

SUBMISSION TO THE PROPOSED REGIONAL POLICY STATEMENT FOR OTAGO

TO: Otago Regional Council
70 Stafford Street
Private Bag 1954
DUNEDIN 9054

BY E-MAIL: rps@orc.govt.nz

SUBMISSION ON: The Proposed Regional Policy Statement for Otago

NAME OF SUBMITTER: Pioneer Generation Limited

ADDRESS FOR SERVICE: Pioneer Generation Limited
11 Ellis Street
PO Box 275
Alexandra

Attention: Peter Mulvihill

PHONE: (03) 440 0022 or 027 226 0601

E-MAIL: peter.mulvihill@ppl.co.nz

DATE: 24th of July 2015

1 INTRODUCTION

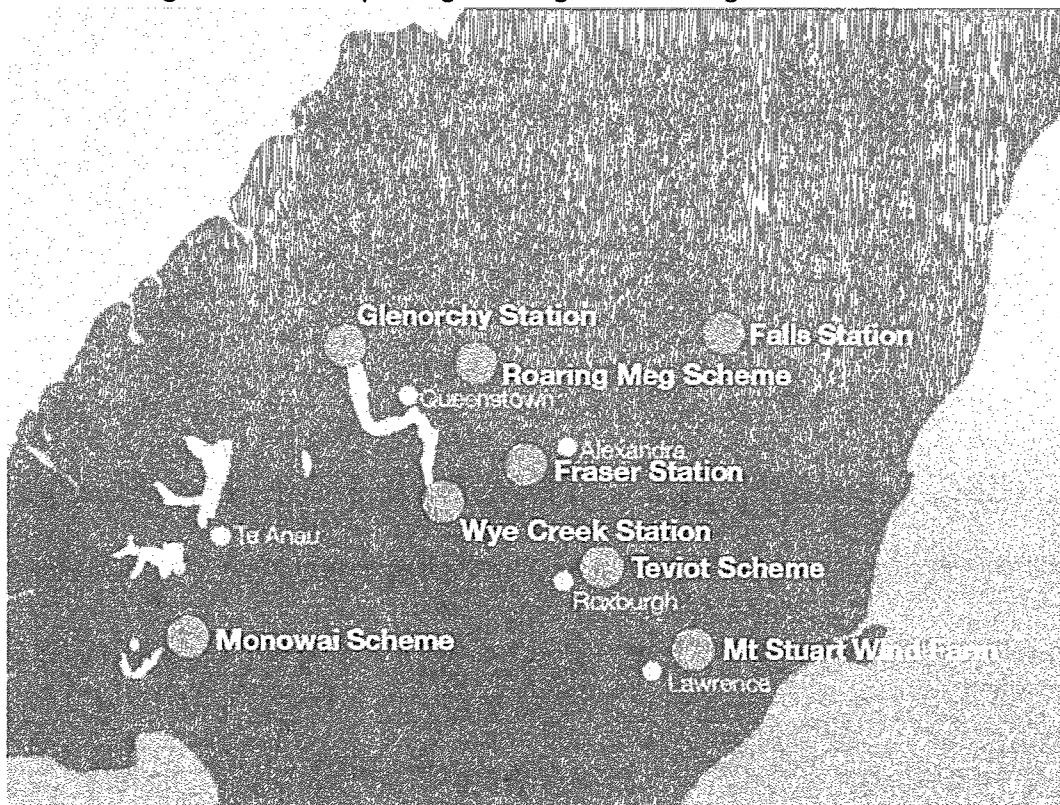
Pioneer Generation Limited (hereafter referred to as 'Pioneer') is a community owned energy business with its origins firmly based in Central Otago. The Company is one hundred per cent owned by the Central Lakes Trust. With over eighty years of electricity generation experience, Pioneer has expanded its customer base by owning and managing a diverse portfolio of renewable energy investments across New Zealand.

Pioneer generates energy from water, wind and waste. From electricity to energy efficiency solutions, Pioneer specialises in developing, owning and operating electricity generation and cleaner energy solutions across New Zealand. This includes servicing the energy supply needs of some of New Zealand's leading primary producers and exporters, hospitals, tertiary institutions, councils and commercial service providers from its unique range of renewable energy options.

Pioneer operates twenty two asset sites and plants located throughout New Zealand. Fifteen of these sites generate 220GWh of electricity from hydro, wind and landfill gas schemes that range in size from 400kW to 7.6MW, with eight schemes located in Central Otago and Southland (as shown in Figure 1) where they are embedded within the local distribution networks.

Pioneer is continuously looking for new development opportunities and ways in which to enhance its existing assets.

Figure 1 – Pioneer power generating assets in Otago and Southland



This submission is made to the provisions of the Proposed Regional Policy Statement for Otago (hereafter referred to as the 'proposed RPS').

Pioneer's submissions are set out within the table that follows ('Table One'). It is noted, for completeness, that the submissions have been advanced to follow the structure of the proposed RPS. More specifically, the Company's submission address the following sections of the Plan:

- Chapter 2 – *Otago has high quality natural resources and ecosystems;*
- Chapter 3 – *Communities in Otago are resilient, safe and healthy; and*
- Chapter 4 – *People are able to use and enjoy Otago's natural and built environment.*

By way of a broad introduction, the Company's submission promotes the following key themes, being:

1. That the proposed RPS needs to provide for and enable the on-going operation and maintenance of the Company's existing assets within the Otago Region, while not unreasonably impeding the future development or expansion of the same. Pioneer's existing assets within the Otago Region include the Mount Stuart Wind Farm, Teviot Hydro and Wind Scheme, Wye Creek Hydro Scheme, Falls Dam Hydro Scheme, Glenorchy Hydro Scheme, Roaring Meg Hydro Scheme and the Fraser Station Hydro Scheme; and
2. That the proposed RPS enables the development of new renewable electricity generation activities within the Otago Region.

Pioneer notes, at the outset, that the Resource Management Act 1991 (hereafter referred to as 'the RMA') is an enabling piece of legislation. This is demonstrated both by the 'purpose' of the RMA, the inclusion of the ability to 'avoid, remedy or mitigate' adverse effects within section 5 of the RMA, and also the ability to undertake 'appropriate' subdivision, use and development within section 6. Pioneer considers that the provisions of the proposed RPS should be consistent with the RMA and what it intends to achieve.

Pioneer wishes to be heard in support of this submission.

If others make a similar submission, Pioneer would consider presenting a joint case with them at any hearing.

Pioneer cannot gain an advantage in trade competition through this submission.

Pioneer would be happy to meet with the Otago Regional Council (hereafter referred to as 'the ORC' or 'the Council') to discuss the points raised within its submission, or any questions, or queries the Council might have, regarding the same. Please do not hesitate to contact the undersigned to arrange such a meeting, if desired.

Yours faithfully

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

Peter Mulvihill
General Manager – Project Development and Delivery
Pioneer Generation Limited

TABLE ONE: SUBMISSIONS TO THE PROPOSED REGIONAL POLICY STATEMENT FOR OTAGO

SUBMISSION POINT	PROPOSED REGIONAL POLICY STATEMENT FOR OTAGO – AS NOTIFIED	REASONS FOR POSITION	RELIEF SOUGHT
Chapter 2 – Otago has high quality natural resources and ecosystems.			
<p>SUBMISSION POINT 1</p>	<p>Part B – Chapter 2 Objective 2.1 <i>The values of Otago’s natural and physical resources are recognised, maintained and enhanced.</i></p>	<p>Objective 2.1 seeks to address the degradation of values and, in turn, the associated risks to the life supporting capacity of the environment and ecosystems.</p> <p>The proposed RPS identifies that cumulative effects of human activities on the environment may be difficult to pinpoint initially, but will cause damage over time.</p> <p>Pioneer considers that Objective 2.1 is a directive provision, further, that it is wide-ranging and unjustifiably restrictive.</p> <p>In this respect Pioneer notes that Objective 2.1 simply refers to the ‘values’ of natural and physical resources, without placing a qualifier on these values such as ‘significant’. As such, the Objective seeks that all ‘values’ be recognised, maintained and enhanced. Pioneer considers that only those values of natural and physical resources that are of significance to the Otago Region should be recognised maintained and enhanced. To recognise, maintain and enhance all values is inconsistent with the purpose of the RMA.</p> <p>In addition, Pioneer notes that Objective 2.1 requires that these values be recognised, maintained <u>and</u> enhanced, while Objective 2.2, which addresses ‘significant and highly</p>	<p>SUBMISSION POINT 1 Pioneer supports, in part, Objective 2.1 of the proposed RPS, subject to the following amendments.</p> <p>RELIEF SOUGHT That Objective 2.1 of Chapter two, be adopted with the following amendments:</p> <p>Objective 2.1 <i>The values of Otago’s natural and physical resources are recognised, maintained and, <u>where appropriate,</u> enhanced.</i></p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the amendments set out in the relief sought above.</p>

		<p>valued' natural resources, requires that these resources be protected <u>or</u> enhanced to maintain their distinctiveness.</p> <p>Given that Objective 2.2 refers to 'values' in broad terms, it is inappropriate that Objective 2.1 seeks to maintain <u>and</u> enhance these values. This is not to say that there are some circumstances where enhancement of the values of natural and physical resources is appropriate. As such Pioneer considers that Policy 2.1 should be amended to provide for a case-by-case approach.</p>	
SUBMISSION POINT 2	<p>Part B – Chapter 2 Policy 2.1.1 – Managing for freshwater values <i>Recognise freshwater values, and manage freshwater, to:</i></p> <p>a) <i>Support healthy ecosystems in all Otago aquifers, and rivers, lakes, wetlands, and their margins; and</i></p> <p>b) <i>Retain the range and extent of habitats provided by freshwater; and</i></p> <p>c) <i>Protect outstanding water bodies and wetlands; and</i></p> <p>d) <i>Protect migratory patterns of freshwater species, unless detrimental to indigenous biodiversity; and</i></p> <p>e) <i>Avoid aquifer compaction, and seawater intrusion in aquifers; and</i></p> <p>f) <i>Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded; and</i></p> <p>g) <i>Maintain or enhance coastal values supported by freshwater values; and</i></p> <p>h) <i>Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian</i></p>	<p>Overall Pioneer considers that Policy 2.1.1 is overly restrictive, as such, the Company is seeking a number of amendments to the same.</p> <p>With respect to Policy 2.1.1 (f) Pioneer considers that there is uncertainty within Policy 2.1.1 (f) regarding the level of degradation required before an 'enhancement' response is triggered. To address this uncertainty clause (f) should be linked to 'freshwater management unit targets' associated with the work that is required of the regional council under the National Policy Statement for Freshwater Management 2014 ('NPSFWM'). In addition, Clause 3.1.4 of Method 3: <i>Regional Plans</i> which specifically refers to Policy 2.1.1 but provides nothing in the way of direction around the setting of water quality standards or the means by which these standards are to be determined requires amendment. As notified Clause 3.1.4 is inappropriate as it creates uncertainty in terms of both the ability to achieve Policy 2.1.1 and, indeed, the direction set by the NPSFWM.</p> <p>Pioneer is also concerned that Policy 2.1.1 does not require freshwater values to be managed to maintain the economic and social wellbeing and health and safety of the community, this appears contrary to the purpose of the RMA as such, Pioneer considers that an additional</p>	<p>SUBMISSION POINT 2 Pioneer supports, in part, Policy 2.1.1 of the proposed RPS, subject to the following amendments.</p> <p>RELIEF SOUGHT That Policy 2.1.1 of Chapter two, be adopted with the following amendments:</p> <p>Policy 2.1.1 – Managing for freshwater values <i>Recognise freshwater values, and manage freshwater, to:</i></p> <p>a) <i>Support healthy ecosystems in all Otago aquifers, and rivers, lakes, wetlands, and their margins; and</i></p> <p>b) <i>Retain the range and extent of habitats provided by freshwater, <u>as appropriate</u>; and</i></p> <p>c) <i>Protect <u>the values of</u> outstanding water bodies and wetlands; and</i></p> <p>d) <i>Protect migratory patterns of freshwater species, unless detrimental to indigenous biodiversity; and</i></p> <p>e) <i>Avoid aquifer compaction, and seawater intrusion in aquifers; and</i></p> <p>f) <i><u>In accordance with established freshwater objectives,</u> Maintain good water quality, including in the coastal marine area, or enhance it where it has been</i></p>

	<p><i>margins, and aquifers; and</i></p> <p><i>i) Retain the quality and reliability of existing drinking water supplies; and</i></p> <p><i>j) Protect Kāi Tahu values; and</i></p> <p><i>k) Provide for other cultural values; and</i></p> <p><i>l) Protect important recreation values; and</i></p> <p><i>m) Maintain the aesthetic and landscape values of rivers, lakes, and wetlands; and</i></p> <p><i>n) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and</i></p> <p><i>o) Mitigate the adverse effects of natural hazards, including flooding and erosion; and</i></p> <p><i>p) Maintain the ability of existing infrastructure to operate within their design parameters.</i></p>	<p>clause (q)) should be added to Policy 2.1.1.</p> <p>Pioneer further considers an amendment to clause (p) of Policy 2.1.1 is necessary so as to enable the maintenance, upgrading and enhancement of existing infrastructure. Clause (p) as notified does not provide for the ability of existing infrastructure to operate outside of its design parameters.</p> <p>Finally, Pioneer considers that this policy should be supported by methods that promote extensive consultation (including with industry stakeholders), recognition of community aspirations and the values of various catchments, so as to inform how this policy is to be implemented.</p>	<p><i>degraded; and</i></p> <p><i>g) Maintain or enhance coastal values supported by freshwater values; and</i></p> <p><i>h) Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers; and</i></p> <p><i>i) Retain the quality and reliability of existing drinking water supplies; and</i></p> <p><i>j) Protect Kai Tahu values; and</i></p> <p><i>k) Provide for other cultural values; and</i></p> <p><i>l) Protect significant recreation values; and</i></p> <p><i>m) Maintain the aesthetic and landscape values of rivers, lakes, and wetlands; and</i></p> <p><i>n) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and</i></p> <p><i>o) Mitigate the adverse effects of natural hazards, including flooding and erosion; and</i></p> <p><i>p) Maintain the ability of existing infrastructure to operate within their design parameters <u>while providing for the maintenance, upgrading and, as appropriate, the enhancement of the same.</u></i></p> <p><i>q) <u>Maintain the ability of water users to provide for the economic and social wellbeing and the health and safety of the community.</u></i></p> <p>AND</p> <p>That Method 3: <i>Regional Plans</i> be amended so as to provide direction around the setting of water quality standards and the means by which these standards are to be amended, by adding the following:</p> <p><u><i>Regional Plans will establish freshwater management</i></u></p>
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<p>SUBMISSION POINT 3</p>	<p>Part B – Chapter 2 Policy 2.1.2 – Managing for values of beds of rivers and lakes, wetlands, and their margins <i>Recognise the values of beds of rivers and lakes, wetlands, and their margins, and manage them to:</i></p> <ul style="list-style-type: none"> a) <i>Protect or restore their natural functioning; and</i> b) <i>Protect outstanding water bodies and wetlands; and</i> c) <i>Maintain good water quality, or enhance it where it has been degraded; and</i> d) <i>Maintain ecosystem health and indigenous biodiversity; and</i> e) <i>Retain the range and extent of habitats</i> 	<p>Much like Policy 2.1.1 Pioneer considers that Policy 2.1.2 is overly restrictive and, as such, the Company is seeking a number of amendments to the same. In addition, the Company is seeking amendments so as to ensure consistency with Policy 2.1.1 above, for those reasons that have already been discussed with respect to that policy.</p> <p>Further, Pioneer is concerned that Policy 2.1.2 does not require freshwater values to be used and managed to provide for the economic and social wellbeing and health and safety of the community. As such, Pioneer requests that an additional clause (clause (m)) be added to Policy 2.1.2.</p> <p>In addition, Pioneer is concerned that parts of Policy 2.1.2 could restrict existing activities that utilise freshwater resources. By way of example, clause (a) requires that the</p>	<p>SUBMISSION POINT 3 Pioneer supports, in part, Policy 2.1.2 of the proposed RPS, subject to the following amendments.</p> <p>RELIEF SOUGHT That Policy 2.1.2 of Chapter 2 be adopted with the following amendments:</p> <p>Policy 2.1.2 – Managing for values of beds of rivers and lakes, wetlands, and their margins <i>Recognise the values of beds of rivers and lakes, wetlands, and their margins, and manage them to:</i></p> <ul style="list-style-type: none"> a) <i>Protect or restore their natural</i> <i>Maintain their functioning in order to provide for key values; and</i> b) <i>Protect the values of outstanding water bodies and</i>

	<p>supported; and</p> <p>f) Maintain or enhance natural character; and</p> <p>g) Protect Kāi Tahu values; and</p> <p>h) Provide for other cultural values; and</p> <p>i) Maintain their aesthetic and amenity values; and</p> <p>j) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and</p> <p>k) Mitigate the adverse effects of natural hazards, including flooding and erosion; and</p> <p>l) Maintain bank stability.</p>	<p>values of beds of rivers and lakes, wetlands and their margins are managed to protect or restore their natural functioning. A hydroelectric power generation scheme ('Scheme' or 'HEPS') by its very nature changes the natural functioning of a river system. Pioneer therefore considers that it is more appropriate for clause (a) to maintain the functioning in order to provide for key values. To give effect to the clause as notified would require the removal of HEPS.</p>	<p>wetlands; and</p> <p>c) <u>In accordance with established freshwater objectives, maintain good water quality, or enhance it where it has been degraded; and</u></p> <p>d) <u>Maintain ecosystem health and indigenous biodiversity; and</u></p> <p>e) <u>Retain the range and extent of habitats supported, as appropriate; and</u></p> <p>f) <u>Maintain or enhance natural character; and</u></p> <p>g) <u>Protect Kāi Tahu values; and</u></p> <p>h) <u>Provide for other cultural values; and</u></p> <p>i) <u>Maintain their aesthetic and amenity values; and</u></p> <p>j) <u>Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and</u></p> <p>k) <u>Mitigate the adverse effects of natural hazards, including flooding and erosion; and</u></p> <p>l) <u>Maintain bank stability; and</u></p> <p>m) <u>Maintain the ability to use the beds of lakes and rivers to provide for the economic and social wellbeing and the health and safety of the community.</u></p> <p>AND</p> <p>That Method 3: <i>Regional Plans</i> be amended so as to provide direction around the setting of water quality standards and the means by which these standards are to be amended, as set out in accordance with Policy 2.1.1 above.</p> <p>AND</p> <p>As set out in accordance with Policy 2.1.1 above, that an</p>
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			<p>additional method is included within the proposed RPS which provide for extensive consultation, regarding the recognition of community aspirations and the values of various catchments, so as to inform how this policy is to be implemented.</p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the amendments set out in the relief sought above.</p>
SUBMISSION POINT 4	<p>Part B – Chapter 2 Objective 2.2 <i>Otago’s significant and highly-valued natural resources are identified, and protected or enhanced.</i></p>	<p>Pioneer considers that Objective 2.2 as notified is appropriately balanced as, unlike Objective 2.1, it relates only to significant and highly-valued natural resources as opposed to natural resources in a general sense.</p> <p>While the term ‘highly-valued’ is somewhat ambiguous when the Objective is read alone, Pioneer notes that the Objective is supported by a number of policies that either prescribe the criteria, or cross reference to a schedule to the proposed RPS, that identify what is ‘significant’ or ‘highly valued’, thus resolving this issue.</p>	<p>SUBMISSION POINT 4 Pioneer supports Objective 2.2 of the proposed RPS.</p> <p>RELIEF SOUGHT That Objective 2.2 of the proposed RPS is retained as notified.</p>
SUBMISSION POINT 5	<p>Part B – Chapter 2 Policy 2.2.2 <i>Managing significant indigenous vegetation and significant habitats of indigenous fauna</i> <i>Protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna by:</i></p> <p>a) <i>Avoiding adverse effects on those values that contribute to the area or habitat being significant; and</i></p> <p>b) <i>Avoiding significant adverse effects on other values of the area or habitat; and</i></p>	<p>Policy 2.2.2 seeks to manage significant indigenous vegetation and significant habitats of indigenous fauna. Pioneer notes that the provision requires the protection and enhancement of the values of areas of significant indigenous vegetation and significant indigenous habitats of indigenous fauna. Section 6 of the RMA requires protection of significant indigenous vegetation and significant habitats of indigenous fauna, as such Pioneer considers that enhancement should only be required in addition to protection, where appropriate.</p>	<p>SUBMISSION POINT 5 Pioneer supports, in part, Policy 2.2.2 of the proposed RPS, subject to the following amendments.</p> <p>RELIEF SOUGHT That Policy 2.2.2 of Chapter two, be adopted with the following amendments:</p> <p><i>Managing significant indigenous vegetation and significant habitats of indigenous fauna</i> <i>Protect and, where appropriate, enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna by:</i></p>

	<p>c) Assessing the significance of the 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 remedied; and</p> <p>f) Encouraging enhancement of those areas and values.</p>		<p>a) Avoiding adverse effects on those values that 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 the 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 remedied; and</p> <p>f) Encouraging enhancement of those areas and values.</p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the amendments set out in the relief sought above.</p>
<p>SUBMISSION POINT 6</p>	<p>Part B – Chapter 2 Policy 2.2.12 – Identifying outstanding water bodies and wetlands <i>Identify outstanding water bodies and wetlands and their values, using the following criteria:</i></p> <p>g) A high degree of naturalness;</p> <p>h) Outstanding aesthetic or landscape values;</p> <p>i) Significant takata whenua cultural values;</p> <p>j) Significant recreational values;</p> <p>k) Significant ecological values;</p> <p>l) Significant hydrological values.</p>	<p>While the criteria for determining whether a water body (or wetland) is outstanding ‘appear’ to be appropriate, the criteria are fairly broad and no additional direction/explanation of the criteria is included as a Schedule to the proposed RPS. This potentially creates uncertainty whereby water bodies (or wetlands) that are not necessarily ‘outstanding’ may be captured by Policy 2.2.12.</p> <p>As such Pioneer considers that Policy 2.2.12 should be supported by a schedule that provides additional direction around the specific values under each of the six criteria. The inclusion of such a schedule would be consistent with the approach to other matters within the proposed RPS such as ‘historic heritage’, whereby Schedule 7 provides criteria for assessing historic heritage values.</p>	<p>SUBMISSION POINT 6 Pioneer supports Policy 2.2.12 of the proposed RPS.</p> <p>RELIEF SOUGHT That Policy 2.2.12 be retained as notified.</p> <p>AND</p> <p>That the Policy 2.2.12 be supported by a schedule within the proposed RPS that provides additional direction around the specific values under each of the six criteria.</p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the amendments set out in the relief sought above.</p>

<p>SUBMISSION POINT 7</p>	<p>Part B – Chapter 2 Objective 2.3 <i>Natural resource systems and their interdependencies are recognised.</i></p>	<p>Objective 2.3 seeks to advance an integrated approach for the management of natural resources (including freshwater and land resources), taking into account the linkages between every part of the environment.</p> <p>Pioneer considers that the Objective provides useful guidance at a broad level and notes that the direction stipulated is not dissimilar to that provided under Objective C1 of the NPSFWM.</p>	<p>SUBMISSION POINT 7 Pioneer supports Objective 2.3 of the proposed RPS. RELIEF SOUGHT That Objective 2.3 of the proposed RPS is retained as notified.</p>
<p>SUBMISSION POINT 8</p>	<p>Part B – Chapter 2 Policy 2.3.3 – Applying an integrated management approach for freshwater catchments <i>Apply an integrated management approach to activities in freshwater catchments, by:</i></p> <p>a) <i>Using consistent freshwater objectives for interconnected water bodies; and</i></p> <p>b) <i>Recognising the importance of river morphology, catchment hydrology, natural processes and land cover in supporting catchment values; and</i></p> <p>c) <i>Coordinating the management of land use and freshwater, to:</i></p> <p>i. <i>Maintain or enhance freshwater values; and</i></p> <p>ii. <i>Maintain or enhance the wetland values; and</i></p> <p>iii. <i>Maintain or enhance the values of beds of rivers and lakes, wetlands, and their margins; and</i></p> <p>iv. <i>Reduce the potential for health and nuisance effects.</i></p>	<p>Policy 2.3.3 provides direction that an integrated management approach is to be applied in freshwater catchments through the use of freshwater objectives. However, there is no further guidance provided within the Methods for achieving Policy 2.3.3 to show how these objectives are to be developed, what matters should be considered and how these might be applied. As such, Pioneer considers that clause (a) of Policy 2.3.3 should refer to the setting/establishing of freshwater objectives and not just the utilisation of the same.</p> <p>Pioneer further considers that Method 3: <i>Regional Plans</i> should be updated to include reference to the setting of freshwater objectives in accordance with the NPSFWM as previously discussed with respect to Policy 2.1.1</p> <p>Pioneer notes that clause (c) of Policy 2.3.3 is consistent with clause ‘a’ of Policy C2 of the NPSFWM, however, much like clause (a), clause (c) simply refers to ‘values’ that are to be maintained or enhanced without providing a point of reference as to what these ‘values’ are or the means by which they are measured. Pioneer considers that the freshwater ‘values’ referred to in clause ‘c’ should be linked to the freshwater objectives referred to in clause ‘a’.</p>	<p>SUBMISSION POINT 8 Pioneer supports, in part, Policy 2.3.3 of the proposed RPS, subject to the following amendments.</p> <p>RELIEF SOUGHT That Policy 2.3.3 of Chapter 2, be adopted with the following amendments:</p> <p>Policy 2.3.3 – Applying an integrated management approach for freshwater catchments <i>Apply an integrated management approach to activities in freshwater catchments, by:</i></p> <p>a) <i>Establishing and Using consistent freshwater objectives for interconnected water bodies; and</i></p> <p>b) <i>Recognising the importance of river morphology, catchment hydrology, natural processes and land cover in supporting catchment values; and</i></p> <p>c) <i>Coordinating the management of land use and freshwater, to:</i></p> <p>i. <i>Maintain or enhance freshwater values as established by the freshwater objectives; and</i></p> <p>ii. <i>Maintain or enhance the wetland values; and</i></p> <p>iii. <i>Maintain or enhance the values of beds of rivers and lakes, wetlands, and their margins; and</i></p> <p>iv. <i>Reduce the potential for health and nuisance</i></p>

			<p>effects.</p> <p>AND</p> <p>That Method 3: <i>Regional Plans</i> be amended and adopted as follows:</p> <p><u><i>Regional Plans will establish freshwater management units and associated freshwater objectives in accordance with the National Policy Statement for Freshwater Management 2014.</i></u></p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the amendments set out in the relief sought above.</p>
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Chapter 3– Communities in Otago are resilient, safe and healthy.

SUBMISSION POINT 9	<p>Part B – Chapter 3</p> <p>Policy 3.2.5 – Assessing activities for natural hazard risk.</p> <p><i>Assess activities for natural hazard risk, by considering:</i></p> <p>a) <i>The natural hazard risk identified, including residual risk; and</i></p> <p>b) <i>Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods; and</i></p> <p>c) <i>The long term viability and affordability of those measures; and</i></p> <p>d) <i>Flow-on effects of the risk to other activities, individuals and communities; and</i></p> <p>e) <i>The availability of, and ability to provide,</i></p>	<p>While Pioneer considers that it is inappropriate for a number of activities to be undertaken in areas sensitive to natural hazards, there are certain activities that should be able to occur in such areas. By their very nature, as they are required to be located close to the resource that they utilise, hydroelectric power generation schemes and ancillary facilities associated with the same are often located in areas sensitive to natural hazards. As such, Pioneer considers that Policy 3.2.5 should be amended to recognise those activities that are functionally required to locate within a natural hazard risk area.</p>	<p>SUBMISSION POINT 9</p> <p>Pioneer supports, in part, Policy 3.2.5 of the proposed RPS, subject to the following amendments.</p> <p>RELIEF SOUGHT</p> <p>That Policy 3.2.5 of Chapter two, be adopted with the following amendments:</p> <p><i>Policy 3.2.5 – Assessing activities for natural hazard risk.</i></p> <p><i>Assess activities for natural hazard risk, by considering:</i></p> <p>a) <i>The natural hazard risk identified, including residual risk; and</i></p> <p>b) <i>Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods; and</i></p> <p>c) <i>The long term viability and affordability of those</i></p>
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	lifeline utilities, and essential and emergency services, during and after a natural hazard event.		measures; and d) Flow-on effects of the risk to other activities, individuals and communities; and e) The availability of, and ability to provide, lifeline utilities, and essential and emergency services, during and after a natural hazard event; and f) <u>The extent to which an activity is functionally required to locate within a natural hazard risk area.</u>
SUBMISSION POINT 10	<p>Part B – Chapter 3 Policy 3.5.1 - Recognise the national and regional significance of infrastructure: <i>Recognise the national and regional significance of the following infrastructure:</i></p> <p>a) Renewable electricity generation facilities, where the supply and national electricity grid and local distribution network; and b) Electricity transmission infrastructure; and c) Telecommunication and radio communication facilities; and d) Roads classified as being of national and regional importance; and e) Ports and airports; and f) Structures for transport by rail.</p>	Pioneer considers that Policy 3.5.1 is appropriate, in that it recognises the national and regional significance of infrastructure that contributes to the social and economic well-being of the Otago Region and New Zealand as a whole. Pioneer further considers that this provision should be retained as notified.	<p>SUBMISSION POINT 10 Pioneer supports Policy 3.5.1 of the proposed RPS.</p> <p>RELIEF SOUGHT That Policy 3.5.1 of the proposed RPS be retained as notified.</p>
SUBMISSION POINT 11	<p>Part B – Chapter 3 Policy 3.5.2 - Managing adverse effects of infrastructure that has national or regional significance <i>Minimise adverse effects from infrastructure that has national or regional significance, by:</i></p> <p>a) Giving preference to avoiding their location in:</p>	<p>Whilst Policy 3.5.1 recognises the national and regional significance of infrastructure, Pioneer considers that the measures set out within Policy 3.5.2 to manage the adverse effects of infrastructure that has national and regional significance is overly restrictive and, as such create a tension between the two policies.</p> <p>As discussed in response to Policy 3.2.5, hydroelectric power generation schemes, by their very nature, are required to be located close to the resource that they</p>	<p>SUBMISSION POINT 11 Pioneer opposes, in part, Policy 3.5.2 of the proposed RPS, subject to the following amendments.</p> <p>RELIEF SOUGHT That Policy 3.5.2 of Chapter three be adopted with the following amendments.</p> <p>Policy 3.5.2 - Managing adverse effects of infrastructure</p>

	<ul style="list-style-type: none"> i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna; and ii. Outstanding natural features, landscapes and seascapes; and iii. Areas of outstanding natural character; and iv. Outstanding water bodies or wetlands; and <p>b) Where it is not possible to avoid locating in the areas listed in a) above, avoiding significant adverse effects on those values that contribute to the significant or outstanding nature of those areas; and</p> <p>c) Avoiding, remedying or mitigating other adverse effects on values; and</p> <p>d) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</p> <p>e) Considering the use of offsetting, or other compensatory measures, for residual adverse effects on indigenous biodiversity.</p>	<p>utilise. Policy 3.5.2 does not recognise that there is often constraints associated with ensuring infrastructure is located in a position where it can efficiently and effectively operate.</p> <p>Pioneer considers that if infrastructure of national or regional significance is required to be located in one of the areas listed in Policy 3.5.2(a), then the proposed RPS should recognise and provide for an assessment of the significance of adverse effects on those values should be undertaken, which takes into account not only the measures to be put in place to avoid, remedy or mitigate those effects, but also the benefits associated with the overall development of the infrastructure proposed.</p>	<p>that has national or regional significance</p> <p><u>Minimise Manage the adverse effects from infrastructure that has national or regional significance, by that is to be located within:</u></p> <p>a) Giving preference to avoiding their location in:</p> <ul style="list-style-type: none"> i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna; and ii. Outstanding natural features, landscapes and seascapes; and iii. Areas of outstanding natural character; and iv. Outstanding water bodies or wetlands; and <p>b) Where it is not possible to avoid locating in the areas listed in a) above, avoiding significant adverse effects on those values that contribute to the significant or outstanding nature of those areas; and</p> <p>c) Avoiding, remedying or mitigating other adverse effects on values; and</p> <p>d) <u>a) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and taking into account the measures to be implemented to avoid, remedy or mitigate the adverse effects of the proposed infrastructure and also the positive effects associated with the implementation of the same.</u></p> <p>e) <u>b) Considering the use of offsetting, or other compensatory measures, for residual adverse effects on indigenous biodiversity, that cannot otherwise be appropriately avoided, remedied or mitigated.</u></p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the amendments set out in the relief sought above.</p>
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<p>SUBMISSION POINT 12</p>	<p>Part B – Chapter 3 Policy 3.5.3 – Protecting Infrastructure of national and regional significance <i>Protect infrastructure of national and regional significance by:</i> a) <i>Restricting the establishment of activities that may result in reverse sensitivity; and</i> b) <i>Avoiding significant adverse effects on the functional needs of such infrastructure; and</i> c) <i>Avoiding, remedying or mitigating other adverse effects on the functional needs of such infrastructure; and</i> d) <i>Assessing the significance of adverse effects on those needs as detailed in Schedule 3; and</i> e) <i>Protecting infrastructure corridors for infrastructure needs, now and in the future.</i></p>	<p>Pioneer considers that Policy 3.5.3 is appropriate, in that it recognises that nationally and regionally significant infrastructure requires protection from new activities that could bring about reverse sensitivity effects that are detrimental to their operation or use.</p> <p>Pioneer further considers that this provision should be retained as notified.</p>	<p>SUBMISSION POINT 12 Pioneer supports Policy 3.5.3 of the proposed RPS.</p> <p>RELIEF SOUGHT That Policy 3.5.3 of the proposed RPS be retained as notified.</p>
<p>SUBMISSION POINT 13</p>	<p>Part B – Chapter 3 Policy 3.6.1 – Using existing renewable electricity generation structures and facilities <i>Give preference to the use of existing structures or facilities to increase the region’s renewable electricity generation capacity over developing new structures in new locations.</i></p>	<p>Pioneer considers that, while it is important to reinforce the contribution that existing renewable energy assets are making in advancing towards the Government’s renewable energy target, Policy 3.6.1 as notified reinforces this point at the detriment of new development.</p> <p>For this reason Pioneer considers that Policy 3.6.1 requires amendment to recognise the importance of existing renewable electricity generation structures without diminishing the importance of new development.</p>	<p>SUBMISSION POINT 13 Pioneer supports, in part, Policy 3.6.1 of the proposed RPS. Subject to the following amendments.</p> <p>RELIEF SOUGHT That Policy 3.6.1 of Chapter 3 be adopted with the following amendments:</p> <p>Policy 3.6.1 – Using existing renewable electricity generation structures and facilities <i>Give preference to</i> <i>Recognise and provide for the use of existing structures or facilities to increase the region’s renewable electricity generation capacity over developing new structures in new locations.</i></p> <p>Any similar amendments to like effect.</p>

			Any consequential amendments that stem from the amendments set out in the relief sought above.
SUBMISSION POINT 14	<p>Part B – Chapter 3</p> <p><i>Policy 3.6.3 – Protecting the generation capacity of renewable electricity generation activities</i></p> <p><i>Protect the generation capacity of nationally or regionally significant renewable electricity generation activities, by:</i></p> <p>a) <i>Recognising the functional needs of renewable electricity generation activities, including physical resource supply needs; and</i></p> <p>b) <i>Restricting the establishment of those activities that may result in reverse sensitivity effects; and</i></p> <p>c) <i>Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure; and</i></p> <p>d) <i>Assessing the significance of adverse effects on those needs, as detailed in Schedule 3.</i></p>	<p>While supportive of Policy 3.6.3, in that it seeks to protect the generation capacity of existing nationally or regionally significant renewable electricity generation activities, Pioneer considers that the policy should be amended and extended to provide for the development of new activities.</p> <p>Amending the policy to provide for both existing and new renewable generation activity would achieve consistency with the NPSREG, which provides a national direction for energy generation activities. Pioneer notes that Policy B of the NPSREG explicitly provides for the retention of existing renewable energy generation assets and the development of new renewable generation assets.</p>	<p>SUBMISSION POINT 14</p> <p>Pioneer supports, in part, Policy 3.6.3 of the proposed RPS. Subject to the following amendments.</p> <p>RELIEF SOUGHT</p> <p>That Policy 3.6.3 of Chapter three be adopted with the following amendments:</p> <p><i>Policy 3.6.3 – Protecting the generation capacity of renewable electricity generation activities</i></p> <p><i>Protect the generation capacity of existing, and enable the development of new, nationally or regionally significant renewable electricity generation activities, by:</i></p> <p>a) <i>Recognising the functional needs of renewable electricity generation activities, including physical resource supply needs; and</i></p> <p>b) Restricting <i>Avoiding the establishment of those activities that may result in reverse sensitivity effects; and</i></p> <p>c) <i>Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure; and</i></p> <p>d) <i>Assessing the significance of adverse effects on those needs, as detailed in Schedule 3.</i></p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the amendments set out in the relief sought above.</p>

Chapter 4- People are able to use and enjoy Otago's natural and built environment.			
SUBMISSION POINT 15	<p>Part B – Chapter 4 Objective 4.5 <i>Adverse effects of using and enjoying Otago's natural and built environment are minimised.</i></p>	<p>The potential implications of this Objective for Pioneer are that it will direct the development or amendment of Regional and District Plans within the Otago Region.</p> <p>Objective 4.5 seeks to achieve the minimisation of all adverse effects, regardless of their magnitude or significance. This appears to be inconsistent with the explanatory note that accompanies the Objective.</p> <p>As such, Pioneer considers that a more appropriate direction (and one that is more closely aligned with the explanatory note to the Objective) would be that adverse effects are 'appropriately managed'. In this respect, the 'appropriate' management of effects is addressed through the supporting policies 4.5.1 through 4.5.9.</p>	<p>SUBMISSION POINT 15 Pioneer supports, in part, Objective 4.5 of the proposed RPS. Subject to the following amendments.</p> <p>RELIEF SOUGHT That Objective 4.5 of Chapter four be adopted with the following amendments:</p> <p>Objective 4.5 <i>Adverse effects of using and enjoying Otago's natural and built environment are minimised <u>appropriately managed</u>.</i></p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the amendments set out in the relief sought above.</p>

RAVENSDown LIMITED'S SUBMISSION
Proposed Regional Policy Statement for Otago

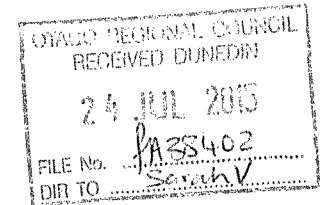


To: Otago Regional Council
Private Bag 1954, Dunedin 9054

By email: rps@orc.govt.nz

Name of submitter: Ravensdown Works Limited ("Ravensdown")

This is a Submission on: The Proposed Regional Policy Statement for Otago ("RPS")



Introduction

- 1 Ravensdown provides nutrient management services, technical advice, quality fertiliser and other essential farm inputs to farmers and other land users throughout New Zealand. Ravensdown is a co-operative primarily owned by farmers and it exists to optimise soil fertility and farm profitability in a sustainable way.
- 2 Ravensdown was established in 1978 by farmers wishing to avoid large corporations obtaining assets in the farming sector. Ravensdown's mission is to provide competitively priced essential inputs and application knowledge based on sound science and sustainable practices.
- 3 Ravensdown appreciates having this opportunity to submit on the RPS. Below are Ravensdown's detailed submission points.
- 4 Ravensdown wishes to be heard in support of this submission.

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

Provision	Text	Support / Oppose	Relief Sought	Reasons
Objective 2.1	<p><i>The values of Otago's natural and physical resources are recognised, maintained and enhanced</i></p> <p><i>Some of the many values of our natural resources may conflict with each other: for example, we depend on water for food production, yet we want water for healthy rivers. Otago's biodiversity is an example of another resource under pressure, in part from indirect consequences of land use, such as the introduction and spread of pest species. A good quality resource management framework addresses all the values attached to our resources, and identifies those which need protection.</i></p>	Oppose	Insert after "enhanced" "where appropriate"	<p>This objective is too wide because it simply refers to "values" and requiring enhancement of all the values of Otago's natural and physical resources is too onerous and would unduly restrict economic use of these resources. There is no recognition that some economic use of land is location dependent and is not inappropriate despite being inconsistent with the enhancement of "values".</p> <p>The policies that implement this objective are focussed on protection of values without any balance or guidance on when the "managed" values can be affected.</p>
Policy 2.1.3	<p><i>Managing for coastal water values</i></p> <p><i>Recognise coastal water values, and manage coastal water, to:</i></p> <ul style="list-style-type: none"> <i>a) Support healthy coastal ecosystems; and</i> <i>b) Retain the range of habitats provided by the coastal marine area; and</i> <i>c) Protect migratory patterns of coastal water</i> 	Support in part	<p>Amend (d) so there is an option to maintain or enhance without reference to degradation</p> <p><i>"Maintain or enhance coastal water quality; and"</i></p> <p>Insert new (j) "<u>Allow for the economic use of and discharges into coastal water within a</u></p>	<p>Coastal water quality and values are to be maintained or enhanced which Ravensdown supports. However there should be provision for existing neutral discharges to continue without further degrading the water quality but also without enhancing water quality.</p> <p>Economic use of the coast should be included in this policy that is</p>

	<p><i>species, unless detrimental to indigenous biodiversity; and</i></p> <p>d) <i>Maintain coastal water quality, or enhance it where it has been degraded; and</i></p> <p>e) <i>Maintain or enhance coastal values; and</i></p> <p>f) <i>Protect Kāi Tahu values; and</i></p> <p>g) <i>Provide for other cultural values; and</i></p> <p>h) <i>Protect important recreation values; and</i></p> <p>i) <i>Avoid the adverse effects of pest species, prevent their introduction and reduce their spread.</i></p>		<p><u>sustainable range.</u>"</p>	<p>entitled "Managing for coastal water values"</p>
Policy 2.1.4	<p>Managing for air quality values</p> <p><i>Recognise air quality values, and manage air quality, to:</i></p> <p>a) <i>Maintain good ambient air quality that supports human health, or enhance air quality where it has been degraded; and</i></p> <p>b) <i>Protect Kāi Tahu values; and</i></p> <p>c) <i>Maintain other cultural, aesthetic and amenity values.</i></p>	Support in part	<p>Insert as (d) "<u>Maintain the ability of existing development and infrastructure to operate.</u>"</p> <p>Amend first sentence to "..., to <u>(after reasonable mixing).</u>"</p>	<p>Air quality and values are to be maintained or enhanced which Ravensdown supports. However there should be provision for existing discharges to continue without further degrading the air quality but also without enhancing air quality.</p>
Policy 2.1.5	<p>Managing for soil values</p> <p><i>Recognise soil values, and manage soils, to:</i></p>	Support in part	<p>Amend para (k) as follows</p> <p><u>"Where possible avoid contamination of soil that would</u></p>	<p>The use of the word "contamination" could be interpreted as not using a "contaminant" on soil which, in conjunction with "avoid", could</p>

	<ul style="list-style-type: none"> a) <i>Maintain their life supporting capacity; and</i> b) <i>Maintain soil biodiversity; and</i> c) <i>Maintain biological activity in soils; and</i> d) <i>Maintain soil's function in the storage and cycling of water, nutrients, and other elements through the biosphere; and</i> e) <i>Maintain soil's function as a buffer or filter for pollutants resulting from human activities, including aquifers at risk of leachate contamination; and</i> f) <i>Retain soil resources for primary production; and</i> g) <i>Protect Kāi Tahu values; and</i> h) <i>Provide for other cultural values; and</i> i) <i>Maintain the soil mantle where it acts as a repository of heritage objects; and</i> j) <i>Maintain highly valued soil resources; and</i> k) <i>Avoid contamination of soil; and</i> l) <i>Avoid the adverse effects of pest species, prevent their introduction and reduce their spread.</i> 		<u>result in contaminated land; and"</u>	result in restrictions on fertilizers.
Policies 2.1.1 – 2.1.8	Various policies relating to management of values and recognition of values	Support in part	Amend to explain whether there is a priority ranking or how factors are to be balanced against one	

			another Amend to provide for situations where the values can be diminished	
Objective 2.2	<p><i>Otago's significant and highly-valued natural resources are identified, and protected or enhanced [to maintain their distinctiveness]</i></p> <p><i>Otago has many unique landscapes, natural features and areas of indigenous biodiversity which are nationally or regionally important. Giving these a higher level of protection ensures they will be retained, while consumptive use of resources will be directed to areas where adverse effects are more acceptable.</i></p>	Oppose	Insert after "enhanced" or "distinctiveness" "where appropriate"	<p>This objective is too wide because it simply refers to "values" and requiring enhancement of all the values of Otago's natural and physical resources is too onerous and would unduly restrict economic use of these resources. There is no recognition that some economic use of land is location dependent and is not inappropriate despite being inconsistent with the enhancement of "values".</p> <p>In some instances strategically important mineral resources may be co-located with regionally important areas of indigenous biodiversity. The RPS needs to recognise in these instances there is a need to strike a balance and that protection and enhancement of the biodiversity values at the expense of the development of the mineral resource may not promote sustainable management.</p> <p>The chapter overview at page 24 includes the words "to maintain their distinctiveness" but these words are not included at page 32.</p>

				If these words are included then the requirement to enhance distinctiveness is difficult and it is unclear what happens when distinctiveness is already impaired.
Policy 2.2.2	<p>Managing significant indigenous vegetation and significant habitats of indigenous fauna</p> <p><i>Protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</i></p> <ul style="list-style-type: none"> a) <i>Avoiding adverse effects on those values which contribute to the area or habitat being significant; and</i> b) <i>Avoiding significant adverse effects on other values of the area or habitat; and</i> c) <i>Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</i> d) <i>Remediating, when adverse effects cannot be avoided; and</i> e) <i>Mitigating where adverse effects cannot be avoided or remediated; and</i> f) <i>Encouraging enhancement of those areas and values.</i> 	Support in part	<p>Amend to read:</p> <p><i>"Protecting the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna from the effects of inappropriate activities, by:</i></p> <ul style="list-style-type: none"> a) <i>Avoiding, remedying, mitigating or offsetting adverse effects...</i> b) <i>Avoiding, remedying, mitigating or offsetting significant adverse effects..."</i> <p>Or</p> <p>Amend paras (a) and (b) by inserting "<i>Where practicable</i>" ahead of "<i>Avoiding</i>"</p>	This Policy uses the word "avoiding" in paras (a) and (b) but then refers to "remediating, "mitigating" and "enhancement" in subsequent paragraphs. It is unclear how these paragraphs relate to each other. Where it is not practicable to avoid adverse effects there should be remedied or mitigated.
Policy 2.2.4	<p>Managing outstanding natural features, landscapes, and seascapes</p>	Support in part	Amend para (a) by inserting " <i>Where practicable</i> " ahead of	Para (a) requires avoidance of all adverse effects on values which contribute to the significance of a

	<p><i>Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</i></p> <ul style="list-style-type: none"> a) <i>Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</i> b) <i>Avoiding, remedying or mitigating other adverse effects on other values; and</i> c) <i>Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</i> d) <i>Recognising and providing for positive contributions of existing introduced species to those values; and</i> e) <i>Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</i> f) <i>Encouraging enhancement of those areas and values.</i> 		<p>"Avoiding"</p> <p>Or</p> <p>Amend para (a) by inserting "remedying or mitigating" after "Avoiding"</p>	<p>seascape (etc.). There should be provision for remediation or mitigation because the reference to "values" is wide.</p>
Policy 2.2.6	<p><i>Managing special amenity landscapes and highly valued natural features</i></p> <p><i>Protect or enhance the values of special amenity landscapes and highly valued natural features, by:</i></p> <ul style="list-style-type: none"> a) <i>Avoiding significant adverse effects on those values which contribute to the special amenity of the landscape or high value of the natural feature; and</i> b) <i>Avoiding, remedying or mitigating other</i> 	Support in part	<p>Amend para (a) by inserting "Where practicable" ahead of "Avoiding"</p> <p>And</p> <p>Amend para (a) by inserting "remedying or mitigating" after "Avoiding"</p>	<p>Para (a) requires avoidance of all adverse effects on values which contribute to the significance of a seascape (etc.). There should be provision for remediation or mitigation because the reference to "values" is wide.</p> <p>"special amenity" should not have same status as outstanding.</p>

	<p><i>adverse effects on other values; and</i></p> <p>c) <i>Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</i></p> <p>d) <i>Recognising and providing for positive contributions of existing introduced species to those values; and</i></p> <p>e) <i>Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</i></p> <p>f) <i>Encouraging enhancement of those values.</i></p>			
Policy 2.2.9	<p>Managing the natural character of the coastal environment</p> <p><i>Preserve or enhance the natural character values of the coastal environment, by:</i></p> <p>a) <i>Avoiding adverse effects on those values which contribute to the outstanding natural character of an area; and</i></p> <p>b) <i>Avoiding significant adverse effects on those values which contribute to the high natural character values of an area; and</i></p> <p>c) <i>Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</i></p> <p>d) <i>Avoiding, remedying or mitigating other adverse effects on other values; and</i></p>	Support in part	<p>Amend paras (a) and (b) by inserting "<i>Where practicable</i>" ahead of "<i>Avoiding</i>"</p> <p>Insert two new paras before (d)</p> <p><u>"<i>Remediating when adverse effects which contribute to the outstanding or high natural character cannot be avoided; and</i>"</u></p> <p><u>"<i>Mitigating where adverse effects which contribute to the outstanding or high natural character cannot be avoided or mitigated; and</i>"</u></p>	Adverse effects that contribute to outstanding natural character and significant effects that contribute to high natural character must be avoided (paras (a) and (b)). This avoidance is too onerous and should only be required where practicable.

	<p>e) <i>Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment; and</i></p> <p>f) <i>Encouraging enhancement of those values; and</i></p> <p>g) <i>Controlling the adverse effects of pest species, prevent their introduction and reduce their spread.</i></p>			
Policy 2.2.15	<p>Managing highly valued soil resources</p> <p><i>Protect the values of areas of highly valued soil resources, by:</i></p> <p>a) <i>Avoiding significant adverse effects on those values which contribute to the soil being highly valued; and</i></p> <p>b) <i>Avoiding, remedying or mitigating other adverse effects on values of those soils; and</i></p> <p>c) <i>Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</i></p> <p>d) <i>Recognising that urban expansion may be appropriate due to location and proximity to existing urban development and infrastructure.</i></p>	Support in part	<p>Amend para (a) by inserting "Where practicable" ahead of "Avoiding"</p> <p>Insert a new para (e) "<u>Recognising that quarrying may be appropriate due to location of mineral resource.</u>"</p>	Significant adverse effects on values contributing to the soil being highly valued must be avoided. This means that quarrying activity on high value soil would be prevented but urban expansion would not (para (d)). This Policy should recognise other economic uses of high value soil.
Policy 2.3.4	<p>Applying an integrated management approach for the coastal environment</p> <p><i>Apply an integrated management approach to</i></p>	Support in part	<p>Amend para (b) ii. by inserting "increased adverse" ahead of "health and nuisance effects"</p> <p>Amend by inserting a new</p>	This Policy requires an integrated management approach to the coast which is supported. At para (b) ii. the potential for health and nuisance effects are to be

	<p>activities in the coastal environment, by:</p> <p>a) <i>Recognising the importance of coastal morphology, coastal processes and land cover in supporting coastal environment values; and</i></p> <p>b) <i>Coordinating the management of land use, freshwater, and coastal water, to:</i></p> <p>i. <i>Maintain or enhance coastal values; and</i></p> <p>ii. <i>Reduce the potential for health and nuisance effects.</i></p>		<p>provision that the coastal and harbour areas also provide a productive environment for economic activity</p>	<p>reduced. Existing activities that have minimal health or nuisance effects should not be required to reduce these effects.</p> <p>Ravensdown would like to see some recognition that the coastal and harbour areas also provide a productive environment for economic activity.</p>
Policy 2.3.5	<p>Applying an integrated management approach for airsheds</p> <p><i>Apply an integrated management approach to activities that affect air quality, by:</i></p> <p>a) <i>Setting emission standards for airsheds that take into account foreseeable demographic changes, and their effects on cumulative emissions; and</i></p> <p>b) <i>Co-ordinating the management of land use and air quality, to:</i></p> <p>i. <i>Maintain or enhance air quality values; and</i></p> <p>ii. <i>Reduce the potential for adverse health and nuisance effects.</i></p>	Support in part	<p>Amend para (b) ii. by inserting "increased adverse" ahead of "health and nuisance effects"</p> <p>Amend by inserting a new provision that provides for appropriate economic activity</p>	<p>This Policy requires an integrated management approach to the airsheds which is supported. At para (b) ii. the potential for health and nuisance effects are to be reduced. Existing activities that have minimal health or nuisance effects should not be required to reduce these effects.</p> <p>Ravensdown encourages the inclusion of a provision that recognises and provides for appropriate industry.</p>
Policy 3.1.1	Recognising natural and physical environmental	Support in	Retain locational necessity as a	When recognising constraints in an area the functional necessity

	<p>constraints</p> <p><i>Recognise the natural and physical environmental constraints of an area, the effects of those constraints on activities, and the effects of those activities on those constraints, including:</i></p> <ul style="list-style-type: none"> a) <i>The availability of natural resources necessary to sustain the activity; and</i> b) <i>The ecosystem services the activity is dependent on; and</i> c) <i>The sensitivity of the natural and physical resources to adverse effects from the proposed activity/land use; and</i> d) <i>Exposure of the activity to natural and technological hazard risks; and</i> e) <i>The functional necessity for the activity to be located where there are significant constraints.</i> 	part	factor	<p>for the activity to be located where there are significant constraints will be considered (para (e)). Some activities have significant locational constraints that should be given weight when determining if they are appropriate.</p>
Policy 3.2.5	<p>Assessing activities for natural hazard risk</p> <p><i>Assess activities for natural hazard risk, by considering:</i></p> <ul style="list-style-type: none"> a) <i>The natural hazard risk identified, including residual risk; and</i> b) <i>Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods; and</i> c) <i>The long term viability and affordability of</i> 	Support	Retain consideration of affordability in the assessment of natural hazard risk	<p>This Policy includes considerations for assessing activities for natural activity risk. The long-term viability and affordability of measures (para (c)) is an appropriate consideration and should be retained.</p>

	<p><i>those measures; and</i></p> <p>d) <i>Flow-on effects of the risk to other activities, individuals and communities; and</i></p> <p>e) <i>The availability of, and ability to provide, lifeline utilities, and essential and emergency services, during and after a natural hazard event.</i></p>			
Policy 3.4.2	<p>Managing infrastructure activities</p> <p><i>Manage infrastructure activities, to:</i></p> <p>a) <i>Maintain or enhance the health and safety of the community; and</i></p> <p>b) <i>Reduce adverse effects of those activities, including cumulative adverse effects on natural and physical resources; and</i></p> <p>c) <i>Support economic, social and community activities; and</i></p> <p>d) <i>Improve efficiency of use of natural resources; and</i></p> <p>e) <i>Protect infrastructure corridors for infrastructure needs, now and for the future; and</i></p> <p>f) <i>Increase the ability of communities to respond and adapt to emergencies, and disruptive or natural hazard events; and</i></p> <p>g) <i>Protect the functioning of lifeline utilities and</i></p>	Support	Retain the management of infrastructure to support economic activities	Ravensdown supports economic considerations being a factor for infrastructure management.

	<i>essential or emergency services.</i>			
Policy 3.5.1	<p>Recognising national and regional significance of infrastructure</p> <p><i>Recognise the national and regional significance of the following infrastructure:</i></p> <ul style="list-style-type: none"> a) <i>Renewable electricity generation facilities, where they supply the national electricity grid and local distribution network; and</i> b) <i>Electricity transmission infrastructure; and</i> c) <i>Telecommunication and radio communication facilities; and</i> d) <i>Roads classified as being of national or regional importance; and</i> e) <i>Ports and airports; and</i> f) <i>Structures for transport by rail.</i> 	Support in part	Retain the recognition of ports as significant infrastructure and insert "shipping routes"	Ravensdown's Ravensbourne Factory uses the wharf located between the Otago Harbour and the Factory. The ability for ships to access wharfs for regional economic activity is important and should be recognised as such.
Policy 3.7.1	<p>Using the principles of good urban design</p> <p><i>Encourage the use of good urban design principles in subdivision and development in urban areas, as detailed in Schedule 6, to:</i></p> <ul style="list-style-type: none"> a) <i>Provide a resilient, safe and healthy community, including through use of crime prevention through environmental design principles; and</i> b) <i>Ensure that the built form relates well to its</i> 	Support	Retain reference to enabling industrial activities in urban environment	Ravensdown supports the enabling of industrial activity, where appropriate, as part of good urban design.

	<p><i>natural environment, including by:</i></p> <ul style="list-style-type: none"> <i>i. Reflecting natural features such as rivers, lakes, wetlands and topography; and</i> <i>ii. Providing for ecological corridors in urban areas; and</i> <i>iii. Protecting areas of indigenous biodiversity and habitat for indigenous fauna; and</i> <i>iv. Encouraging use of low impact design techniques; and</i> <i>v. Encouraging construction of warmer buildings; and</i> <p><i>c) Reduce risk from natural hazards, including by avoiding areas of significant risk; and</i></p> <p><i>d) Ensure good access and connectivity within and between communities; and</i></p> <p><i>e) Create a sense of identity, including by recognising features of heritage and cultural importance; and</i></p> <p><i>f) Create areas where people can live, work and play, including by:</i></p> <ul style="list-style-type: none"> <i>i. Enabling a diverse range of housing, commercial, industrial and service activities; and</i> <i>ii. Enabling a diverse range of social and</i> 			
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	<i>cultural opportunities.</i>			
Policy 3.8.3	<p><i>Managing fragmentation of rural land</i></p> <p><i>Manage subdivision, use and development of rural land, to:</i></p> <p>a) <i>Avoid development or fragmentation of land which undermines or forecloses the potential of rural land:</i></p> <p>i. <i>For primary production; or</i></p> <p>ii. <i>In areas identified for future urban uses; or</i></p> <p>iii. <i>In areas having the potential for future comprehensive residential development; and</i></p> <p>b) <i>Have particular regard to whether the proposal will result in a loss of the productive potential of highly versatile soil, unless:</i></p> <p>i. <i>The land adjoins an existing urban area and there is no other land suitable for urban expansion; and</i></p> <p>ii. <i>There highly versatile soils are needed for urban expansion, any change of land use from rural activities achieves an appropriate and highly efficient form of urban development; and</i></p> <p>iii. <i>reverse sensitivity effects on rural productive activities can be avoided; and</i></p>	Support in part	<p>Insert the word "<i>inappropriate</i>" before "<i>avoid</i>" in para (a)</p> <p>Delete "<i>or other resources</i>" in para (d)</p>	<p>Development of land that undermines the potential of rural land is to be avoided (para (a)). Activities such as quarrying should be provided for and not get caught up in urban growth arguments.</p>

	<p>c) <i>Avoid unplanned demand for provision of infrastructure, including domestic water supply and waste disposal; and</i></p> <p>d) <i>Avoid creating competing demand for water or other resources.</i></p>			
Objective 3.9	<p><i>Hazardous substances and waste materials do not harm human health or the quality of the environment in Otago</i></p> <p><i>Waste materials are an end product of resource use and must be carefully managed to avoid creating environmental problems. Hazardous substances are dangerous but essential components of some activities. Hazardous substances and their waste should also be managed to avoid creating environmental problems or adversely affecting human health.</i></p>	Support in part	Delete " <i>are dangerous</i> " from the second sentence of the explanation	Not all hazardous substances are dangerous so this part of the explanation should be amended. Many hazardous substances are only mildly toxic (as opposed to dangerous).
Policy 3.9.2	<p><i>Managing the use, storage and disposal of hazardous substances, and the storage and disposal of waste materials</i></p> <p><i>Manage the use, storage and disposal of hazardous substances, and the storage and disposal of waste materials, to avoid accidental spillage or release of those substances and materials, by:</i></p> <p>a) <i>Providing secure containment of those substances in case of accidental spillage; and</i></p> <p>b) <i>Minimising risk associated with natural hazard events; and</i></p> <p>c) <i>Avoiding adverse effects of those substances</i></p>	Support in part	Amend para (c) by inserting " <i>where practicable</i> " ahead of " <i>Avoiding</i> "	Minimal adverse effects on other values should be provided for.

	<p><i>and materials on the health and safety of people, and on other values; and</i></p> <p>d) <i>Providing for the development of facilities to safely store, transfer, process, handle and dispose of hazardous waste and waste materials; and</i></p> <p>e) <i>Ensuring hazardous substances are treated or disposed at authorised facilities, in accordance with the relevant disposal instructions; and</i></p> <p>f) <i>Restricting the location of activities that may result in reverse sensitivity effects near:</i></p> <p>i. <i>Authorised facilities for hazardous substance treatment or disposal; or</i></p> <p>ii. <i>Waste transfer or disposal facilities.</i></p>			
Policy 3.9.4	<p><i>Managing the use of contaminated land</i></p> <p><i>Manage the use of contaminated land, to protect people and the environment from adverse effects, by:</i></p> <p>a) <i>Prior to subdivision or development of potentially contaminated land, requiring a site investigation is undertaken to determine the nature or extent of any contamination; and</i></p> <p>b) <i>Where there is contamination:</i></p> <p>i. <i>Requiring an assessment of associated environmental risks; and</i></p>	Support in part	Amend para (b) by replacing "contamination" with "contaminated land"	The phrase "contaminated land" is clearer than "contamination" because it is defined in the RMA.

	<p>ii. <i>Remediating land; and</i></p> <p>c) <i>Considering the need for ongoing monitoring of contaminant levels and associated risks.</i></p>			
Policy 3.9.5	<p><i>Avoiding the creation of new contaminated land</i></p> <p><i>Avoid the creation of new contaminated land.</i></p>	Support in part	<p>Retain reference to "<i>contaminated land</i>" and do not expand to include HAIL land</p> <p>Insert "<i>inappropriate</i>" after "<i>new</i>"</p>	<p>This Policy to avoid the creation of "new" "contaminated" land will use the RMA definition of "contaminated land" being land with a hazardous substance with significant adverse effects on the environment. Any land used for mining industries and fertiliser manufacture or bulk storage is included on the Ministry for the Environment's Hazardous Activities and Industries List (HAIL). It is crucial that the RPS does not require the avoidance of new HAIL activities.</p>
Policy 3.9.7	<p><i>Encouraging services for hazardous substance collection, recycling and disposal</i></p> <p><i>Encourage the establishment of hazardous substance collection, disposal and recycling services across the region.</i></p>	Support	Retain this Policy	<p>Appropriate disposal of hazardous substances should be encouraged.</p>
Policy 4.1.1	<p><i>Maintaining and enhancing public access</i></p> <p><i>Maintain and, where possible, enhance public access to the natural environment, including to the coast, lakes, rivers and their margins, and areas of cultural or historic significance, unless restricting access is necessary to:</i></p>	Support in part	<p>Insert new para (d) "<u><i>Protect the economic operations of existing commercial or industrial activity.</i></u>"</p>	<p>Ravensdown supports enhancing public access where possible however the factors for restricting access should be expanded to include existing development / industry.</p>

	<p>d) <i>Protect public health and safety; or</i></p> <p>e) <i>Protect the natural heritage and ecosystem values of sensitive natural areas or habitats; or</i></p> <p>f) <i>Protect identified sites and values associated with historic heritage or cultural significance to takata whenua.</i></p>			
Objective 4.3	<p>Sufficient land is managed and protected for economic production</p> <p><i>The use of land for productive activity underpins the economy of the region. We want to provide ongoing opportunities for economic growth and development by recognising and providing for the effects of activities. Managing the efficient use of land may also require the management of other land use activities where significant historical investment or future productive potential may be adversely affected by competing or conflicting activities.</i></p>	Support in part	Replace "production" with "use"	Ravensdown supports the RPS recognising the importance of economic activity, and particularly endorses recognition of significant historical investment. The use of the word "production" could be unintentionally interpreted as economic activity associated with produce so should be replaced with "use" or "activity".
Policy 4.3.1	<p>Managing for rural activities</p> <p><i>Manage activities in rural areas, to support the region's economy and communities, by:</i></p> <p>a) <i>Enabling farming and other rural activities that support the rural economy; and</i></p> <p>b) <i>Minimising the loss of soils highly valued for their versatility for primary production; and</i></p> <p>c) <i>Restricting the establishment of activities in rural areas that may lead to reverse</i></p>	Support	Retain para (a) " <i>Enabling farming and other rural activities that support the rural economy</i> "	Ravensdown's activities exist to support the rural economy and it is vital that this support is provided for.

	<p>sensitivity effects; and</p> <p>d) <i>Minimising the subdivision of productive rural land into smaller lots that may result in rural residential activities; and</i></p> <p>e) <i>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.</i></p>			
Policy 4.3.5	<p>Managing for industrial land uses</p> <p><i>Manage the finite nature of land suitable and available for industrial activities, by:</i></p> <p>a) <i>Providing specific areas to accommodate the effects of industrial activities; and</i></p> <p>b) <i>Providing a range of land suitable for different industrial activities, including land-extensive activities; and</i></p> <p>c) <i>Restricting the establishment of activities in industrial areas that may result in:</i></p> <p>iii. <i>Reverse sensitivity effects; or</i></p> <p>iv. <i>Inefficient use of industrial land or infrastructure.</i></p>	Support in part	<p>Insert at para (b) "<i>and specific location requirements</i>" after "<i>activities</i>"</p> <p>Retain para (c)</p> <p>Amend to expressly allow for contamination of existing industrial activities by inserting "<i>d) Enabling existing industrial activities to continue; and</i>" and insert "<i>e) Recognising that industrial land uses may be an appropriate use of contaminated land.</i>"</p>	Ravensdown supports the provision of land for industrial activities and restricting incompatible activities. Locational constraints should also be considered when providing land for industry. Existing industrial activities should also be provided for.
Policy 4.3.6	<p>Managing locational needs for mineral and gas exploration, extraction and processing</p> <p><i>Recognise the needs of mineral exploration, extraction and processing activities to locate where</i></p>	Support in part	<p>Amend para (b) by replacing "<i>may</i>" with "<i>will</i>" and inserting "<i>significant</i>" before "<i>reverse</i>"</p> <p>Amend to protect mineral reserves</p>	Locational constraints are fundamental for quarrying and related processing and should be provided for. These activities should not be restricted where

	<p><i>the resource exists, and manage them by:</i></p> <p>a) <i>Giving preference to avoiding their location in:</i></p> <p>i. <i>Areas of significant indigenous vegetation and significant habitats of indigenous fauna; or</i></p> <p>ii. <i>Outstanding natural features, landscapes and seascapes; or</i></p> <p>iii. <i>Areas of outstanding natural character; or</i></p> <p>iv. <i>Outstanding water bodies; or</i></p> <p>v. <i>Areas subject to significant natural hazard risk; and</i></p> <p>b) <i>Restricting the establishment of those activities in areas used for mineral and gas exploration, extraction and processing that may result in reverse sensitivity effects.</i></p>		<p>from inappropriate land uses</p>	<p>reverse sensitivity effects "may result".</p> <p>This policy should be similar to Policy 4.3.1 and limit inappropriate land uses that would encroach on a mineral resource and sterilise it.</p>
Policy 4.5.1	<p>Avoiding objectionable discharges</p> <p><i>Avoid discharges that are objectionable or offensive to takata whenua and the wider community, including:</i></p> <p>a) <i>Discharges of human or animal waste:</i></p> <p>i. <i>Directly to water; or</i></p> <p>ii. <i>In close proximity to water; or</i></p>	Oppose	<p>Reword to read "<u>Where practicable</u> avoid discharges that are objectionable or offensive <u>at the site boundary to takata whenua and the wider community, including.</u>"</p> <p>Insert "Objectionable or offensive" at the start of paras (a), (b) and (c)</p>	<p>This Policy includes the avoidance of odorous or conspicuous discharges and is worded as if all odorous or conspicuous discharges are objectionable or offensive. This Policy should be reworded to allow for discharges that are not objectionable or offensive at the activity's site boundary. Some objectionable or offensive discharges should also</p>

	<ul style="list-style-type: none"> iii. <i>In close proximity to mahika kai sites; or</i> b) <i>Discharges of hazardous or noxious substances close to sensitive activities, including:</i> <ul style="list-style-type: none"> i. <i>Residential activities; or</i> ii. <i>Schools and other educational activities; or</i> iii. <i>Places of public access to the natural environment; or</i> iv. <i>In close proximity to mahika kai sites; or</i> c) <i>Odorous or conspicuous discharges.</i> 			be provided for.
Policy 4.5.6	<p><i>Managing adverse effects from mineral and gas exploration, extraction and processing</i></p> <p><i>Minimise adverse effects from the exploration, extraction and processing of minerals, by:</i></p> <ul style="list-style-type: none"> a) <i>Giving preference to avoiding their location in:</i> <ul style="list-style-type: none"> i. <i>Areas of significant indigenous vegetation and significant habitats of indigenous fauna; and</i> ii. <i>Outstanding natural features, landscapes and seascapes; and</i> iii. <i>Areas of outstanding natural character; and</i> 	Support in part	In para (b) insert " <i>remedying or mitigating</i> " after " <i>avoiding</i> "	Like Policy 4.3.6 this Policy recognises the locational constraints for extractive activities; Ravensdown supports this. At para (b) significant adverse effects on values must be avoided. Depending on how the thresholds for outstanding are applied, in some circumstances it may be appropriate for significant adverse effects on values to be remedied or mitigated.

	<ul style="list-style-type: none"> iv. <i>Outstanding water bodies; and</i> v. <i>Areas subject to significant natural hazard risk;</i> b) <i>Where it is not possible to avoid locating in the areas listed in a) above, avoiding significant adverse effects of the activity on those values that contribute to the significant or outstanding nature of those areas; and</i> c) <i>Avoiding adverse effects on the health and safety of the community; and</i> d) <i>Remedying or mitigating adverse effects on other values; and</i> e) <i>Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and,</i> f) <i>Reducing unavoidable adverse effects by</i> <ul style="list-style-type: none"> i. <i>Staging development for longer term activities; and</i> ii. <i>Progressively rehabilitating the site, where possible.</i> g) <i>Considering the use of offsetting, or compensatory measures, for residual adverse effects; and</i> h) <i>Applying a precautionary approach to assessing the effects of the activity, where there is scientific uncertainty, and potentially</i> 			
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	<i>significant or irreversible adverse effects.</i>			
Policy 4.5.7	<p>Enabling offsetting of indigenous biodiversity</p> <p><i>Enable offsetting of adverse effects on indigenous biodiversity values, only when:</i></p> <ul style="list-style-type: none"> a) <i>The activities causing those effects have a functional necessity to locate in significant or outstanding areas; and</i> b) <i>Those effects cannot be avoided, remedied or mitigated; and</i> c) <i>Those effects do not result in the loss of irreplaceable or vulnerable biodiversity.</i> 	Support in part	Amend para (b) to delete "remedied or mitigated"	Ravensdown supports the ability to offset adverse effects on biodiversity values where there is a functional necessity to locate in a significant or outstanding area. Requiring effects to not be able to be mitigated before allowing offsetting is too onerous. Offsetting is a form of mitigation. Compensation should also be provided for.
Policy 4.5.9	<p>Offsetting for air quality</p> <p><i>Provide for offsetting of adverse effects of discharges to air on ambient air quality, only when:</i></p> <ul style="list-style-type: none"> a) <i>The ambient air quality of the relevant airshed breaches air quality standards for human health; and</i> b) <i>Offsetting will reduce the cumulative effect of discharges to air in the relevant airshed by the same, or greater amount, than the proposed discharge; and</i> c) <i>Offsetting improves access to reliable and affordable domestic heating in the relevant airshed.</i> 	Support in part	Amend para (a) to replace "breaches" with "is likely to breach"	Ravensdown supports the ability to offset for air quality. However this ability should not be restricted to airsheds in breach. Offsets should also apply to airsheds where a breach is likely.
AER 1.2	<i>The quality of natural resources and resource</i>	Neither support nor	Provide the cultural health indicator targets to submitters to	It is difficult to determine whether to oppose or support this when the

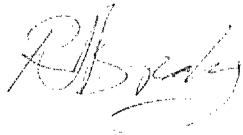
	<i>systems meet cultural health indicator targets</i>	oppose	enable them to make an informed decision; and avoid any consequential amendments	cultural health indicator targets are not identified in the RPS.
General	"Avoid"		Amend so that effects of inappropriate activity are avoided	<p>The ORC should exercise caution when using these terms in light of the Supreme Court's decision in the <i>King Salmon</i> case. Based on the outcome of the <i>King Salmon</i> case the drafting of policies and objectives in the RPS now requires greater precision.</p> <p>This is because subordinate plans are required to give effect to the RPS and in order to do so will if the RPS says for example "avoid" have to make provisions that avoid those particular activities or effects relevant to that policy or objective.</p>
General	Use of the terms "values" and "outcomes"		Amend to specify values and outcomes sought	<p>These terms are very subjective and not defined. It would be helpful if the actual "values" and "outcomes" referred to were identified.</p> <p>Schedules 3, 4 and 5 are very subjective and it is unclear how many of the factors need to be met for something to meet the various criteria.</p>

Further Relief Sought

5 In addition to the matters set out in the table above, Ravensdown seeks the following relief:

- (a) Any similar relief with like effect which addresses Ravensdown's concerns; and
- (b) Any consequential amendments which arise from Ravensdown's submission, the reasons for the appeal or the relief sought.

Date: 24 July 2015



Ravensdown Limited

By its solicitors and duly authorised agents
ANDERSON LLOYD
Per: Stephen Christensen / Rachel Brooking

Address for service of submitter:

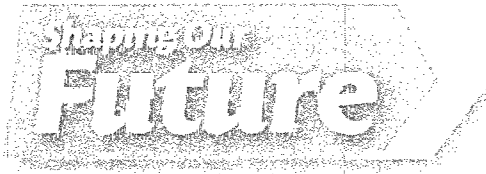
c/- Anderson Lloyd Lawyers
Private Bag 1959
Dunedin 9054

Attention: Stephen Christensen / Rachel Brooking

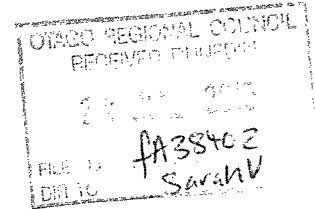
Telephone: 03 471 5430

Fax: 03 477 3184

Email: stephen.christensen@andersonlloyd.co.nz
rachel.brooking@andersonlloyd.co.nz



Shaping our Future Inc
 Upper Clutha Conservation Taskforce
 C/- PO Box 93
 Wanaka 9343



21st July 2015

Freepost 497,
 Proposed RPS,
 Otago Regional Council,
 Private Bag 1954,
 Dunedin 9054

To Whom it May Concern:

Regarding: Submission on Proposed Regional Policy Statement

The Upper Clutha Conservation Taskforce were formed to progress priorities and concerns raised by local groups and individuals with an interest in conservation at the Shaping our Future forum held in May 2014. The recent focus of the Taskforce has been finalising recommendations to local councils which will address the communities' key conservation priorities and concerns from the forum. The Taskforce have read and support the submission from the Guardians of Lakes Wanaka and Hawea. We are pleased to see that the PRPS is generally a step forwards with regards to the management of our natural resources, although we note that the wording and rhetoric used, fall short. Further to this our submission is below.

The Taskforce would like to be heard by the hearing panel.

	Details	Submission
1	<p>Biodiversity Strategy</p> <p>The Regional Policy Statement drives resource management decisions made by city, district and regional councils in Otago, i.e. decisions on regional and district plans, consents and subdivisions.</p> <p>The Regional Policy Statement will have direct impacts on what activities are allowed in the region.</p> <p>The RPS should give effect to the implementation of district and regional biodiversity strategies. Targets should be specific, measurable, attainable, realistic and</p>	<p>We would like to see an unequivocal mandate for the implementation of district biodiversity strategies.</p>



	<p>timely. In other words, in the goal setting process we advocate for the SMART system. Without this the RPS will not assist in protecting and maintaining biodiversity.</p>	
2	<p>Language and rhetoric</p> <p>We share the concerns of the Guardians with regards to the language and rhetoric used in the PRPS.</p> <p>The 4 key outcomes need to be addressed in more meaningful aspirational rhetoric.</p> <p>The use of the word “values” needs to be reviewed. Clearly define or replace the word “values”</p> <p>CHAPTER 2 Otago has high quality natural resources and ecosystems: The “issue” and “needs” statements for each objective need to be simple, clear and distinct. Objectives need to be linked to clear methods and intended operational activities.</p>	<p>That the language and rhetoric be reviewed and amended to be clear and precise.</p>
3	<p>Specific Changes:</p>	
A	<p>Part A: The resource management issues of the region are not adequately identified as required by section 62 of the Resource Management Act.</p>	<p>Explicitly identify and resource management issues including:</p> <ul style="list-style-type: none"> - Degradation of water quality - Biodiversity loss and habitat degradation
B	<p>Section 2.1.1:</p> <p>c) Protect outstanding water bodies and wetlands; and</p> <p>d) Protect migratory patterns of freshwater species, unless detrimental to indigenous biodiversity; and</p>	<p>Change the wording to</p> <p>c) Protect, <u>restore and enhance where degraded</u> outstanding water bodies and wetlands; and</p> <p>d) Protect <u>restore and enhance where degraded</u> migratory patterns of freshwater species, unless detrimental to indigenous biodiversity; and</p>
C	<p>Section 2.1.1. m) Maintain the aesthetic and landscape values of rivers, lakes, and wetlands; and</p>	<p>Change the wording to m) Maintain the aesthetic and landscape values of rivers, lakes, and wetlands <u>and their margins</u>; and</p>

D	Page 30, Policy 2.1.6 “Managing for ecosystem and indigenous biodiversity values”	This section includes a good list of intended actions, subject to more clarity on the terms “values” and “recognise”.
E	Section 4.4.3 (a) to (i)	Remove the word “or” from the end of each item in the list.
F	Section 4.5.7(c).	Enable offsetting of adverse effects on indigenous biodiversity values, only when: Add (d) There is a net increase in biodiversity

Thanks and regards,

Megan Williams, Chair
 Upper Clutha Conservation Taskforce
 On behalf of the Shaping our Future Steering Group
 Ph 027 229 1607





**SILVER
FERN
FARMS**

Silver Fern Farms Limited
Head Office
PO Box 941, Dunedin 9054
New Zealand

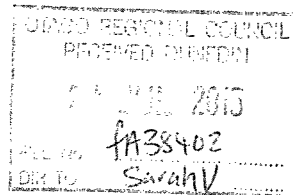
TEL: +64 3 477 3980
FAX: +64 3 474 1087
www.silverfernfarms.com

Otago Regional Council
Private Bag 1954
DUNEDIN 9054

rps@orc.govt.nz

24 July 2015

Dear Sir / Madam



**RE: SILVER FERN FARMS SUBMISSION ON THE OTAGO REGIONAL COUNCIL
PROPOSED REGIONAL POLICY STATEMENT**

Silver Fern Farms Limited is a farmer co-operative representing over 16,000 sheep, cattle and deer farmer partners throughout New Zealand. As New Zealand's leading processor, marketer and exporter of premium quality lamb, beef, venison and associated products, Silver Fern Farms exports products to more than 60 countries around the globe and has 20 processing sites throughout New Zealand.

Silver Fern Farms would like to thank the Otago Regional Council for incorporating our 2014 Regional Policy Statement review feedback into the notified proposed Regional Policy Statement. The company has a strong affinity with Otago, with our flagship South Island processing plant at Finegand, and our head office located in Dunedin.

The key issues outlined in our 2014 feedback were:

- Water – reliable and secure supply for both our farmer suppliers and processing plants.
- Infrastructure – safe and effective transport routes; water and waste reticulation networks; irrigation, stock water and drainage for our farmer suppliers.
- Land use – ensuring rural land is available for primary production and supporting services; protecting existing land use from reverse sensitivity.
- Energy – reliable and resilient generation and transmission of energy; providing for renewable and alternative energy production.

While Silver Fern Farms generally supports the proposed Regional Policy Statement, as it has covered the key issues listed above, we reserve the right to respond to any consequential changes as a result of the submission process.

In preparing this submission, Silver Fern Farms is not aware of anything by which it could gain in advantage in trade competition.



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Silver Fern Farms does not wish to be heard in support of this submission.

Please feel free to contact Martina Armstrong, Environmental Advisor, on 027 532 9751 or email at martina.armstrong@silverfernfarms.co.nz if you have any questions regarding this submission.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Daryn Jemmett', with a long horizontal line extending to the right.

Daryn Jemmett
Group Environmental Manager
Silver Fern Farms Limited



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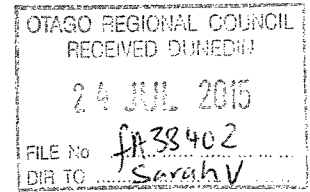
RPS Feedback Form

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Name of submitter: Peter & Margaret Hore

Postal Address: Street: 96Highfield Wedderburn Road
Suburb: PO Box 7
City: Wedderburn
Postal Code: 9355



Phone Number: 034449627

E-mail: pj.mehore@scorchotago.co.nz

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

Attach a document (if applicable): Submission for Proposed regional Policy Statement for Otago PMHoreJuly2015.docx

Submission on the PRPS

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

Amend

Policy 2.1.5 Managing for soil values

Recognise soil values, and manage soils, to:

...

- k) Avoid contamination of soil
- l) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread

Remove the word 'avoid' and replace with 'minimise'

The use of the word 'avoid' is too restrictive, particularly if it results in a prohibited activity status in other resource management plans within Otago.

As contamination of the soil can occur with the introduction of any foreign substance, this policy is overly restrictive, unrealistic and would be impossible to implement and monitor effectively.

Amend

Policy 2.2.4

Managing outstanding natural features, landscapes, and seascapes

Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:

- a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and
- b) Avoiding, remedying or mitigating other adverse effects on other values; and

Replace 'avoid' with 'minimise'.

Delete (b).

The use of the word 'avoid' is too restrictive, particularly if it results in a prohibited activity status in other resource management plans within Otago.

With regard to (b), it is unclear what other values are being protected. It also extends beyond the protection or enhancement of the values that contribute to the area or habitat being significant.

Oppose

Policy 2.2.5

Identifying special amenity landscapes and highly valued natural features

Identify areas and values of special amenity landscape or natural features which are highly valued for their contribution to the amenity or quality of the environment, but which are not outstanding, using the attributes detailed in Schedule 4.

Delete policy 2.2.5 and remove reference to special amenity landscapes and highly valued natural features.

There is a large body of case law and practice which assists with the identification of outstanding features and landscapes. The concept of 'special amenity landscapes and highly valued natural features' is new, and the attributes to be used to identify these are the same as those to be used for the identification of outstanding features and landscapes. No guidance is given as to how to differentiate between what is outstanding from what is special or highly valued.

Amend 2.2.4(a) and oppose 2.2.4(b)

Policy 2.2.4

Managing outstanding natural features, landscapes, and seascapes

Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:

- a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and
- b) Avoiding, remedying or mitigating other adverse effects on other values...

Replace 'avoid' with 'minimise'.

Delete (b).

The use of the word 'avoid' is too restrictive, particularly if it results in a prohibited activity status in other resource management plans within Otago.

The second paragraph of this policy in (b) adds nothing and is confusing – what are the 'other values' referred to, if they do not contribute to the area or habitat being significant, then they may actually be competing values.

Amend

Policy 2.2.12

Identifying outstanding water bodies and wetlands

Identify outstanding water bodies and wetlands and their values, using the following criteria:

- a) A high degree of naturalness;
- b) Outstanding aesthetic or landscape values;
- c) Significant takata whenua cultural values;
- d) Significant recreational values;
- e) Significant ecological values;
- f) Significant hydrological values.

Provide greater detail of what constitutes a significant value.

Provide clarity around what a hydrological value is.

Provide clarity as to whether all of these criteria need to be present or just one.

There is a lack of clarity around how these values will be assessed – what is a significant recreational value, or hydrological value? Do all values need to be present? How do the values in (b) get assessed - through reference to the attributes in Schedule 4?

Amend

Policy 2.2.13

Managing outstanding water bodies and wetlands

Protect the values of outstanding water bodies and wetlands by:

- a) Avoiding significant adverse effects, including cumulative effects, on those values which contribute to the water body or wetland being outstanding; and
- b) Avoiding, remedying or mitigating other adverse effects on the water body or wetland's values; and
- c) Assessing the significance of adverse effects on values, as detailed in Schedule 3; and
- d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and
- e) Encouraging enhancement of outstanding water bodies and wetlands.

Replace 'avoid' with 'minimise'.

Delete (b)

The use of the word 'avoid' is too restrictive, particularly if it results in a prohibited activity status in other resource management plans within Otago.

Paragraph(b) of the policy adds nothing to what is already in the RMA and is unnecessary.

Amend

Include highly productive soils.

The criteria in this policy are specific and exclusive and therefore should also include soils that are highly productive (rather than only those that are versatile).

Policy 2.2.14

Identifying highly valued soil resources

Identify areas and values of highly valued soil resources, using the following criteria:

- a) Degree of versatility for primary production;
- b) Significance for providing pollutant buffering or filtering services;
- c) Significance for providing water storage or flow retention services;
- d) Degree of rarity.

Include an 'or' in the list.

Need more clarity as to whether soils have to meet all the criteria, or just one.

Amend

Replace 'avoid' with 'minimise'.

The use of the word 'avoid' is too restrictive, particularly if it results in a prohibited activity status in other resource management plans within Otago.

Policy 2.2.15

Managing highly valued soil resources

Protect the values of areas of highly valued soil resources, by:

- a) Avoiding significant adverse effects on those values which contribute to the soil being highly valued; and
- b) Avoiding, remedying or mitigating other adverse effects on values of those soils; and

Delete (b)

Paragraph (b) adds nothing to what is already in the RMA and is unnecessary.

<p>Amend</p> <p>Policy 3.8.3 Managing fragmentation of rural land Manage subdivision, use and development of rural land, to:</p> <ul style="list-style-type: none"> a) Avoid development or fragmentation of land which undermines or forecloses the potential of rural land: <ul style="list-style-type: none"> i. For primary production... ... d) Avoid creating competing demand for water or other resources 	<p>Amend 3.8.3(a)(i) by replacing 'avoid' with 'minimise'.</p> <p>Amend (d) to make it clearer that primary production is one of the key priority uses for water and soil.</p>	<p>Support the principle in (a)(i) of this policy, however the use of the word 'avoid' is too restrictive, particularly if it results in a prohibited activity status in other resource management plans within Otago.</p> <p>It is unclear which effects (d) is aimed at, and how this will be managed under the RMA, which focuses on the effects of activities, and generally operates on a first come first served basis.</p> <p>If it is intended that priority in rural areas is for water and soil to be used for primary production, then more clarity is needed.</p>
<p>Amend</p> <p>Policy 3.9.5 Avoiding the creation of new contaminated land Avoid the creation of new contaminated land.</p>	<p>Replace 'avoid' with 'minimise'.</p>	<p>The use of the word 'avoid' is too restrictive, especially as many rural activities will contaminate land to some extent. The use of the word 'avoid' is particularly concerning if it results in a prohibited activity status in other resource management plans within Otago.</p>
<p>Amend</p> <p>Policy 4.1.1 Maintaining and enhancing public access Maintain and, where possible, enhance public access to the natural environment, including to the coast, lakes, rivers and their margins, and areas of cultural or historic significance, unless restricting access is necessary to:</p> <ul style="list-style-type: none"> a) Protect public health and safety; or b) Protect the natural heritage and ecosystem values of sensitive natural areas or habitats; or c) Protect identified sites and values associated with historic heritage or cultural significance to takata whenua 	<p>Amend to provide greater clarity as to how competing values and uses might be weighed against each other, possibly by adding another paragraph - '(d) enable water use and storage that adequately mitigates adverse effects on public access'</p>	<p>It is unclear how this policy might impact on water use and storage – how these sometimes competing values might be balanced against each other.</p>

Support but Amend (b)

Policy 4.3.1

Managing for rural activities

Manage activities in rural areas, to support the region's economy and communities, by:

- a) Enabling farming and other rural activities that support the rural economy; and
- b) Minimising the loss of soils highly valued for their versatility for primary production; and
- c) Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects; and
- d) Minimising the subdivision of productive rural land into smaller lots that may result in rural residential activities; and
- e) Providing for other activities that have a functional need to locate in rural areas, including tourism and recreational activities that are of a nature and scale compatible with rural activities.

Amend

Policy 4.3.2

Managing land use change in dry catchments

Manage land use change in dry catchments, to avoid any significant reduction in water yield, by:

- a) Restricting any extension of forestry activities within those catchments that would result in a significant reduction in water yield, including cumulative reductions; and
- b) Minimising the conversion of tussock grasslands to species which are less able to capture and hold precipitation.

Correct the inconsistency between Policy 2.2.14 and Policy 4.3.1(b), by:

- referring to 'highly valued soils as outlined in Policy 2.2.14'; or
- including the full list of criteria contained in Policy 2.2.14

Amend by finishing policy after 'yield' and deleting (a) and (b).

Support this policy in general, however (b) seems to be at odds with Policy 2.2.14, as that policy identifies a range of other criteria which may contribute to soils being highly valued.

This policy is too specific in its focus on 2 issues only – forestry and conversion of tussock grasslands, without properly addressing either. For example, it is not just the extension of forestry activities that can be an issue for dry catchments, but wilding pine spread from existing forestry activities. There may also be other activities that can affect water yield, which this policy does not include.

Accordingly this policy should be more general, and other resource management plans should address specific issues affecting dry catchments.

<p>Amend</p> <p>Policy 4.4.1 Ensuring efficient water allocation and use Ensure an efficient allocation and use of water by:</p> <ul style="list-style-type: none"> a) Requiring that the volume of water allocated does not exceed what is necessary for the purpose of use; and b) Requiring the development or upgrade of infrastructure that increases use efficiency; and c) Encouraging collective coordination and rationing of take and use of water when river flows or aquifer levels are lowering, to avoid breaching any minimum flow or aquifer level restriction; and d) Enabling water harvesting and storage, to reduce pressure on water bodies during periods of low flows. 	<p>Amend (b) by replacing ‘requiring’ with ‘give preference to...’</p> <p>Amend (c) to: ‘Encouraging collective coordination and collaborative catchment management’</p> <p>Provide clarity within the RPS as to how competing values and uses should be evaluated and weighed against each other.</p>	<p>Paragraph (b) of this policy requires infrastructure that increases efficiency. While this is often desirable, the wider implications of this policy should be able to be considered, including increasing reliance on infrastructure which in turn involves increasing reliance on fossil fuels and energy. In this respect this policy is at odds with Policy 3.6.6 of the PRPS – ‘reduce the long term demand for fossil fuels from Otago’s communities...’</p> <p>Consider whether (c) leaves the door open sufficiently for different approaches in the future (other than rationing). While ‘encouraging’ is a term that is not definitive or exclusive, this policy may still be too specific – possibly the inclusion of words such as ‘collaborative catchment management’ are boarder.</p> <p>Paragraph (d) may be at odds with other policies in the proposed RPS – e.g. Policy 2.1.1 Managing for freshwater values (see for example ‘(h) maintain or enhance the natural function of rivers, lakes, and wetlands, their riparian margins, and aquifers’) and Policy 2.2.13 – managing outstanding water bodies and wetlands. Guidance should be provided on how competing policies should be evaluated and weighted, to reduce uncertainty during consent application processes.</p>
<p>Amend</p> <p>Method 7.4 Pest management strategy 7.4.1 The regional council will:</p> <ul style="list-style-type: none"> a) Develop and implement a pest management strategy, for the control of pest species, including those which: <ul style="list-style-type: none"> i) Have adverse effects on the natural character of the coastal environment; ii) Have adverse effects on significant indigenous biodiversity; iii) Have significant adverse effects on indigenous biodiversity 	<p>Amend to include another paragraph: ‘iv) have adverse effects on water yield in dry catchments’</p>	<p>While the use of the word ‘including’ does not exclude pest species that have other types of adverse effects, it does provide an indication of the types of effects that will be most readily considered.</p> <p>Missing from this list is the effect of pest species on water yield or grazing species – this should be included.</p>

Support

Retain this policy.

This method provides an indication to communities that the ORC will continue to support water management groups.

Method 11.2.2

Regional council will:

...

c) Facilitate the establishment of:

- i) Water management groups that co-ordinate the exercise of water-related consents;
- ii) Water allocation committees for the management of water allocation in case of drought.