

OTAGO REGIONAL COUNCIL
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Federated Farmers of New Zealand

Submission on the Otago Regional Council Proposed Regional Policy Statement

24/07/2015



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SUBMISSION TO OTAGO REGIONAL COUNCIL ON THE PROPOSED REGIONAL POLICY STATEMENT

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This is a submission on the Otago Regional Council Proposed Regional Policy Statement.

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

The specific provisions of the proposal that my submission relates to and the decisions we seek from Council are as detailed on the following pages.

We wish to be heard in support of our submission.

Section 1: General Submissions

1.1 Introduction

- 1.2 Federated Farmers welcomes the opportunity to comment on Otago Regional Council's Proposed Regional Policy Statement.
- 1.3 Federated Farmers of New Zealand is a primary sector organisation that represents farmers, farming, rural businesses and rural communities. Federated Farmers has a long and proud history of representing the needs and interests of New Zealand farmers.
- 1.4 The Federation aims to add value to its members' farming business. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:
 - Our members may operate their business in a fair and flexible commercial environment;
 - Our members' families and their staff have access to services essential to the needs of the rural community; and
 - Our members adopt responsible management and environmental practices
- 1.5 While we appreciated the efforts of council staff to engage with us over the development of the RPS we are very concerned with the complete change in both content and structure of the RPS, from the 'succinct roughly 20 page effects-based' proposal initially envisaged in 2014, to the 154 page controlling and prescriptive draft now released.

2.1 General comments on the draft plan

- 2.2 Recognising and providing for economic productivity – The primary purpose of the RPS is to promote the sustainable management of Otago's natural and physical resources, by providing an overview of the resource management issues facing the region, and setting policies and methods to manage its natural and physical resources.
- 2.3 In delivering on this overall purpose the RPS must seek to deliver on all of the four wellbeings in a sustainable manner, including economic and social wellbeings. Currently the economic benefits derived from natural resource use within the RPS is has not been given appropriate recognition.
- 2.4 'Sustainable management' is broader than that which Council has indicated. The RPS should provide for natural and physical resource use to achieve economic and social wellbeing, provided that these resources are used in such a way that ensures the potential of these resources are sustained for future generations, and the life-supporting capacity of ecological systems is retained or restored.
- 2.5 Federated Farmers' view is that a region rich in economic, social and cultural terms is more able to deliver good environmental outcomes. From a farming perspective, economically viable farmers are best placed to afford mitigation, offsetting or investment in environmental 'least cost' options.
- 2.6 In other regions (for example, Wellington) there are regional development strategies and initiatives to sit alongside the regional RPS and resource use framework to provide for this balanced discussion. However, Otago lacks the additional and complementary economic development strategy to inform this broader discussion, and it falls to the RPS to deliver this.

- 2.7 While we address concerns related to particular provisions within the plan in detail further in this submission, this concern is also generally applicable to both the content and structure of the draft RPS overall. For example, the introduction to the Otago Region in Part A of the RPS commits only two paragraphs to the benefits derived from agriculture, and even then, the perception is clear that while agriculture is an industry that in the past formed a significant part of the region's wellbeing, the inference is that this importance will diminish in the future.
- 2.8 This does not provide a sufficiently balanced context to the regulatory response that follows. At an individual level it downplays the role and commitment of farmers to achieving good outcomes across all four wellbeings, and diminishes the potential for a mutually beneficial relationship between ORC as the regulator and farmers as key on-farm resource managers.
- 2.9 Addressing these concerns – To address these concerns the RPS should recognise and provides for good economic and social outcomes by:
- i. avoiding the imposition of unnecessary restraints on primary production;
 - ii. specifically providing for the positive aspects of primary production where reasonable and appropriate;
 - iii. explicitly stating the importance of the primary production sector to achieving the desired outcomes.
- 2.10 Operative RPS versus proposed RPS - The current, operative RPS is a 'high level, enabling' document while the proposed RPS is significantly more prescriptive. In the current operative document the RPS provides for the economic and social wellbeings by providing a flexible regulatory framework. The current RPS has embedded within it the flexibility to allow resource users to find the most efficient and effective way of delivering upon regional resource management objectives. The proposed RPS is far more prescriptive and as a result diminishes the potential for innovation.
- 2.11 Structure of the RPS – The proposed RPS is structured to deliver upon the four interrelated outcomes rather than outlining the key issues to be addressed. The intention appears to be to provide some broad aspirational and positive direction to resource use within the region. While we support the intention, the approach creates risks around interpretation and implementation of the plan, as having a more 'issues-based' focus ensures there are direct linkages to the policies and methods and the key issues the plan is seeking to address. We consider the four outcomes should either be re-phrased as key issues to provide better clarity, or the proposed RPS should pull back from the prescriptive nature currently contained in the methods and policies to align more with the aspirational intent of the four outcomes.
- 2.12 This latter concern is particularly relevant for Otago's Territorial Local Authorities (TLAs), required to 'give effect to' the RPS. TLAs are also expected to deliver on broader economic development outcomes as well as deliver the outcomes sought through the RPS; a more flexible RPS framework allows for these balanced discussions to occur at the local level, within the local context.

Decisions sought:

The introduction is amended to include a more robust discussion around the positive outcomes resulting from resource use and the agricultural sector's contribution to wellbeing in Otago.

This would ideally include a broader discussion around and recognition of the roles resource users fulfil in meeting these positive outcomes.

While supportive of the intent to frame the RPS with four desired outcomes, we consider it more appropriate to frame the RPS with key issues, to provide a better linkage between the higher level intentions and the subsequent methods and policies.

As a general observation, where relevant we favour the RPS 'stepping back' from giving prescriptive directions to Otago's individual Territorial Local Authorities (TLAs). We believe TLAs should have sufficient scope to address local issues and opportunities within the local context through local planning processes.

3.1 Implications of King Salmon

- 3.2 Council will be aware of the Supreme Court's 2014 New Zealand King Salmon decision.¹ A key message ensuing from this decision was the importance of the 'choice of words' in higher level planning statements (in that particular case, the New Zealand Coastal Policy Statement (NZCPS)). In King Salmon, the use of the word "avoid" was found to mean "not allow" or "prevent the occurrence of."
- 3.3 There are a number of areas within the draft RPS where the words 'avoid', 'prevent' or 'require' occur. Given the potential implications of using these terms in light of King Salmon, we ask Council to review their use given the very direct implications of this wording and the subsequent implications for land owners, resource users and productivity in Otago.

Decision sought:

Council review use of the words 'avoid', 'prevent' or 'require' within the RPS in light of King Salmon and the implications for the region's resource use.

4.1 Methods

- 4.2 Federated Farmers supports the submissions made by Fonterra Co-operative Group Limited in respect to Methods. We agree with the relief requested by Fonterra within their submission, that the RPS should be amended to "*identify matters that are expected to be addressed through resource consent processes pending the preparation of regional and district plans*".

5.1 Specific submissions points

- 5.2 Specific submission points are addressed in the next section of this submission.

¹ *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Ltd* [2014] NZSC 38.

Plan/Provision	Support/Oppose	Submissions/Reasons	Decision Sought
PART A: INTRODUCTION			
The Otago Region	Oppose in part	<p>As currently drafted the introduction to the Otago Region in Part A of the RPS commits only two paragraphs to the topic of the benefits derived from agriculture. This is despite the critical historical and future roles for primary production in providing for the economic and social wellbeing for Otago.</p> <p>Given the lack of a regional economic development strategy to sit alongside the RPS as a regulatory document, it is important that the RPS does a better job of recognising these positive roles.</p> <p>In particular the RPS should explicitly state the importance of the primary production sector to achieving social and economic wellbeing.</p>	<p>The introduction is amended to include a more robust discussion around the positive outcomes resulting from resource use and the agricultural sector's contribution to wellbeing in Otago.</p> <p>This would ideally include a broader discussion around and recognition of the roles resource users fulfil in meeting the economic and social wellbeings for the people of the Otago region.</p>
Kāi Tahu - The Treaty Partner	Support	<p>Federated Farmers supports the draft RPS's recognition of Kāi Tahu as takata whenua of the Otago region, and we support the critical role of Kāi Tahu in informing the region's regulatory response to challenges in partnership with the regional council. It is useful to have the RPS define the roles of both Iwi and the Treaty in the introduction to the RPS, getting these established 'up front'.</p> <p>We do have concerns with the primacy given to Kāi Tahu values, rights and interests, and how this primacy may impact primary production within the region. These concerns are addressed in respect to the first outcome "<i>Kāi Tahu values, rights and interests are recognised and kaitiakitaka is expressed</i>"</p>	<p>This section is retained as drafted. We consider a similar discussion on the social and economic benefits of primary production and resource use should also be included.</p>

Plan/Provision	Support/Oppose	Submissions/Reasons	Decision Sought
PART B: OUTCOMES			
Objective 1.1 The principles of Te Tiriti o Waitangi are taken into account in resource management decisions	Oppose in part	<p>Federated Farmers agrees it is important for both the principles of Te Tiriti o Waitangi and the takata whenua point of view to be embedded and appropriately recognised within the region’s regulatory framework.</p> <p>Further we agree that a partnership approach is appropriate, and that it is important that Kāi Tahu are provided with the ability to participate in both resource management decision making and implementation.</p> <p>However, we disagree that this requires ‘elevating’ Kāi Tahu values, rights and interests in regional resource management decision making processes. In our view ‘elevating’ values, rights and interests goes significantly beyond the expectations of Te Tiriti o Waitangi and undermines the reasonable expectation that other residents and resource users in the Otago region can both take part in and inform resource management discussions in an effective manner.</p>	<p>Wording is amended as follows (or words to similar effect):</p> <p>A partnership approach, which involves Kāi Tahu and elevates <u>appropriately considers</u> their values, rights and interests in decision making processes, enables the principles, including kaitiakitaka, to be given effect in an appropriately flexible way, and recognises the special relationship between Kāi Tahu and the Crown.</p>
Policy 1.1.2 (a) and (b) Taking the principles of Te Tiriti o Waitangi into account	Oppose in part	<p>Federated Farmers agrees it is important for the principles of Te Tiriti o Waitangi and the takata whenua point of view to be embedded and appropriately recognised within the region’s regulatory framework, and that a partnership approach is appropriate.</p> <p>However, Policy 1.1.2 a), which seeks to “<i>Accord Kāi Tahu a status distinct from that of interest groups and members of the public, consistent with their position as a Treaty partner</i>”, elevates the takata whenua viewpoint in such a manner as to undermine the ability for other residents and resource users to appropriately have their say.</p> <p>This is particularly important in respect to implementation. While we agree with the proposal to develop a partnership approach for the governance and plan preparation of Otago’s resource management plans, we do not agree that takata whenua should be afforded such a significant role in implementation, particularly as this will inevitably impose unnecessary costs and time delays on resource users through the consenting process.</p>	<p>Wording is amended as follows (or words to similar effect):</p> <p>Amend Policy 1.1.2, or amend as follows</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 <u>at an early stage in respect to in resource management planning and governance processes decision-making processes and implementation;</u> and.....</p>

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Policy 1.1.2 (f) iii.	Oppose	<p>Providing areas in Otago that are recognised as significant to Kāi Tahu in a manner similar to that prescribed for statutory acknowledgement areas has the potential to significantly disadvantage other land owners and resource users.</p> <p>While we support the intention that areas of significance to Kāi Tahu are recognised, this policy undermines the ability for landowners to have a reasonable discussion with takata whenua around how best to achieve mutual ends in a context dependent manner.</p>	Delete the proposed policy.
Objective 1.2 Kāi Tahu values, rights and customary resources are sustained	Support	Federated Farmers agrees the RPS plays an important role in translating the takata whenua point of view into the region's regulatory framework. This is of benefit to both takata whenua and plan users.	Adopt the Objective as proposed.
Policy 1.2.1 (a)	Oppose in part	<p>The policy proposes to manage the natural environment to support Kāi Tahu wellbeing by ensuring resources support their customary uses and cultural values as detailed in Schedules 1A and 1B.</p> <p>The benefits of defining values are that by doing so, resource managers and users can identify and work to and around these values. This requires some certainty around how the values translate at the resource use level. Currently the values and interests outlined in schedule 1A and 1B are not sufficiently detailed to provide this clarity.</p> <p>The consequence of the policy will be an elevation of Kāi Tahu concerns within each resource management issue. In some regulatory matters this may be appropriate; in others it would result in unnecessarily high consenting costs, time delays and issues for resource users, creating tension when the desired outcome should be a better understanding of the values and interests that Kai Tahu are seeking to protect within each planning context.</p>	<p>Wording is amended as follows (or words to similar effect):</p> <p>Manage the natural environment to support Kāi Tahu wellbeing by:</p> <ul style="list-style-type: none"> a) Ensuring resources support their customary uses and cultural values <u>are identified</u> (as detailed in Schedules 1A and B);

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Policy 1.2.1 (b)	Oppose	As in respect to Policy 1.2.1 (a), there is a lack of clarity around what this policy will mean; we consider the better option is for Kāi Tahu concerns to be identified through the RPS, but managed through specific resource management planning contexts.	Delete the proposed policy.
Policy 1.2.3	Oppose	<p>This policy proposes to 'protect important values'. Use of the word 'protect' is a significant threshold, particularly for a regional policy statement. Federated Farmers considers that identification of these values at this level, followed by specific planning responses and engagement at the local level is a better avenue to address Kāi Tahu concerns.</p> <p>From a regulatory perspective Schedules 1A and 1C are vague and hard to define, which raises the appropriateness of 'protecting' these values, and whether the RM planning documents which 'give effect to' the RPS can or should 'protect' these values.</p> <p>In some regulatory matters 'protect' may be appropriate; in others it would simply add unnecessarily high consenting costs and issues for resource users, creating tension when the desired outcome should be a better understanding of the values and interests that Kai Tahu are seeking to protect within each planning context.</p>	<p>Wording is amended as follows (or words to similar effect):</p> <p>Protecting <u>Identify</u> important sites and values of cultural significance to Kāi Tahu <u>are identified and managed</u></p> <p>Protect <u>Identify</u> important values, as detailed in schedules 1A and B, and sites of cultural significance to Kāi Tahu as detailed in Schedule 1C, <u>and manage these by:</u></p> <ul style="list-style-type: none"> a) Avoiding significant adverse effects on those values and sites, as detailed in Schedule 3; and b) Avoiding remedying or mitigating other adverse effects on those values and sites; and c) Managing those values and sites in a culturally appropriate manner.
Policy 1.2.4 Enabling Kāi Tahu relationships with wāhi tupuna and associated sites	Support in part	Federated Farmers supports the intent of the policy; however wāhi tupuna and associated sites may exist on or be accessed over private land, including farmland, where 'open access for all seasons' is often impractical with potential for animal welfare issues, particularly around lambing and calving where stock mustn't be unnecessarily disturbed. As farms are working environments including heavy machinery at time, access can also be dangerous for both those seeking access and the farmer.	<p>Wording is amended as follows (or words to similar effect):</p> <p>Policy 1.2.4 Enabling Kāi Tahu relationships with wāhi tupuna and associated sites Enable Kāi Tahu relationships with wāhi tupuna and associated sites by:</p> <ul style="list-style-type: none"> a) Facilitating Kāi Tahu access to sites of

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			<p>cultural significance, <u>encouraging engagement between landowner and Kāi Tahu where these exist on or are accessed by private land</u>; and</p> <p>b) Recognising that relationships between sites of cultural significance are an important element of wāhi tūpuna; and</p> <p>c) Recognising traditional place names.</p>
<p>Objective 2.2 Otago's significant and highly valued natural resources are identified, and protected or enhanced to maintain their distinctiveness</p>	<p>Oppose in part</p>	<p>The <i>Need</i> for this Objective states: "It is a matter of national importance to recognise and provide for natural resources systems and processes". It appears incongruous for a regional policy statement to define what are and are not matters of national importance.</p>	<p>Wording is amended as follows (or words to similar effect): "It is a matter of national <u>regional</u> importance to recognise and provide for natural resources systems and processes".</p>
<p>Objective 2.3 Natural systems and interdependencies are recognised and sustained</p>	<p>Oppose in part</p>	<p>The <i>Need</i> for this Objective is rather unwieldy; wording could be amended to provide better clarity.</p>	<p>Wording is amended as follows (or words to similar effect): Need: The RMA requires that resources are managed in an integrated way. Integration among interdependent resources, <u>including those which span within resources that span management and administrative unit boundaries</u>, and among different decision-makers will reduce the risk of adverse and unintended consequences arising from a proposal.</p>

Plan/Provision	Support/Oppose	Submissions/Reasons	Decision Sought
Policy 2.1.1 Managing for freshwater values	Oppose in part	<p>This policy focusses on resource use solely as an issue, without sufficiently recognising the benefits (particularly economic and social) derived from that resource use.</p> <p>As identified in the introduction to this submission and in the introduction to this section of the RPS, resource use also provides positive outcomes for the region. This should be recognised through an addition to this policy.</p>	<p>An addition is made to this policy along the following lines (or words to similar effect):</p> <p>Policy 2.1.1 Managing for freshwater values Recognise freshwater values, and manage freshwater, to: <u>... provide for the economic and social wellbeing of the Otago region and its inhabitants.</u></p>
Policy 2.1.1 (c)	Oppose in part	<p>This policy proposes to 'protect' outstanding water bodies and wetlands. The use of the word protect is a high threshold, particularly in light of King Salmon; a less onerous policy would achieve similar outcomes while providing more flexibility.</p>	<p>Wording is amended as follows (or words to similar effect):</p> <p>c) Protect <u>Manage and where necessary protect</u> outstanding water bodies and wetlands; and</p>
Policy 2.1.1 (d)	Oppose in part	<p>This policy proposes to 'protect' migratory patterns of freshwater species. The use of the word protect is a high threshold, particularly in light of King Salmon; a less onerous policy would achieve similar outcomes while providing more flexibility.</p>	<p>Wording is amended as follows (or words to similar effect):</p> <p>d) Protect <u>Provide for</u> migratory patterns of freshwater species, unless detrimental to indigenous biodiversity; and</p>
Policy 2.1.1 (j)	Oppose in part	<p>This policy proposes to 'protect' Kāi Tahu values. This is difficult given the ephemeral nature of many of these values, and the use of the word protect is a high threshold, particularly in light of King Salmon.</p> <p>A less onerous policy would achieve similar outcomes while providing more flexibility.</p>	<p>Wording is amended as follows (or words to similar effect):</p> <p>j) Protect <u>Provide for</u> Kāi Tahu values; and</p>
Policy 2.1.1 (l)	Oppose in part	<p>This policy proposes to 'protect' important recreation values. This is difficult given the ephemeral nature of many of these values, and the use of the</p>	<p>Wording is amended as follows (or words to similar effect):</p>

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		word protect is a high threshold, particularly in light of King Salmon. A less onerous policy would achieve similar outcomes while providing more flexibility.	l) Protect <u>Provide for</u> important recreation values; and
Policy 2.1.2 (g)	Oppose in part	This policy proposes to 'protect' Kāi Tahu values. This is difficult given the ephemeral nature of many of these values, and the use of the word protect is a high threshold, particularly in light of King Salmon. A less onerous policy would achieve similar outcomes while providing more flexibility.	Wording is amended as follows (or words to similar effect): g) Protect <u>Provide for</u> Kāi Tahu values; and
Policy 2.1.5 (f)	Oppose in part	This policy proposes to retain soil resources for primary production. We support the inherent recognition of the importance of soil to primary production and by extension the primary sector. However, the policy proposes a level of protection that is onerous; particularly for inclusion in an RPS. Further, the benefit for the region is not from the soil resource; it is from the production that results. We consider the better approach would be for the RPS to better recognise the importance of the primary production sector overall, and that any policy developed around soil resources provides Otago TLAs with the flexibility to identify and incorporate the importance of soil resources to the district and regional wellbeing while also providing for other matters.	Delete the proposed policy.
Policy 2.1.6 (c)	Oppose in part	The policy proposes to buffer or link existing ecosystems. Doing so may place limitations on otherwise legitimate and beneficial land use (eg primary production) which is included within these 'buffers' or which links to ecosystems. Given the potential impacts and the need for balance of these impacts at the local level, this is an issue better addressed through district planning.	Delete the proposed policy.
Policy 2.1.6 (d)	Oppose in part	The policy proposes to protect important hydrological services, including the services provided by tussock grassland. While these services provide some benefit to the region and to farmers inclusion of the requirement to 'protect' these within the RPS is an onerous measure.	Wording is amended as follows (or words to similar effect): d) Protect <u>Important hydrological services;</u> including the services provided by tussock

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		<p>Research the benefits of tussock grassland in respect to retention of water indicates these benefits will be catchment dependent; subsequently the protection afforded tussock grasslands will also largely be catchment dependent.</p> <p>This policy also requires some landowners to give up productive potential for the good of other landowners, without a value transfer mechanism to address equity issues, and no measure of efficiency or accounting between services lost and services gain to ensure a net benefit.</p> <p>In summary a non-regulatory, catchment based approach to this issue is both more preferable, and more likely to result in maximisation of benefits derived from these services, where and when appropriate.</p>	<p><u>grassland are recognised and provided for where appropriate</u>; and</p>
Policy 2.1.6 (g)	Oppose in part	<p>Protect is a significant threshold considering the benefits that identifying and active management of these areas can have for all parties.</p>	<p>Wording is amended as follows (or words to similar effect):</p> <p>g) Protect <u>Biodiversity significant to Kāi Tahu is identified and active management is encouraged</u>; and</p>
Policy 2.2.2	Oppose in part	<p>The policy talks of '<u>managing</u> significant indigenous vegetation and significant habitats of indigenous fauna' but then seeks to '<u>Protect and enhance</u> the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna'. This appears incongruous, and we favour the management approach as management provides for reasonable resource use where this does not conflict with the overriding intent of the policy.</p>	<p>Wording is amended as follows (or words to similar effect):</p> <p>Protect <u>Manage</u> and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</p>
Policy 2.2.2 (a) to (c)	Oppose in part	<p>We consider the focus of this policy should be on avoiding any significant adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna. As currently worded, the policy seeks to address adverse effects on values; this is not an easy to translate or implement policy.</p> <p>Further the provisions (a) to (c), as ordered, do not follow a logical process. The first step should be to assess the significance of adverse effects, as</p>	<ol style="list-style-type: none"> 1. (a) is replaced by (c) 2. (b) is deleted 3. Wording is amended as follows (or words to similar effect): <p>Protect and enhance the values of areas of significant indigenous vegetation and significant</p>

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		<p>required under (c). Then, once significance has been established, these significant effects are avoided as per (a) and (b). This then leads logically into the provisions (d), (e) and (f).</p>	<p>habitats of indigenous fauna, by:</p> <p>a) Avoiding adverse effects on <u>areas of significant indigenous vegetation and significant habitats of indigenous fauna</u> those values which contribute to the area or habitat being significant; and</p> <p>b) Avoiding significant adverse effects on other values of the area or habitat; and</p> <p>c) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</p> <p>d) Remediating, when adverse effects cannot be avoided; and</p> <p>e) Mitigating where adverse effects cannot be avoided or remediated; and</p> <p>f) Encouraging enhancement of those areas and values.</p>
Policy 2.2.4	Oppose in part	<p>We consider the focus of this policy should be on avoiding any significant adverse effects on outstanding natural features, landscapes, and seascapes. As currently worded, the policy seeks to address adverse effects on values; this is not an easy to translate or implement policy.</p> <p>Further the provisions (a) to (c), as ordered, do not follow a logical process. The first step should be to assess the significance of adverse effects, as required under (c). Then, once significance has been established, these significant effects are avoided as per (a) and (b). This then leads logically into the provisions (d), (e) and (f).</p>	<ol style="list-style-type: none"> 1. (a) is replaced by (c) 2. (b) is deleted 3. Wording is amended as follows (or words to similar effect): <p>a) Avoiding adverse effects on <u>outstanding natural features, landscapes, and seascapes</u> 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>

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			<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>
Policy 2.2.5	Oppose	<p>This policy seeks to identify special amenity landscape or natural features which are highly valued for their contribution to the amenity or quality of the environment, but which do not fit the criteria to be categorised as outstanding.</p> <p>Federated Farmers is concerned that this policy will result in significant social and economic costs when an area of privately owned land is designated or asserted to be highly valued. These costs can be considerable and range from investor uncertainty and lost opportunities for landowners, to reduced output and employment opportunities across the wider region.</p> <p>The Section 32 evaluation does not include an assessment of these potential costs.</p> <p>This level of detail is more prescriptive and specific than what is generally considered appropriate for a regional policy statement. Otago's territorial authorities will be forced to implement the policy, regardless of the appropriateness of other options, how well they fit the needs and desires of the community, the state or interpretation of legislation. We call into question the efficiency and effectiveness of this approach and ask that it be better justified. Without the recognition of costs arising from the prescriptive nature of Policy 2.2.5 the evaluation of efficiency and effectiveness does not satisfy the requirements of the RMA.</p>	The policy is deleted.
Policy 2.2.6	Oppose in part	As expanded on under our submission on Policy 2.2.5, we do not support	1. (a) is replaced by (c)

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		<p>the identification of lower tier or secondary landscapes. For that reason, we do not support Policy 2.2.6 and consider it similarly should be deleted.</p> <p>If that submission is rejected, we consider the focus of this policy must instead be on avoiding any significant adverse effects on special amenity landscapes and highly valued natural features. As currently worded, the policy seeks to address adverse effects on values; this is not an easy to translate or implement policy.</p> <p>Further the provisions (a) to (c), as ordered, do not follow a logical process. The first step should be to assess the significance of adverse effects, as required under (c). Then, once significance has been established, these significant effects are avoided as per (a) and (b). This then leads logically into the provisions (d), (e) and (f).</p>	<ol style="list-style-type: none"> 2. (b) is deleted 3. Wording is amended as follows (or words to similar effect): <ol style="list-style-type: none"> a) Avoiding significant adverse effects on those values which contribute to the special amenity of the landscapes or highly valued of the natural features; 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.
Policy 2.2.9	Oppose in part	<p>We consider the focus of this policy should be on avoiding any significant adverse effects on the coastal environment. As currently worded, the policy seeks to address adverse effects on values; this is not an easy to translate or implement policy.</p> <p>Further the provisions (a) to (c), as ordered, do not follow a logical process. The first step should be to assess the significance of adverse effects, as required under (c). Then, once significance has been established, these significant effects are avoided as per (a) and (b). This then leads logically into the provisions (d), (e) and (f).</p>	<ol style="list-style-type: none"> 1. (a) is replaced by (c) 2. (b) is deleted 3. Wording is amended as follows (or words to similar effect): <ol style="list-style-type: none"> a) Avoiding <u>significant</u> adverse effects on these values which contribute to the outstanding natural character of an area <u>the coastal environment</u>; 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

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			<p>on <u>the outstanding natural character of the coastal environment</u> those values, as detailed in Schedule 3; and</p> <p>d) Avoiding, remedying or mitigating other adverse effects on other values; and</p> <p>e) Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment; and</p> <p>f) Encouraging enhancement of those values; and</p> <p>g) Controlling the adverse effects of pest species, prevent their introduction and reduce their spread.</p>
Policy 2.2.13	Oppose in part	<p>The policy at (a) proposes to avoid significant adverse effects, including cumulative effects, on those values which contribute to the water body or wetland being outstanding. Use of significance as a benchmark is welcome, though it may be useful to include the word 'significant' in front of the word cumulative to make it clear that there is a degree of significance required in respect to cumulative effects.</p> <p>Policy (b) seeks to address adverse effects which do not meet the significance outlined in policy (a). However, use of the word 'avoiding' is unnecessarily punitive and goes beyond what is required for adverse effects which are neither significant nor cumulative.</p> <p>Policy (e) seeks to encourage enhancement of outstanding water bodies and wetlands, on top of the protection afforded through the preceding policies. There are some areas where enhancement may not be feasible or even preferred, and including this policy may place unnecessary and reasonable costs and expectations on resource users. Encouraging enhancement in itself is a worthy goal but it should be sought through non-regulatory methods and qualified for feasibility.</p>	<p>Wording is amended as follows (or words to similar effect):</p> <p>Protect the values of outstanding water bodies and wetlands by:</p> <p>a) Avoiding significant adverse effects, including <u>significant</u> cumulative effects, on those values which contribute to the water body or wetland being outstanding; and</p> <p>b) Avoiding, <u>R</u>emediating or mitigating other adverse effects on the water body or wetland's values; and</p> <p>c) Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</p> <p>d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</p>

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			e) Encouraging enhancement of outstanding water bodies and wetlands <u>where feasible</u> .
Policy 2.2.15	Support in part	<p>This policy proposes to manage high value soils by protect <u>the values</u> of areas of highly valued soil resources.</p> <p>We appreciate and support the intent to protect the values associated with highly valued soil resources in the region, and the subsequent recognition of the importance of these soils. However, the policy as currently worded may have prescriptive and unreasonable implications given a large proportion of values derived from soil relies on flexibility of soil use, and 'protecting' these values is an unnecessarily onerous measure.</p> <p>Given the hierarchy of planning documents we would favour better recognition of the positive aspects of high value soils to give direction to the district planning processes to asses whether any protection is required, rather than trying to address these matters through the RPS.</p>	<p>The policy is deleted, and a new policy is adopted with wording as follows (or words to similar effect):</p> <p>Recognise that use and development of high value soils enables people and communities to provide for their economic, social and cultural wellbeing.</p>
Objective 2.3	Oppose in part	<p>Natural resource systems also provide significantly to the social and economic wellbeing of the Otago region. We believe it would be better to state the positive outcomes from these systems rather than attempting to identify and protect these within this Objective.</p> <p>The Objective, as currently written, assesses the complexity and interconnections between resources in the coastal environment and assumes these are similar in all other environments; this does not necessarily follow and there is a danger of unnecessary controls for all areas of Otago when the underlying intention is to address concerns specific to the coastal environment.</p> <p>Further, while we agree the management of natural resources needs to be integrated, it does not follow that the approach to this integration is to protect the resources or place additional constraints on their use, particularly without a robust assessment of the issues, options and implications. In many respects the key outcome sought is not consistency, as stated, but a reasonable management system. This can include both</p>	<p>Objective 2.3 is amended as follows (or words to similar effect):</p> <p>Natural resource systems and their interdependencies are recognised</p> <p>Our resources are interconnected, and <u>while use of these resources provide for the wellbeing of the Otago region</u>, the use of one can affect the values of another. Those interconnections are complex, and they are not always reflected in the functions of local authorities, or in the regional, district or city boundaries. An example of this issue is Otago's coastal environment, a highly valued resource at the nexus between land and marine environments that may additionally include freshwater systems. These diverse resources contribute to distinct land-</p>

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		regulatory approaches and non-regulatory approaches, and may require a more nuanced response at the district planning level.	<p>and seascapes and support a corresponding range of ecosystems.</p> <p>For management purposes, the coastal environment is often partitioned into separate management units. Moreover, administration of this complex resource is guided by several statutes that are implemented by multiple authorities.</p> <p>This example illustrates why <u>As a result</u>, the management of natural resources needs to be integrated to ensure that resource management decisions are consistent and take <u>appropriate</u> account of the linkages between every part of the environment, <u>where necessary</u>.</p>
Policy 2.3.1	Oppose in part	<p>The intention of this policy is to apply an integrated management approach <u>among</u> resources.</p> <p>The requirement outlined under (b) to recognise that the form and function of a resource may extend beyond the immediate, or directly adjacent, area of interest, captures the essence of (a) but does so in a way that is less prescriptive; providing more (necessary) flexibility to the planning documents giving effect to the policy. This renders 2.3.1 (a) largely unnecessary.</p>	Policy 2.3.1 (a) is deleted.
Policy 2.3.2	Oppose in part	<p>The intention of this policy is to apply an integrated management approach <u>within</u> a resource.</p> <p>The requirement outlined under (b) to ensure that effects of activities on the whole of a resource are considered when that resource is managed by sub-units captures the essence of (a) while again providing more flexibility for specific planning processes to adapt to the specific context as required.</p>	Policy 2.3.2 (a) is deleted.

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		This renders 2.3.2 (a) largely unnecessary.	
Policy 2.3.3	Oppose	<p>The concerns driving this policy are largely addressed in policies 2.3.1 and 2.3.2. If an integrated management approach is applied among resources, and within a resource, this captures resources within a catchment.</p> <p>For further catchment based processes, Federated Farmers considers the RPS should provide for specific policies and plans to be developed on a catchment by catchment basis to manage the potential effects on water quality and to set and manage to limits in those catchments through a partnership based approach with the community and landowners.</p> <p>Federated Farmers considers that the RPS should focus on the management/reduction of discharges to water rather than managing land use activities. This proposed policy cuts across this catchment based conversation, while adding little material to the higher level direction provided by policies 2.3.1 and 2.3.2.</p> <p>The reference to 'nuisance effects' in Policy 2.3.3 (c) (iv) is an alarmingly low bar and inappropriate for a regional policy statement.</p> <p>The policy's reference to the maintenance or enhancement of 'values' provides no clear direction to the plan user, and is potentially onerous.</p>	Policy 2.3.3 is deleted. If the policy is retained, reference to 'nuisance effects' and 'values' should be deleted or suitably replaced.
Policy 2.3.4	Oppose in part	<p>2.3.4 (b) provides for an integrated management approach to activities in the coastal environment, by coordinating the management of land use, freshwater, and coastal water. As proposed, this is designed to</p> <ol style="list-style-type: none"> i. Maintain or enhance coastal values; and ii. Reduce the potential for health and nuisance effects. <p>The criterion under (ii), as stated, has no degree of significance. Our concern is exacerbated by the perspective that reducing the potential for health and nuisance effects can incorporate a wide range of activities, again regardless of significance.</p>	Policy 2.3.4 (b) (ii) is deleted.

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		Federated Farmers considers there is more clarity around defining and protecting positive aspects in an integrated manner as sought under 2.3.4 (a) and (b) (i). Policy 2.3.4 (b) (ii) adds nothing material to this policy while creating unnecessary uncertainty.	
Chapter 3 Communities in Otago are resilient, safe and healthy	Oppose in part	<p>The preamble lists a number of potential risks, stating these broadly with no subsequent direction, and no commentary on the likelihood of risk or threat; as such it is unnecessarily alarmist. The statement that “<i>Otago is at risk of a number of expected and unexpected shocks and changes, including... imported goods...</i>” without qualification is particularly concerning.</p> <p>While there are some potential (biosecurity) threats from imported goods there are also significant economic and social benefits. The preamble would ideally be rewritten to express the positive outcomes the provisions within the Chapter will work towards, rather than this brief yet alarmist focus on threats.</p>	The preamble is rewritten to express the positive outcomes the provisions within the Chapter will work towards.
Objective 3.1 Protection, use and development of natural and physical resources recognises environmental constraints	Oppose in part	<p>The Objective to recognise environmental constraints relies on these environmental constraints being fixed and clearly understood. As written the Objective fails to acknowledge the positive benefits of resource use. Federated Farmers considers this Objective should be re-written to focus on sustainability as the desired outcome; this is an easier to understand, holistic reference.</p> <p>We do however support the comment that there should be sufficient water supply available for a proposed activity. We think that this could be rephrased to acknowledge the opportunity for additional water storage needs and appropriate use and allocation of water.</p>	<p>Objective 3.1 is amended as follows (or words to similar effect):</p> <p>Protection, use and development of natural and physical resources <u>is environmentally sustainable</u> recognises environmental constraints</p>
Objective 3.2 Risk that natural hazards pose to Otago's communities are	Support	The risks from natural hazards cannot be completely mitigated. Risks should be minimised based on the scale of threat they pose to human communities.	Adopt the Objective as proposed.

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minimised			
Objective 3.3 Otago's communities are prepared for and able to adapt to the effects of climate change	Support	It is important that communities are prepared for, and able to adapt to, the effects of climate change.	Adopt the Objective as proposed.
Objective 3.4 Good quality infrastructure and services meet community needs	Support	Infrastructure is critical to community, business, and environmental wellbeing. However, the detail to the objective should recognise that infrastructure is also provided by state owned enterprise.	Adopt the Objective as proposed. Some infrastructure is provided by local authorities (such as water supply, waste water and stormwater), while others are managed by private companies <u>and/or state owned enterprise</u> .
Objective 3.6 Energy supplies to Otago's communities are secure and sustainable	Oppose in part	<p>The Need for this objective is defined as: "We need to reduce our dependency on fossil fuels and improve our energy resilience".</p> <p>Fossil fuels also provide significant economic and social benefits, and these should be factored into any regulatory response to the use of fossil fuels; it is not a one sided equation.</p> <p>Further, the security of fossil fuels is one that is largely dealt with through markets. Those using fossil fuels where the supply of those fuels is under threat are the agents placed to make a decision on whether to continue to use these, and shoulder the subsequent risk, or whether to adopt newer, less secure resources.</p> <p>The 'need' to reduce fossil fuels is similarly market driven, and is largely a non-regulatory concern. Any regulatory intervention should be national, not regional.</p>	<p>The "Need" for Objective 3.6 is amended as follows (or words to similar effect): We need to reduce our dependency on fossil fuels <u>encourage sustainable energy use</u> and improve our energy resilience.</p>

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Objective 3.8 Urban growth is well designed and integrates effectively with adjoining urban and rural environments	Support	Inappropriate or poorly designed urban development can create unnecessary infrastructure and other (loss of productive land or capacity) costs. Subsequently it is important that urban areas are well designed and considered.	Adopt the Objective as proposed.
Policy 3.1.1	Support in part	Federated Farmers agrees it is important to 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. However, it is also important for the RPS to provide scope for those resources to be used to provide for the economic and social wellbeing of Otago's residents, and this 'other side of the coin' should be recognised in this policy.	Policy 3.1.1 is amended as follows (or words to similar effect): 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, <u>while providing for the reasonable use of these resources, including:</u> 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.
Policy 3.2.1	Support in part	Federated Farmers agrees it is important to identify natural hazards that may adversely affect Otago's communities, including hazards of low likelihood and high consequence. However, it is important that the	Policy 3.2.1 is amended as follows (or words to similar effect):

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		regulatory response to these potential hazards is appropriate to the risk of the <u>hazard to human communities</u> . Federated Farmers is keen to avoid an unnecessarily onerous burden for non-inhabited farm structures, for example.	Identify natural hazards that may adversely affect Otago's <u>human</u> communities, including hazards of low likelihood and high consequence.
Policy 3.2.3	Support in part	<p>Federated Farmers agrees it is important to the consequences of natural hazard events. However, it is important that the regulatory response to these potential hazards is appropriate to the risk of the <u>hazard to human communities</u>. It is important to recognise the resilience of farming activities to natural hazards with simple farm structures (hay sheds, storage bins) exempt from natural hazards rules in district plans, unless these structures are significantly contributing to or exacerbating the effects of an adverse event.</p> <p>Federated Farmers is keen to avoid an unnecessarily onerous burden for non-inhabited farm structures. The RPS should enable a balanced look at assessing the risks, and where the costs of addressing remote/minimal risk is unacceptably high for non-inhabited buildings/activities, this lower level of risk should be reflected in local regulation.</p>	<p>Policy 3.2.3 is amended as follows (or words to similar effect):</p> <p>Assess the consequences of natural hazard events <u>on Otago's human communities</u>, 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; <u>k) The costs (including to landowners) of mitigating the hazard</u>
Policy 3.2.4	Support in part	Federated Farmers agrees it is important to manage natural hazard risk. However, it is important that the regulatory response to these potential	Policy 3.2.4 is amended as follows (or words to similar effect):

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		<p>hazards is appropriate to the risk of the <u>hazard to human communities</u>. It is important to recognise the resilience of farming activities to natural hazards with simple farm structures (hay sheds, storage bins) exempt from natural hazards rules in district plans, unless these structures are significantly contributing to or exacerbating the effects of an adverse event.</p> <p>Federated Farmers is keen to avoid an unnecessarily onerous burden for non-inhabited farm structures. The RPS should enable a balanced look at assessing the risks, and where the costs of addressing remote/minimal risk is unacceptably high for non-inhabited buildings/activities, this lower level of risk should be reflected in local regulation.</p> <p>We particularly support policies 3.2.4 (c) and (e), which outline community's tolerance to risk and sensitivity of activities to risk as considerations. However we believe the policy would provide clarity if it is better explained that the key issue is in respect to the risk to human communities.</p>	<p>Manage natural hazard risk to <u>human communities</u>, including with regard to:</p> <ul style="list-style-type: none"> a) The risk they pose, considering the likelihood and consequences of natural hazard events; and b) The implications of residual risk, including the risk remaining after implementing or undertaking risk reduction and hazard mitigation measures; and c) The community's tolerance of that risk, now and in the future, including the community's ability and willingness to prepare for and adapt to that risk, and respond to an event; and d) The changing nature of tolerability and risk; and e) Sensitivity of activities to risk.
Policy 3.2.5	Support in part	<p>Federated Farmers agrees it is important to assess activities for natural hazard risk. However, it is important to include a reference of the significance of that risk to human communities as criteria.</p>	<p>Policy 3.2.5 is amended as follows (or words to similar effect):</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

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			event; <u>f) The significance of the threat posed to human communities.</u>
Policy 3.2.6	Support in part	Federated Farmers agrees it is important to avoid increasing natural hazard risk. However, it is important that any such assessment primarily focussed on the risk to <u>human communities</u> .	Policy 3.2.6 is amended as follows (or words to similar effect): Avoid increasing natural hazard risk <u>to human communities</u> , including by:
Policy 3.2.7	Oppose in part	<p>Federated Farmers broadly agrees it is important to reduce existing natural hazard risk. However, for established land or resource uses this risk, particularly risk related to existing (or slight or considered changes to existing) primary production activities, has largely been assimilated into planning. In these instances regulation adds little but additional costs.</p> <p>For example, while there may be non-inhabited structures that exacerbate the impacts of hazards on human communities, the significance of these impacts should be considered, as should the costs of mitigating or addressing these impacts.</p> <p>Subsequently we believe policies 3.2.7 (a) and (b) should be qualified with a degree of significance. We also consider that</p> <p>We consider that the term 'discourage activities that increase risk or vulnerability' should be qualified to indicate a degree of significance. For example, if risk is only raised to a small degree and the community considers that acceptable, discourage looks a step away from 'avoid' to my mind. Given alpine fault, I think CODC and QLDC could get really stung when trying to implement earthquake risk plan changes if RPS too directive/narrow... Westland DC started off that way with PC7 but ended up permitting all farm bulidings even in the 'ZONE'.</p>	Policy 3.2.7 is amended as follows (or words to similar effect): Reduce existing natural hazard risk, including by: a) Encouraging activities that <u>significantly</u> : i. Reduce risk; or ii. Reduce community vulnerability; and b) Discouraging activities that <u>significantly</u> : i. Increase risk; or ii. Increase community vulnerability; and c) Considering the use of exit strategies for areas of significant risk, <u>to human communities</u> ; and d) Encouraging design that facilitates: i. Recovery from <u>significant</u> natural hazard events or ii. Relocation to areas of <u>significantly</u> lower risk; and e) Relocating lifeline utilities, and facilities for essential and emergency service, to areas of

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			<p>reduced risk, where appropriate and practicable; and</p> <p>f) Enabling development, upgrade, maintenance and operation of lifeline utilities and facilities for essential and emergency services; and</p> <p>g) Re-assessing natural hazard risk, and community tolerance of that risk, following significant natural hazard events.</p>
Policy 3.2.8	Oppose	<p>If the risks from a natural hazard/s is uncertain or unknown, applying the precautionary approach may result in significant or unacceptable costs to the communities irrespective of the scale of the risk.</p> <p>Regulation and policy is seldom perfectly informed. In instances where there are unknowns or unknowables it is important that councils discuss the potential for risk and the options for addressing this risk with the affected communities. The RPS is not the appropriate regulatory document to inform this discussion.</p>	Policy 3.2.8 is deleted.
Policy 3.2.9	Support in part	We support the intent of the policy, however there is potential for the policy to be implemented in such a way that places significant costs on resource users, or regulates for insignificant impacts or perceived impacts on natural hazard mitigation. A degree of significance is appropriate.	<p>Policy 3.2.9 is amended as follows (or words to similar effect):</p> <p>Protect, restore, enhance and promote the use of natural or modified features and systems, which <u>significantly</u> contribute to mitigating the effects of both natural hazards and climate change.</p>
Policy 3.4.1	Support in part	We consider it is also important to consider the impacts of infrastructure on primary production and existing land uses.	<p>Policy 3.4.1 is amended as follows (or words to similar effect):</p> <p>Achieve the strategic integration of infrastructure with land use, by:</p> <p>a) Recognising functional needs of</p>

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			<p>infrastructure of regional or national importance; and</p> <p>b) Designing infrastructure to take into account:</p> <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 <u>viii. The effects on existing land use and land users; and</u> <p>c) Managing urban growth:</p> <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

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			urban development; or ii. Structural redesign and redevelopment within existing urban areas.
Policy 3.4.2		<p>We consider it is also important to consider the impacts of infrastructure on primary production and existing land uses within 3.4.2 (b).</p> <p>In respect to 3.4.2 (e), infrastructure corridors are often positioned on private land, particularly primary production land. These corridors already have an adverse economic and social impact on the land uses in proximity to these corridors, many of which (primary production particularly) are reasonably compatible within the defined corridors.</p> <p>There are existing regulatory documents (the National Policy Statement for Electricity Transmission, for example) which territorial local authorities are already required to 'give effect to'. There are also existing non-regulatory documents (for instance the New Zealand Electrical Code of Practice for Electrical Safe Distances) which address the harm to human communities, and the threat from incompatible activities to infrastructure.</p> <p>Inclusion of (e) in the RPS provides unnecessary to additional direction to the district planning process, and unnecessarily elevates the importance of infrastructure when district planning and regional planning should provide for a more balanced discussion within the local context.</p>	<p>Policy 3.4.2 is amended as follows (or words to similar effect):</p> <p>Manage infrastructure activities, to:</p> <ul style="list-style-type: none"> a) Maintain or enhance the health and safety of the community; and b) Reduce adverse effects of those activities, including cumulative adverse effects on natural and physical resources, <u>primary production and existing land uses</u>; and c) Support economic, social and community activities; and d) Improve efficiency of use of natural resources; and e) Protect infrastructure corridors <u>from incompatible activities for infrastructure needs, now and for the future</u>; 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.
Policy 3.4.3	Support	It is important that lifeline utilities, and facilities for essential or emergency services are designed appropriately to ensure they operate as needed in emergency events.	Adopt the policy as proposed.
Policy 3.4.4	Oppose in part	Restricting activities that may result in reverse sensitivity for hazard mitigation, without reference to the significance of the hazard mitigation,	Policy 3.4.4 is amended as follows (or words to

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		<p>and without consideration of the costs that may result from placing restrictions on other reasonable activities, is a very low bar.</p> <p>Further, the policy proposes to 'protect' when for the reasons outlined above, the focus should be on managing, particularly given the breadth of hazard mitigation measures.</p> <p>Further, it is important to first assess the significance of adverse effects as sought under (d) as a first order priority.</p>	<p>similar effect):</p> <ol style="list-style-type: none"> 1. (a) is replaced by (d) 2. Wording is amended as follows (or words to similar effect): <p>Protect <u>Managing adverse effects on the</u> functioning of hazard mitigation measures, lifeline utilities, and essential or emergency services, including by:</p> <ol style="list-style-type: none"> a) Restricting the establishment of those activities that may result in reverse sensitivity effects; and b) Avoiding significant adverse effects on those measures, utilities or services; and c) Avoiding, <u>Remedying</u> or mitigating other adverse effects on those measures, utilities or services; and d) Assessing the significance of adverse effects on those measures, utilities or services, as detailed in Schedule 3; and e) Maintaining access to those measures, utilities or services for maintenance and operational purposes; and f) Managing other activities in a way that does not foreclose the ability of those mitigation measures, utilities or services to continue functioning.
Policy 3.5.3	Oppose in part	Protecting nationally or regionally significant infrastructure is necessary, however it can also come at a cost if regulation exceeds what is reasonable. This is particularly the case where activities are generally compatible or where the impact of these activities on infrastructure is	<p>Policy 3.5.3 is amended as follows (or words to similar effect):</p> <ol style="list-style-type: none"> 1. (a) is replaced by (d) 2. Wording is amended as follows (or words to

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		<p>insignificant.</p> <p>There are existing regulatory documents (the National Policy Statement for Electricity Transmission, for example) which territorial local authorities are already required to 'give effect to'. There are also existing non-regulatory documents (for instance the New Zealand Electrical Code of Practice for Electrical Safe Distances) which address the harm to human communities, and the threat from incompatible activities to infrastructure.</p> <p>Further, it is important to first assess the significance of adverse effects as sought under (d) as a first order priority.</p>	<p>similar effect):</p> <p>Protect infrastructure of national or regional significance, by:</p> <p>a) Restricting the establishment of <u>incompatible</u> activities that may result in <u>significant</u> reverse sensitivity effects; and</p> <p>b) Avoiding <u>or managing</u> significant adverse effects on the functional needs of such infrastructure; and</p> <p>c) Avoiding, remedying or mitigating other adverse effects on the functional needs of such infrastructure; and</p> <p>d) Assessing the significance of adverse effects on those needs, as detailed in Schedule 3; and</p> <p>e) Protecting infrastructure corridors for infrastructure needs, now and for the future.</p>
Policy 3.6.3	Oppose in part	<p>While it is important to protect the generation of renewable electricity generation activities, a degree of significance must be included to ensure this protection does not unnecessarily impact other activities that provide for the economic and social wellbeing to the region.</p> <p>Further, it is important to first assess the significance of adverse effects as sought under (d) as a first order priority.</p>	<p>Policy 3.6.3 is amended as follows (or words to similar effect):</p> <p>1. (a) is replaced by (d)</p> <p>2. Wording is amended as follows (or words to similar effect):</p> <p>a) Recognising the functional needs of renewable electricity generation activities, including physical resource supply needs; and</p> <p>b) Restricting the establishment of those <u>incompatible</u> activities that may result in <u>significant</u> reverse sensitivity effects; and</p> <p>c) Avoiding, remedying or mitigating adverse effects from other activities on the functional</p>

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			needs of that infrastructure; and d) Assessing the significance of adverse effects on those needs, as detailed in Schedule 3.
Policy 3.6.5	Oppose in part	<p>It would be useful for the RPS to clarify the differences between electricity transmission and electricity distribution. For certainty's sake we would favour this policy (and related policies) specifying the matter is transmission.</p> <p>While we recognise the need to provide for electricity distribution/transmission, this infrastructure is often positioned on private land, particularly primary production land with some adverse economic and social impact on the land uses in proximity to these corridors, many of which (primary production particularly) are reasonably compatible within the defined corridors.</p> <p>There are existing regulatory documents (the National Policy Statement for Electricity Transmission, for example) which territorial local authorities are already required to 'give effect to'. There are also existing non-regulatory documents (for instance the New Zealand Electrical Code of Practice for Electrical Safe Distances) which address the harm to human communities, and the threat from incompatible activities to infrastructure.</p> <p>Inclusion of (e) in the RPS provides unnecessary to additional direction to the district planning process, and unnecessarily elevates the importance of infrastructure when district planning and regional planning should provide for a more balanced discussion within the local context.</p> <p>It is unclear what this policy adds to other policy related to regionally or nationally significant infrastructure. Further, it is important to first assess the significance of adverse effects as sought under (d) as a first order priority.</p>	<p>Policy 3.6.5 is amended as follows (or words to similar effect):</p> <ol style="list-style-type: none"> 1. (a) is replaced by (d) 2. (e) is deleted 3. Wording is amended as follows (or words to similar effect): <p>Protecting electricity distribution <u>transmission</u> infrastructure</p> <p>Protect electricity distribution <u>transmission</u> infrastructure, by:</p> <ol style="list-style-type: none"> a) Recognising the functional needs of electricity <u>distribution transmission</u> activities; and b) Restricting the establishment of those <u>incompatible</u> activities that may result in <u>significant</u> 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; and e) Protecting existing distribution corridors for infrastructure needs, now and for the future.
Policy 3.8.1	Support in part	<p>Poorly considered, provided for or planned urban development can adversely impact primary production through reverse sensitivity, increased infrastructure costs (operating and capital), the loss of soils from productive</p>	<p>Policy 3.8.1 is amended as follows (or words to similar effect):</p> <ol style="list-style-type: none"> c) Identifying future growth areas that:

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		<p>use and through urban sprawl and associated issues.</p> <p>Urban development therefore needs to be considered and proactively planned for in district planning documents, over an appropriate timeframe. However, the particular pressures for each of Otago's territorial authorities will be different; Queenstown Lakes District and to a lesser extent Dunedin City, will face pressures over the next ten years that other districts will not have to address. In other TAs, some townships will face significant growth demands while others may decline. For these reasons Federated Farmers favours flexibility through the RPS to enable these local discussions and trade-offs, particularly through zoning which works to address other issues (reverse sensitivity). We particularly support (a) to this end, as it provides for considered and flexible management.</p> <p>We are cautious about the inclusion of productive soils within this policy. While we support the desire to provide for primary production, the nature of the underlying soil resource is only one factor contributing to productivity. Otago's farmers are innovative and can be productive on all manner of soils; similarly in some areas soils considered to provide high productivity may not be as productive for other reasons. As a result we do not favour heavy regulatory protection of soils through the RPS.</p>	<p>i. Minimise adverse effects on rural productivity, including loss of highly valued soils or creating competing urban demand for water and other resources; and</p>
Policy 3.8.2	Support	<p>Poorly considered, provided for or planned urban development can adversely impact primary production through reverse sensitivity, increased infrastructure costs (operating and capital), the loss of soils from productive use and through urban sprawl and associated issues.</p> <p>Urban development therefore needs to be considered and proactively planned for in district planning documents, over an appropriate timeframe.</p>	Adopt the policy as proposed.
Policy 3.8.3	Oppose	<p>While we agree that poorly considered, provided for or planned urban development can adversely impact primary production, legitimate and reasonable land use decisions in rural areas also play a key part in providing for the ongoing viability of farming. This may include, for example, subdivision of a part of a farming operation to allow for farm succession</p>	The policy is deleted.

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		<p>planning, or to provide for worker or family accommodation.</p> <p>In these examples the overall economic viability of the farming operation is underpinned through the ability to make land use decisions, without materially impacting the productive nature of rural resources.</p> <p>Previous policies appropriately address concerns associated with urban sprawl, and we would favour the RPS providing scope for district planning processes to address the issues underpinning this policy.</p>	
Chapter 4: People are able to use and enjoy Otago's natural and built environment	Support in part	<p>We support positive recognition of benefits of natural and physical resources to Otago. However we suggest some rewording, in particular the reference to 'highly interconnected'. While resources are certainly interconnected, with no point of reference 'highly' is superfluous and overplays the extent of this interconnectedness.</p> <p>Further, we believe the introduction to this chapter should be better informed by a more comprehensive discussion on the importance of resource use in general, and primary production in particular, in the introduction to the RPS.</p>	<p>The introduction to the chapter is rewritten as follows (or words to similar effect):</p> <p>The use of natural and physical resources underpins economic and community <u>activity wellbeing</u> in Otago. However <u>Due to the importance of these resources to Otago's wellbeing, and the dynamic and highly interconnected nature of the environment the sustainable management of our resources requires consideration of the adverse effects of resource use on the environment and on other resource users.</u></p>
Objective 4.1 Public access to areas of value to the community is maintained or enhanced	Support in part	<p>While we support the intentions of the policy, where access occurs across private land there is potential for significant issues (including safety for those seeking access) given much of this private land includes operating farms. In these instances it is critical for those seeking access to negotiate directly with adjacent landowners. These concerns should be appropriately acknowledged in the subsequent policies and methods of the RPS.</p> <p>However we support the objective's focus on development and subdivision.</p>	Adopt the Objective as proposed.
Objective 4.3 Sufficient land is managed and	Support in part	<p>We agree with the Issue and Need stated for this policy. However, as written the Objective indicates a heavy regulatory hand, which is not sufficiently justified by, or reflective of, the Issue and Need. We recommend</p>	Objective 4.3 is rewritten as follows (or words to similar effect):

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protected for economic production		rewording of the Objective to provide greater clarity.	Sufficient Pressures on land used is managed and protected for economic production <u>are appropriately managed</u>
Objective 4.4 Otago's communities can make the most of the natural and built resources available for use	Support in part	<p>We agree with the Issue and Need stated for this policy. However, as written the Objective indicates a heavy regulatory hand, which is not sufficiently justified by, or reflective of, the Issue and Need.</p> <p>In particular it is not appropriate for the RPS to attempt to define what is 'efficient' allocation, nor to decide how to 'maximise socio-economic' wellbeing. We believe this objective would best be met by providing better recognition of the positive outcomes from resource use right across the RPS, particularly within the introduction, and by reducing the content of the RPS to provide for a more enabling regulatory framework.</p> <p>We also recommend rewording of the Objective to provide greater clarity.</p>	<p>Objective 4.4 is rewritten as follows (or words to similar effect):</p> <p>Objective 4.4 Otago's communities can make the most of the natural and built resources available for use</p> <p>Issue:</p> <p>Many Otago relies on natural and physical resources we rely on for economic activity and <u>these should be appropriately managed</u> wellbeing are finite and under pressure from different uses and users.</p> <p>Need:</p> <p>We need <u>to provide for</u> efficient allocation and use of these resources to maximise <u>enable</u> socio-economic and cultural benefits, as well as sustain environmental wellbeing.</p>
Objective 4.5 Adverse effects of using and enjoying Otago's natural and built environment are minimised	Support in part	While we support the intention of the Objective, we favour management as an objective rather than minimising adverse effects as this provides for a more considered, holistic approach.	<p>Objective 4.5 is rewritten as follows (or words to similar effect):</p> <p>Adverse effects of using and enjoying Otago's natural and built environment are <u>appropriately managed</u> minimised</p>
Policy 4.3.1	Support in part	While we support the intention of the Policy, we believe it should be reworded to better reflect what we perceive is the overall intent, along	Policy 4.3.1 is rewritten as follows (or words to similar effect):

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		<p>similar lines as our submission on Objective 4.4.</p>	<p>Managing Providing for rural activities Manage Providing for activities in rural areas, to support the region's <u>economic and social wellbeing</u> economy and communities, by:</p> <ul style="list-style-type: none"> a) Enabling farming, <u>ancillary activities</u> and other rural activities that support the rural economy; and b) Managing minimising the loss of soils highly valued for their versatility for primary production; and c) Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects; and d) Minimising Managing the <u>inappropriate</u> subdivision of productive rural land into smaller lots that may where this will result in rural residential activities <u>incompatible with primary production</u>; and e) Providing for other activities that have a functional need to locate in rural areas, including tourism and recreational activities that are of a nature and scale compatible with rural activities.
Policy 4.3.2	Oppose in part	<p>While we recognise the need to ensure water yield is not significantly impacted by land use decisions in dry catchments, the benefits of tussock grassland in respect to retention of water will be catchment dependent; subsequently the benefits of retention of tussock grasslands will also largely be catchment dependent.</p> <p>The policy, as written, is too directive. We would prefer the policy seeks to avoid any significant reduction in water yield by first assessing the potential role for tussock grassland in respect to retention of water within each</p>	<p>Policy 4.3.2 is rewritten as follows (or words to similar effect):</p> <p>Minimising the conversion of tussock grasslands to species which are less able to capture and hold precipitation <u>where the impacts on water yield are likely to be significant</u>.</p>

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		<p>catchment, and then, if necessary or warranted, developing appropriate regulatory or non-regulatory mechanisms to address the issue within each catchment.</p>	
Policy 4.4.1	Support in part	<p>Federated Farmers agrees with the need to ensure water is efficiently allocated, and by extension used, for the wellbeing of Otago.</p> <p>We believe 4.4.1 (a) has potential to be interpreted tightly, and seek to ensure the policy is rewritten to allow for reasonable seasonal variation in use, and/or allows for <u>reasonable</u> changes between practices as needed (for example, a farm switching from lower productivity and lower water usage, and vice versa, in response to market demands).</p> <p>We particularly support policy 4.4.1 (d) as a potential 'win/win' across the four wellbeings.</p>	<p>Policy 4.4.1 is rewritten as follows (or words to similar effect):</p> <p>Ensure an efficient allocation and use of water by:</p> <p>a) Requiring that the volume of water allocated does not exceed what is necessary for the <u>purpose of reasonable use, including appropriate allowance for reasonable variability in use between practices and seasons</u>; and</p> <p>b) Requiring the development or upgrade of infrastructure that increases use efficiency, <u>where economically feasible</u>; and</p> <p>c) Encouraging collective coordination and rationing of take and use of water when river flows or aquifer levels are lowering, to avoid breaching any minimum flow or aquifer level restriction; and</p> <p>d) Enabling water harvesting and storage, to reduce pressure on water bodies during periods of low flows.</p>
Policy 4.4.3	Support in part	<p>We support the intention to encourage activities which contribute to enhancing the natural environment. However, there are myriad activities which could be considered to contribute to the enhancement of the natural environment; some of these are not feasible or likely to contribute anything of significance.</p> <p>We are more cautious about the reference to 'ecological corridors'. Many</p>	<p>Policy 4.4.3 is rewritten as follows (or words to similar effect):</p> <p>Encourage activities which <u>significantly</u> contribute to enhancing the natural environment, including to:</p>

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		<p>areas of private land may be considered to contribute to ecological corridors, yet requiring protection of these areas in a piecemeal approach may create significant costs to the primary producer without significantly increasing the stock of Otago’s natural resources or significantly contributing to Otago’s ecological outcomes. For this reason we support the proposal to encourage these activities but seek the policy is less prescriptive around ‘corridors’; instead this is a matter for district planning processes to address as or where appropriate.</p>	<ul style="list-style-type: none"> a) Improve water quality; or b) Protect or restore habitat for indigenous species; or c) Regenerate indigenous species; or d) Mitigate natural hazards; or e) Restore the natural character of wetlands; or f) Improve the health and resilience of: <ul style="list-style-type: none"> i. Ecosystems supporting indigenous biodiversity; or ii. Important ecosystem services, including pollination; or g) Improve access to rivers, lakes, wetlands and their margins; or h) Buffer or link ecosystems, habitats and areas of significance that contribute to ecological corridors; or i) Control pest species.
<p>Objective 4.5 Adverse effects of using and enjoying Otago’s natural and built environment are minimised</p>	<p>Support in part</p>	<p>The Objective frames resource use almost wholly as a challenge to be addressed, ignoring that this resource use underpins the social and economic wellbeing of Otago’s communities.</p> <p>We believe this Objective should better recognise the positive outcomes from resource use, a concern applicable to the entirety of the RPS.</p> <p>We do not agree that degrading the quality of Otago’s natural environment “can only” be achieved through integrated management of Otago’s natural resources; this infers a heavy handed regulatory approach across is the only, best or preferred method of ensuring the natural resources of the region are maintained when there is clearly a critical role for non-regulatory, catchment or resource use level intervention within or apart from the regional regulatory structure.</p>	<p>Objective 4.5 is rewritten as follows (or words to similar effect):</p> <p>Any <u>Use of natural or physical resources significantly contributes to the wellbeing of Otago’s communities. However, resource use also has the potential to generate adverse effects. It is important to appropriately manage activities to avoid, individually or cumulatively, degrading the quality of Otago’s natural environment. This requires the proactive and integrated management of natural resources, and can only be achieved through the integrated management of Otago’s natural</u></p>

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			resources, and by giving due consideration to both managing adverse effects and maintaining and enhancing environmental values. Resource use can also have adverse effects on other uses or prevent the normal operation of existing uses.
Policy 4.5.1	Oppose	<p>We support the intent to avoid discharges that are objectionable or offensive to takata whenua and the wider community. In practice however, particularly from a farming perspective, there are clear practical limitations around the extent to which farmers or farm managers can ensure stock do not discharge waste, particularly 'in close proximity to' the areas defined.</p> <p>This is a material concern as the requirement to 'avoid' combined with 'close proximity' to these sites or activities may be read to require fencing.</p> <p>This policy sets the regulatory bar exceptionally low. There is no degree of significance, and as written, the policy could conceivably require rules to prevent a toddler swimming in freshwater on the offchance that toddler relieves him or herself while swimming. As written the policy may regulate what are both individually and cumulatively relatively insignificant matters without regard to the costs or issues that would likely arise from implementation of the policy.</p>	The policy is deleted, or rewritten to focus solely on hazardous substances.
Policy 4.5.2	Support	<p>Federated Farmers agrees it is important that regulation applies an adaptive management approach, to address adverse effects that might arise. Further we agree from both the regulator's and the resource user's perspective it is necessary to have appropriate indicators and thresholds, beyond which regulation is required.</p> <p>Indeed, a large chunk of the proposed RPS could be deleted with greater focus given to this one policy.</p>	The policy is adopted as proposed.
Policy 4.5.4	Support	It is appropriate to minimise soil erosion where this results from particular activities.	The policy is adopted as proposed.

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Policy 4.5.5	Support	Pest species can significantly impact the wellbeing of Otago's communities and it is necessary to control the adverse effects of pest species, prevent their introduction and reduce their spread.	The policy is adopted as proposed.
Policy 4.5.7	Support in part	Federated Farmers agrees with the intentions to enable offsetting of adverse effects on indigenous biodiversity values. As proposed policy 4.5.7 (a) adds unnecessary criteria. Where the criteria under (b) and (c) are met, offsetting should be available to all activities.	Policy 4.5.7 (a) is deleted, with the subsequent policies renumbered accordingly.

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PART C: IMPLEMENTATION			
Method 1.1	Support in part	<p>Federated Farmers supports the intention to ensure Regional, city and district councils develop processes to Establish and maintain effective resource management relationships with Kāi Tahu and have regard to Iwi Management Plans.</p> <p>However, the requirement to consult Kāi Tahu in resource management decision-making, and particularly in implementation, goes beyond what is required, providing primacy to Kāi Tahu concerns. We consider this has the potential to place significant and largely unnecessary costs on resource users through consent requirements, and to create unwieldy resource management implementation.</p> <p>We believe that if Methods 1.11 and 1.12 are implemented correctly Kāi Tahu values, rights and interests should be appropriately reflected in regional and district/city council regulation in an effective manner, at the front end of policy development. This renders Method 1.13 unnecessary and likely to add little of benefit.</p>	<ol style="list-style-type: none"> 1. Methods 1.11 and 1.12 are adopted as proposed. 2. Method 1.13 is deleted.
Method 1.2	Support in part	<p>Federated Farmers supports the proposal for regional, city and district councils will collaborate with Kāi Tahu to these ends. However, enshrining the requirement to identify and <u>protect</u> values is too directive for a regional policy statement. If the appropriate processes and relationships are in place the decision to protect these values can be made further down the RMA hierarchy.</p>	<p>Method 1.2.2 is rewritten as follows (or words to similar effect):</p> <p>Identify and protect the values that contribute to their significance;</p>
Method 6.2.2	Support in part	<p>The method proposes that regional, city and district councils will research and share information relevant to the effects of land use on water, including at (a) (i) the values supported by the catchment. Through implementation of the NPS Freshwater, regional councils are required to go through specific processes, in consultation with the community, to identify values relating to each catchment. Council has chosen another route through plan change 6a; however it can not then decide to develop values piecemeal without having</p>	<p>Method 6.2.2 (a) (i) is deleted.</p>

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		these catchment focussed discussions around the appropriate values within each catchment. In short, the identification of values should either include this consultation with affected communities within each catchment, or the identification of values should not be taken as being representative of the required value identification or setting process.	
Method 7.4.1	Support in part	The pest management strategy should also consider the impact of pests on primary production and primary production activities.	Method 7.4.1 is rewritten to include reference to the impact pests may have on primary production and primary production activities as a matter for consideration.
Method 7.5.1	Support	It is appropriate that ORC develop a joint pest management strategy with neighbouring regions where feasible and where this will enable better pest management outcomes.	Adopt the Method as proposed.
Method 8	Support	Resource users are a key mechanism to achieving the outcomes sought through the RPS. We fully support education and information as a method for addressing resource management issues and enabling better resource management outcomes and reducing the potential harm to inhabitants of the region.	Adopt the Method as proposed.
Method 9.1.1	Support	Public access to sites of significance on privately owned land, or services associated with these sites, can create significant direct and indirect (opportunity) costs to those landowners. While most are happy to provide this access, the provision of funding to reflect these costs and the contribution of landowners is important and welcome.	Adopt the Method as proposed.