainage infrastructure</u></p> <p><u>(10) Community potable water systems</u></p> <p><u>(11) Established community-scale irrigation and stockwater infrastructure</u></p> <p><u>(12) Transport hubs</u></p> <p><u>(13) Bulk fuel supply infrastructure including terminals, wharf lines and pipelines.</u></p>
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