

Public Health South

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**SUBMISSION ON PROPOSED OTAGO REGIONAL
COUNCIL REGIONAL POLICY STATEMENT**

To: Otago Regional Council

Details of Submitter: The Southern District Health Board

Address for Service: Public Health South
Southern District Health Board
Private Bag 1921
Dunedin 9054

Contact Person: Andrew Shand
Andrew.shand@southerndhb.govt.nz
03 4769895

Our Reference: 15May11

Date: 7 July 2015



Introduction:

Southern District Health Board (Southern DHB) presents this submission through its Public Health Service - Public Health South. This Service is the principal source of expert advice within Southern DHB regarding matters concerning Public Health. Southern DHB has responsibility under the New Zealand Public Health and Disability Act 2000 to improve, promote and protect the health of people and communities. Additionally there is a responsibility to promote the reduction of adverse social and environmental effects on the health of people and communities. With 4,250 staff, we are located in the lower South Island (South of the Waitaki River) and deliver health services to a population of 306,500.

Public health services are offered to populations rather than individuals and are considered a "public good". They fall into two broad categories – health protection and health promotion. They aim to create or advocate for healthy social, physical and cultural environments.

This submission has been laid out to cover our general commentary which is then followed by specific comments on various sections within the Otago Regional Councils (ORC's) draft Regional Policy Statement (RPS).

General Comments:

PHS values its relationship with ORC and sees advantages to meeting more regularly to progress areas of mutual interest.

We continue to advocate for a Health in All Policies (HiAP) approach to be utilised to assist ORC to fulfil its vision.¹ This approach would contribute to fulfilling the new purpose of the Local Government Act (s.3) as local authorities are expected to play a broad role in meeting the current and future needs of their communities. This can generally be depicted in the provision of good quality local infrastructure, local public services and high performing regulatory functions. More specifically, good quality should be defined as being efficient, effective and appropriate to present and anticipate future circumstances, and can consider issues relating to reducing inequalities. It should protect the most vulnerable, and any decision-making processes should not increase inequalities; provided this is not unduly at the expense of efficiency and effectiveness.

While we recognise the extensive consultation process that has been followed in the development of the draft RPS, as an expert stakeholder in the field of public health, we would wish to be formally invited by ORC to participate at an earlier stage in the development of future documents and plans.

There are several themes that are applicable to all policy areas addressed in the document. For example sustainability and climate change. Rather than having these addressed as separate points, we consider they should be considered in all policies. Development, urban growth and growth boundaries are also topics that run through a large number of policy areas and can be linked to a variety of activities within the plan. Much of this needs to be discussed collectively.

Specific Comments:

1	<p>Page 28 Section 2.1.1 <u>Managing for Freshwater Values</u> (i) Retain the quality and reliability of existing drinking water supplies</p>	<p>Comment: PHS supports this section with a suggested amendment. "Retain the quality and reliability of existing drinking water supply sources, improve catchment and groundwater quality in areas where there is likely demand for sources in future"</p>
<p>Rationale: Whilst water treatment technology can be used to address reduced raw water quality for drinking water, it is better to prioritise the protection and improvement of potential raw water sources.</p>		
2	<p>Page 28 Section 2.1.3 <u>Managing for coastal water values</u> Recognise coastal water values, and manage coastal water to: (a) - (i) as listed</p>	<p>Comment: PHS supports this section with a suggested amendment. "(j) Ensure that coastal elements (built environment including such features as wharves, boat ramps and recreational areas) are designed to be resistant to the effects of global warming and in particular rises in sea level" (may refer to 2.2.7 Identifying the Landward extent of the Coastal Environment, as well) i.e. may require some cross referencing to other sections. "(k) Ensure that where at all practicable to do so, stormwater discharges in the coastal environment are treated to the point that the effect of the discharge on the environment is no more than minor"</p>

¹ ORC Annual Plan submissions 2013/14 and 2014/15; ORC Significance and Engagement Policy submission 2014

	<p>Rationale: The effect of coastal waters on localised structures (in relation to climate change) cannot be ignored in a Regional Policy Statement. Untreated stormwater discharges into the coastal marine environment have largely been taken for granted for the past century. Current technology is being developed and used which would improve discharge quality from our towns and city. We advocate that the Regional Policy Statement should be forward looking rather than focusing on the status quo.</p>	
3	<p>Page 37 Section 2.2.13 <u>Managing Outstanding Water Bodies and Wetlands</u> (a) Avoiding significant adverse effects, including cumulative effects, on those values which contribute to the water body or wetland being outstanding; and</p>	<p>Comment: PHS supports this section with a suggested amendment. We suggest that it includes some examples to make it clearer as suggested below: “a) Avoiding significant adverse effects, including cumulative effects, on those values that contribute to the water body or wetland being outstanding (such as the effects of nutrient enrichment through land use and possible algal blooms).”</p>
	<p>Rationale: Despite the reference to the plan being at a higher policy level, in this instance an example would be helpful to further clarify what is being stated.</p>	
4	<p>Page 30 Policy 2.3.3 <u>Applying an integrated management approach for freshwater catchments</u></p>	<p>Comment: PHS fully supports this Policy (in whole).</p>
	<p>Rationale: We fully support this section that talks about a fully integrated approach to freshwater as it incorporates the effects of land management on water quality as well.</p>	
5	<p>Page 41 Policy 2.3.4 <u>Applying an integrated management approach for the coastal Environment</u></p>	<p>Comment: PHS fully supports this Policy (in whole).</p>
6	<p>Page 44 Objective 3.3 <u>Otago's communities are prepared for and able to adapt to the effects of climate change</u> Issue: Climate change is expected to bring higher sea levels and an increased frequency of climate-related natural hazard events, which will increase the risk that Otago's communities face. Need: We need to have consistent guidance on sea level rise, and managing for adverse effects that will occur beyond the life of this RPS.</p>	<p>Comment: PHS is fully supportive of this objective being included in the RPS as written.</p>
7	<p>Page 63 Policy 3.6.6 <u>Reduce the long term demand for fossil fuels from Otago's communities, by:</u> a) Encouraging the development of compact and well integrated urban areas, to reduce travel needs within those areas; and b) Ensuring that transport infrastructure in urban areas has good connectivity, both within new urban areas and between new and existing urban areas, by: i. Placing a high priority on walking, cycling, and public transport, where appropriate; ii. Maximising pedestrian and cycling networks connectivity, and</p>	<p>Comment: PHS supports this policy, but would like to add the following “d) Reduce the need for freight by promoting local economies for food and produce.” i. “Foster the uptake of new technologies for more efficient energy uses, or renewable or lower emission transport fuels such as electric rail.” ii. “Develop a carefully planned and equitable strategy to phase out the use of fossil fuels for home heating. This will include transitioning the housing stock to improved housing efficiency and increasing the use renewable energy for heating.”</p>

	<p>integration with public transport;</p> <p>iii. Having high design standards for pedestrian and cyclist safety and amenity;</p> <p>c) Enabling the development or upgrade of transport infrastructure and associated facilities that:</p> <p>i. Increase freight efficiency; or</p> <p>ii. Foster the uptake of new technologies for more efficient energy uses, or</p> <p>iii. renewable or lower emission transport fuels.</p>	
<p>Rationale: It promotes active transport options, favours alternative lower emission fuels (renewable energy sources), and the promotion of alternative energy sources such as electric and hybrid electric vehicles. This is likely to lessen the reliance on fossil fuels and reduce the incidence of road injuries/fatalities. Lower emission transport fuels and home heating will also have a positive effect on the health of communities through improved air quality. When embracing new technologies, it is important to examine their sustainability. For example some "biofuels" are not low emissions when land conversion is included in the analysis.</p>		
8	<p>Page 67 Policy 3.8.1 <u>Managing for urban growth</u> Manage urban growth and creation of new urban land in a strategic and co-ordinated way by:</p> <p>f) Requiring the use of low or no-emission heating systems in buildings, when ambient air quality in or near the growth area is:</p> <p>i. Below standards for human health; or</p> <p>ii. Vulnerable to degradation given the local climatic and geographical context;</p>	<p>Comment: PHS is supportive of this policy but would like to see some additions in the form of:</p> <p>"f) Requiring the use of low or no-emission heating systems in buildings, when ambient air quality in or near the growth area is:</p> <p>i. Below standards for human health; or</p> <p>ii. Encourage all existing urban buildings to transition to low or no-emission heating systems."</p>
<p>Rationale: In our view the blanket approach may create further inequality on communities without the means to supplement new or retrofitted equipment. It is important that urban growth planning considers the impact to the whole urban environment, not just where the development is occurring.</p>		
9	<p>Page 69 Policy 3.8.3 <u>Managing fragmentation of rural land</u> Manage subdivision, use and development of rural land, to:</p> <p>c) Avoid unplanned demand for provision of infrastructure, including domestic water supply and waste disposal; and</p>	<p>Comment: Some additional wording is recommended:</p> <p>"c) Avoid unplanned demand for provision of infrastructure, including domestic water supply and waste disposal; and for agencies to work together to ensure there is a coordinated approach to the development of infrastructure.</p> <p>i. Ensure that rural fragmentation considers the impact of road use to ensure that road safety is maintained (minimising the risk of road traffic accidents) and active transport can be promoted.</p> <p>ii. Ensure rural fragmentation is undertaken in a way that supports local economies that provide security for the region with</p>

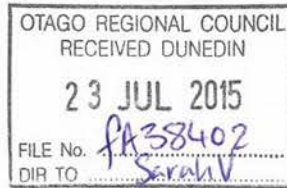
		primary industry and food.”
10	<p>Page 71 Policy 3.9.1 <u>Integrating management of hazardous substances and waste</u> Promote an integrated approach to the management of hazardous substances and waste in Otago. Method 7: Strategies and Plans (non-RMA) Method 11: Advocacy and Facilitation</p> <p>And added to this...</p> <p>Page 71 Policy 3.9.7 <u>Encouraging services for hazardous substance collection, recycling and disposal</u> Encourage the establishment of hazardous substance collection, disposal and recycling services across the region. Method 10: Service provision Method 11: Advocacy and Facilitation</p>	<p>Comment: We would like to see these Policy areas added to so that the following statement is included:</p> <p>“Promotion of an integrated approach to waste management will include the promotion and participation in (to facilitate compliance) National Stewardship schemes such as industry led stewardship programmes for the removal and recycling of used tyres.”</p>
	<p>Rationale: As with other sections we believe there are opportunities for more leadership form the Regional Council. This could largely be achieved by greater communication between agencies but primarily ORC and the Territorial Authorities (along with Public Health).</p>	

Thank you for the opportunity to comment on this draft Regional Policy Statement.

Public Health South wishes to be heard in support of this submission.



Andrew Shand
For Public Health South



Property Group
National Service Centre
Alexander Road
Private Bag 902
Trentham
Upper Hutt 5140, New Zealand

Submission on Proposed Otago Regional Policy Statement

Clause 6 of First Schedule, Resource Management Act 1991

To: Otago Regional Council
Attn: Policy Team

Address: Private Bag 1954
Dunedin 9054

Email: rps@orc.govt.nz

Submitter: New Zealand Defence Force
Contact Person: Rob Owen, Environmental Manager

Address for Service: New Zealand Defence Force
C/- Property Group
Private Bag 902
Upper Hutt 5140

Phone: 04 587 2006
Email: rob.owen@nzdf.mil.nz and sara.mcmillan@nzdf.mil.nz

The New Zealand Defence Force (NZDF) has military interests throughout New Zealand. Defence facilities are key strategic infrastructure of national and regional importance, playing a significant role in both military training and civil and/or national defence operations, and are essential to enabling NZDF to fulfil its obligations under the Defence Act. They also play an important role in supporting search and rescue operations and infrastructure support capabilities (for example deployment of water purification and supply facilities as used in the aftermath of the Christchurch earthquakes).

NZDF is undertaking a nationwide project advocating national consistency in the recognition and protection of strategic infrastructure, including defence facilities. Consistent with this, NZDF provided comments on the Otago Regional Policy Statement (RPS) Review – Issues and Options Document in June 2014 and on the draft RPS in November 2014 requesting that its facilities be recognised as nationally and regionally important infrastructure, and for reverse sensitivity effects on defence facilities to be managed.

Within Otago, there is currently an Army Battalion Headquarters in Dunedin, HMNZS Toroa naval reserves centre in Dunedin, and a rifle range at Waitati. There is also potential for NZDF to need larger or additional facilities in Otago in the future. In addition, NZDF may undertake temporary military training activities at other locations in the region outside of its existing facilities. It is necessary for existing and any future defence facilities and activities to be recognised and accommodated in the provisions of the RPS.

NZDF's submission requests a number of amendments to provisions to better recognise and provide for defence facilities as nationally and regionally significant infrastructure, as set out in the attached table.

PRELIMINARY MATTERS

New Zealand Defence Force (NZDF) **could not** gain an advantage in trade competition through this submission.

NZDF wishes **to be heard** in support of this submission.

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



Rob Owen
Environmental Manager
Defence Property Group
New Zealand Defence Force

Date: 22 July 2015

Provision	Support/ oppose	Submission	Relief sought
Policy 3.4.1	Support	Policy 3.4.1 appropriately recognises the functional needs of infrastructure of regional or national importance.	Retain Policy 3.4.1.
Objective 3.5 – Infrastructure of national and regional significance is managed in a sustainable way	Support in part	<p>With the exception of ports and airports, these provisions only provide for linear infrastructure as being regionally or nationally significant.</p> <p>Other infrastructure e.g. defence facilities serve a critical regional and national function in ‘achieving community resilience’ and should be recognised accordingly in this objective.</p>	<p>Amend Objective 3.5 and associated text as suggested below (or words to similar effect):</p> <p><i>Infrastructure of national and regional significance, including roads, rail, electricity generation and transmission, <u>defence facilities</u>, and telecommunication, are part of a national network, and contribute to the economic and social wellbeing of the nation.</i></p> <p><i>It is important to recognise the benefits of this infrastructure, such as to the economy and to achieving community resilience, as well as managing any adverse effects on Otago’s natural resources.</i></p>
Policy 3.5.1 and 3.5.2	Support in part	<p>Policies 3.5.1 – 3.5.3 seek to recognise the benefits of infrastructure, provide for its development, and protect it from incompatible land uses, respectively.</p> <p>The policies refer to ‘national and regional significance of infrastructure’, and Policy 3.5.1 lists the types of infrastructure considered to be of national or regional significance. The list does not specifically provide for defence facilities.</p> <p>Given the importance of NZDF’s facilities in maintaining the nation’s security, meeting international obligations, and providing for the</p>	<p>Amend Policy 3.5.1 as follows:</p> <p><i>Recognise the national and regional significance of the following infrastructure:</i></p> <ul style="list-style-type: none"> <i>a) Renewable electricity generation facilities, where they supply the national electricity grid and local distribution network; and</i> <i>b) Electricity transmission infrastructure; and</i> <i>c) Telecommunication and radio communication facilities; and</i> <i>d) Roads classified as being of national or regional importance; and</i>

		well-being and safety of communities, it is appropriate for defence facilities to be explicitly recognised in Policy 3.5.1. This will therefore provide for the management and protection of defence facilities via Policies 3.5.2 and 3.5.3.	<p>e) <i>Ports and airports; and</i></p> <p>f) <i>Structures for transport by rail; <u>and</u></i></p> <p>g) <i><u>Defence facilities.</u></i></p>
Policy 3.5.3	Support	NZDF support explicit recognition of the need to protect significant infrastructure from reverse sensitivity effects which have the potential to curtail or constrain the operation of such infrastructure.	Retain Policy 3.5.3 with the inclusion of defence facilities in Policy 3.5.1 as set out above.
Glossary – definition of ‘infrastructure’	Support in part	<p>The definition of ‘infrastructure’ does not include defence facilities. For the reasons described above, and for consistency with the requested amendments to Policy 3.5.1, defence facilities should be added to the definition of infrastructure.</p> <p>Other RPSs around the country provide additional protection and recognition for nationally and regionally important infrastructure, and infrastructure that is critical to the well-being of communities. For example, the Canterbury Regional Policy Statement 2013 includes definitions for “strategic infrastructure” and “regionally significant infrastructure” that include defence facilities, and both the categories (strategic and regionally significant infrastructure) are given specific recognition and protection within the policies. The Horizons One Plan and Proposed Auckland Unitary Plan similarly recognise the importance of defence facilities.</p>	The definition is amended by adding the following additional item to the list: ‘ <u>defence facilities</u> ’.

<p>Glossary – definition of 'Reverse sensitivity'</p>	<p>Support in part</p>	<p>NZDF supports the inclusion of a definition of reverse sensitivity within the RPS although considers the wording of the existing definition could be clearer.</p>	<p>Retain a definition of 'reverse sensitivity' within the RPS but amend the existing wording to make it clearer. As an example:</p> <p><i>Reverse sensitivity</i></p> <p><i>The potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment of other activities which are sensitive to the pre-existing activity.</i></p>
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Sarah Valk

From: Trevathan <trevathan@xtra.co.nz>
Sent: Thursday, 23 July 2015 8:29 a.m.
To: RPS ORC
Subject: RPS



ORC RPS

My main concern is the prescriptive nature of the PRPS.

I get the impression it has been written by a retired "Baby Boomer", who has had a sweet cruise through working life and now is looking to secure the region as a playground.

I would like the RPS to recognise the social and economic importance of resource use with particular emphasis on how it will affect future production opportunities, especially farming.

N G Trevathan

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54

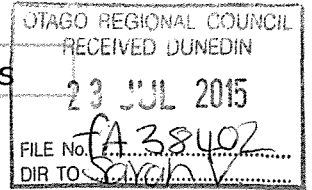
Name of submitter: *

Anne

First Name

Te Maiharoa Dodds

Last Name



Organisation (if applicable):

Waitaha Iwi

Postal Address:

2 Redcliff Rd.,

Street

Glenavy

Suburb

City

7980

Postal Code

Phone Number:

03 689 3838

E-mail:

adodds@xtra.co.nz

Note: If an email address is entered a copy of your submission will automatically be sent to you

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

- I wish
- I do not wish

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

- I will consider presenting jointly
- I will not consider presently jointly

Trade competitors declaration:

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

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

amend the proposed policy statement

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

see attached document. When writing in the box words were cut off .

3. Give reasons for the decision you want made:

see attached document

Attach a document (if applicable):

Browse...

No file selected.

Decision I would like the Otago Regional Council to make

With reference to the paragraph below that appears in the proposed policy statement;

"Kāi Tahu are takata whenua of the Otago region. Although Waitaha were the first people of Te Waipounamu (the South Island), Kāti Māmoe and then Kāi Tahu followed. Through warfare, intermarriage and political alliances a common allegiance to Kāi Tahu was forged. Kāi Tahu means the 'people of Tahu', linking them by name to their common ancestor Tahu Pōtiki."

Add to final sentence "from the East Coast of the North Island"

Add following paragraph;

However there are Waitaha who are also Takata Whenua for Otago and consider Rakaihautu their primary ancestor and have no interest in being labelled Ngai Tahu.

Reasons for this Amendment

I Anne Te Maiharoa Dodds, great granddaughter of Waitaha Ariki Te Maiharoa cannot disagree that there are people of Ngai Tahu and Waitaha descent who agree with this paragraph however it would be more accurate to add "their common ancestor Tahu Potiki *from the East Coast of the North Island of Aotearoa.*"

Also there are many Waitaha who choose to follow the Tikanga and peaceful teachings of Rakaihautu who was responsible for the naming and creation of the landscape of Te Wai Pounamu. He is the founding Ancestor of Waitaha and if the Regional Council is to follow government directive to consult with takata whenua they must include us. I am takata whenua but am not registered as Ngai Tahu nor consider I have any allegiance to Ngai Tahu.

Ngai Tahu claim exclusivity to Te Wai Pounamu based on a decision by the Maori Appellate Court, but this decision was in respect of descendants of Te Rauparaha who claimed rights to the southern island as they had conquered Ngai Tahu in battle. It was decided that these descendants had no rights here as they had not kept continuous ahi kaa and instead returned to their northern homeland. Waitaha on the other hand do not consider themselves conquered by other tribes. A peaceful people we retreated into the hinterland but kept continuous ahi kaa. The Appellate Court decision at no time mentions Waitaha nor any of the other ancient tribes for that matter such as Hawea and Rapuwai. We had no opportunity to challenge Ngai Tahu in this case so the decision has no relevance to us or our status as Takata Whenua.

I respectfully suggest you add a further paragraph.eg.,

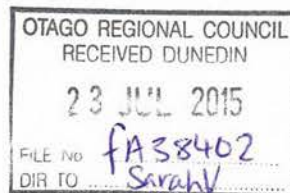
However there are Waitaha who are also Takata Whenua for Otago and consider Rakaihautu their primary ancestor and have no interest in being labelled Ngai Tahu.



Shotover Design Limited trading as

Clark Fortune McDonald & Associates

Licensed Cadastral Surveyors - Land Development - Planning Consultants



22 July 2015

Otago Regional Council
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 Dunedin 9054
 Email: rps@orc.govt.nz

SUBMISSION ON THE OTAGO REGIONAL POLICY STATEMENT

Name of Submitter: Scope Resources Ltd
 Postal Address: C/- CFM
 PO Box 553
 Queenstown
 Attention: Neil McDonald/Nick Geddes

Telephone: 03 441 6044
 Email: nmcdonald@cfma.co.nz/ngeddes@cfma.co.nz

Thank you for the opportunity to make a submission.

I wish to be heard in support of my submission.

If others are making a similar submission I will consider presenting jointly with them at a hearing.

Introduction:

At present we are undertaking a plan change to the Queenstown Lakes District Plan to rezone land from Rural General to an Industrial zoning to meet the well documented needs for further business and industrial zoned land in the District.

The location of the proposed zone is approximately 5.5 kms south of Frankton on the eastern side of State Highway 6, below the Remarkables mountain range.



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CSNZ THE CONSULTING
 SURVEYORS
 OF NEW ZEALAND
A DIVISION OF THE NEW ZEALAND INSTITUTE OF SURVEYORS

The area to be rezoned has a history of industrial use via previously granted and implemented resource consents. Approximately ¼ of the site is currently used for industrial activities (such as mechanical repairs, a quarry, and a trucking and contractors yard).

Four landowners have joined together to progress a plan change for their land (a total of 63.24ha including open space/mitigation) to give security for existing activities over time and to allow for expansion of the activities where landscape considerations and topography allow.

The landowners have commissioned a number of reports that support the plan change subject to recommendations. The landowners have accepted these recommendations and made necessary adjustments that ensure any adverse environmental effects from the plan change remain de minimis.

The present consented industrial activities are barely discernible from State Highway 6 due to their placement in the existing landscape and the earthworks and extensive landscaping already undertaken to mitigate their effects. It is a main driver of this Plan Change to ensure that future development also is contained within the environment and not apparent or readily visible from roads and other public places.

This submission to the Regional Policy Statement is made in the context that we see the policies proposed supporting the intent of the zoning we are pursuing.

Submission Point 1:

I support Policy 4.3.4 for the following reasons:

The Queenstown Lakes District is consistently one of the higher growth Districts within New Zealand. Its population growth requires supporting commercial and business zoning in order to grow in a sustainable manner.

Bullet point (d) enables smaller centres to support local needs. In the case of Queenstown, the Jacks Point area will in time grow to be a substantial residential area; the Coneburn proposed business and industrial area is well placed to provide work opportunities as well as services to those residents.

Decision sought:

I would like the ORC to retain Policy 4.3.4, with any minor amendments as necessary in order to achieve the intent of this submission.

Submission Point 2:

I support Policy 4.3.5 for the following reasons:

Planning for industrial and business zones within growing communities is essential; often these zones have a lower monetary value per square metre than residential or commercial land, and as such are seldom the first choice when rezoning land for additional development.

The policy acknowledges that there is a finite amount of land suitable for this zoning; this is true in the case of Queenstown where much of the rural area is of a high landscape value. Accordingly it is important to support landowners who wish to undertake industrial activities in suitable areas; such is the case for Coneburn.

Decision sought:

I would like the ORC to retain Policy 4.3.5, with any minor amendments as necessary in order to achieve the intent of this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Neil McDonald' or 'Nick Geddes', written in a cursive style.

Neil McDonald / Nick Geddes
authorised to make this submission on behalf of Scope Resources Limited

Policy 4.3.4

Managing the distribution of commercial activities in larger urban areas

Manage the distribution of commercial activities in larger urban areas, to maintain the vibrancy of the central business district and support local commercial needs, by:

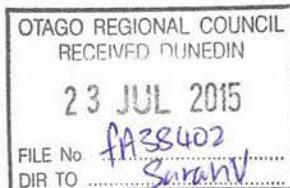
- a) Enabling a wide variety of commercial, social and cultural activities in the central business district; and*
- b) Encouraging the adaptive re-use of existing buildings in ways that complement commercial functions; and*
- c) Avoiding unplanned extension of commercial activities that has significant adverse effects on the central business district, including on the efficient use of infrastructure, employment and services; and*
- d) Enabling smaller centres to service local community needs.*

Policy 4.3.5

Managing for industrial land uses

Manage the finite nature of land suitable and available for industrial activities, by:

- a) Providing specific areas to accommodate the effects of industrial activities; and*
- b) Providing a range of land suitable for different industrial activities, including land extensive activities; and*
- c) Restricting the establishment of activities in industrial areas that may result in:
 - i. Reverse sensitivity effects; or*
 - ii. Inefficient use of industrial land or infrastructure**



Environmental Consultants
PO Box 489, Dunedin 9054
New Zealand
Tel: +64 3 477 7884
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By Email

23 July 2015

Ref: 9009

Otago Regional Council
Private Bag 1954
DUNEDIN

Attention: Planning Department
rps@orc.govt.nz

Dear Sir / Madam

**RE: PROPOSED REGIONAL POLICY STATEMENT FOR OTAGO – SUBMISSION
BY ALLIANCE GROUP LTD**

Please find attached a submission on the Proposed Regional Policy Statement for Otago on behalf of Alliance Group Ltd.

Yours sincerely,
MITCHELL PARTNERSHIPS LIMITED

CLAIRE HUNTER

Email: claire.hunter@mitchellpartnerships.co.nz

Enc

Also in Auckland and Tauranga
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**SUBMISSION ON THE PUBLICLY NOTIFIED
PROPOSED REGIONAL POLICY STATEMENT FOR OTAGO
UNDER CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT
ACT 1991**

To: Otago Regional Council
Private Bag 1954
DUNEDIN 9054



Name: Alliance Group Limited ('Alliance')

Address: PO Box 1410
INVERCARGILL
(Note different address for service)

1. **This is a submission on behalf of Alliance with respect to the Proposed Regional Policy Statement (RPS) for Otago.**
2. **Alliance could not gain an advantage in trade competition through this submission.**
3. **Overall issues that have determined the approach of Alliance in preparing submissions on the Proposed Regional Policy Statement for Otago are as follows:**
 - 3.1 Alliance is a large meat processing and exporting company operating six meat processing and exporting plants throughout the South Island and two plants in the North Island. The company was established in 1948 and is now a wholly farmer-owned co-operative company. On an annual basis Alliance processes approximately 6 million lambs, 1 million sheep, 200,000 cattle, 115,000 deer and 270,000 calves. This equates to approximately 30% of New Zealand's sheep meat production, 10% of beef and 30% of venison.
 - 3.2 The company exports product to over 65 different countries throughout the world. Approximately 80% of its activities are related to sheep and lamb processing, the remainder being beef, and deer processing. Processing is vertically integrated with about 80% of the meat production being further processed by boning, cutting and consumer packaging. A proportion of the production is exported in a chilled state to Europe and North America. Co-products such as wool, skins and other carcase material are also processed for export by the company, usually at the same location as the meat processing facility.
 - 3.3 As a wholly farmer-owned co-operative company, all profits are returned to the company's farmer shareholders with a portion retained for growth. The company

employs over 5,000 people (permanent and seasonal staff) and services about 5,000 farmer suppliers of livestock. Alliance's annual turnover for the 2013/2014 season was \$1.46 billion.

- 3.4 Within the Otago Region Alliance operates its Pukeuri Plant. The Pukeuri Plant was established in 1914 and acquired by Alliance in 1990. The Plant employs approximately 950 people at the peak of the season. The annual turnover of the Plant exceeds \$200 million, with annual wages and salaries exceeding \$40 million.
- 3.5 The Pukeuri Plant is a large modern meat processing and export facility that processes animals (sheep, lambs, cattle and calves) and co-products for around 11 months of the year. The Plant is fully integrated with slaughter and further processing operations, the production of edible by-products, cold storage, rendering, fellmongery, potable water treatment, and an onsite wastewater treatment facility. Alliance currently holds consents from the Otago Regional Council in order to operate its Pukeuri Plant. The consents authorise activities such as discharges of wastewater to water, land and discharging of contaminants and odour to air.
- 3.6 Against this background Alliance has a significant interest in planning documents that may affect the current and future operation of its Pukeuri Plant such as the Proposed RPS.

4. Alliance's Submissions:

Alliance has made specific submissions on various objectives, policies and methods that are contained within the Proposed RPS for Otago. These are set out in **Annexure One** attached. In summary, Alliance's submission seeks to:

- a) Ensure that the Proposed RPS for Otago is consistent with promoting the sustainable management purpose of the Resource Management Act 1991 (RMA);
- b) Ensure consistency with Part 2 and other relevant provisions of the RMA;
- c) Enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety;
- d) Suitably recognise the economic significance of rural industry in Otago and that it is not constrained by undue regulatory control;
- e) Promote the efficient use and development of natural and physical resources; and
- f) Promote sound resource management practice.

5. Alliance seeks the following decision from the Otago Regional Council:

- a) That the relief sought and/or amendments (or those with similar or like effect) outlined in **Annexure 1** be accepted;
- b) Such further or other relief as is appropriate or desirable in order to take account of the matters expressed in this submission.

- c) That, in the event that the amendments set out above are not implemented, the Proposed Policy Statement be withdrawn.

6. Alliance wishes to be heard in support of their submission.

7. If others make a similar submission, Alliance would be prepared to consider presenting a joint case with them at any hearing.

Signature:



By its authorised agent Claire Hunter, on behalf of
Alliance Group Limited

Date: 23rd July 2105

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Annexure 1

Table 1 - Alliance's Specific Submissions
on the Proposed Regional Policy Statement for Otago

Provision	Submission Position	Reason for submission	Alliance requests the following relief from the Council (or similar wording to achieve desired relief)
Chapter 1 Kāi Tahu values, rights and interests are recognised and kaitiakitaka is expressed			
<p>Policy 1.1.2</p> <p>Taking the principles of Te Tiriti o Waitangi into account</p> <p>Ensure that local authorities exercise their functions and powers, to:</p> <p>a) Accord Kāi Tahu a status distinct from that of interest groups and members of the public, consistent with their position as a Treaty partner; and,</p> <p>b) Involve Kāi Tahu in resource management decision-making processes and implementation; and</p> <p>c) Take into account Kāi Tahu views in resource management decision-making processes and implementation, particularly regarding the relationship of their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka ; and</p> <p>d) Ensure Kāi Tahu have the prerogative to:</p> <p>i. Identify their relationship with their ancestral lands, water, sites, wāhi tapu, and other taoka; and</p> <p>ii. Determine how best to express that relationship; and</p> <p>e) Ensure Kāi Tahu are able to exercise kaitiakitaka; and</p> <p>f) Ensure that district and regional plans:</p> <p>i. Give effect to the Ngāi Tahu Claims Settlement Act 1998; and</p> <p>ii. Recognise and provide for statutory acknowledgement areas, as detailed in Schedule 2; and</p> <p>iii. Provide for other areas in Otago that are recognised as significant to Kāi Tahu in a manner similar to that prescribed for statutory acknowledgement areas</p>	Oppose in part	<p>While it is recognised that it is important to maintain good working relationships with Kai Tahu when dealing with resource management issues within the Otago Region, it is submitted that this is already a requirement inherent within the RMA by:</p> <ul style="list-style-type: none"> Recognising and providing for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga (section 6(e) of the RMA); Having particular regard to kaitiakitanga (section 7(a) of the RMA); Taking into account the principles of the Treaty of Waitangi (section 8 of the RMA). <p>Clause (a) of this policy does not appear to have an identified resource management purpose and should be deleted. Clause (a) is also inconsistent with the notification determination which focuses on the extent of effects, not the status of a party.</p> <p>Clauses (d) and (e) require further amendment to better align with sections 6 and 7 of the RMA.</p>	<p>Amend this policy as follows:</p> <p>Policy 1.1.2</p> <p>Taking the principles of Te Tiriti o Waitangi into account</p> <p>Ensure that local authorities exercise their functions and powers, to:</p> <p>a) Accord Kāi Tahu a status distinct from that of interest groups and members of the public, consistent with their position as a Treaty partner; and,</p> <p>b) Involve Kāi Tahu in resource management decision-making processes and implementation; and</p> <p>c) Take into account Kāi Tahu views in resource management decision-making processes and implementation, particularly regarding the relationship of their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka ; and</p> <p>d) Ensure Kāi Tahu have the prerogative to: <u>Recognise and provide for Kāi Tahu to identify their relationship with their ancestral lands, water, sites, wahi tapu and other taoka by:</u></p> <p>i. Identify their relationship with their ancestral lands, water, sites, wāhi tapu, and other taoka; and</p> <p>ii. Determine how best to express that relationship; and</p> <p>e) Ensure Kāi Tahu are able to <u>Have regard to the exercise of</u> kaitiakitaka; and</p> <p>f) Ensure that district and regional plans:</p> <p>i. Give effect to the Ngāi Tahu Claims Settlement Act 1998; and</p> <p>ii. Recognise and provide for statutory acknowledgement areas, as detailed in Schedule 2; and</p> <p>iii. Provide for other areas in Otago that are recognised as significant to Kāi Tahu in a manner similar to that prescribed for statutory acknowledgement areas</p>
<p>Objective 1.2</p> <p>Kāi Tahu values, rights and interests and customary resources are sustained</p>	Oppose in part	<p>Alliance consider that a requirement to "recognise and provide for" Kāi Tahu values should be implemented which will provide a broader framework for the management of these values.</p> <p>Alliance also submits that reference to "rights" should be deleted as the subsequent policies do not provide any further context around what specific "rights" are being referred to.</p>	<p>Amend the objective as follows:</p> <p><u>Kāi Tahu values, rights and interests and customary resources are sustained recognised and provided for.</u></p>

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

			operate within their design parameters <u>and provide for appropriate upgrade and expansion of infrastructure and industry. Maintain the ability of water users to provide for the economic, health and safety and social wellbeing of the community.</u>
<p>Policy 2.1.3 Managing for coastal water values Recognise coastal water values, and manage coastal water, to:</p> <p>a) Support healthy coastal ecosystems; and b) Retain the range of habitats provided by the coastal marine area; and c) Protect migratory patterns of coastal water species, unless detrimental to indigenous biodiversity; and d) Maintain coastal water quality, or enhance it where it has been degraded; and e) Maintain or enhance coastal values; and f) Protect Kāi Tahu values; and g) Provide for other cultural values; and h) Protect important recreation values; and i) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread.</p>	Oppose in part	Alliance is concerned that this policy does not suitably recognise that the use of coastal water resources can also be essential to the economic and social wellbeing of the region.	<p>Amend the policy so that it suitably recognises that the use of coastal water resources can also be essential to the economic and social wellbeing of the region:</p> <p>Policy 2.1.3 Managing for coastal water values Recognise coastal water values, and manage coastal water, to:</p> <p>a) Support healthy coastal ecosystems; and b) Retain the range of habitats provided by the coastal marine area; and c) Protect migratory patterns of coastal water species, unless detrimental to indigenous biodiversity; and d) Maintain coastal water quality, or enhance it where it has been degraded; and e) Maintain or enhance coastal values; and f) Protect <u>Provide for</u> Kāi Tahu values; and g) Provide for other cultural values; and h) Protect important recreation values; and i) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread. j) <u>Maintain the ability to use coastal water for infrastructure and by those providing for the economic, health and safety and social wellbeing of the community.</u></p>
<p>Policy 2.1.4 Managing for air quality values Recognise air quality values, and manage air quality, to:</p> <p>a) Maintain good ambient air quality that supports human health, or enhance air quality where it has been degraded; and b) Protect Kāi Tahu values; and c) Maintain other cultural, aesthetic and amenity values.</p>	Oppose in part	It is not clear why Kāi Tahu values are to be elevated above all other resource management issues relating to the management of air quality in the region, in that they are required to be protected.	<p>Amend the policy as follows:</p> <p>Recognise air quality values, and manage air quality, to:</p> <p>a) Maintain good ambient air quality that supports human health, or enhance air quality where it has been degraded; and b) <u>Provide for</u> Protect Kāi Tahu values; and c) <u>Maintain other cultural, aesthetic and amenity values.</u></p>

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

<p>Objective 2.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced</p>	<p>Oppose</p>	<p>Alliance is concerned that this objective is too restrictive and generic in that it seeks to "protect" all of Otago's significant and highly valued natural resources. Given this Alliance consider that the focus of the objective should be to identify such resources and to protect them from inappropriate use and development.</p>	<p>Amend the objective to better achieve part 2 of the Act:</p> <p>Objective 2.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced from inappropriate use or development.</p>
<p>Policy 2.2.1 Identifying areas of significant indigenous vegetation and significant habitats of indigenous fauna Identify areas and values of significant indigenous vegetation and significant habitats of indigenous fauna, using the attributes detailed in Schedule 5.</p>	<p>Support in part.</p>	<p>Alliance consider it appropriate that those areas within the region that are significant are identified at the regional level. The policy requires a minor amendment to make this clear.</p>	<p>Amend the policy to be clear that the identification of significant indigenous vegetation and significant habitat of indigenous fauna is to occur at a regional level:</p> <p>Policy 2.2.1 Identifying areas of significant indigenous vegetation and significant habitats of indigenous fauna at a regional level.</p>
<p>Policy 2.2.2 Managing significant indigenous vegetation and significant habitats of indigenous fauna Protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</p> <ul style="list-style-type: none"> a) Avoiding adverse effects on those values which contribute to the area or habitat being significant; and b) Avoiding significant adverse effects on other values of the area or habitat; and c) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and d) Remediating , when adverse effects cannot be avoided; and e) Mitigating where adverse effects cannot be avoided or remediated; and f) Encouraging enhancement of those areas and values. 	<p>Support in part</p>	<p>Alliance consider it to be appropriate that this policy acknowledges that the "protection" of significant indigenous vegetation and habitats of significant fauna can also be achieved via appropriate mitigation and/or offset strategies. Alliance suggests some amendments to the structure and wording of this policy to provide better certainty as to how this policy is to be applied.</p>	<p>Amend the policy as follows:</p> <p>Protect and <u>where appropriate</u> enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</p> <ul style="list-style-type: none"> a) Avoiding <u>where practicable</u> adverse effects on those values which contribute to the area or habitat being significant; and b) Avoiding significant adverse effects on other values of the area or habitat; and c) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and d) Remediating , when adverse effects cannot be avoided; and e) Mitigating where adverse effects cannot be avoided or remediated; and f) Encouraging enhancement of those areas and values.
<p>Policy 2.2.3 Identifying outstanding natural features, landscapes and seascapes Identify areas and values of outstanding natural features, landscapes and seascapes, using the attributes as detailed in Schedule 4.</p>	<p>Support in part</p>	<p>While Alliance generally supports the criteria identified in this policy and Schedule 4 in that it is consistent with case law and the National Coastal Policy Statement (NZCPS), Alliance considers that better guidance is needed from the regional authority to ensure local authorities apply the criteria consistently. Within the Otago context, landscape values differ remarkably, for example Queenstown Lakes has a number of outstanding and remarkable landscapes, whereas Oamaru has comparatively less and a landscape which has deemed to be of outstanding value in the Oamaru context might not be awarded such a status elsewhere in Otago e.g. Queenstown Lakes.</p> <p>Alliance is of the view that District Council's should be guided by an assessment identifying outstanding landscapes and features at the regional level.</p>	<p>Undertake a regional assessment in order to identify outstanding natural features, and outstanding natural landscapes within the terrestrial and coastal environments.</p> <p>Amend the policy:</p> <p>Policy 2.2.3 Identifying outstanding natural features, landscapes and seascapes at the regional level.</p>

		<p>Alliance also notes that the wording of this policy refers to identifying "outstanding natural features", "landscapes" and "seascapes". For the latter two components it is not clear if this policy will only apply to "outstanding natural landscapes" and "outstanding natural seascapes" and this needs to be clarified. The wording of the policy needs to be clear.</p> <p>Alliance submits that this policy reads essentially as a repeat of the earlier policy 2.1.7. One or either of these policies can be removed.</p>	
<p>Policy 2.2.4 Managing outstanding natural features, landscapes, and seascapes Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</p> <p>a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</p> <p>b) Avoiding, remedying or mitigating other adverse effects on other values; and</p> <p>c) Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</p> <p>d) Recognising and providing for positive contributions of existing introduced species to those values; and</p> <p>e) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</p> <p>f) Encouraging enhancement of those areas and values.</p>	Oppose in part	<p>Alliance is concerned that this policy seeks to combine a number of different resource management issues (section 6(a), 6(b) RMA, and policies 13 and 15 of the NZCPS) and directives into one, and the result is somewhat confused.</p> <p>Clause a) is particularly problematic and goes further than part 2 of the Act. A blanket requirement to "avoid" adverse effects leaves no room to provide for important physical resources such as infrastructure or other activities common in areas of outstanding value.</p>	<p>Delete this policy or amend clause a) to read:</p> <p>a) Avoiding <u>significant</u> adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</p>
<p>Policy 2.2.5 Identifying special amenity landscapes and highly valued natural features Identify areas and values of special amenity landscape or natural features which are highly valued for their contribution to the amenity or quality of the environment, but which are not outstanding, using the attributes detailed in Schedule 4.</p>	Support in part	<p>Alliance consider it appropriate to identify landscapes that have hold high amenity values. Alliance is of the view that it is appropriate that following a regional wide landscape study local authorities are responsible for identifying such areas within their respective Districts.</p>	<p>Amend this policy:</p> <p>Policy 2.2.5 Identifying special amenity landscapes and highly valued natural features at a regional level.</p>

<p>Policy 2.2.6 Managing special amenity landscapes and highly valued natural features Protect or enhance the values of special amenity landscapes and highly valued natural features, by:</p> <ul style="list-style-type: none"> a) Avoiding significant adverse effects on those values which contribute to the special amenity of the landscape or high value of the natural feature; and b) Avoiding, remedying or mitigating other adverse effects on other values; and c) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and d) Recognising and providing for positive contributions of existing introduced species to those values; and e) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and f) Encouraging enhancement of those values. 	<p>Oppose</p>	<p>This policy is opposed by Alliance 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 Alliance 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. Alliance is also concerned that the policy seeks to avoid significant adverse effects which establishes a very high threshold test which is not considered to be appropriate.</p>	<p>Delete this policy or rewrite to focus on the maintenance of amenity landscapes.</p>
<p>Policy 2.2.7 Identifying the landward extent of the coastal environment Identify the landward extent of the coastal environment, using the following criteria:</p> <ul style="list-style-type: none"> a) Area or landform dominated by coastal vegetation or habitat of indigenous coastal species; and b) Landforms and the margins of landforms where active coastal processes, influences or qualities are significant; and c) Any landscapes or features, including coastal escarpments, which contribute to the natural character, visual quality or amenity values of the coast; and 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 e) The relationship of takata whenua with the coastal environment. 	<p>Oppose in part</p>	<p>Alliance notes that this policy is not fully consistent with that of Policy 1 of the NZCPS, and considers this to be inappropriate. In addition Alliance considers that the Otago RPS should be more definitive in identifying the extent of the coastal environment in Otago. Alliance is of the view that the Regional Council should prepare a map to accompany the RPS delineating the extent of the coastal environment.</p>	<p>Amend the policy to be consistent with Policy 1 of the NZCPS.</p> <p>Insert a map defining the extent of the coastal environment and amend to be consistent with the NZCPS.</p>
<p>Policy 2.2.8 Identifying areas of high and outstanding natural character in the coastal environment Identify areas and values of high and outstanding natural character in the coastal environment, using the attributes detailed in Policy 2.1.8.</p>	<p>Support in part</p>	<p>It is considered appropriate and consistent with the NZCPS to identify areas of outstanding natural character in the coastal environment. However Alliance is of the view that this should be undertaken as part of the development of the RPS.</p>	<p>Identify at the regional level those areas of outstanding natural character in the coastal environment. Amend the policy to read:</p> <p>Policy 2.2.8 Identifying areas of high and outstanding natural character in the coastal environment <u>at a regional level.</u></p>

<p>Policy 2.2.9 Managing the natural character of the coastal environment Preserve or enhance the natural character values of the coastal environment, by:</p> <ul style="list-style-type: none"> a) Avoiding adverse effects on those values which contribute to the outstanding natural character of an area; and b) Avoiding significant adverse effects on those values which contribute to the high natural character values of an area; and c) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and d) Avoiding, remedying or mitigating other adverse effects on other values; and e) Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment; and f) Encouraging enhancement of those values; and g) <i>Controlling the adverse effects of pest species, prevent their introduction and reduce their spread.</i> 	<p>Support in part</p>	<p>While this policy is generally consistent with giving effect to policy 13 of the NZCPS, it is submitted that this policy should seek to avoid adverse effects that are more than minor or non-transitory, as per the discussion on the Supreme Court in the King Salmon case</p>	<p>Amend clause a) as follows:</p> <ul style="list-style-type: none"> a) Avoiding <u>significant</u> adverse effects on those values which contribute to the outstanding natural character of an area; and
<p>Policy 2.2.14 Identifying highly valued soil resources Identify areas and values of highly valued soil resources, using the following criteria:</p> <ul style="list-style-type: none"> a) Degree of versatility for primary production; b) Significance for providing pollutant buffering or filtering services; c) <i>Significance for providing water storage or flow retention services;</i> d) Degree of rarity. 	<p>Oppose</p>	<p>It is considered appropriate to identify areas of high valued soil resource, however it is noted that this policy appears to be a repetition of the matters contained within Policy 2.1.5. It is not considered that this duplication is necessary.</p>	<p>Delete this policy.</p>
<p>Policy 2.2.15 Managing highly valued soil resources Protect the values of areas of highly valued soil resources, by:</p> <ul style="list-style-type: none"> a) Avoiding significant adverse effects on those values which contribute to the soil being highly valued; and b) Avoiding, remedying or mitigating other adverse effects on values of those soils; and c) Assessing the significance of adverse effects on values, as detailed in Schedule 3; and d) Recognising that urban expansion may be appropriate due to location and proximity to existing urban development and infrastructure. 	<p>Oppose</p>	<p>The RMA seeks that the life supporting capacity of the soil resource is sustained, this is not the same as requiring its protection and the avoidance of adverse effects. Alliance does not consider it appropriate to apply the same management regime that has been established via the NZCPS with respect to outstanding natural character and outstanding natural landscapes within the coastal environment to all resource aspects throughout the Region.</p> <p>In addition, this policy appears to essentially be a repetition of Policy 2.1.5 above, which is better worded in that it refers to the maintenance of the values of soils, and is not necessary.</p>	<p>Delete this policy.</p>

<p>Objective 2.3 Natural resource systems and their interdependencies are recognised</p>	<p>Oppose</p>	<p>It is noted that the policies which follow relate to achieving integrated management. In achieving integrated management the human use and economic benefits arising from the development of natural and physical resources also needs to be taken into account. This is not achieved via the current drafting of this objective which only refers to natural resource systems.</p>	<p>Delete this objective and rework it so that it seeks to achieve the integrated management of the natural and physical resources of the region. In achieving integrated management human use and economic benefits also need to be considered.</p>
<p>Policy 2.3.2 Applying an integrated management approach within a resource Apply an integrated management approach within a natural and physical resource, to achieve sustainable management, by:</p> <ul style="list-style-type: none"> a) Ensuring that resource objectives are complementary across administrative boundaries; and b) Ensuring that effects of activities on the whole of a resource are considered when that resource is managed by sub-units. 	<p>Oppose</p>	<p>It is not clear what the intended purpose or outcome will be from this policy. It is inappropriate to try to manage resources in an integrated manner when only focusing on one resource. Given the more specific policies that follow relating to the direction of integrated management on certain resource values Alliance submits that this policy should be deleted.</p>	<p>Delete this policy.</p>
<p>Policy 2.3.3 Applying an integrated management approach for freshwater catchments Apply an integrated management approach to activities in freshwater catchments, by:</p> <ul style="list-style-type: none"> a) Using consistent freshwater objectives for interconnected water bodies; and b) Recognising the importance of river morphology, catchment hydrology, natural processes and land cover in supporting catchment values; and c) Coordinating the management of land use and freshwater, to: <ul style="list-style-type: none"> i. Maintain or enhance freshwater values; and ii. Maintain or enhance the wetland values; and iii. Maintain or enhance the values of beds of rivers and lakes, wetlands, and their margins; and iv. Reduce the potential for health and nuisance effects. 	<p>Oppose in part</p>	<p>This policy refers to freshwater objectives. It is noted that this directive is probably derived from the NPS for Freshwater, however there is no further guidance provided in the Proposed RPS as to how these freshwater objectives are to developed, what matters should be considered and how they should be applied at the regional level. More detailed and transparent guidance is required in regard to these freshwater objectives to ensure the obligations inherent within the NPS for Freshwater will be achieved.</p> <p>Alliance is of the view that when providing for the integrated management of natural and physical resources, the human use (ie economic and community) values of resources should also be clearly recognised and provided for.</p>	<p>Amend the policy so that it is recognised that in achieving integrated management the human use and economic values of the resource are also taken into account.</p>
<p>Policy 2.3.4 Applying an integrated management approach for the coastal environment Apply an integrated management approach to activities in the coastal environment, by:</p> <ul style="list-style-type: none"> a) Recognising the importance of coastal morphology, coastal processes and land cover in supporting coastal environment values; and b) Coordinating the management of land use, freshwater, and coastal water, to: <ul style="list-style-type: none"> i. Maintain or enhance coastal values; and ii. Reduce the potential for health and nuisance effects. 	<p>Oppose in part</p>	<p>Alliance is of the view that when providing for the integrated management of natural and physical resources, the human use (ie economic and community) values of resources should also be clearly recognised and provided for.</p>	<p>Amend the policy so that it is recognised that in achieving integrated management the human use and economic values of the resource are also taken into account.</p>

<p>Policy 2.3.5 Applying an integrated management approach for airsheds Apply an integrated management approach to activities that affect air quality, by:</p> <ul style="list-style-type: none"> a) Setting emission standards for airsheds that take into account foreseeable demographic changes, and their effects on cumulative emissions; and b) Co-ordinating the management of land use and air quality, to: <ul style="list-style-type: none"> i. Maintain or enhance air quality values; and ii. Reduce the potential for adverse health and nuisance effects. 	Oppose in part	Alliance is of the view that when providing for the integrated management of natural and physical resources, the human use (ie. economic and community) values of resources should also be clearly recognised and provided for.	Amend the policy so that it is recognised that in achieving integrated management the human use and economic values of the resource are also taken into account.
Chapter 3 Communities in Otago are resilient, safe and healthy			
<p>Objective 3.1 Protection, use and development of natural and physical resources recognises environmental constraints</p>	Oppose	Alliance is concerned that this objective is too vague to be effective and meaningful in its implementation. In particular it is not clear what is meant by reference to an "environmental constraint". It appears from the introductory text attaching to this chapter that it might refer to natural hazard type effects, but this is not clear.	Delete this objective.
<p>Policy 3.1.1 Recognising natural and physical environmental constraints Recognise the natural and physical environmental constraints of an area, the effects of those constraints on activities, and the effects of those activities on those constraints, including:</p> <ul style="list-style-type: none"> a) The availability of natural resources necessary to sustain the activity; and b) The ecosystem services the activity is dependent on; and c) The sensitivity of the natural and physical resources to adverse effects from the proposed activity/land use; and d) Exposure of the activity to natural and technological hazard risks; and e) The functional necessity for the activity to be located where there are significant constraints. 	Oppose	Reference to "environmental constraint" is ambiguous and should be removed from the RPS. It is not at all clear how this policy will be implemented in practice and what this would mean for developments and activities throughout the region. Alliance considers that the weighing of individual policies that provide for development and those that seek protection will ensure that environmental constraints are considered.	Delete this policy.
<p>Objective 3.2 Risk that natural hazards pose to Otago's communities are minimised</p>	Support	It is appropriate to seek to minimise the risk from natural hazards to communities.	Retain the objective as notified (or similar wording to achieve relief).
<p>Policy 3.2.1 Identifying natural hazards Identify natural hazards that may adversely affect Otago's communities, including hazards of low likelihood and high consequence.</p>	Support	It is appropriate to identify natural hazards present within the Otago region.	Retain policy as notified (or similar wording to achieve desired relief).

<p>Policy 3.2.2 Assessing natural hazard likelihood Assess the likelihood of natural hazard events occurring, having regard to a timeframe of no less than 100 years, including by considering:</p> <ul style="list-style-type: none"> a) Hazard type and characteristics; b) Multiple and cascading hazards; c) Cumulative effects, including from multiple hazards with different risks; d) Effects of climate change; e) Using the best available information for calculating likelihood; f) Exacerbating factors. 	Support	It is considered appropriate to assess the likelihood of natural hazard events occurring, and it is clear from the method that the onus is on the ORC and territorial authorities to undertake this work via their regional and district plans. It would be inappropriate for every resource user to have to complete an individual natural hazard assessment, as this is something that should be undertaken at a higher more strategic level by the regional council.	Retain policy as notified (or similar wording to achieve desired relief).
<p>Policy 3.2.3 Assessing natural hazard consequence Assess the consequences of natural hazard events, including by considering:</p> <ul style="list-style-type: none"> a) The nature of activities in the area; b) Individual and community vulnerability; c) Impact on individual and community health and safety; d) Impact on social, cultural and economic wellbeing; e) Impact on infrastructure and property, including access and services; f) Risk reduction and hazard mitigation measures; g) Lifeline utilities, essential and emergency services, and their co-dependence; h) Implications for civil defence agencies and emergency services; i) Cumulative effects; j) Factors that may exacerbate a hazard event. 	Support in part	Alliance submits that this assessment should be undertaken as part of the higher level strategic assessment undertaken by the regional council.	Amend this policy to make it clear that this natural hazard assessment will be undertaken at a higher strategic level.
<p>Objective 3.8 Urban growth is well designed and integrates effectively with adjoining urban and rural environments</p>	Support	It is considered appropriate to seek that urban development takes place in a manner which takes into account the existing environment and minimises potential conflicts between incompatible activities.	Retain the objective as notified (or similar wording to achieve desired relief).
<p>Policy 3.8.1 Managing for urban growth Manage urban growth and creation of new urban land in a strategic and co-ordinated way, by:</p> <ul style="list-style-type: none"> a) Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for demand for such land, projected over at least the next 10 years; and b) Co-ordinating urban growth and extension of urban areas with relevant infrastructure development programmes, to: 	Support in part	Alliance consider that in effectively managing urban growth consideration of conflicts and reverse sensitivity effects should be had particularly with respect to the encroachment of incompatible activities around key infrastructure assets and industrial providers that support the social and economic wellbeing of the community.	Amend the policy as follows: Manage urban growth and creation of new urban land in a strategic and co-ordinated way, by: <ul style="list-style-type: none"> a) Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for demand for such land, projected over at least the next 10 years; and b) Co-ordinating urban growth and extension of urban areas with relevant infrastructure development programmes, to:

<ul style="list-style-type: none"> i. Provide infrastructure in an efficient and effective way; and ii. Avoid additional costs that arise from unplanned infrastructure expansion; and c) Identifying future growth areas that: <ul style="list-style-type: none"> i. Minimise adverse effects on rural productivity, including loss of highly valued soils or creating competing urban demand for water and other resources; and ii. Maintain or enhance significant biodiversity, landscape or natural character values; and iii. Maintain important cultural or heritage values; and iv. Avoid land with significant risk from natural hazards; and d) Considering the need for urban growth boundaries to control urban expansion; and e) Ensuring efficient use of land; and f) Requiring the use of low or no-emission heating systems in buildings, when ambient air quality in or near the growth area is: <ul style="list-style-type: none"> i. Below standards for human health; or ii. Vulnerable to degradation given the local climatic and geographical context; and g) Giving effect to the principles of good urban design, as detailed in Schedule 6; and h) Giving effect to the principles of crime prevention through environmental design. 			<ul style="list-style-type: none"> i. Provide infrastructure in an efficient and effective way; and ii. Avoid additional costs that arise from unplanned infrastructure expansion; and x. <u>Avoiding urban development which constrains the ability of regionally significant infrastructure or industry to be developed and used due to adverse effects relating to reverse sensitivity or safety; and</u> c) Identifying future growth areas that: <ul style="list-style-type: none"> i. Minimise adverse effects on rural productivity, including loss of highly valued soils or creating competing urban demand for water and other resources; and ii. Maintain or enhance significant biodiversity, landscape or natural character values; and iii. Maintain important cultural or heritage values; and iv. Avoid land with significant risk from natural hazards; and d) Considering the need for urban growth boundaries to control urban expansion; and e) Ensuring efficient use of land; and f) Requiring the use of low or no-emission heating systems in buildings, when ambient air quality in or near the growth area is: <ul style="list-style-type: none"> i. Below standards for human health; or ii. Vulnerable to degradation given the local climatic and geographical context; and g) Giving effect to the principles of good urban design, as detailed in Schedule 6; and h) Giving effect to the principles of crime prevention through environmental design.
<p>Policy 3.9.1 Integrating management of hazardous substances and waste Promote an integrated approach to the management of hazardous substances and waste in Otago.</p>	<p>Support</p>	<p>It is appropriate to recognise that because hazardous substances are managed by a number of different agencies an integrated approach will need to be adopted, taking into consideration the various roles and responsibilities at a national, regional and local level when dealing with hazardous substances in particular.</p>	<p>Retain policy as notified (or similar wording to achieve desired relief).</p>

<p>Policy 3.9.5 Avoiding the creation of new contaminated land Avoid the creation of new contaminated land.</p>	<p>Oppose</p>	<p>It is not clear what implications this policy might have on development throughout the region. For example, airports, ports, and other infrastructure and industrial activities are all listed on the Ministry for the Environment's HAIL list. This policy could be interpreted that because such facilities use hazardous substances they will become sites of contaminated land and therefore should be avoided. This is not considered appropriate.</p>	<p>Delete the policy.</p>
<p>Chapter 4 People are able to use and enjoy Otago's natural and built environment</p>			
<p>Objective 4.3 Sufficient land is managed and protected for economic production</p>	<p>Oppose in part</p>	<p>It is not clear what is intended to be achieved by this objective. The ensuing policies appear to enable the development of rural, commercial and industrial activities, however this is not clear from the drafting of this objective that this is what will be achieved.</p>	<p>Amend this objective as follows: <u>Ensure that appropriate rural, commercial and industrial development is enabled to provide for the social, economic and cultural wellbeing of the community.</u></p>
<p>Policy 4.3.5 Managing for industrial land uses Manage the finite nature of land suitable and available for industrial activities, by:</p> <ul style="list-style-type: none"> a) Providing specific areas to accommodate the effects of industrial activities; and b) Providing a range of land suitable for different industrial activities, including land-extensive activities; and c) Restricting the establishment of activities in industrial areas that may result in: <ul style="list-style-type: none"> i. Reverse sensitivity effects; or ii. Inefficient use of industrial land or infrastructure. 	<p>Support</p>	<p>Alliance considers it appropriate to recognise and provide for the development and ongoing use of industrial activities that are essential to the economic and social wellbeing of the Region.</p>	<p>Retain policy as notified (or similar wording to achieve desired relief).</p>

<p>Objective 4.5 Adverse effects of using and enjoying Otago's natural and built environment are minimised</p>	<p>Oppose in part</p>	<p>This objective should relate to the development and use of Otago's natural and physical resources, rather than the enjoyment, which is vague and subjective. It should also seek to avoid, remedy or mitigate adverse effects on such resources.</p>	<p>Amend the objective as follows: <u>Adverse effects arising from the development use of Otago's natural and physical resources are avoided, remedied or mitigated.</u></p>
<p>Policy 4.5.1 Avoiding objectionable discharges Avoid discharges that are objectionable or offensive to takata whenua and the wider community, including:</p> <ul style="list-style-type: none"> a) Discharges of human or animal waste: <ul style="list-style-type: none"> i. Directly to water; or ii. In close proximity to water; or iii. In close proximity to mahika kai sites; or b) Discharges of hazardous or noxious substances close to sensitive activities, including: <ul style="list-style-type: none"> i. Residential activities; or ii. Schools and other educational activities; or iii. Places of public access to the natural environment; or iv. In close proximity to mahika kai sites; or c) Odorous or conspicuous discharges. 	<p>Oppose in part</p>	<p>Alliance opposes this policy on the basis that it does not recognise that the discharge of human and animal waste can be considered to be acceptable to iwi and the wider community through appropriate treatment and disposal methods. It is therefore not appropriate to require that all such discharges of human and animal waste are to be avoided.</p> <p>The policy also seeks to avoid odorous or conspicuous discharges that are objectionable or offensive to takata whenua and the wider community. This element of the policy again has no regard to the nature of the discharge, the receiving environment, and any mitigation. Alliance is also concerned that the community will have varying degrees of tolerance as to when a discharge is considered to be objectionable or offensive. This is considered to be too subjective and is inappropriate. It is also noted that this does not specify the medium into which odorous or conspicuous discharges are to be avoided, for example whether it relates to discharges to air and/or to water.</p>	<p>Delete this policy or amend it as follows: Avoiding <u>Managing</u> objectionable discharges Avoid, <u>remedy or mitigate</u> discharges that are objectionable or offensive to takata whenua and the wider community, including:</p> <ul style="list-style-type: none"> a) Discharges of human or animal waste: <ul style="list-style-type: none"> i. Directly to water; or ii. In close proximity to water; or iii. In close proximity to mahika kai sites; or b) Discharges of hazardous or noxious substances close to sensitive activities, including: <ul style="list-style-type: none"> i. Residential activities; or ii. Schools and other educational activities; or iii. Places of public access to the natural environment; or iv. In close proximity to mahika kai sites; or c) Odorous or conspicuous discharges.
<p>Policy 4.5.2 Applying an adaptive management approach Apply an adaptive management approach, to address adverse effects that might arise and that can be remedied before they become irreversible, by:</p> <ul style="list-style-type: none"> a) Setting appropriate indicators for effective monitoring of those adverse effects; and b) Setting thresholds to trigger remedial action before the effects result in irreversible damage. 	<p>Support</p>	<p>It is appropriate to recognise and enable the use of adaptive management regimes in dealing with adverse effects from activities.</p>	<p>Retain policy as notified (or similar wording to achieve desired relief).</p>
<p>Policy 4.5.7 Enabling offsetting of indigenous biodiversity Enable offsetting of adverse effects on indigenous biodiversity values, only when:</p> <ul style="list-style-type: none"> a) The activities causing those effects have a functional necessity to locate in significant or outstanding areas; and b) Those effects cannot be avoided, remedied or mitigated; and c) Those effects do not result in the loss of irreplaceable or vulnerable biodiversity. 	<p>Support in part</p>	<p>It is considered useful to include a policy enabling offsetting in certain situations. It is not clear why the ability to offset adverse effects on indigenous biodiversity has been limited to only being an acceptable response when those activities causing the effects have a functional necessity to locate in areas of significant biodiversity.</p> <p>Alliance seeks to broaden the opportunities to consider off setting.</p>	<p>Amend this policy: Policy 4.5.7 Enabling offsetting of indigenous biodiversity Enable offsetting of adverse effects on indigenous biodiversity values, <u>only including</u> when:</p>

<p>Policy 4.5.9 Offsetting for air quality Provide for offsetting of adverse effects of discharges to air on ambient air quality, only when:</p> <p>a) The ambient air quality of the relevant airshed breaches air quality standards for human health; and</p> <p>b) Offsetting will reduce the cumulative effect of discharges to air in the relevant airshed by the same, or greater amount, than the proposed discharge; and</p> <p>c) Offsetting improves access to reliable and affordable domestic heating in the relevant airshed.</p>	<p>Support in part</p>	<p>As above.</p>	<p>Amend this policy:</p> <p>Policy 4.5.9 Offsetting for air quality Provide for offsetting of adverse effects of discharges to air on ambient air quality, <u>only including</u> when:</p>
<p>Methods</p>	<p>Oppose in part</p>	<p>Alliance considers it important the region's:</p> <ul style="list-style-type: none"> - outstanding natural landscapes and features, - areas of outstanding natural character (including in the coastal environment), and - significant indigenous vegetation and habitats of significant indigenous fauna <p>are identified at a regional level. Accordingly, additional methods are necessary to ensure this occurs.</p>	<p>Add methods to require that:</p> <ul style="list-style-type: none"> - a region wide landscape/features and natural character assessment to determine areas of outstanding natural character, and outstanding landscape areas and features is carried out; and - a region wide assessment of significant indigenous vegetation and habitats of significant indigenous fauna is carried out. <p>These assessments could be carried out by the Regional Council, or as a collaborative effort between territorial authorities and the Regional Council.</p>

Submission Date 2015-07-22 19:49:57

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

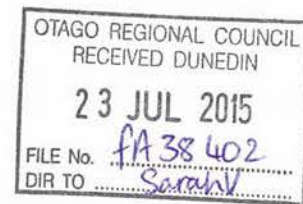
If others make a similar submission, I will / will not consider presenting jointly with them at the hearing: I will consider presenting jointly

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

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

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

Attach a document (if applicable): [RNZ submission 23 July 2015.pdf](#)



SUBMISSION BY RADIO NEW ZEALAND LTD ON OTAGO REGIONAL POLICY STATEMENT

Radio New Zealand Ltd

- 1 Radio New Zealand Ltd (*RNZ*) welcomes the opportunity to submit to the Otago Regional Council (*the Council*) on the proposed Otago Regional Policy Statement (*the RPS*).
- 2 RNZ is a Crown entity established under the Radio New Zealand Act 1995. RNZ owns and operates several radio transmission facilities in the Otago region:
 - 2.1 A facility at Kelvin Heights. The site is on a golf course which is designated as a recreation reserve. It is listed in the Queenstown Lakes District Plan as designation number 181. The underlying zoning is Rural General.
 - 2.2 A facility at Springvale. The site is designated and is listed in the Central Otago District Plan as designation number 222. The underlying zoning is Rural Resource Area.
 - 2.3 A facility at Saddle Hill. The Dunedin City District Plan shows the underlying zoning is Rural.
 - 2.4 A facility at Highcliff. This facility has two sites, both are designated and are listed in the Dunedin City District Plan. The sites are zoned Rural and are listed as designation numbers D 294 and D296.
- 3 RNZ's facilities perform an important role in, among other things, providing news and information to the public, including performing a civil defence role (radio is a key communication tool in the event of natural disasters and RNZ is designated as a Lifeline Utility under the Civil Defence Emergency Management Act 2002). The importance of this role was described by one Christchurch listener caught in a suburban shopping mall shortly after one of the Christchurch earthquakes:

My car radio was tuned to Radio New Zealand National and it was the only source of information as all the power was out. Standing around my car were about 50 other stressed people... all listening to the Radio New Zealand's coverage.
- 4 It is important that the continued operation, maintenance and improvement of RNZ's national transmission network can occur unimpeded. RNZ's facilities are an integral and important part of RNZ's national communications network, and it is appropriate that the Otago Regional Policy Statement (*RPS*) recognises and provides for RNZ's activities.

General Comments

- 5 Appropriate policy direction in higher level documents, such as the objectives and policies in the notified RPS, provide guidance to territorial authorities when district plans are reviewed, and reduce the chances of later conflict between land users.
- 6 RNZ supports the RPS (with some suggested amendments) and considers that overall, the provisions of the RPS provide appropriate guidance that recognise:

- 6.1 The critical contribution that infrastructure and network utility operations (such as RNZ's facilities) make to the social, economic and cultural wellbeing of the region, as well as health and safety;
 - 6.2 The technical and operation constraints that limit the geographic location in which RNZ's facilities can operate, particularly in relation to land use subdivision; and
 - 6.3 The need to avoid "reverse sensitivity" effects on regionally significant network utilities, for the benefit of the community.
- 7 One of RNZ's primary concerns is that subdivision and development in proximity to its transmitter sites could lead to reverse sensitivity effects on its transmission facilities. Reverse sensitivity effects are adverse effects that a new "sensitive" land use can have on existing activities, i.e. they are effects cause by new development. It is important that higher level resource management documents recognise and provide guidance on the issue of reverse sensitivity.
- 8 Changing land use in the vicinity of RNZ's facilities – for a sensitive use, such as some commercial and industrial uses, or residential use as a result of subdivision – could result in future residents or occupiers of the land seeking to constrain the operation of RNZ's facilities. For example:
 - 8.1 RNZ has had direct experience of people who live near some of its sites complaining about interference to their electronic devices after they have purchased land and built a house near a transmitter (television reception and, potentially, broadband, telephone signals, burglar alarms and intercoms units can be adversely affected near a transmitter);
 - 8.2 Nearby residents might not be happy that, on the occasions it is used, RNZ's back-up generator makes a certain amount of noise; and
 - 8.3 Residents might be unhappy about being able to see large radio masts from their houses.
- 9 Reverse sensitivity effects on RNZ's existing transmission facilities can undermine the operation of those facilities. The best way to protect against this is for the existence and operation of RNZ's facilities to be factored in at the time that subdivision and other land use activities are designed and considered. While the RPS provides good high-level policy guidance in this regard, RNZ makes some submissions below on how this guidance can and should be improved.

PART OF THE PLAN	SUPPORT/ OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
General			
		<p>The terms 'radio communication' and 'radiocommunication' are both used in the plan. To improve clarity, RNZ's preference is for only one term to be used.</p> <p>As the term 'radiocommunications' is used in the definition of 'Infrastructure' in the glossary, this is the term should be used throughout the RPS.</p>	Amend all references to 'radio communication' or 'radio communications' to 'radiocommunication' or radiocommunications'.
Part B: Chapter 3: Communities in Otago are resilient, safe and healthy			
<p>Objective 3.4</p> <p><i>Good quality infrastructure and services meet community needs</i></p>	Support	RNZ supports the recognition of the importance of good quality local and regional infrastructure.	Retain this objective as notified.
<p>Policy 3.4.1</p> <p><i>Integrating infrastructure with land use</i></p>	Support with amendment	<p>RNZ strongly supports this policy. The sites of RNZ's facilities were chosen carefully, for a particular combination of geographical, functional and technical reasons. It is appropriate that these functional needs are recognised.</p> <p>However, RNZ considers that it is appropriate that a policy addressing integration of land use should also specifically refer to the importance of development and new activities avoiding adverse effects on</p>	<p>Retain this policy with the following amendment (or words to similar effect):</p> <p><i><u>e) Avoiding issues of land use incompatibility by preventing new activities from taking place in locations where those activities are likely to be sensitive to the effects from regionally or nationally significant infrastructure.</u></i></p>

PART OF THE PLAN	SUPPORT/ OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
		<p>established infrastructure.</p> <p>RNZ supports the policy, with inclusion of the following new subclause e).</p>	
<p>Policy 3.4.2</p> <p><i>Managing infrastructure activities</i></p>	<p>Support</p>	<p>RNZ facilities are important to the local community as they provide a lifeline utility in cases of emergency. RNZ supports the recognition of this role in policy 3.4.2, in particular subclause g.</p>	<p>Retain the policy as notified.</p>
<p>Policy 3.4.3</p> <p><i>Designing lifeline utilities and facilities for essential or emergency services</i></p>	<p>Support with amendment</p>	<p>As a lifeline utility, RNZ supports the recognition of the need to design lifeline utilities to ensure their maintenance and effective operation.</p> <p>However, the policy makes no provision for existing lifeline utilities - it is also important to fully provide for the maintenance and effective operation of existing lifeline utilities.</p> <p>RNZ suggests amending the policy by changing "Designing" to "Providing for".</p>	<p>Amend the policy as indicated below:</p> <p><i>Policy 3.4.3</i> <i>Designing Provide for lifeline utilities and facilities for essential or emergency services</i></p> <p><i>Design Provide for lifeline utilities, and facilities for essential or emergency services, to by:</i></p> <p><i>a) Maintaining their ability to function to the fullest extent possible, during and after natural hazard events; and</i></p> <p><i>b) Taking into account their operational co-dependence with other lifeline utilities and essential services to ensure their effective operation.</i></p>

PART OF THE PLAN	SUPPORT/ OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
Policy 3.4.4 <i>Managing hazard mitigation measures, lifeline utilities, and essential and emergency services</i>	Support with amendment	<p>RNZ supports the recognition of the need to protect lifeline utilities. This is a key issue for RNZ. In particular RNZ supports restricting the establishment of activities which give rise to the potential for reverse sensitivity effects.</p> <p>As this policy applies only to the most important of public services (hazard mitigation measures, lifeline utilities, and essential or emergency services), RNZ considers it appropriate that the policy direction be strengthened further by requiring the “avoidance” of activities that could result in reverse sensitivity effects (rather than only “restricting” such activities).</p>	<p>Amend the policy as indicated below:</p> <p>Policy 3.4.4 <i>Managing hazard mitigation measures, lifeline utilities, and essential and emergency services</i></p> <p><i>Protect the functioning of hazard mitigation measures, lifeline utilities, and essential or emergency services, including by:</i></p> <p>a) Restricting <i>Avoiding</i> the establishment of those activities that may result in reverse sensitivity effects; and</p> <p>...</p>
Objective 3.5 <i>Infrastructure of national and regional significance is managed in a sustainable way</i>	Support with amendment	<p>RNZ’s facilities are of national and regional significance. RNZ supports the direction in this objective on managing infrastructure, and the importance of recognising the benefits of such infrastructure. For the avoidance of doubt, the objective should also make reference to ‘radiocommunications’.</p>	<p>Retain the objective with the following amendment:</p> <p><i>Infrastructure of national and regional significance, including roads, rail, electricity generation and transmission, and telecommunication, and radiocommunication, are a part of a nation network, and contribute to the economic and social wellbeing of the nation.</i></p>
Policy 3.5.1	Support	<p>RNZ supports the policy direction recognising the importance of infrastructure of national or regional</p>	<p>Retain the policy as notified.</p>

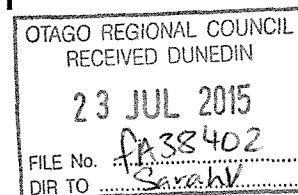
PART OF THE PLAN	SUPPORT/ OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
<i>Recognising national and regional significance of infrastructure</i>		significance, such as RNZ's facilities.	
Policy 3.5.3 <i>Protecting infrastructure of national or regional significance</i>	Support	RNZ supports the protection of infrastructure of national or regional importance. In particular, RNZ supports restricting the establishment of activities which give rise to the potential for reverse sensitivity effects.	Retain the policy as notified.
Policy 3.8.3 <i>Managing fragmentation of rural land</i>	Support with amendment	RNZ supports the policy direction to manage rural subdivision and development, but considers it appropriate that this policy make specific reference to avoiding reverse sensitivity effects on established activities. Many rural activities (such as farming or horticulture, as well as infrastructure such as RNZ's facilities) generate effects that may be perceived as sensitive by certain new activities.	Retain this policy with the following addition (or words to similar effect): Policy 3.8.3 <i>Managing fragmentation of rural land</i> <i>Manage subdivision, use and development of rural land, to:</i> ... <i><u>e) Avoid the potential for reverse sensitivity effects on established activities.</u></i>
Part C: Implementation			
AER 3.3	Support with amendment	RNZ considers that in order for this AER to be recognised, existing lifeline utilities as well as new infrastructure and lifeline utilities need to be	Retain the AER with the following amendment:

PART OF THE PLAN	SUPPORT/ OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
		<p>considered.</p> <p>The maintenance and effective operation of existing lifeline utilities should be included as an indicator of this AER.</p>	<p>Indicators:</p> <p>...</p> <p><i><u>Lifeline utilities are protected from adverse effects, including from reverse sensitivity effects.</u></i></p>
AER 3.6	Support with amendment	RNZ supports the need for development in the region but considers the need to avoid reverse sensitivity effects should be emphasised.	<p>Retain the AER with the following amendment:</p> <p><i><u>New urban developments are well connected to existing urban areas, services, and infrastructure, while restricting the establishment of activities which give rise to the potential for reverse sensitivity effects.</u></i></p>
Part D: Schedules and appendices			
Glossary - infrastructure	Support	RNZ supports the inclusion of the definition of 'infrastructure'.	Retain the definition as notified.
Glossary - lifeline utilities	Support	RNZ supports the inclusion of the definition of 'lifeline utilities'.	Retain the definition as notified.

Form 5

**SUBMISSION ON PROPOSED REGIONAL POLICY STATEMENT FOR
OTAGO
PURSUANT TO CLAUSE 6 OF FIRST SCHEDULE
RESOURCE MANAGEMENT ACT 1991**

To: Freepost ORC 497
Otago Regional Council
Private Bag 1954
DUNEDIN 9054



Name of submitter Port Otago Limited

Address for Service: Lincoln Coe
General Manager, Infrastructure
PO Box 8
Port Chalmers
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(03) 472 9884

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

Trade Competition Declaration My submission is limited to addressing environmental effects directly impacting my business

INTRODUCTION

Overview of Port Otago Limited

Port Otago Limited is the successor to the elected Otago Harbour Board and is wholly owned by the Otago Regional Council. It owns the land based commercial port infrastructure at both Dunedin and Port Chalmers, and has occupancy rights to the coastal marine area (CMA) at and adjacent to its berths and commercial port area. Port Otago also maintains the commercial shipping channels, berths and swinging area within Otago Harbour.

Otago Harbour is a sheltered natural harbour which provides deep water access to the port facilities. This combination of deep water and natural shelter, has meant that the largest vessels serving the NZ coast have called to Port Chalmers.

Port Otago is a primary export port for the South Island region of New Zealand and the company believes strong competition offers real benefits to shipping lines and cargo owners. Port Otago ensures this strong competition by delivering superior customer service in all aspects of its activities through a can-do attitude and hard work. Our people are committed to delivering the highest standards of port services at all times.

Proximity to major export production in the lower South Island, and the strategic location of the harbour for vessel rotation to and from deep-sea destinations makes Port Otago a key link in the international supply chain. Continued emphasis on optimising the supply chain makes the

availability of a modern, multi-modal port in Otago essential to the economic wellbeing of southern New Zealand.

Containerisation and the emergence of Dunedin as the regional centre for major export industries based on meat, dairy and forestry production enables the port to act as the southern gateway for the key primary industries that still drive New Zealand's international trade.

In addition to meat, dairy and forestry, Port Otago handles significant exports of fish, apples, and other agriculturally based products. There is also a growing demand for processed timber produced from the fast growing, sustainable pinus radiata plantations in Port Otago's catchment.

Dunedin, the largest city in Port Otago's catchment, has a population of 125,000 and is a major manufacturing, research, education and tourism hub for New Zealand. Importantly, it has the comprehensive infrastructure that helps to create successful ports. The emergence of Dunedin as a regional export centre relies on the area's sophisticated road and rail network and the well-developed warehouse and cool storage sector located there. This ability to offer a complete package to exporters and importers enhances supply chain efficiency.

Port Chalmers and Dunedin port areas are a fundamentally important part of the import/export supply chain for the lower South Island Region and also for Otago tourism with upwards of 80 cruise vessels a season. Providing our customers with a competitive global shipping service is of fundamental importance to the region's social and economic prosperity.

Port Otago is committed to wisely and sustainably managing its land-based facilities and the harbour and harbour resources on which it depends for its operation in combination with the community. Port Otago is also committed to sustainable business practices and environmentally responsible operation.

Dredging and Disposal Activities

The current regime of Port Otago's dredging and disposal activity has used adaptive management and relies on monitoring, measurement as well as the possibility of remedying and mitigating. This regime has been successful in identifying issues, utilising input from key stakeholders and altering and adapting the activities to minimise or avoid any adverse effects.

Port Otago (and its predecessor the Otago Harbour Board) have demonstrated an ability to successfully manage the demands and requirements of dredging and disposal of material, working with and taking account of the environmental values (natural and physical). Dredging and disposal has been an ongoing historical activity for more than 100 years, with a wide and diverse range of environmental values in existence and present.

The Supreme Court decision in *Environmental Defence Society Inc v New Zealand King Salmon Company Limited* (the *King Salmon* decision) means that the word "avoid" imposes a prohibition and is a complete shift away from this historically successful approach that allowed balancing of competing interest. An adaptive management approach is impossible where adverse effects are to be avoided. This means the challenge is now to enable activities necessary for the operation and development of the ports to be permitted where an appropriate case can be established that the benefit of such activities outweighs any unavoidable adverse effects.

Current Capital Works Programme

Port Chalmers was where New Zealand's modern export trade originated, with the first shipment of frozen meat leaving the Port for Europe in 1882. Since then, Port Chalmers has been in the vanguard of shipping activity and it remains as relevant to today's international supply chain as it ever was. To maintain that relevance, continued development is required to make sure bigger ships can call and that there is enough cargo available to fill those bigger ships when they arrive.

Port Otago Limited has recently commenced a two-year, \$30 million capital works programme that will position the southern port for the next generation (known as Project Next Generation). The series of projects are, to a large extent, inter-related and in response to the rapidly changing shipping environment. The imminent arrival of larger container and cruise ships on the New Zealand coast and the need to be able to aggregate cargo at key ports, are the main drivers of this generational development at Port Chalmers.

There are four projects included in the \$30 million envelope. They are:

1. Shipping channel deepening
2. Berth sheet piling
3. Warehouse expansion
4. New tug and barge

Port Otago has consistently engaged in infrastructure upgrades and in recent years has completed the purchase of a new 68-tonne bollard pull tug, a new pilot launch, two new container cranes and a number of four-high straddles. These have all been part of a co-ordinated programme of infrastructure upgrades designed to maintain the Port's operating efficiency and productivity. The four projects are part of that on-going programme and highlight the Port's commitment to remaining at the forefront of shipping and port activity in New Zealand.

With the four projects that make up Project Next Generation, Port Otago will increase employment within the company with up to 15 new jobs created as a result of the channel deepening and warehouse expansions, plus further jobs related to the operation of the new tug and barge, as well as indirect employment arising from the increased scope of the port business.

In addition to the capital works programme, Port Otago also has extensive operational and regular maintenance requirements in order to maintain a viable port for the Otago Region. In particular, the operation of the Port is reliant on the ability to dispose of dredged material both offshore and within the harbour.

Various aspects of Port Otago's operations are affected by the Resource Management Act 1991 as the Port is regularly required to obtain resource consents under the relevant regional and district plans. In this regard, the Port has a significant interest in the content of the Proposed Regional Policy Statement (PRPS) as it will influence the planning framework which it is required to operate under.

SUBMISSION POINTS

Summary of key submission points

Port Otago's position is that the PRPS is deficient because of its failure to address the conflict which arises between the importance to the Otago region in having efficient and functioning ports at Dunedin and Port Chalmers, with the need to avoid adverse effects on significant environmental values.

The *King Salmon* decision is a key reason behind Port Otago's concerns with the PRPS. The *King Salmon* decision radically changed the common understanding of the NZCPS and the legal environment which applied when it was drafted. The Supreme Court departed from two decades of practice of applying a "broad judgment". It narrowly interpreted the word "avoid" in individual policies of the NZCPS as an absolute prohibition that overrides other countervailing policies. It also determined that the broader objectives in Part 2 of the RMA could no longer be taken into account by decision-makers when applying the NZCPS.

The *King Salmon* decision requires policy and plan making to be written in the knowledge that there will be no reverting to the uncertainty (or flexibility) of the previous overall judgment approach when they come to be implemented.

Without reverting to an overall judgment approach, an enabling policy in relation to infrastructure is not able to be implemented in a way that over-rides a more specific avoidance policy regarding adverse effects on outstanding natural character or surf breaks. This means that the policy statement needs to be more complex in structure, with exceptions stated or allowable adverse effects (or activities) defined throughout the document so that there are necessary qualifiers applying to any avoidance policies that may unduly restrict essential activities such as ports.

The policy statement has specifically addressed policy 16 of the New Zealand Coastal Policy Statement 2010 (NZCPS) relating to surf breaks but has only generally addressed policy 9 which recognises the need for an efficient national network of safe ports and specifically requires provision in the PRPS for "the efficient and safe operation of these ports, the development of their capacity for shipping and their connection with other transport modes". Not only does there need to be a specific policy relating to ports in the PRPS, but the policy statement must also manage conflict between competing objectives and conflicting policies.

This has specific relevance with regard to the surf breaks at The Spit (Aramoana) and Whareakeake and the Port's disposal activity alongside these locations. Port Otago accepts the significance of the surf breaks as identified in the NZCPS and now the PRPS but notes that the surf breaks are both (to some extent) formed by and affected by Port's activities, including the shipping channel. This is because of the build-up of sand on the eastern side of the shipping channel beyond the Heads and the dynamics of the Heyward Point disposal site. Coastal processes are dynamic and it is possible that safe navigation may require the channel's position to be altered or the channel to be further deepened to maintain existing operations. There should not reasonably be a prohibition on considering any such alteration or deepening. Such a prohibition could be argued to be a consequence of policy 2.2.11 because of the risk that such alteration or deepening could have an adverse effect on the surf breaks and it would make no difference to that prohibition if the effect was major or minor. Port Otago needs that prohibition removed so any proposal can be considered on its merits.

The changes requested to the PRPS are:

1. There needs to be an objective that makes it clear that it is fundamental to the Otago Region's economy that the Dunedin and Port Chalmers ports are able to properly service the needs of the Otago regional economy.
2. There needs to be policies that:
 - a. Make clear the fundamental importance to the Otago Region of the Dunedin and Port Chalmers ports;
 - b. Identify the need for the efficient and safe operation of the ports at Dunedin and Port Chalmers, the development of their capacity for shipping and their connection with other transport modes
 - c. Require any changes to ports' operations to, where possible, avoid remedy or mitigate adverse effects on the identified environmental values of the coastal environment.
3. The PRPS must specifically recognise:
 - a. The operations of the Dunedin and Port Chalmers ports have the potential to adversely affect the coastal environment;
 - b. In appropriate cases, the ports' operator may be authorised to carry out activities that have adverse effects that are otherwise required to be avoided by the plan and, in such cases, approval of the ports' operations requires it to be established that the benefits of the ports operations are greater than the adverse effects caused by them.
4. There should be consequential changes to give effect to the changes requested above.

In addition to our overall submission above, we note the following specific submissions as set out in the table below.

Support/Oppose and PRPS Reference	Decision Sought	Reasons for Submission
Support Policy 1.2.3 and 1.2.5	Retain	These provisions are supported as they are reasonable in that they seek to avoid "significant" adverse effects on identified values and provide the option for avoiding, remedying or mitigating "other" (i.e. lesser) adverse effects. This approach could be adopted elsewhere, where we have raised specific concerns about the use of the term "avoid" when it applies to any effect.
Oppose Policy 2.2.2	Insert a new Policy 2.3.5 to say: <i><u>The avoidance of adverse effects required by policies 2.2.2, 2.2.4,</u></i>	This policy includes a requirement to avoid adverse effects on values which contribute to indigenous biodiversity. While it appears there is the option available to remediate or mitigate where required, this is not sufficiently clear to avoid legal arguments over interpretation. The potential effect of the policy

	<p><u>2.2.6, 2.2.9, and 2.2.11 does not prohibit any part of the operation or proposed development of activities related to the ports at Port Chalmers and Dunedin with any adverse effects from the ports' operations required to be either avoided, remedied or mitigated.</u></p>	<p>is:</p> <ol style="list-style-type: none"> 1. <i>There can be no adverse effects on "those values which contribute to the area or habit as being significant"</i> 2. <i>There can be no significant adverse effects on other values – it's unclear why this aspect of the policy would be necessary to meet Section 6(e) of the RMA as presumably other values could be anything?</i> 3. <i>Effects that do not fall within (a) and (b) can be remediated or mitigated in appropriate cases – it is unclear when this would apply?</i> <p>Any policy which uses the term "avoiding" any effect without clearly specifying when other options can be applied (e.g. remedying or mitigating) provide an absolute prohibition on the specified adverse effect that is to be avoided. In order to resolve this difficulty there needs to be an ability to overcome the absolute prohibition created by the word "avoiding" so that adverse effects of Port Otago's activities on the protected values can be balanced against the benefit to the community of such activities being carried out.</p>
<p>Oppose Policy 2.2.4</p>	<p>Insert a new Policy 2.3.5 to say:</p> <p><u>The avoidance of adverse effects required by policies 2.2.2, 2.2.4, 2.2.6, 2.2.9, and 2.2.11 does not prohibit any part of the operation or proposed development of activities related to the ports at Port Chalmers and Dunedin with any adverse effects from the ports' operations required to be either avoided, remedied or mitigated.</u></p>	<p>The effect of the <i>King Salmon</i> decision is that all of the policies which use the word "avoiding" any effect without other options (e.g. remedying or mitigating) provide an absolute prohibition on the specified adverse effect that is to be avoided. In order to resolve this difficulty there needs to be an ability to overcome the absolute prohibition created by the word "avoiding" so that adverse effects of Port Otago's activities on the protected values can be balanced against the benefit to the community of such activities being carried out.</p> <p>In addition, this policy is unclear as it requires the avoidance of adverse effects on the values which contribute to the significance of a natural feature, landscape or seascape but these values and location of the features are not specified. The policy goes on to require avoiding, remedying or mitigating of other adverse effects on "other" values. We submit if something isn't contributing to the landscape significance, there would be no need to</p>

		<p>protect it at all.</p> <p>It is submitted that this policy is unclear and may potentially create uncertainty for the use and development of the port and related activities within the coastal environment.</p>
Oppose Policy 2.2.6	<p>Insert a new Policy 2.3.5 to say:</p> <p><u>The avoidance of adverse effects required by policies 2.2.2, 2.2.4, 2.2.6, 2.2.9, and 2.2.11 does not prohibit any part of the operation or proposed development of activities related to the ports at Port Chalmers and Dunedin with any adverse effects from the ports' operations required to be either avoided, remedied or mitigated.</u></p>	<p>The concerns for this policy which relates to special amenity of landscapes are similar to those outlined in relation to Policy 2.2.4 above.</p>
Oppose Policy 2.2.9	<p>Insert a new Policy 2.3.5 to say:</p> <p><u>The avoidance of adverse effects required by policies 2.2.2, 2.2.4, 2.2.6, 2.2.9, and 2.2.11 does not prohibit any part of the operation or proposed development of activities related to the ports at Port Chalmers and Dunedin with any adverse effects from the ports' operations required to be either avoided, remedied or mitigated.</u></p>	<p>The effect of the <i>King Salmon</i> decision is that all of the policies which use the word "avoiding" any effect without other options being available (e.g. remedying or mitigating) provide an absolute prohibition on the specified adverse effect that is to be avoided. In order to resolve this difficulty there needs to be an ability to overcome the absolute prohibition created by the word "avoiding" so that adverse effects of Port Otago's activities on the protected values can be balanced against the benefit to the community of such activities being carried out.</p>
Support Policy 2.2.10	Retain	<p>Port Otago is supportive of the need to recognise the surf breaks of national importance within Otago, as identified in the NZCPS</p>

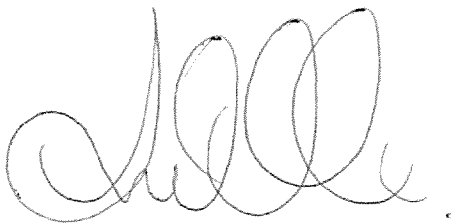
<p>Oppose Policy 2.2.11</p>	<p>Insert a new Policy 2.3.5 to say:</p> <p><u><i>The avoidance of adverse effects required by policies 2.2.2, 2.2.4, 2.2.6, 2.2.9, and 2.2.11 does not prohibit any part of the operation or proposed development of activities related to the ports at Port Chalmers and Dunedin with any adverse effects from the ports' operations required to be either avoided, remedied or mitigated.</i></u></p>	<p>Port Otago opposes the requirement to avoid all adverse effects on surf breaks. The effect of the <i>King Salmon</i> decision is that all of the policies which use the word "avoiding" without other options being available (e.g. remedying or mitigating) provide an absolute prohibition on the specified adverse effect that is to be avoided. In order to resolve this difficulty there needs to be an ability to overcome the absolute prohibition created by the word "avoiding" so that adverse effects of Port Otago's activities on the protected values can be balanced against the benefit to the community of such activities being carried out.</p>
<p>Oppose Policy 2.3.1 and 2.3.4</p>	<p>Add a new c)</p> <p><u><i>Recognising the importance to the region of maintaining and developing appropriate infrastructure.</i></u></p>	<p>Port Otago supports integrated management but considers these policies offer no actual guidance on the balance sought for integrated management of the coastal environment in Otago. I.e. it provides no hierarchy on the role of the coastal environment as a working port, versus its natural and recreational values.</p>
<p>Amend Policy 3.5.1</p>	<p>Amend to specifically identify the regional and national importance of the two ports by adding a new e) to read</p> <p><u><i>The ports at Port Chalmers and Dunedin</i></u></p> <p>Consequential amendments are</p> <p>(i) renumber e) and f) to f) and g)</p> <p>(ii) remove the reference to ports from the renumbered f)</p>	<p>Port Otago supports the recognition of ports and airports as nationally and regionally significant infrastructure.</p> <p>The regional and natural significance of the ports at Port Chalmers and Dunedin needs to be specified.</p>
<p>Oppose Policy 3.5.2</p>	<p>Amend as indicated below:</p> <p>Insert a new 3.5.2(b)</p>	<p>The effect of the <i>King Salmon</i> decision is that all of the policies which use the word "avoiding" any effect without other options being available (e.g. remedying or mitigating) provide an absolute</p>

	<p><u>Recognising that the management and/or development of infrastructure of national and regional significance may have adverse effects that would otherwise be required to be avoided under policies in Chapter 2 of this statement.</u></p> <p>Amend the numbering of clause 3.5.2(b) to (e) to 3.5.2(c) to (f) respectively;</p> <p>Amend the renumbered 3.5.2(c) to read:</p> <p><i>Where it is not possible to avoid locating in the areas listed in (a) above, <u>where possible</u> avoiding significant adverse effects on those values <u>that are protected under policies 2.2.4, 2.2.6, 2.2.9 and 2.2.11 and on those values that contribute to the significant or outstanding nature of those areas</u></i></p>	<p>prohibition on the specified adverse effect that is to be avoided. In order to resolve this difficulty there needs to be an ability to overcome the absolute prohibition created by the word “avoiding” so that adverse effects of Port Otago’s activities on the protected values can be balanced against the benefit to the community of such activities being carried out. The suggested wording is an option for removing resolving this conflict.</p>
<p>Amend Objective 3.5</p>	<p>Amend heading to read: <u>Infrastructure of national and regional significance is managed and developed in a sustainable way</u></p>	<p>The heading does not make clear that the objective relates not just to the management of the existing structure but also to necessary development.</p>
<p>Amend Policy 3.5.3</p>	<p>Amend to include specific reference to the role of the port within the coastal environment of Otago and the need to protect it from reverse</p>	<p>This policy which is aimed at protecting significant infrastructure from adverse effects is too generic to be useful in protecting the port from adverse effects such as the introduction of sensitive land uses near to cargo handling activity, marine farming activities within close proximity to operational port areas such</p>

	<p>sensitivity effects</p> <p>Add a new g)</p> <p><u>Ensuring that the ports at Port Chalmers and Dunedin are able to operate and develop as necessary to meet the present and future needs of the community</u></p>	<p>as the shipping channel, etc. Reference is made to Policy 9 of the NZCPS and the need to further develop this within the PRPS in order to be regionally specific to the Otago Harbour.</p> <p>The importance of the ports to the Otago Region is such that they need specific identification in the policy to ensure current operations are protected and necessary development is able to be achieved. The current policy provides some protection for the status quo but does not recognise that future development may be necessary.</p>
All	Any consequential change required to give effect to the key points outlined in this submission	As above.

CONCLUSION

Port Otago is a major contributor to the social and economic prosperity of the region, so it is important that the ongoing operation of the port is not hindered through overly restrictive planning provisions. Port Otago Limited is pleased to have the opportunity to input to the PRPS and considers there are some relatively minor, but important, amendments which can resolve the concerns identified within this submission.



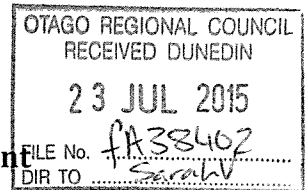
Lincoln Coe (signature)
for Port Otago Limited

Date: 23 July 2015

CENTRAL OTAGO ENVIRONMENTAL SOCIETY INC.

59

PO Box 10
 Omakau 9377
 Tel: 03 447 3744 e-mail: exemplar@scorch.co.nz



Submission re Proposed Otago Regional Policy Statement

Submitted by: DG Shattky

On behalf of: the Central Otago Environmental Society

We do wish to be heard in support of this submission
We will consider presenting jointly with others making similar submissions.

Signed: DGS

22 July 2015

Preface

The Central Otago Environmental Society (COES) is an incorporated body with charitable status and a membership reflecting a wide cross-section of the Central Otago community. In essence, Society members consider that we all share the responsibility for good stewardship of our environment including our landscapes, our natural resources and our heritage.

COES congratulates the ORC on drafting a Regional Policy Statement (RPS) which recognises that the Region's continued prosperity and well-being is reliant on its natural resources and ecosystems. The draft reflects a growing public awareness that we have not been good stewards in the past and consequently resources have been depleted and ecosystems degraded, without thought or provision for a very uncertain future.

Too little too late?

It is the Society's view that until now, Otago's territorial authorities have taken a *laissez faire* approach to environmental matters particularly with regard to the protection and preservation of Otago's bio-diversity and issues arising around land-use. Some areas e.g. the Manuherikia Valley, despite being highly modified, still possess residual natural environments and associated biodiversity of considerable value. However, within the past three years the traditional dry-land farming landscape has been transformed by the widespread adoption of 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 removal of trees, the levelling and re-forming of land contours and increased stocking rates have further degraded an already threatened natural reservoir of endemic 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.

Fundamental Principles

The Society considers that the piece-meal rush to intensify land use without considering the overall benefits and risks, at least on a catchment if not a district level, has amounted to nothing less than environmental vandalism. With this in mind, COES is closely monitoring proposals to irrigate a further 20,000 ha of dry land in the Manuherikia catchment, which potentially, might result in further environmental destruction including the cumulative loss of 40% of a braided river system and nationally protected habitats for rare fish, birds, lizards, insects and plants. For these reasons, the Society welcome and strongly supports the ORC' proposed 'integrated' approach which, it believes must rest on an over-arching set of fundamental principles. This submission proposes that the RPS should rest on these principles and that the ORC ensures that consequential regional and district planning documents, policies and management plans comply.

In this regard, the Society understands that the landmark Supreme Court case *Environmental Defence Society Inc. v The NZ King Salmon Co Ltd (2014)NZSC 38*, may now strengthen the hierarchy of planning documents and consequently, authorities will have much less discretion than under the prevailing "overall broad judgement approach". Too often, the words "remedying or mitigating" have, no doubt with good intent, resulted in unsatisfactory compromises which cumulatively, contribute to the continuing degradation of our natural resources.

In the quoted case, the Supreme Court found that the word "avoid" means "not allow" or "prevent occurrence of", therefore providing a "bottom line" with binding effect. COES encourages the ORC to strengthen the language of its policies to ensure that the proposed fundamental principles we advocate, are not subsequently betrayed by way of "mitigation" or "off-setting".

Immediate Action Required

Species loss, land intensification and climate change will not wait upon statutory and bureaucratic processes so the urgency of implementing the RPS cannot be overstated. Whilst recognising the steps which must take place, COES sees no reason for the ORC and district councils not to begin immediately with the tasks of identifying Otago's resources and creating inventories, as recognised by the proposed policies. Further, COES requests that the ORC encourage district councils to immediately note the direction and intent democratic of the RPS and encourage them to use their existing powers under the RMA, to begin remedying matters which until now have been largely ignored or received only lip-service.

Submissions

<i>Ref</i>	<i>Position</i>	<i>Requirement</i>	<i>Reason</i>
Chapter 2	Support w' amdts	<p>Re write the Chapter to include /explain that 'integration' requires that RPS be based on the following statement of fundamental principles:</p> <p>Guardianship All users of land and water accept the responsibilities of guardianship.</p> <p>Sustainable Management The values and life supporting capacity of Otago's natural and physical resources are recognised, maintained and enhanced.</p> <p>Water - a public resource to be managed in accordance with sustainability principles:</p> <ol style="list-style-type: none"> a. First order priority considerations: the environment, customary uses, community supplies and stock water; b. Second order priority considerations incl: Irrigation, industry, renewable electricity generation, recreation and amenity. <p>Natural character The natural character (mauri) of the region's rivers, lakes, streams, wetlands and significant landscapes is preserved and enhanced.</p> <p>Land-Use Land management and water use systems are integrated so as to preserve soils and enhance environmental values and water quality.</p> <p>Biodiversity Flora, fauna (both indigenous and introduced) and their habitats on land and in water bodies are protected and valued.</p> <p>Access Public access to and along rivers, lakes, waterways and wetlands is</p>	Provides basis for integrated management plans across Districts.

		<p>maintained and, where appropriate, enhanced.</p> <p>Caution A pre-cautionary approach is taken when information is uncertain, unreliable or inadequate</p>	
Obj 2.1	Support w' amdts	Define/list /assessment frameworks of desired common values/attributes for Water quality, Air, Soil , Ecosystems & Biodiversity, Attach as Appendices similar to Schedules 4,5, 6 & 7.	Ensures commonality of references and assessments within districts and across district boundaries.
Obj 2.1.1 2.1.2, 2.1.3, 2.1.6, 2.1.7	Support w' amdts	Remove distinction "indigenous" when using terms "biodiversity, species and vegetation" except when classified as pests.	Both indigenous and introduced species possess values i.e. for recreation (hunting) and pollination e.g. bees rely mainly on introduced species.
Obj 2.2	Support	See Preface for critical comments regarding "remediation and mitigation". The RPS and consequential management plans must 'ensure "identification, protection and enhancement".	
Obj 2.3	Support w' amdt	Include references back to proposed "fundamental values" when considering the management of any one resource.	Will serve as a constant reminder of over-arching requirement for 'integration'
Chapter 3	Support		
Chapter 4	Support		
Obj 4.3	Support w' amdt	Include, " The 'efficiency' of land use must be assessed against fundamental values and where necessary, an integrated land management plan put in place	Essential if a repeat of what has happened in the Manuherikia Valley is to be avoided.
Policy 4.3.1	Add amdt	Require that amenity values affected by land use change e.g. trees and shelter belts removed to allow pivot irrigation be replaced in appropriate spaces.	To restore amenity values and provide for the well-being of stock.
Policy 4.3.2	Support w'	See Obj 4.3 Add similar statement	Ensure proposed land use is integrated with

	amdt		other values.
Obj 4.4	Support w'amdt	Statement should note fundamental values – specifically water use priorities.	
Policy 4.4.1	Support w' amdt	Include new sub para e) Efficiency of water allocation and use taking into account fundamental principles and preserving environmental values. ,	Note difference from 4.4.3 which is focussed on enhancement
Policy 4.4	Support		
Policy 4.5.2	Add amdt	Identify/list potential adverse effects – include as schedule	For clarity and public education
Policies 4.5.7 & 4.5.8	Oppose	Delete paras	Off-setting is a crude tool and in Otago has a poor record. It takes years to establish whether a project will succeed with a consequent delay of consents. Too often seen as an 'easy' compromise.
Method 7	Add amdt	New Policy 7.3.5 to promote/encourage transition to electric powered vehicles	Reduce carbon emissions
AER 3.5	Add	Positive measures: <ul style="list-style-type: none"> a. Renewable Energy - monitor installation of micro-hydro schemes, wind generators and off-grid installations. b. Fuel efficiency: monitor establishment and use of improved public transport and local freight services. 	

Tom De Pelsemaeker

From: Graye <exemplar@scorch.co.nz>
Sent: Tuesday, 28 July 2015 2:57 p.m.
To: Sylvie Leduc
Subject: RE: Submission on the Proposed RPS for Otago - Clarification

Greetings Sylvie,
My apology for errors overlooked during editing which I will appreciate you correcting as follows:.

Policy 4.4.1 our requirement should read: "add new sub para a) "Taking into account fundamental principles and environmental values".
Policy 4.4 amend to read Objective 4.5

Thank you,
Graye

From: Sylvie Leduc [<mailto:Sylvie.Leduc@orc.govt.nz>]
Sent: Tuesday, 28 July 2015 1:48 p.m.
To: exemplar@scorch.co.nz
Subject: Submission on the Proposed RPS for Otago - Clarification

Dear Graye,

We have received and are in the process of summarising the submission you sent on the Proposed RPS for Otago on behalf of COES. On p.5 of your submission, you state that COES supports "Policy 4.4". Policies in the RPS are identified by 3 numbers (e.g. Policy 4.4.1). Could you please let me know what policy you were referring to?


Thanks in advance,

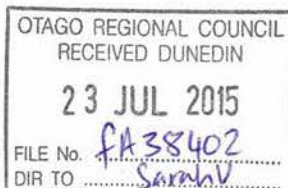
Best regards,

Sylvie Leduc | Senior Policy Analyst
03 474 0827
70 Stafford Street
Private Bag 1954 | Dunedin 9054
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Environmental Consultants
PO Box 489, Dunedin 9054
New Zealand
Tel: +64 3 477 7884
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By Email

23 July 2015

Ref: 4655

Otago Regional Council
Private Bag 1954
DUNEDIN

Attention: Planning Department
rps@orc.govt.nz

Dear Sir / Madam

**RE: PROPOSED REGIONAL POLICY STATEMENT FOR OTAGO – SUBMISSION
BY POWERNET LIMITED**

Please find attached a submission on the Proposed Regional Policy Statement for Otago on behalf of PowerNet Limited

Yours sincerely,
MITCHELL PARTNERSHIPS LIMITED

MEGAN JUSTICE

Email: megan.justice@mitchellpartnerships.co.nz

Enc

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Mt Maunganui 3149
New Zealand
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FORM 5

**SUBMISSION ON THE PUBLICALLY NOTIFIED PROPOSAL FOR A POLICY
STATEMENT PURSUANT TO CLAUSE SIX OF THE FIRST SCHEDULE TO THE
RESOURCE MANAGEMENT ACT 1991**

To: Otago Regional Council
Private Bag 1954
DUNEDIN 9054

Attention: Planning Department

Name: PowerNet Limited ("PowerNet")

Address: C/- Mitchell Partnerships
P O Box 489
DUNEDIN 9054

1. **This is a submission on the following proposed policy statement:**
Proposed Regional Policy Statement for Otago, dated 23 May 2015.

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

3. **The specific provisions of the Proposed Regional Policy Statement that PowerNet's submission relates to are provisions contained in the following Chapters:**
 - **Chapter 1** Kāi Tahu Values, Rights and Interests are Recognised and Kaitiakitaka is Expressed
 - **Chapter 2** Otago has High Quality Natural Resources and Ecosystems
 - **Chapter 3** Communities in Otago are Resilient, Safe and Healthy
 - **Chapter 4** People are able to Use and Enjoy Otago's Natural and Built Environment

More specifically, those provisions listed in **Annexure A**.

4. **PowerNet's Submission is:**
The interests that have determined the approach of PowerNet in preparing submissions on the Proposed Regional Policy Statement for Otago ("**the Proposed RPS**") are as follows:

- a) PowerNet is an electricity network management company, first established in 1994 by network owners Electricity Invercargill Limited (“EIL”) and The Power Company Limited (“TPCL”) to develop, manage and maintain their electricity network assets such as lines, poles, cables, substations and other equipment, in a cost-effective way.
- b) OtagoNet Joint Venture (OJV) is an electricity lines business that conveys electricity throughout North, South and East Otago, and part of Central Otago to approximately 14,768 customers on behalf of six energy retailers. OJV is operated and managed by PowerNet.
- c) PowerNet is a network utility operator. Network utility operators are defined in the Resource Management Act 1991 (“the Act”) and specifically include electricity operators or electricity distributors for the purpose of line function services.

The electricity network owned by PowerNet in the Otago region comprises high voltage (HV) power lines (above and below ground) which distribute electricity to local zone substations where the voltage is reduced before distribution through medium voltage (MV) power lines (overhead and underground) as seen throughout Otago.

- d) Electricity zone substations and other assets are located throughout rural and urban areas of Otago.
- e) PowerNet’s network covers three geographically distinct areas: south and west Otago from Lake Waihola to Owaka and inland to Clinton; north Otago coast from Waitati to Shag Point; inland north Otago from Falls Dam south to Hindon. All areas are connected electrically, with the two northern areas being connected via a HV line over the Pig Root and the southern and northern MV networks connecting near Lake Mahinerangi.
- f) Based on the regulatory Optimised Deprival Valuations (ODV) of the networks it manages, PowerNet is the equivalent of the fifth largest network company in New Zealand, delivering electricity to around 67,000 consumers, which includes Southland regional customers.
- g) Network utility operators are often constrained in the selection of sites on which they locate, particularly when they are part of a regional distribution network. It is important to recognise the location constraints in considering the overall impact of the environmental effects of network utilities.
- h) Electricity is a vital resource for New Zealand, its economy and social and cultural wellbeing. The networks PowerNet manages are defined as ‘infrastructure’ and ‘lifeline utilities’ under the Proposed RPS, which highlights the essential nature of these activities to the community. The demand for electricity is increasing with the diversification of the local economy in Otago, and PowerNet seeks to ensure the ability to meet this demand in the most efficient and cost effective manner. Due to the nature and scale of the PowerNet’s critical assets, continual upgrade,

maintenance and renewal are required to ensure security of supply of electricity within Otago.

- i) Set against this background is a growing body of regulation and enhanced public awareness of environmental issues which make the delivery of electricity network infrastructure difficult. PowerNet, therefore, seeks to ensure that the networks it manages are adequately recognised in the Proposed RPS, are protected from the potential adverse effects of other activities, and that the networks' future upgrade, maintenance and renewal are not unnecessarily impeded by the Proposed RPS.

PowerNet has reviewed the proposed provisions within the Proposed RPS that are applicable to infrastructure and surrounding land use management. PowerNet notes that many of the points raised during pre-notification discussions have been addressed by Council in the final form of provisions now notified.

PowerNet's specific submission points and the reasons for these submissions is set out in **Table 1** which is attached as **Annexure A** to this submission and forms part of this submission.

In summary PowerNet:

- a) Opposes, opposes in part, supports and supports in part the Proposed RPS as set out **Table 1** in **Annexure A**.
- b) The reasons for PowerNet's opposition, opposition in part and support in part are that the Proposed RPS, as notified and in the absence of amendments (or similar amendments) in accordance with this submission:
 - (i) Will not promote the sustainable management of natural and physical resources, will not achieve the purpose of the RMA, and is otherwise contrary to Part 2 and other relevant provisions of the Act, particularly when having regard to the efficiency and effectiveness of the provisions relative to other means;
 - (ii) Will not promote the efficient use and development of natural and physical resources; and
 - (iii) Does not represent sound resource management practice particularly with respect to infrastructure planning and surrounding land use management.

5. PowerNet seeks the following decision from the Otago Regional Council:


- a) The relief sought as set out in **Table 1** which is attached as **Annexure A** (or those with similar or like effect) be accepted; and
- b) Such further or other relief as is appropriate or desirable in order to take account of the concerns expressed and relief sought in this submission; and

- c) Any consequential amendments to the Proposed RPS necessary to give effect to a) and b) above, including amendments to the Methods contained in the Proposed RPS; and
- d) That, in the event that the amendments set out above are not implemented, the Proposed RPS be withdrawn.

6. **PowerNet does wish to be heard in support of its submission**

7. **If others make a similar submission, PowerNet would be prepared to consider presenting a joint case with them at any hearing.**

Signature:



.....
Megan Justice

Date: 23rd day of July 2015

Address for service: C/- Mitchell Partnerships Limited
PO Box 489
Dunedin

Attn: Megan Justice

Telephone: (03) 477 7884

Facsimile: (03) 477 7691

Email: megan.justice@mitchellpartnerships.co.nz

ANNEXURE A

Submission Table

Table 1

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

<p>Objective 1.2 Kāi Tahu values, rights and interests and customary resources are sustained</p>	<p>Oppose in part</p>	<p>PowerNet consider that a requirement to 'recognise and provide for' Kai Tahu values should be implemented which will provide a broader framework for the management of these values.</p> <p>PowerNet also submits that reference to "rights" should be deleted as the subsequent policies do not provide any further context around what specific "rights" are being referred to.</p>	<p>Amend the objective as follows:</p> <p>Kāi Tahu values, rights and interests and customary resources are sustained <u>recognised and provided for.</u></p>
<p>Chapter 2 Otago has high quality natural resources and ecosystems</p>			
<p>Policy 2.1.2 Managing for the values of beds of rivers and lakes, wetlands, and their margins Recognise the values of beds of rivers and lakes, wetlands, and their margins, and manage them to:</p> <ul style="list-style-type: none"> a) Protect or restore their natural functioning; and b) Protect outstanding water bodies and wetlands; and c) Maintain good water quality, or enhance it where it has been degraded; and d) Maintain ecosystem health and indigenous biodiversity; and e) Retain the range and extent of habitats supported; and f) Maintain or enhance natural character; and g) Protect Kāi Tahu values; and h) Provide for other cultural values; and i) Maintain their aesthetic and amenity values; and j) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and k) Mitigate the adverse effects of natural hazards, including flooding and erosion; and l) Maintain bank stability. 	<p>Oppose in part</p>	<p>PowerNet is concerned that this policy does not suitably recognise that the use of the region's beds of rivers, lakes and wetlands can also be essential for the social and economic wellbeing of the region.</p> <p>PowerNet is also concerned that elements of this policy will be restrict the use of existing activities within freshwater resources, for example (a) seeks to protect or restore the natural functioning of beds and margins of rivers, lakes and wetlands. A hydro generation system alters the natural functioning of a river system so in order to give effect to this policy the removal of such facilities would be required. This is not considered to be appropriate.</p> <p>Additional minor amendments are also required to ensure this policy is consistent with PowerNet submission on Policy 2.1.1.</p>	<p>Amend the policy as follows:</p> <p>Recognise the values of beds of rivers and lakes, wetlands, and their margins, and manage them to:</p> <ul style="list-style-type: none"> a) Protect or restore their natural functioning; and Maintain functioning in order to provide for key values; and b) <u>Protect the values of</u> outstanding water bodies and wetlands; and c) Maintain good water quality, or enhance it where it has been degraded; and d) Maintain ecosystem health and indigenous biodiversity; and e) Retain the range and extent of habitats supported; and f) Maintain or enhance natural character; and g) Protect Provide for Kāi Tahu values; and h) Provide for other cultural values; and i) Maintain their aesthetic and amenity values; and j) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and k) Mitigate the adverse effects of natural hazards, including flooding and erosion; and l) Maintain bank stability <u>and</u> m) <u>Maintain the ability to use the beds of lakes and rivers for infrastructure and to those providing for the economic, health and safety and social wellbeing of the community.</u>

<p>Policy 2.1.3 Managing for coastal water values Recognise coastal water values, and manage coastal water, to:</p> <ul style="list-style-type: none"> a) Support healthy coastal ecosystems; and b) Retain the range of habitats provided by the coastal marine area; and c) Protect migratory patterns of coastal water species, unless detrimental to indigenous biodiversity; and d) Maintain coastal water quality, or enhance it where it has been degraded; and e) Maintain or enhance coastal values; and f) Protect Kāi Tahu values; and g) Provide for other cultural values; and h) Protect important recreation values; and i) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread. 	<p>Oppose in part</p>	<p>PowerNet is concerned that this policy does not suitably recognise that the use of coastal water resources can also be essential to the economic and social wellbeing of the region.</p>	<p>Amend the policy so that it suitably recognises that the use of coastal water resources can also be essential to the economic and social wellbeing of the region:</p> <p>Policy 2.1.3 Managing for coastal water values Recognise coastal water values, and manage coastal water, to:</p> <ul style="list-style-type: none"> a) Support healthy coastal ecosystems; and b) Retain the range of habitats provided by the coastal marine area; and c) Protect migratory patterns of coastal water species, unless detrimental to indigenous biodiversity; and d) Maintain coastal water quality, or enhance it where it has been degraded; and e) Maintain or enhance coastal values; and f) Protect <u>Provide for</u> Kāi Tahu values; and g) Provide for other cultural values; and h) Protect important recreation values; and i) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread. j) <u>Maintain the ability to use coastal water for infrastructure and by those providing for the economic, health and safety and social wellbeing of the community.</u>
<p>Policy 2.1.5 Managing for soil values Recognise soil values, and manage soils, to:</p> <ul style="list-style-type: none"> a) Maintain their life supporting capacity; and b) Maintain soil biodiversity; and c) Maintain biological activity in soils; and d) Maintain soil's function in the storage and cycling of water, nutrients, and other elements through the biosphere; and e) Maintain soil's function as a buffer or filter for pollutants resulting from human activities, including aquifers at risk of leachate contamination; and f) Retain soil resources for primary production; and g) Protect Kāi Tahu values; and h) Provide for other cultural values; and i) Maintain the soil mantle where it acts as a repository of heritage objects; and j) Maintain highly valued soil resources; and k) Avoid contamination of soil; and l) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread. 	<p>Oppose in part</p>	<p>PowerNet is concerned that this policy does not suitably recognise that the use of soil resources can also be essential to the economic and social wellbeing of the region.</p>	<p>Amend the policy as follows:</p> <p>Recognise soil values, and manage soils, to:</p> <ul style="list-style-type: none"> a) Maintain their life supporting capacity; and b) Maintain soil biodiversity; and c) Maintain biological activity in soils; and d) Maintain soil's function in the storage and cycling of water, nutrients, and other elements through the biosphere; and e) Maintain soil's function as a buffer or filter for pollutants resulting from human activities, including aquifers at risk of leachate contamination; and f) Retain soil resources for primary production; and g) <u>Provide for</u> Kāi Tahu values; and h) Provide for other cultural values; and i) Maintain the soil mantle where it acts as a repository of heritage objects; and j) Maintain highly valued soil resources; and k) Avoid contamination of soil; and

			<p>l) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread.</p> <p>m) <u>Maintain the ability to use soils for infrastructure and by those providing for the economic, health and safety and social wellbeing of the community.</u></p>
<p>Policy 2.1.6 Managing for ecosystem and indigenous biodiversity values Recognise the values of ecosystems and indigenous biodiversity, and manage ecosystems and indigenous biodiversity, to:</p> <p>a) Maintain or enhance ecosystem health and indigenous biodiversity; and</p> <p>b) Maintain or enhance areas of predominantly indigenous vegetation; and</p> <p>c) Buffer or link existing ecosystems; and</p> <p>d) Protect important hydrological services, including the services provided by tussock grassland; and</p> <p>e) Protect natural resources and processes that support indigenous biodiversity; and</p> <p>f) Maintain habitats of indigenous species that are important for recreational, commercial, cultural or customary purposes; and</p> <p>g) Protect biodiversity significant to Kāi Tahu; and</p> <p>h) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread.</p>	Oppose	<p>PowerNet is concerned that this policy applies to all ecosystems, indigenous and otherwise and has no regard for the significance of these systems.</p> <p>PowerNet submits that this policy should seek to identify those indigenous ecosystems which have significance and seek to manage the effects of land use, subdivision and development on these significant ecosystems.</p> <p>PowerNet is also of the view that this policy is not required given that policies which follow seek to identify and provide for areas of significant indigenous biodiversity.</p>	Delete this policy.
<p>Policy 2.1.7 Recognising the values of natural features, landscapes, and seascapes Recognise the values of natural features, landscapes, seascapes and the coastal environment are derived from the following attributes, as detailed in Schedule 4:</p> <p>a) Biophysical attributes, including:</p> <ol style="list-style-type: none"> i. Natural science factors; ii. The presence of water; iii. Vegetation (indigenous and introduced); <p>iv. The natural darkness of the night sky;</p> <p>b) Sensory attributes, including:</p> <ol style="list-style-type: none"> i. Legibility or expressiveness; ii. Aesthetic values; iii. Transient values, including nature's sounds; iv. Wild or scenic values; <p>c) Associative attributes, including:</p> <ol style="list-style-type: none"> i. Whether the values are shared and recognised; ii. Cultural and spiritual values for Kāi Tahu; iii. Historical and heritage associations. 	Support	<p>While PowerNet generally supports the criteria identified in this policy and Schedule 4 in that it is consistent with case law and the National Coastal Policy Statement (NZCPS), PowerNet considers that better guidance is needed from the regional authority to ensure local authorities apply the criteria consistently. Within the Otago context, landscape values differ remarkably, for example Queenstown Lakes has a number of outstanding and remarkable landscapes, whereas the city of Dunedin has comparatively less and a landscape which has deemed to be of outstanding value in the Dunedin City context might not be awarded such a status elsewhere in Otago e.g. Queenstown Lakes.</p> <p>This has presented difficulties and inconsistencies in the current district planning framework, for example the Lammerlaw Ranges in Otago which run along the boundary of Dunedin City Council (DCC) and Central Otago District Council (CODC) jurisdictions, and which is host to Trustpower's Mahinerangi wind farm, are deemed to be outstanding in DCC District Plan but not in the CODC District Plan. With respect to Trustpower's wind farm application the Court determined that the site is not outstanding, despite having this overlay applied in DCC District Plan. This is not considered to be effective and efficient and as such PowerNet is of the view that District Council's should be guided by an assessment identifying outstanding landscapes and features at the regional level.</p>	Retain policy as notified (or similar wording to achieve desired relief).

<p>Objective 2.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced</p>	<p>Oppose</p>	<p>PowerNet is concerned that this objective is too restrictive and generic in that it seeks to "protect" all of Otago's significant and highly valued natural resources. Given this PowerNet consider that the focus of the objective should be to identify such resources and to protect them from inappropriate use and development.</p>	<p>Amend the objective to better achieve part 2 of the Act:</p> <p>Objective 2.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced from inappropriate use or development.</p>
<p>Policy 2.2.1 Identifying areas of significant indigenous vegetation and significant habitats of indigenous fauna Identify areas and values of significant indigenous vegetation and significant habitats of indigenous fauna, using the attributes detailed in Schedule 5.</p>	<p>Support in part.</p>	<p>PowerNet consider it appropriate that those areas within the region that are significant are identified at the regional level. The policy requires a minor amendment to make this clear.</p>	<p>Amend the policy to be clear that the identification of significant indigenous vegetation and significant habitat of indigenous fauna is to occur at a regional level:</p> <p>Policy 2.2.1 Identifying areas of significant indigenous vegetation and significant habitats of indigenous fauna <u>at a regional level.</u></p>
<p>Policy 2.2.2 Managing significant indigenous vegetation and significant habitats of indigenous fauna Protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</p> <ol style="list-style-type: none"> Avoiding adverse effects on those values which contribute to the area or habitat being significant; and Avoiding significant adverse effects on other values of the area or habitat; and Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and Mitigating where adverse effects cannot be avoided or remediated; and Encouraging enhancement of those areas and values. 	<p>Support in part</p>	<p>PowerNet consider it to be appropriate that this policy acknowledges that the "protection" of significant indigenous vegetation and habitats of significant fauna can also be achieved via appropriate mitigation and/or offset strategies. PowerNet suggests some amendments to the structure and wording of this policy to provide better certainty as to how this policy is to be applied.</p>	<p>Amend the policy as follows:</p> <p>Protect and <u>where appropriate</u> enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</p> <ol style="list-style-type: none"> Avoiding <u>where practicable</u> adverse effects on those values which contribute to the area or habitat being significant; and Avoiding significant adverse effects on other values of the area or habitat; and Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and <u>Remedying or mitigating</u> where adverse effects cannot be avoided or remediated; and Encouraging enhancement of those areas and values.
<p>Policy 2.2.3 Identifying outstanding natural features, landscapes and seascapes Identify areas and values of outstanding natural features, landscapes and seascapes, using the attributes as detailed in Schedule 4.</p>	<p>Support in part</p>	<p>While PowerNet generally supports the criteria identified in this policy and Schedule 4 in that it is consistent with case law and the National Coastal Policy Statement (NZCPS), PowerNet considers that better guidance is needed from the regional authority to ensure local authorities apply the criteria consistently. Within the Otago context, landscape values differ remarkably, for example Queenstown Lakes has a number of outstanding and remarkable landscapes, whereas the city of Dunedin has comparatively less and a landscape which has deemed to be of outstanding value in the Dunedin City context might not be awarded such a status elsewhere in Otago e.g. Queenstown Lakes.</p> <p>PowerNet is of the view that District Council's should be guided by an assessment identifying outstanding landscapes and features at the regional level.</p> <p>PowerNet also notes that the wording of this policy refers to identifying "outstanding natural features", "landscapes" and "seascapes". For the</p>	<p>Undertake a regional assessment in order to identify outstanding natural features, and outstanding natural landscapes within the terrestrial and coastal environments.</p> <p>Amend the policy:</p> <p>Policy 2.2.3 Identifying outstanding natural features, landscapes and seascapes <u>at the regional level.</u></p>

		<p>latter two components it is not clear if this policy will only apply to "outstanding natural landscapes" and "outstanding natural seascapes" and this needs to be clarified. The wording of the policy needs to be clear.</p> <p>PowerNet submits that this policy reads essentially as a repeat of the earlier policy 2.1.7. One or either of these policies can be removed.</p>	
<p>Policy 2.2.4 Managing outstanding natural features, landscapes, and seascapes Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</p> <p>a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</p> <p>b) Avoiding, remedying or mitigating other adverse effects on other values; and</p> <p>c) Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</p> <p>d) Recognising and providing for positive contributions of existing introduced species to those values; and</p> <p>e) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</p> <p>f) Encouraging enhancement of those areas and values.</p>	Oppose in part	<p>PowerNet is concerned that this policy seeks to combine a number of different resource management issues (section 6(a), 6(b) RMA, and policies 13 and 15 of the NZCPS) and directives into one, and the result is somewhat confused.</p> <p>Clause a) is particularly problematic and goes further than part 2 of the Act. A blanket requirement to "avoid" adverse effects leaves no room to provide for important physical resources such as infrastructure or other activities common in areas of outstanding value.</p>	<p>Delete this policy or amend clause a) to read:</p> <p>a) Avoiding <u>significant</u> adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</p>
<p>Policy 2.2.5 Identifying special amenity landscapes and highly valued natural features Identify areas and values of special amenity landscape or natural features which are highly valued for their contribution to the amenity or quality of the environment, but which are not outstanding, using the attributes detailed in Schedule 4.</p>	Support in part	<p>PowerNet consider it appropriate to identify landscapes that have hold high amenity values. PowerNet is of the view that it is appropriate that following a regional wide landscape study local authorities are responsible for identifying such areas within their respective Districts.</p>	<p>Amend this policy:</p> <p>Policy 2.2.5 Identifying special amenity landscapes and highly valued natural features <u>at a regional level.</u></p>
<p>Policy 2.2.6 Managing special amenity landscapes and highly valued natural features Protect or enhance the values of special amenity landscapes and highly valued natural features, by:</p> <p>a) Avoiding significant adverse effects on those values which contribute to the special amenity of the landscape or high value of the natural feature; and</p> <p>b) Avoiding, remedying or mitigating other adverse effects on other values; and</p> <p>c) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</p>	Oppose	<p>This policy is opposed by PowerNet 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 PowerNet 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. PowerNet is also concerned that the policy seeks to avoid significant adverse effects which establishes a very high threshold test which is not considered to be appropriate.</p>	<p>Delete this policy or rewrite to focus of the maintenance of amenity landscapes.</p>

<p>d) Recognising and providing for positive contributions of existing introduced species to those values; and</p> <p>e) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</p> <p>f) Encouraging enhancement of those values.</p>			
<p>Policy 2.2.7 Identifying the landward extent of the coastal environment Identify the landward extent of the coastal environment, using the following criteria:</p> <p>a) Area or landform dominated by coastal vegetation or habitat of indigenous coastal species; and</p> <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>Oppose in part</p>	<p>PowerNet notes that this policy is not fully consistent with that of Policy 1 of the NZCPS, and considers this to be inappropriate. In addition PowerNet considers that the Otago RPS should be more definitive in identifying the extent of the coastal environment in Otago. PowerNet is of the view that the Regional Council should prepare a map to accompany the RPS delineating the extent of the coastal environment.</p>	<p>Amend the policy to be consistent with Policy 1 of the NZCPS.</p> <p>Insert a map defining the extent of the coastal environment and amend to be consistent with the NZCPS.</p>
<p>Policy 2.2.8 Identifying areas of high and outstanding natural character in the coastal environment Identify areas and values of high and outstanding natural character in the coastal environment, using the attributes detailed in Policy 2.1.8.</p>	<p>Support in part</p>	<p>It is considered appropriate and consistent with the NZCPS to identify areas of outstanding natural character in the coastal environment. However PowerNet is of the view that this should be undertaken as part of the development of the RPS.</p>	<p>Identify at the regional level those areas of outstanding natural character in the coastal environment. Amend the policy to read:</p> <p>Policy 2.2.8 Identifying areas of high and outstanding natural character in the coastal environment <u>at a regional level.</u></p>
<p>Policy 2.2.9 Managing the natural character of the coastal environment 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>Support in part</p>	<p>While this policy is generally consistent with giving effect to policy 13 of the NZCPS, it is submitted that this policy should seek to avoid adverse effects that are more than minor or non-transitory, as per the discussion on the Supreme Court in the King Salmon case.</p>	<p>Amend clause a) as follows:</p> <p>h) Avoiding <u>significant</u> adverse effects on those values which contribute to the outstanding natural character of an area; 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>Policy 2.2.14 Identifying highly valued soil resources Identify areas and values of highly valued soil resources, using the following criteria:</p> <p>a) Degree of versatility for primary production;</p> <p>b) Significance for providing pollutant buffering or filtering services;</p> <p>c) Significance for providing water storage or flow retention services;</p> <p>d) Degree of rarity.</p>	Oppose	It is considered appropriate to identify areas of high valued soil resource, however it is noted that this policy appears to be a repetition of the matters contained within Policy 2.1.5. This duplication is unnecessary.	Delete this policy.
<p>Policy 2.2.15 Managing highly valued soil resources Protect the values of areas of highly valued soil resources, by:</p> <p>a) Avoiding significant adverse effects on those values which contribute to the soil being highly valued; and</p> <p>b) Avoiding, remedying or mitigating other adverse effects on values of those soils; and</p> <p>c) Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</p> <p>d) Recognising that urban expansion may be appropriate due to location and proximity to existing urban development and infrastructure.</p>	Oppose	<p>The RMA seeks that the life supporting capacity of the soil resource is sustained. This is not the same as requiring its protection and the avoidance of adverse effects. PowerNet does not consider it appropriate to apply the same management regime that has been established via the NZCPS with respect to outstanding natural character and outstanding natural landscapes within the coastal environment to all resource aspects throughout the Region.</p> <p>In addition, this policy appears to essentially be a repetition of Policy 2.1.5 above, which is better worded in that it refers to the maintenance of the values of soils, and is not necessary.</p>	Delete this policy.
<p>Objective 2.3 Natural resource systems and their interdependencies are recognised</p>	Oppose	It is noted that the policies which follow relate to achieving integrated management. In achieving integrated management the human use and economic benefits arising from the development of natural and physical resources also needs to be taken into account. This is not achieved via the current drafting of this objective which only refers to natural resource systems.	Delete this objective and rework it so that it seeks to achieve the integrated management of the natural and physical resources of the region. In achieving integrated management human use and economic benefits also need to be considered.
<p>Policy 2.3.2 Applying an integrated management approach within a resource Apply an integrated management approach within a natural and physical resource, to achieve sustainable management, by:</p> <p>a) Ensuring that resource objectives are complementary across administrative boundaries; and</p>	Oppose	It is not clear what the intended purpose or outcome will be from this policy. It is inappropriate to try to manage resources in an integrated manner when only focusing on one resource. Given the more specific policies that follow relating to the direction of integrated management on certain resource values PowerNet submits that this policy should be deleted.	Delete this policy.

<p>b) Ensuring that effects of activities on the whole of a resource are considered when that resource is managed by sub-units.</p>			
<p>Policy 2.3.4 Applying an integrated management approach for the coastal environment Apply an integrated management approach to activities in the coastal environment, by:</p> <p>a) Recognising the importance of coastal morphology, coastal processes and land cover in supporting coastal environment values; and</p> <p>b) <i>Coordinating the management of land use, freshwater, and coastal water, to:</i></p> <p>i. Maintain or enhance coastal values; and</p> <p>ii. Reduce the potential for health and nuisance effects.</p>	<p>Oppose in part</p>	<p>PowerNet is of the view that when providing for the integrated management of natural and physical resources, the human use (ie economic and community) values of resources should also be clearly recognised and provided for.</p>	<p>Amend the policy so that it is recognised that in achieving integrated management the human use and economic values of the resource are also taken into account.</p>
<p>Chapter 3 Communities in Otago are resilient, safe and healthy</p>			
<p>Objective 3.1 Protection, use and development of natural and physical resources recognises environmental constraints</p>	<p>Support in part</p>	<p>PowerNet is concerned that this objective is too vague to be effective and meaningful in its implementation. In particular it is not clear what is meant by reference to an “environmental constraint”. It appears from the introductory text attaching to this chapter that it might refer to natural hazard type effects, but this is not clear.</p>	<p>Revise to make objective clearer or delete this objective.</p>
<p>Policy 3.1.1 Recognising natural and physical environmental constraints Recognise the natural and physical environmental constraints of an area, the effects of those constraints on activities, and the effects of those activities on those constraints, including:</p> <p>a) The availability of natural resources necessary to sustain the activity; and</p> <p>b) The ecosystem services the activity is dependent on; and</p> <p>c) The sensitivity of the natural and physical resources to adverse effects from the proposed activity/land use; and</p> <p>d) Exposure of the activity to natural and technological hazard risks; and</p> <p>e) The functional necessity for the activity to be located where there are significant constraints.</p>	<p>Oppose</p>	<p>Reference to “environmental constraint” is ambiguous and should be removed from the RPS. It is not at all clear how this policy will be implemented in practice and what this would mean for developments and activities throughout the region. PowerNet considers that the weighing of individual policies that provide for development and those that seek protection will ensure that environmental constraints are considered.</p>	<p>Delete this policy.</p>
<p>Objective 3.2 Risk that natural hazards pose to Otago’s communities are minimised</p>	<p>Support</p>	<p>It is appropriate to seek to minimise the risk from natural hazards to communities.</p>	<p>Retain the objective as notified (or similar wording to achieve relief).</p>

<p>Policy 3.2.1 Identifying natural hazards Identify natural hazards that may adversely affect Otago's communities, including hazards of low likelihood and high consequence.</p>	Support	It is appropriate to identify natural hazards present within the Otago region.	Retain policy as notified (or similar wording to achieve desired relief).
<p>Policy 3.2.2 Assessing natural hazard likelihood Assess the likelihood of natural hazard events occurring, having regard to a timeframe of no less than 100 years, including by considering:</p> <ul style="list-style-type: none"> a) Hazard type and characteristics; b) Multiple and cascading hazards; c) Cumulative effects, including from multiple hazards with different risks; d) Effects of climate change; e) Using the best available information for calculating likelihood; f) Exacerbating factors. 	Support	It is considered appropriate to assess the likelihood of natural hazard events occurring, and it is clear from the method that the onus is on the ORC and territorial authorities to undertake this work via their regional and district plans. It would be inappropriate for every resource user to have to complete an individual natural hazard assessment, as this is something that should be undertaken at a higher more strategic level by the regional council.	Retain policy as notified (or similar wording to achieve desired relief).
<p>Policy 3.2.3 Assessing natural hazard consequence Assess the consequences of natural hazard events, including by considering:</p> <ul style="list-style-type: none"> a) The nature of activities in the area; b) Individual and community vulnerability; c) Impact on individual and community health and safety; d) Impact on social, cultural and economic wellbeing; e) Impact on infrastructure and property, including access and services; f) Risk reduction and hazard mitigation measures; g) Lifeline utilities, essential and emergency services, and their co-dependence; h) Implications for civil defence agencies and emergency services; i) Cumulative effects; j) Factors that may exacerbate a hazard event. 	Support in part	PowerNet submits that this assessment should be undertaken as part of the higher level strategic assessment undertaken by the regional council.	Amend this policy to make it clear that this natural hazard assessment will be undertaken at a higher strategic level.

<p>Policy 3.2.5 Assessing activities for natural hazard risk Assess activities for natural hazard risk, by considering:</p> <ul style="list-style-type: none"> a) The natural hazard risk identified, including residual risk; and b) Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods; and c) The long term viability and affordability of those measures; and d) Flow-on effects of the risk to other activities, individuals and communities; and e) The availability of, and ability to provide, lifeline utilities, and essential and emergency services, during and after a natural hazard event. 	<p>Oppose in part</p>	<p>PowerNet consider it necessary to recognise that for certain activities, for example hydrogenation, these activities are necessarily located within areas which would otherwise be classified as potentially high natural hazard risk (i.e. river environment, flood events).</p>	<p>Amend the policy as follows:</p> <p>Assess activities for natural hazard risk, by considering:</p> <ul style="list-style-type: none"> a. The natural hazard risk identified, including residual risk; and b. Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods; and c. The long term viability and affordability of those measures; and d. <u>The extent to which the activity is functionally required to locate within a natural hazard risk area; and</u> e. Flow-on effects of the risk to other activities, individuals and communities; and f. The availability of, and ability to provide, lifeline utilities, and essential and emergency services, during and after a natural hazard event.
<p>Objective 3.4 Good quality infrastructure and services meet community needs</p>	<p>Support in part</p>	<p>This is supported, however it is necessary to recognise specifically within this objective that certain infrastructure might be required in order to support the wider needs of New Zealand, rather than the needs of Otago as a region or local area only.</p>	<p>Amend the objective as follows: Good quality infrastructure and services meets community needs on a local, regional and national scale.</p>
<p>Policy 3.4.1 Integrating infrastructure with land use Achieve the strategic integration of infrastructure with land use, by:</p> <ul style="list-style-type: none"> a) Recognising functional needs of infrastructure of regional or national importance; and b) Designing infrastructure to take into account: <ul style="list-style-type: none"> i. Actual and reasonably foreseeable land use change; and ii. The current population and projected demographic changes; and iii. Actual and reasonably foreseeable change in supply of, and demand for, infrastructure services; and iv. Natural and physical resource constraints; and v. Effects on the values of natural and physical resources; and vi. Co-dependence with other infrastructural services; and vii. The effects of climate change on the long term viability of that infrastructure; and c) Managing urban growth: 	<p>Support in part</p>	<p>It is accepted that for certain infrastructure (i.e. local roads) integration with land use patterns and development is essential, however PowerNet submits that for regionally or nationally significant infrastructure these activities can be quite distinct to land use. Certain infrastructure does not require it to be so closely integrated with urban areas and development, and in some cases the nature of the infrastructure influences the quality and use of the environment surrounding it. Therefore it is submitted that this policy should also seek to ensure that land use development does not result in adverse effects (i.e. reverse sensitivity effects) on certain infrastructure assets within the region.</p>	<p>Amend the policy as follows:</p> <p><i>Achieve the strategic integration of infrastructure with land use, by:</i></p> <ul style="list-style-type: none"> a) Recognising functional needs of infrastructure of regional or national importance; and b) Designing infrastructure to take into account: <ul style="list-style-type: none"> i. Actual and reasonably foreseeable land use change; and ii. The current population and projected demographic changes; and iii. Actual and reasonably foreseeable change in supply of, and demand for, infrastructure services; and iv. Natural and physical resource constraints; and v. Effects on the values of natural and physical resources; and vi. Co-dependence with other infrastructural services; and vii. The effects of climate change on the long term viability of that infrastructure; and c) Managing urban growth:

<ul style="list-style-type: none"> i. Within areas that have sufficient infrastructure capacity; or ii. Where infrastructure services can be upgraded or extended efficiently and effectively; and <p>d) Co-ordinating the design and development of infrastructure with the staging of land use change, including with:</p> <ul style="list-style-type: none"> i. Structural design and release of land for new urban development; or ii. Structural redesign and redevelopment within existing urban areas. 			<ul style="list-style-type: none"> i. Within areas that have sufficient infrastructure capacity; or ii. Where infrastructure services can be upgraded or extended efficiently and effectively; and <p>d) Co-ordinating the design and development of infrastructure with the staging of land use change, including with:</p> <ul style="list-style-type: none"> i. Structural design and release of land for new urban development; or ii. Structural redesign and redevelopment within existing urban areas; <u>and</u> <p>e) <u>Ensuring that landuse and development does not result in adverse effects on the operation, use and development of infrastructure.</u></p>
<p>Policy 3.4.2 Managing infrastructure activities Manage infrastructure activities, to:</p> <ul style="list-style-type: none"> a) Maintain or enhance the health and safety of the community; and b) Reduce adverse effects of those activities, including cumulative adverse effects on natural and physical resources; and c) Support economic, social and community activities; and d) Improve efficiency of use of natural resources; and e) Protect infrastructure corridors for infrastructure needs, now and for the future; and f) Increase the ability of communities to respond and adapt to emergencies, and disruptive or natural hazard events; and g) Protect the functioning of lifeline utilities and essential or emergency services. 	Oppose in part	<p>The policy seeks to "manage infrastructure activities". This is not appropriate as the management of infrastructure activities is ultimately driven by commercial, economic, and other imperatives that are not relevant to the consideration of activities in context of the RMA. Given this PowerNet submits that this policy should be amended to refer to the "management of effects arising from the development and use of infrastructure activities". Furthermore PowerNet is of the view that as drafted this policy provides little guidance in terms of how projects relating to infrastructure will be assessed and considered under the RPS.</p> <p>Given this PowerNet submits that this policy should seek to enable the development of infrastructure which seeks to appropriately manage adverse effects on the environment, and where the development will give rise to benefits on a local, regional or national basis.</p>	The policy should be amended to seek to provide for the development of infrastructure where it appropriately manages adverse effects on the environment, and where the development will give rise to benefits on a local, regional or national basis.
<p>Policy 3.4.3 Designing lifeline utilities and facilities for essential or emergency services Design lifeline utilities, and facilities for essential or emergency services, to:</p> <ul style="list-style-type: none"> a) Maintain their ability to function to the fullest extent possible, during and after natural hazard events; and b) Take into account their operational co-dependence with other lifeline utilities and essential services to ensure their effective operation. 	Oppose in part	<p>PowerNet is supportive of the inclusion of "lifeline utilities" as part of the RPS. It is noted however that the definition of lifeline utilities in the RPS refers to the definition contained within the Civil Defence Emergency Management Act. While this is generally appropriate, it is noted that this definitions refers to "entities" rather than facilities. Given this PowerNet is of the view that the definition needs to be amended so that it is appropriate for its inclusion in the RPS. The definition should refer to the infrastructure, buildings, and other ancillary equipment and activities undertaken by the entities referred to in the Civil Defence Emergency Management Act.</p> <p>Given the status of such facilities as lifeline utilities and the standards required under other legislation (i.e. the Building Act) when designed and constructing such facilities, PowerNet is of the view that this policy does</p>	<p>Amend this policy to seek to provide for the development and ongoing use and maintenance of lifeline utilities within the region.</p> <p>Amend the definition of "lifeline utilities" to specifically refer to the infrastructure, buildings, ancillary equipment and activities that are undertaken by the entities referred to in the Civil Defence Emergency Act.</p>

		not need to ensure they will be developed to withstand natural hazard events. Instead this policy should seek to recognise the essential nature and benefits that are to be derived from the development and ongoing protection of such "lifeline utilities" within the region.	
<p>Policy 3.4.4 Managing hazard mitigation measures, lifeline utilities, and essential and emergency services Protect the functioning of hazard mitigation measures, lifeline utilities, and essential or emergency services, including by:</p> <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>	Support	This policy is considered appropriate, subject to the amendments to the definition of lifeline utility as noted above.	Retain policy as notified (or similar wording to achieve desired relief).
<p>Objective 3.5 Infrastructure of national and regional significance is managed in a sustainable way</p>	Support in part	This objective is generally supported, however PowerNet notes that it seeks that infrastructure is "managed in a sustainable way". As set out above, PowerNet does not consider it appropriate for the RPS to determine how infrastructure is to be managed as there are commercial, economic and other imperatives that drive the management of such facilities. It is appropriate however for the RPS to enable the development, use, operation and maintenance of infrastructure of national or regional significance.	Amend the objective as follows: <u>The development, use, operation and maintenance of infrastructure of national and regional significance is recognised and provided for.</u>

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

<p>Policy 3.5.3 Protecting infrastructure of national or regional significance Protect infrastructure of national or regional significance, by:</p> <ul style="list-style-type: none"> a) Restricting the establishment of activities that may result in reverse sensitivity effects; and b) Avoiding significant adverse effects on the functional needs of such infrastructure; and c) Avoiding, remedying or mitigating other adverse effects on the functional needs of such infrastructure; and d) Assessing the significance of adverse effects on those needs, as detailed in Schedule 3; and e) Protecting infrastructure corridors for infrastructure needs, now and for the future. 	<p>Support</p>	<p>PowerNet supports the policy in so far as it seeks to "protect infrastructure".</p>	<p>Retain policy as notified (or similar wording to achieve desired relief).</p>
<p>Objective 3.6 Energy supplies to Otago's communities are secure and sustainable</p>	<p>Oppose in part</p>	<p>While PowerNet supports a specific objective and policies which relate to energy, PowerNet does not consider that this objective goes far in giving effect to the National Policy Statement for Renewable Electricity Generation 2011 (NPS REG). In particular PowerNet, is of the view that this objective should specifically seek to enable the ongoing operation, use and maintenance as well as the development of renewable energy facilities within the region, which would in turn enable the benefits of such activities to be realised which is consistent with the intent of the NPSREG. It is also considered that this objective is inappropriately focussed on the energy needs of Otago. The objective also fails to recognise that electricity generation is nationally significant and that the use of the region's renewable resources are currently used, and likely to be used in the future, for the benefit of Otago and the rest of New Zealand.</p> <p>PowerNet submits that this chapter of the RPS should also explicitly recognise the benefits that are to be derived from the development and ongoing use of renewable energy generation activities.</p>	<p>Insert an additional objective which seeks to:</p> <p><u>Enable the ongoing operation, use, maintenance and development of renewable energy generation facilities within the Otago Region.</u></p> <p>Include new objectives and policies that recognise the benefits of and the need to enable the development of new renewable electricity generation activities.</p>

<p>Policy 3.6.1 Using existing renewable electricity generation structures and facilities Give preference to the use of existing structures or facilities to increase the region's renewable electricity generation capacity over developing new structures in new locations.</p>	<p>Oppose</p>	<p>PowerNet opposes this policy.</p> <p>The Ministry for the Environment's Implementation Guide for the NPSREG (2011) states that Policy B of the NPSREG reinforces the important contribution existing renewable energy assets make in advancing the Government's renewable energy target¹. In essence this policy requires such assets to be provided for as significant physical resources. It is therefore appropriate that the RPS seek to recognise the importance of such existing facilities, and enable their ongoing use and upgrading as required without undue regulatory control and constraint. This policy does not achieve this.</p> <p>However PowerNet does not consider it appropriate to give preference to the development of existing facilities over new structures in different locations.</p>	<p>Delete this policy.</p>
<p>Policy 3.6.3 Protecting the generation capacity of renewable electricity generation activities Protect the generation capacity of nationally or regionally significant renewable electricity generation activities, by:</p> <ul style="list-style-type: none"> a) Recognising the functional needs of renewable electricity generation activities, including physical resource supply needs; and b) Restricting the establishment of those activities that may result in reverse sensitivity effects; and c) Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure; and d) Assessing the significance of adverse effects on those needs, as detailed in Schedule 3. 	<p>Support in part</p>	<p>PowerNet supports this policy in so far as it seeks to protect the generation capacity of existing nationally or regionally significant renewable electricity generation activities, however PowerNet is of the view that this policy also needs to enable the development of such activities. This would achieve consistency with the NPSREG, which provides a national direction for energy generation activities, which explicitly includes retaining existing renewable energy generation assets and the development of new renewable generation assets (Policy B).</p>	<p>Amend the policy as follows:</p> <p><u>Enable the development of new and</u> Protect the generation capacity of <u>existing</u> nationally or regionally significant renewable electricity generation activities, by:</p> <ul style="list-style-type: none"> a) Recognising the functional needs of renewable electricity generation activities, including physical resource supply needs; and b) Restricting <u>Avoiding</u> the establishment of those activities that may result in reverse sensitivity effects; and c) Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure; and d) Assessing the significance of adverse effects on those needs, as detailed in Schedule 3.
<p>Objective 3.8 Urban growth is well designed and integrates effectively with adjoining urban and rural environments</p>	<p>Support</p>	<p>It is considered appropriate to seek that urban development takes place in a manner which takes into account the existing environment and minimises potential conflicts between incompatible activities.</p>	<p>Retain the objective as notified (or similar wording to achieve desired relief).</p>
<p>Policy 3.8.1 Managing for urban growth Manage urban growth and creation of new urban land in a strategic and co-ordinated way, by:</p> <ul style="list-style-type: none"> a) Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for demand for such land, projected over at least the next 10 years; and b) Co-ordinating urban growth and extension of urban areas with relevant infrastructure development programmes, to: 	<p>Support in part</p>	<p>PowerNet consider that in effectively managing urban growth consideration of conflicts and reverse sensitivity effects should be had particularly with respect to the encroachment of incompatible activities around key infrastructure assets.</p>	<p>Amend the policy as follows:</p> <p>Manage urban growth and creation of new urban land in a strategic and co-ordinated way, by:</p> <ul style="list-style-type: none"> a) Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for demand for such land, projected over at least the next 10 years; and b) Co-ordinating urban growth and extension of urban areas with relevant infrastructure development programmes, to:

¹ Page 14 of the MfE NSPREG Implementation Guide 2011

<ul style="list-style-type: none"> i. Provide infrastructure in an efficient and effective way; and ii. Avoid additional costs that arise from unplanned infrastructure expansion; and <p>c) Identifying future growth areas that:</p> <ul style="list-style-type: none"> i. Minimise adverse effects on rural productivity, including loss of highly valued soils or creating competing urban demand for water and other resources; and ii. Maintain or enhance significant biodiversity, landscape or natural character values; and iii. Maintain important cultural or heritage values; and iv. Avoid land with significant risk from natural hazards; and <p>d) Considering the need for urban growth boundaries to control urban expansion; and</p> <p>e) Ensuring efficient use of land; and</p> <p>f) Requiring the use of low or no-emission heating systems in buildings, when ambient air quality in or near the growth area is:</p> <ul style="list-style-type: none"> i. Below standards for human health; or ii. Vulnerable to degradation given the local climatic and geographical context; and <p>g) Giving effect to the principles of good urban design, as detailed in Schedule 6; and</p> <p>h) Giving effect to the principles of crime prevention through environmental design.</p>			<ul style="list-style-type: none"> i. Provide infrastructure in an efficient and effective way; and ii. Avoid additional costs that arise from unplanned infrastructure expansion; and <p>x. Avoiding urban development which constrains the ability of regionally significant infrastructure to be developed and used without undue constraint that may arise from adverse effects relating to reverse sensitivity or safety; and</p> <p>c) Identifying future growth areas that:</p> <ul style="list-style-type: none"> i. Minimise adverse effects on rural productivity, including loss of highly valued soils or creating competing urban demand for water and other resources; and ii. Maintain or enhance significant biodiversity, landscape or natural character values; and iii. Maintain important cultural or heritage values; and iv. Avoid land with significant risk from natural hazards; and <p>d) Considering the need for urban growth boundaries to control urban expansion; and</p> <p>e) Ensuring efficient use of land; and</p> <p>f) Requiring the use of low or no-emission heating systems in buildings, when ambient air quality in or near the growth area is:</p> <ul style="list-style-type: none"> i. Below standards for human health; or ii. Vulnerable to degradation given the local climatic and geographical context; and <p>g) Giving effect to the principles of good urban design, as detailed in Schedule 6; and</p> <p>h) Giving effect to the principles of crime prevention through environmental design.</p>
<p>Policy 3.9.1 Integrating management of hazardous substances and waste Promote an integrated approach to the management of hazardous substances and waste in Otago</p>	<p>Support</p>	<p>It is appropriate to recognise that because hazardous substances are managed by a number of different agencies an integrated approach will need to be adopted, taking into consideration the various roles and responsibilities at a national, regional and local level when dealing with hazardous substances in particular.</p>	<p>Retain policy as notified (or similar wording to achieve desired relief).</p>
<p>Policy 3.9.5 Avoiding the creation of new contaminated land Avoid the creation of new contaminated land.</p>	<p>Oppose</p>	<p>It is not clear what implications this policy might have on development throughout the region. For example, airports, ports, and other infrastructure activities are all listed on the Ministry for the Environment's HAIL list. This policy could be interpreted that because such facilities use hazardous substances they will become sites of contaminated land and therefore should be avoided. This is not considered appropriate.</p>	<p>Delete the policy.</p>

Chapter 4 People are able to use and enjoy Otago's natural and built environment			
<p>Objective 4.3 Sufficient land is managed and protected for economic production</p>	Oppose in part	It is not clear what is intended to be achieved by this objective. The ensuing policies appear to enable the development of rural, commercial and industrial activities, however this is not clear from the drafting of this objective that this is what will be achieved.	Amend this objective as follows: <u>Ensure that appropriate rural, commercial and industrial development is enabled to provide for the social, economic and cultural wellbeing of the community.</u>
<p>Policy 4.3.5 Managing for industrial land uses Manage the finite nature of land suitable and available for industrial activities, by:</p> <p>a) Providing specific areas to accommodate the effects of industrial activities; and</p> <p>b) Providing a range of land suitable for different industrial activities, including land-extensive activities; and</p> <p>c) Restricting the establishment of activities in industrial areas that may result in:</p> <p>i. Reverse sensitivity effects; or</p> <p>ii. Inefficient use of industrial land or infrastructure.</p>	Support	PowerNet considers it appropriate to recognise and provide for the development and ongoing use of industrial activities that are essential to the economic and social wellbeing of the Region.	Retain policy as notified (or similar wording to achieve desired relief).
<p>Objective 4.5 Adverse effects of using and enjoying Otago's natural and built environment are minimised</p>	Oppose in part	This objective should relate to the development and use of Otago's natural and physical resources, rather than the enjoyment, which is vague and subjective. It should also seek to avoid, remedy or mitigate adverse effects on such resources.	Amend the objective as follows: <u>Adverse effects arising from the development use of Otago's natural and physical resources are avoided, remedied or mitigated.</u>
<p>Policy 4.5.7 Enabling offsetting of indigenous biodiversity Enable offsetting of adverse effects on indigenous biodiversity values, only when:</p> <p>a) The activities causing those effects have a functional necessity to locate in significant or outstanding areas; and</p> <p>b) Those effects cannot be avoided, remedied or mitigated; and</p> <p>c) Those effects do not result in the loss of irreplaceable or vulnerable biodiversity.</p>	Support in part	It is considered useful to include a policy enabling offsetting in certain situations. It is not clear why the ability to offset adverse effects on indigenous biodiversity has been limited to only being an acceptable response when those activities causing the effects have a functional necessity to locate in areas of significant biodiversity.	Amend this policy: Policy 4.5.7 Enabling offsetting of indigenous biodiversity Enable offsetting of adverse effects on indigenous biodiversity values, <u>only including</u> when:
<p>Methods</p>	Oppose in part	PowerNet considers it important the region's:	Add methods to require that:
		<ul style="list-style-type: none"> - outstanding natural landscapes and features, - areas of outstanding natural character (including in the coastal environment) and - significant indigenous vegetation and habitats of significant indigenous fauna are identified at a regional level. <p>Accordingly, additional methods are necessary to ensure this occurs.</p>	<ul style="list-style-type: none"> - a region wide landscape/features and natural character assessment to determine areas of outstanding natural character, and outstanding landscape areas and features is carried out; and - a region wide assessment of significant indigenous vegetation and habitats of significant indigenous fauna is carried out. <p>These assessments could be carried out by the Regional Council, or as a collaborative effort between territorial authorities and the regional Council.</p>