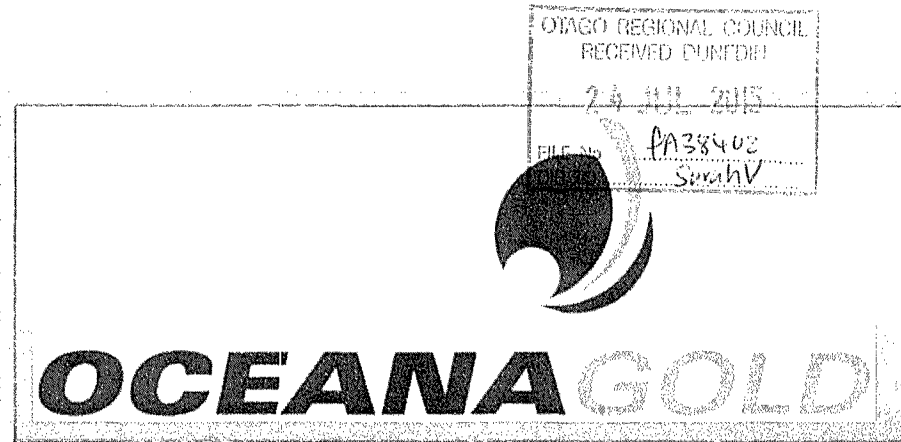


**Oceana Gold (New Zealand) Limited's Submission
Proposed Regional Policy Statement for Otago**

Form 5, Clause 6 of the First Schedule, Resource Management Act 1991

TO: Freepost ORC 497
Otago Regional Council
Private Bag 1954, Dunedin 9054



Name of submitter: Oceana Gold (New Zealand) Limited ("Oceana Gold")

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

Introduction

1. Oceana Gold is a wholly owned subsidiary of Oceana Gold Corporation ("OGC"). OGC is a publicly listed company on the Australian, New Zealand and Toronto stock exchanges.
2. Oceana Gold is a significant multinational gold producer, with a portfolio of operating, development and exploration assets. Oceana Gold's current operating assets in New Zealand consist of two open pit mines (Reefton and Macraes) and one underground mine (Frasers) in the South Island of New Zealand. Oceana Gold has also recently entered in to an agreement to purchase the company that owns and operates the Martha open pit and Correnso underground mines at Waihi in the Hauraki District. Oceana Gold also owns and operates an open pit mine at Didipio in the Northern Philippines.

3. The Macraes open pit and Frasers underground mines are located approximately 30 kilometres ("km") to the northwest of Palmerston in the Otago Region. Most of the mining activities take place in the Waitaki District, but recent development at coronation has seen activities extend into the adjacent Dunedin City area. The mining operation is located 1 to 2 km to the east of the Macraes township.
4. The Macraes Mine has been operating continuously since 1990 when a gold processing plant to treat ore mined from the initial Round Hill open pit was constructed and commissioned. Frasers underground mine commenced production in 2006. The processing plant capacity was originally 1.5 million tonnes of ore per annum but has increased since 1990 through a series of upgrades and now processes nearly 6 million tonnes of ore per annum; including ore sourced from the Macraes open pits and Frasers underground, as well as ore concentrate sourced from Oceana Gold's Reefton Gold Mine.
5. Operations at Reefton Gold Mine commenced in 2007 and are dependent on processing of ore concentrate at the processing plant at Macraes Mine.
6. Annualised gold production is around 250,000 ounces. To date, approximately 4 million ounces of gold have been produced. The current mining continues the long history of significant contribution from this sector to the wellbeing of Otago and its communities. The role Oceana Gold's operations play in the economy of the Waitaki District is particularly significant, but its impacts are also felt throughout Otago and the national economy.
7. Oceana Gold has resource consents from the Otago Regional Council ("ORC"), Waitaki District Council ("WDC") and Dunedin City Council ("DCC") that allow it to continue operating at Macraes Mine to at least 2020. There remains significant potential for the life of the Macraes Mine to be extended well beyond 2020. Whether this will happen depends in part on whether Oceana Gold is able to secure the necessary resource consents on satisfactory conditions to enable further development of the Mine. That in turn will be affected by the contents of this RPS.

8. Oceana Gold currently provides about 600 jobs for permanent staff between its Macraes and Reefton operations. Of this total, the Reefton operation employs about 200 and the Macraes operation has a total of about 376 employees engaged at the site, with a further 25 engaged in Dunedin.
9. What follows is a detailed submission on particular provisions in the proposed RPS. However, it is Oceana Gold's submission that overall the proposed RPS does not yet achieve the right balance for the sustainable management of Otago's natural and physical resources. Insufficient emphasis is placed on the need to enable the responsible use and development of our resources. Part B Chapter 4 should be about enabling the use of natural and physical resources to the greatest extent possible, consistent with the concept of sustainable management. Part B Chapter 2 should be about ensuring that as activities are enabled, significant adverse effects are managed (not necessarily avoided) so that the environmental outcomes that result are the use and development of resources to facilitate economic and social wellbeing, while also attending to the matters in section 5(2)(a)(b) and (c) of the RMA. As presently drafted it appears the proposed RPS is more focused on protection than enablement. That is not what the RMA calls for, and not what Otago needs. Oceana Gold therefore seeks a rebalancing of the provisions to place greater emphasis on enablement.

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

Table 1

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
General	<i>"avoid, enhance, maintain"</i>	Neutral/Oppose	Amend and/or ensure that use of prescriptive terms like "avoid" are what is actually intended. In the case of some policies (for example policy 2.2.2(a)) the current wording is simply to avoid adverse effects on values which contribute to an area or habitat being significant. That is far too narrow and all such references need to be expanded to include options other than	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. 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

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			<p>just avoiding adverse effects. Adverse effects may be unavoidable for some activities and therefore it is critical to ensure applicants have options to remedy, mitigate and compensate as well as or instead of avoiding.</p>	<p>that avoid those particular activities or effects relevant to that policy or objective. This would have the consequence of making it practically impossible for councils to grant consents for such activities.</p> <p>An example could be the consents granted for Oceana Gold's Coronation expansion at Macraes. According to some of the ecological evidence presented to the decision-makers the site contains some areas with significant ecological values. Those areas are unavoidably impacted by the mine development (for example ephemeral wetland areas within the pit and waste rock stack footprints are unavoidably destroyed). Oceana Gold proposed a range of mitigation and compensation measures in relation to ecological effects which were accepted by the decision-makers. Oceana Gold is concerned that a similar outcome may not be achievable under RPS wording which requires adverse effects to be avoided, and the provisions of policy 4.5.6 relating to mineral and gas exploration, extraction and processing do not overcome this difficulty.</p>
<p>Part A Intro</p>	<p><i>Otago has high quality natural resources and ecosystems</i> <i>Society relies heavily on the systems and services of the natural environment. This chapter addresses our fundamental reliance on natural resources and ecosystem</i></p>	<p>Support</p>	<p>Retain and expand by adding: "Otago has significant natural mineral resources which provide important opportunities to promote Otago's economic development</p>	<p>It is important to recognise society's reliance upon Otago's natural environment and that this sustains our economy. Oceana Gold supports this and supports inclusion of reference to our economy.</p>

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	<p>services to sustain us, our way of life, cultural identity and our economy. Agriculture and tourism, Otago's biggest earners, both rely on having a great environment. The chapter deals with the resources that are most important to us, and the inherent qualities of the natural environment that give it value beyond human use.</p>			
<p>Part A Intro</p>	<p>People are able to use and enjoy our natural and built environment Our individual and community wellbeing is built on use and development of resources. This fourth chapter builds on the previous ones by enabling people to use the natural and physical environment for enjoyment and making a living, while ensuring that resources are sustained. It also deals with managing conflicting or incompatible uses.</p>	Support	<p>Retain and expand by adding: "...while ensuring that resources (<u>other than mineral resources that are mined or quarried</u>) are sustained."</p>	<p>It is important to recognise that individual and community wellbeing to a large extent is based on the development of natural resources. Oceana Gold supports this.</p>
<p>Part B Chapter 2</p>	<p>Otago has high quality natural resources and ecosystems Otago's economy is driven by three sectors: primary production, tourism and education. The future of the first two sectors, and with this the</p>	Partial support	<p>Retain but make it clear that some natural resources, like minerals, by their very nature are consumptively used and cannot be preserved. Mining, which forms part of the primary production sector, relies on the quality and quantity of the mineral resource, and the ability to access and extract it economically.</p>	<p>Support recognition that Otago's economy is reliant on natural resources including minerals. However, Oceana Gold does not support an approach that might seek to protect / preserve Otago's mineral resources for future generations. Minerals extraction is not an industry where alternatives to extraction such as</p>

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	<p><i>social and economic wellbeing of Otago's people and communities, strongly relies on the quantity and quality of Otago's natural resources.</i></p> <p><i>Beyond that, our natural resources and our environment have intrinsic values that shape our identity, as individuals and as communities. Some of our natural resources are unique, either to New Zealand or to Otago.</i></p> <p><i>It is critical to recognise the value we place on Otago's natural resources and to manage these resources accordingly. This includes identifying resources which we want to preserve for future generations.</i></p>		<p>Amend to recognise that minerals are high quality natural resources which are utilised to provide a wide range of benefits. In many instances inappropriate to protect or preserve them for future generations.</p> <p>Recommend:</p> <p><i>It is critical to recognise the value we place on Otago's natural resources and to manage these resources accordingly. This includes identifying resources which we want to preserve for future generations. <u>However, it is important to recognise that some economic activities such as mining consumptively use natural resources and by their very nature these resources cannot be preserved for future generations.</u></i></p> <p>Also throughout the proposed RPS it is not clear that mining is included within the description of the primary production sector. Rather, there may have been some conflation of primary production and agricultural production. Mining is an economically important primary production activity in Otago, and especially in the Waitaki District where the Macraes Mine is mostly located. To avoid any possibility of confusion a definition of primary production which includes farming, mining, forestry and fishing could be added to the Glossary.</p>	<p>preservation are practicable.</p>

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<p>Part B Chapter 2 – Chapter overview – Objective 2.1 Issue</p>	<p>Issue: Degradation of values and natural systems risks loss of complexity, which in turn jeopardises the life sustaining capacity of the environment, and the ecosystem services provided to the community. Knowledge of these systems and their interdependencies is often imperfect. Cumulative effects of human activities on the environment may be difficult to pinpoint initially, but over time will cause serious damage.</p>	<p>Partial support</p>	<p>Change to "...but over time <u>may</u> cause serious damage."</p>	<p>Serious damage is a possible but not certain outcome of cumulative effects of human activities on the environment.</p>
<p>Part B Chapter 2 – Chapter overview – Objective 2.2 Issue</p>	<p>Issue: Otago has a distinct range of outstanding natural features, landscapes, seascapes, indigenous biodiversity, water bodies and soil which have intrinsic value and help to create the region's identity and support the region's wellbeing. These highly valued resources risk becoming degraded if they are not adequately protected. In turn, resource degradation reduces the attractions Otago can offer to tourists, residents and businesses, and could lead to wider adverse economic impacts.</p>	<p>Partial support</p>	<p>Add to the end of the Issue: "At the same time, the ability to undertake activities that affect or use these resources is fundamental to Otago's economic wellbeing."</p>	<p>Otago's significant and highly valued natural resources are a source of the region's development potential and need to be able to be appropriately used. The region's mineral resource is an obvious example of this.</p>

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<p>Policy 1.2.3</p>	<p>Protecting important sites and values of cultural significance to Kāi Tahu <i>Protect important values, as detailed in schedules 1A and B, and sites of cultural significance to Kāi Tahu as detailed in Schedule 1C by:</i> a) <i>Avoiding significant adverse effects on those values and sites, as detailed in Schedule 3; and</i> b) <i>Avoiding remedying or mitigating other adverse effects on those values and sites; and</i> c) <i>Managing those values and sites in a culturally appropriate manner.</i></p>	<p>Partial support</p>	<p>Amend (a) to read:</p> <p><i>(a) Avoiding, <u>remedying or mitigating</u> significant adverse effects on those values and sites as detailed in Schedule 3</i></p>	<p>Reconsider use of the term "avoid". There may be circumstances where the tangata whenua are accepting of certain significant adverse effects, or where in the overall balance of sustainable management is achieved while these effects are occurring.</p> <p>Oceana Gold notes that Method 4.1.11 refers to the implementation of Policy 1.2.3 in city or district plans. It is interested in any changes that might be proposed to that Method.</p>
<p>Objective 2.1</p>	<p>The values of Otago's natural and physical resources are recognised, maintained and enhanced <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</i></p>	<p>Partial support</p>	<p>Policies require qualification to refer to Objective 4.5 and its associated policies which will override some of these policies. Without this link there is ambiguity in the RPS as to whether mineral extraction is permitted to have adverse effects on the environment.</p> <p>Mineral extraction will have unavoidable adverse effects. Some of those effects are in relation to areas or resources of significance. Mining can only occur where the target minerals are located. Policies in the RPS which require effects (whether they be significant or not, and whether they relate to significant or</p>	<p>Objective 2.1 refers to "A good quality resource management framework addresses all the values attached to our resources, and identifies those which need protection."</p> <p>All of the policies implementing Objective 2.1 are focussed on protection with no evidence of the "balancing" mentioned in Objective 2.1.</p> <p>There may be instances where mineral extraction must take place in a certain place. The Policies giving effect to Objective 2.1 are very protectionist with no mention of when these values may be</p>

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	<p>framework addresses all the values attached to our resources, and identifies those which need protection.</p>		<p>important values or not) to be <u>avoided</u> must not apply to mineral extraction activities. Rather, those effects need to be managed, or avoided, remedied or mitigated.</p> <p>Suggested wording to Objective 2.1:</p> <p><u>A good quality resource management framework addresses all the values attached to our resources, and identifies those which need protection. A good quality resource management framework also addresses when and where economic development may occur (such as minerals location policy 4.3.6 and minerals extraction Policy 4.5.6) and where their adverse effects are managed then they should be able to take place in areas where the resources are identified for protection.</u></p>	<p>affected by the mineral extraction industry.</p> <p>Policies 4.3.6 and 4.5.6 do provide for the locational needs of and minimisation of adverse effects from mineral extraction but there is no connection between the protectionist objectives and policies in the RPS and Policies 4.3.6 and 4.5.6. Note that Oceana Gold also seeks changes to both these Policies</p>
<p>Policy 2.1.1</p>	<p>Managing for freshwater values Recognise freshwater values, and manage freshwater, to:</p> <ul style="list-style-type: none"> a) Support healthy ecosystems in all Otago aquifers, and rivers, lakes, wetlands, and their margins; and b) Retain the range and extent of habitats provided by freshwater; and c) Protect outstanding water bodies and wetlands; and d) Protect migratory patterns of 	<p>Partial support</p>	<p>Amend to explain whether there is a priority ranking or how the factors are meant to be balanced against one another.</p> <p>Amend to include a new line item as follows: "q) Protect important economic uses of water"</p>	<p>In light of the <i>King Salmon</i> Supreme Court case the drafting of policies now requires the precision of legislative drafters.</p> <p>Oceana Gold would like to understand how this policy will be applied in practice. Namely how are all the factors meant to be balanced or is there a priority ranking?</p>

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	<p>freshwater species, unless detrimental to indigenous biodiversity; and</p> <p>e) Avoid aquifer compaction, and seawater intrusion in aquifers; and</p> <p>f) Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded; and</p> <p>g) Maintain or enhance coastal values supported by freshwater values; and</p> <p>h) Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers; and</p> <p>i) Retain the quality and reliability of existing drinking water supplies; and</p> <p>j) Protect Kāi Tahu values; and</p> <p>k) Provide for other cultural values; and</p> <p>l) Protect important recreation values; and</p> <p>m) Maintain the aesthetic and landscape values of rivers, lakes, and wetlands; and</p> <p>n) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and</p> <p>o) Mitigate the adverse effects of natural hazards, including</p>			

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	<p><i>flooding and erosion; and</i> <p><i>p) Maintain the ability of existing infrastructure to operate within their design parameters.</i></p> </p>			
<p>Policy 2.1.2</p>	<p><i>Managing for the values of beds of rivers and lakes, wetlands, and their margins</i> <i>Recognise the values of beds of rivers and lakes, wetlands, and their margins, and manage them to:</i></p> <p><i>a) Protect or restore their natural functioning; and</i> <i>b) Protect outstanding water bodies and wetlands; and</i> <i>c) Maintain good water quality, or enhance it where it has been degraded; and</i> <i>d) Maintain ecosystem health and indigenous biodiversity; and</i> <i>e) Retain the range and extent of habitats supported; and</i> <i>f) Maintain or enhance natural character; and</i> <i>g) Protect Kāi Tahu values; and</i> <i>h) Provide for other cultural values; and</i> <i>i) Maintain their aesthetic and amenity values; and</i> <i>j) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and</i> <i>k) Mitigate the adverse effects</i></p>	<p>Partial support</p>	<p>Include an acknowledgement that some activities such as mining will have unavoidable adverse effects on the beds of rivers, wetlands, and their margins. In these instances adverse effects should be remedied, mitigated, or compensated.</p> <p>Amend to explain whether there is a priority ranking or how the factors are meant to be balanced against one another.</p>	<p>Oceana Gold would like to know how this policy will actually be applied. Namely how are all the factors meant to be balanced or is there a priority ranking?</p> <p>Further there is no provision for any degradation of beds of rivers and lakes, wetlands, and their margins. This policy is not in keeping with sound resource management principles.</p> <p>As previously raised, in some instances activities at Macraes Mine may require the destruction of wetlands (e.g. creation of a pit or waste rock stack). If this policy is applied, and was reflected in subordinate plans, it could preclude those activities.</p>

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	<p>of natural hazards, including flooding and erosion; and l) Maintain bank stability.</p>			
<p>Policy 2.1.5</p>	<p>Managing for soil values Recognise soil values, and manage soils, to: a) Maintain their life supporting capacity; and b) Maintain soil biodiversity; and c) Maintain biological activity in soils; and d) Maintain soil's function in the storage and cycling of water, nutrients, and other elements through the biosphere; and e) Maintain soil's function as a buffer or filter for pollutants resulting from human activities, including aquifers at risk of leachate contamination; and f) Retain soil resources for primary production; and g) Protect Kāi Tahu values; and h) Provide for other cultural values; and i) Maintain the soil mantle where it acts as a repository of heritage objects; and j) Maintain highly valued soil resources; and k) Avoid contamination of soil; and l) Avoid the adverse effects of pest species, prevent their introduction and reduce their</p>	<p>Oppose in Part</p>	<p>Amend to clarify if there is a ranking or if it is acceptable to comply with one factor but not another.</p> <p>But add further that (k) be deleted or in the very least amended to say either:</p> <p><u>k) Avoid, remedy, or mitigate any potential contamination of soil;</u></p> <p>It would be helpful if the policy were to acknowledge that where soil needs to be disturbed in connection with activities such as mining it should be retained and reused to the extent practicable. While that may be the intent, it is not explicit.</p>	<p>It is not clear in this policy if there is a ranking of factors. In other words when is it acceptable to provide for food production but not soil biodiversity.</p> <p>For example many farms will replace unbroken ground that has multiple species of plants with a single species on a rotational basis.</p> <p>Add further that with this policy in place it is impossible for any mineral extraction industry to take place unless (k) is deleted or amended.</p>

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
	spread.			
Policy 2.1.6	<p>Managing for ecosystem and indigenous biodiversity values</p> <p><i>Recognise the values of ecosystems and indigenous biodiversity, and manage ecosystems and indigenous biodiversity, to:</i></p> <p><i>a) Maintain or enhance ecosystem health and indigenous biodiversity; and</i></p> <p><i>b) Maintain or enhance areas of predominantly indigenous vegetation; and</i></p> <p><i>c) Buffer or link existing ecosystems; and</i></p> <p><i>d) Protect important hydrological services, including the services provided by tussock grassland; and</i></p> <p><i>e) Protect natural resources and processes that support indigenous biodiversity; and</i></p> <p><i>f) Maintain habitats of indigenous species that are important for recreational, commercial, cultural or customary purposes; and</i></p> <p><i>g) Protect biodiversity significant to Kāi Tahu; and</i></p> <p><i>h) Avoid the adverse effects of pest species, prevent their introduction and reduce their</i></p>	Partial support	<p>Amend to provide for instances where indigenous biodiversity values may not be maintained or enhanced.</p> <p>Amend (a) to refer to indigenous biodiversity <u>at a regional scale</u></p> <p>Also amend (d) to read:</p> <p><u>Protect-Promote important hydrological services, including</u></p>	<p>Oceana Gold supports a policy that promotes the values of indigenous biodiversity however this policy does not allow for anything other than maintenance or enhancement of indigenous biodiversity.</p> <p>In some instances activities at Macraes Mine and in other mining contexts will result in unavoidable impacts on areas of predominantly indigenous vegetation (e.g. creation of a pit or waste rock stack). If this policy applied, and was reflected in subordinate plans, it could preclude those activities.</p> <p>Oceana Gold recognises the value of hydrological services and tussock grasslands but considers there will be some situations where protection is not possible or a sustainable outcome. It submits that use of the term "protect" does not provide flexibility to address those situations, and could result in subordinate plans that prohibit activities that do not protect hydrological services and tussock grasslands. For instance, the application for resource consents for the Coronation Project at Macraes Mine related to disturbance of existing grazed tussock grassland (not pristine). Two different stakeholders each sought a different remediation outcome, each with recognised values (pastoral versus tussock</p>

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	spread.			planting). If this RPS policy was applied to that situation, mining activity could have been inconsistent with the policy and the policy would not have supported any pastoral remediation.
Objective 2.2	<p>Otago's significant and highly-valued natural resources are identified, and protected or enhanced</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	Delete	<p>Oceana Gold cannot support an objective that states "<i>consumptive use of resources will be directed to areas where adverse effects are more acceptable</i>". This fails to recognise the locationally constrained nature of mining, an activity which cannot be re-directed to other areas. Minerals are only located in certain areas and the extractive industry must access those areas even if they contain highly valued natural resources.</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>
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</i></p>	Support in part; oppose in part	Amend (a) to read <i>a) <u>Avoiding, remedying or mitigating</u> adverse effects on those values which contribute to the area or habitat being significant; and</i>	This policy reads like a rule and if interpreted strictly there would be no provision for any activities that have an adverse effect on significant indigenous vegetation.

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	<p>indigenous vegetation and significant habitats of indigenous fauna, by:</p> <p>a) Avoiding adverse effects on those values which contribute to the area or habitat being significant; and</p> <p>b) Avoiding significant adverse effects on other values of the area or habitat; and</p> <p>c) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</p> <p>d) Remediating, when adverse effects cannot be avoided; and</p> <p>e) Mitigating where adverse effects cannot be avoided or remediated; and</p> <p>f) Encouraging enhancement of those areas and values.</p>		<p>Amend (b) similarly</p> <p>Delete (d) and (e)</p> <p>Amend to read:</p> <p>Protecting and enhance Manage effects on the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna <u>from the effects of inappropriate activities</u>, by:</p> <p>(d) Remediating, when adverse effects <u>including significant adverse effects cannot be avoided or remediated</u>; and</p> <p>(e) Mitigating where adverse effects <u>including significant adverse effects cannot be avoided or remediated</u>; and</p> <p>Clarify that this Policy needs to be read subject to Policy 4.5.6</p>	<p>Oceana Gold recognises the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna. However, the term "avoid" in (a) is not appropriate in light of <i>King Salmon</i>.</p> <p>The relationship with Policy 4.5.6 needs to be clear.</p> <p>There should not be an explicit hierarchy avoid-remedy-mitigate. This should be considered on a case by case basis.</p>
<p>Policy 2.2.4</p>	<p>Managing outstanding natural features, landscapes, and seascapes</p> <p>Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</p> <p>a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape;</p>	<p>Support in part; oppose in part</p>	<p>Amend (a) to read</p> <p>(a) Avoiding, <u>remedying or mitigating</u> adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</p> <p>Amend (b) similarly</p>	<p>Oceana Gold recognises the values of outstanding natural features, landscapes and seascapes. However, the term "avoid" in (a) is not appropriate in light of <i>King Salmon</i>.</p> <p>For example, in the Coronation Project there was no way for Oceana Gold to avoid adverse effects of an activity (pit and waste rock stack) on an Outstanding Natural Landscape, but it could mitigate</p>

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	<p>and</p> <p>b) Avoiding, remedying or mitigating other adverse effects on other values; and</p> <p>c) Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</p> <p>d) Recognising and providing for positive contributions of existing introduced species to those values; and</p> <p>e) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</p> <p>f) Encouraging enhancement of those areas and values.</p>		Delete (d) and (e)	<p>them. The activity would have been contrary to this policy.</p> <p>There should not be an explicit hierarchy avoid-remedy-mitigate. This should be considered on a case by case basis.</p> <p>The relationship with Policy 4.5.6 needs to be clear.</p>
Policy 2.2.6	<p>Managing special amenity landscapes and highly valued natural features</p> <p>Protect or enhance the values of special amenity landscapes and highly valued natural features, by:</p> <p>a) Avoiding significant adverse effects on those values which contribute to the special amenity of the landscape or high value of the natural feature; and</p> <p>b) Avoiding, remedying or mitigating other adverse effects on other values; and</p> <p>c) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</p>	Oppose	Delete	<p>This policy appears to elevate special amenity landscapes and highly valued natural features by giving them equal protection to outstanding features in Policy 2.2.4.</p> <p>These 'lesser' areas should receive less protection.</p> <p>There is not acknowledgement of Policy 4.5.6</p>

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	<p>d) Recognising and providing for positive contributions of existing introduced species to those values; and</p> <p>e) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</p> <p>f) Encouraging enhancement of those values.</p>			
<p>Policy 2.2.12</p>	<p>Identifying outstanding water bodies and wetlands</p> <p>Identify outstanding water bodies and wetlands and their values, using the following criteria:</p> <p>a) A high degree of naturalness;</p> <p>b) Outstanding aesthetic or landscape values;</p> <p>c) Significant takata whenua cultural values;</p> <p>d) Significant recreational values;</p> <p>e) Significant ecological values;</p> <p>f) Significant hydrological values.</p>	<p>Partial support</p>	<p>Amend to clarify whether there is a priority ranking and if necessary how many factors must be met to become an outstanding water body.</p> <p>In addition to some reference on how "significance" is determined.</p>	<p>It is not clear how these criteria are ranked, if at all. Oceana Gold queries whether only meeting one criterion is sufficient to result in a water body being identified as outstanding (i.e. needing protection under policies 2.2.12 and 2.2.13).</p> <p>Further (c), (d), and (e) refer to "significant" values, but it is not clear how "significance" will be determined or by whom.</p>
<p>Policy 2.2.13</p>	<p>Managing outstanding water bodies and wetlands</p> <p>Protect the values of outstanding water bodies and wetlands by:</p> <p>a) Avoiding significant adverse effects, including cumulative effects, on those values</p>	<p>Support in part; oppose in part</p>	<p>Amend</p> <p>a) <u>Avoiding, remedying, or mitigating significant ...</u></p>	<p>Avoiding these effects may not always be possible.</p>

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
	<p>which contribute to the water body or wetland being outstanding; and</p> <p>b) Avoiding, remedying or mitigating other adverse effects on the water body or wetland's values; and</p> <p>c) Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</p> <p>d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</p> <p>e) Encouraging enhancement of outstanding water bodies and wetlands.</p>			
<p>Policy 2.2.15</p>	<p>Managing highly valued soil resources</p> <p>Protect the values of areas of highly valued soil resources, by:</p> <p>a) Avoiding significant adverse effects on those values which contribute to the soil being highly valued; and</p> <p>b) Avoiding, remedying or mitigating other adverse effects on values of those soils; and</p> <p>c) Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</p> <p>d) Recognising that urban expansion may be appropriate due to location and proximity to existing urban development and</p>	<p>Partial support</p>	<p>Amend</p> <p>a) <u>Avoiding, remedying, or mitigating significant ...</u></p>	<p>Reconsider use of the term "avoiding". There may be circumstances where effects on these values are justified.</p>

Provision	Text submission relates	Support or Oppose	or Relief Sought	Reasons
	<i>infrastructure.</i>			
Objective 2.3	<p>Natural resource systems and their interdependencies are recognised</p> <p><i>Our resources are interconnected, and the use of one can affect the values of another. Those interconnections are complex, and they are not always reflected in the functions of local authorities, or in the regional, district or city boundaries. An example of this issue is Otago's coastal environment, a highly valued resource at the nexus between land and marine environments that may additionally include freshwater systems. These diverse resources contribute to distinct land- and seascapes and support a corresponding range of ecosystems. For management purposes, the coastal environment is often partitioned into separate management units. Moreover, administration of this complex resource is guided by several statutes that are implemented by multiple authorities.</i></p> <p><i>This example illustrates why the management of natural resources needs to be integrated to ensure that</i></p>	Support		

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
	<p>resource management decisions are consistent and take account of the linkages between every part of the environment.</p>			
<p>Objective 3.1</p>	<p>Protection, use and development of natural and physical resources recognises environmental constraints</p> <p><i>As a community, we are highly dependent on the resources available to us. When undertaking activities it is therefore important to consider the environmental context we operate within and develop accordingly. For example, there should be sufficient water supply available for a proposed activity.</i></p>	<p>Support</p>		<p>For mining this means that to sustain the activity there needs to be access to the mineral resource. This in turn means that where the resource coincides with other values such as high landscape or ecological values, an 'avoid adverse effects' policy setting such as is included in parts of Part B Chapter 2 is not appropriate. There needs to be more flexibility than that.</p>
<p>Policy 3.2.6</p>	<p><i>Avoid increasing natural hazard risk, including by:</i></p> <ul style="list-style-type: none"> <i>a) Avoiding activities that significantly increase risk, including displacement of risk off-site; and</i> <i>b) Encouraging design that facilitates:</i> <ul style="list-style-type: none"> <i>i. Recovery from natural hazard events; or</i> <i>ii. Relocation to areas of lower risk.</i> 	<p>Partial support</p>	<p>Add a new b) iii</p> <p>"Reduction of natural hazard risk to acceptable levels"</p>	<p>Risks posed by natural hazards such as earthquakes can be appropriately managed by adopting conservative assumptions in the design of structures (such as tailings impoundment walls) so they will still function under significant seismic shaking.</p>

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
<p>Policy 3.8.3</p>	<p>Manage subdivision, use and development of rural land, to:</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> <p>c) <i>Avoid unplanned demand for provision of infrastructure, including domestic water supply and waste disposal; and</i></p>	<p>Partial support</p>	<p>Incorporate definition of 'primary production' in Glossary which includes mining</p> <p>Define what 'development' of rural land means.</p> <p>Limit (c) to infrastructure associated with domestic activities.</p> <p>Delete (d)</p>	<p>Major new commercial or industrial development may give rise to infrastructure requirements that are 'unplanned' in the sense that they arise at a time outside a council's planning cycle. Policy (c) should not apply to such situations.</p> <p>New activities may compete for resources. The RMA and the market provide for this. The RPS should be encouraging more efficient uses of resources.</p>

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
	d) <i>Avoid creating competing demand for water or other resources.</i>			
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.</i></p> <p><i>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		Support particularly recognition that hazardous substances are essential components of activities such as mining.
Policy 3.9.1	<p><i>Integrating management of hazardous substances and waste</i></p> <p><i>Promote an integrated approach to the management of hazardous substances and waste in Otago.</i></p>	Support		
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>	Partial Support	<p>Amend (c) to say</p> <p><i>c) <u>Avoiding unintended discharges and minimise other adverse effects...</u></i></p>	<p>Oceana Gold does query whether this is necessary and is this duplication with HSNO requirements.</p> <p>Oceana Gold also considers that this</p>

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
	<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> <ul style="list-style-type: none"> <i>a) Providing secure containment of those substances in case of accidental spillage; and</i> <i>b) Minimising risk associated with natural hazard events; and</i> <i>c) Avoiding adverse effects of those substances and materials on the health and safety of people, and on other values; and</i> <i>d) Providing for the development of facilities to safely store, transfer, process, handle and dispose of hazardous waste and waste materials; and</i> <i>e) Ensuring hazardous substances are treated or disposed at authorised facilities, in accordance with the relevant disposal instructions; and</i> <i>f) Restricting the location of activities that may result in reverse sensitivity effects near: <ul style="list-style-type: none"> <i>i. Authorised facilities for hazardous substance treatment or disposal; or</i> <i>ii. Waste transfer or disposal</i> </i> 			<p>policy is overly restrictive particularly (c). Subsection (c) should be amended. The storage of mine tailings is likely to have some adverse effects on some values, and as currently worded the policy seeks to avoid the activity altogether. This is not appropriate.</p> <p>Oceana Gold notes that Method 4.1.7 provides for Policy 3.9.2 to be implemented in city or district plans.</p>

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
	facilities.			
Policy 3.9.4	<p>Managing the use of contaminated land Manage the use of contaminated land, to protect people and the environment from adverse effects, by:</p> <p>a) 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</p> <p>b) Where there is contamination:</p> <p>i. Requiring an assessment of associated environmental risks; and</p> <p>ii. Remediating land; and</p> <p>c) Considering the need for ongoing monitoring of contaminant levels and associated risks.</p>	Support		
Policy 3.9.5	<p>Avoiding the creation of new contaminated land Avoid the creation of new contaminated land.</p>	Oppose	Delete	Oceana Gold does not support this policy and envisages it creating problems for the extractive industry. Any new operation or expansion of an existing operation that is on the Hazardous Activities and Industries List (HAIL), for instance mining, will effectively be prohibited by this policy which requires "avoidance".

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
				<p>This policy creates numerous problems for many industries not just mining. This policy will prohibit any activities on the HAIL list from occurring. For example livestock dips or spray race operations, bulk storage of fertiliser, service stations etc. This policy as it stands is not practicable. This policy should be deleted for the reasons given. The adverse effects of land contamination are adequately covered by other objectives and policies.</p>
<p>Objective 4.2 & Policies 4.2.1 – 4.2.2</p>	<p><i>Historic heritage resources are recognised and contribute to the region's character and sense of identity</i> <i>Otago is a province rich in historic heritage and includes heritage places and areas that are recognised as nationally, regionally and locally important. Our historic heritage resources make significant contributions to our regional identity and tourism economy. Identification of these resources is a prerequisite to affording them a level of protection commensurate with their significance and providing for their continued role in our daily lives. The use of common criteria identifying historic heritage provides a more efficient and consistent approach across the region,</i></p>	<p>Support</p>	<p>Consider the Heritage New Zealand Pouhere Taonga Act in setting criteria for identifying historic heritage values in Schedule 7 and avoid creating a more onerous or duplicate system</p>	<p>However, Oceana Gold is concerned to avoid unnecessary overlap or duplication with Heritage New Zealand processes or creation of RPS (and subordinate plan) requirements that are more onerous than in the Heritage New Zealand Pouhere Taonga Act.</p>

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
	while allowing local variation.			
Part B Chapter 4 - Introduction	People are able to use and enjoy Otago's natural and built environment The use of natural and physical resources underpins economic and community activity in Otago. However due to the dynamic and highly interconnected nature of the environment the sustainable management of our resources requires consideration of the adverse effects of resource use on the environment and on other resource users.	Support in part; oppose in part	Amend as follows: <i>The use of natural and physical resources underpins economic and community activity in Otago. However due to the dynamic and highly interconnected nature of the environment the sustainable management of our resources requires consideration of the adverse effects of resource use on the environment and on other resource users, and to promote the economic, social and cultural wellbeing of the people and communities of Otago the use of natural and physical resources should be enabled to the greatest extent consistent with the concept of sustainable management.</i>	This chapter should focus on enabling use, and provides a much needed balance to the environmental protection focus of Chapter 2.
Policy 4.2.3	Managing historic heritage values Protect and enhance the values of places and areas of historic heritage, by: a) Recognising that some places or areas are known or strongly suspected of containing archaeological sites, wāhi tapu or wāhi taoka which could be of significant historic or cultural value; and b) Applying these provisions immediately upon discovery of such hitherto unidentified	Partial support	Amend Protect-Manage and enhance c) <u>Avoiding, remedying, or mitigating</u> adverse effects on those values which contribute to the area or place being of regional or national significance; and d) <u>Avoiding, remedying, or mitigating</u> significant adverse effects on other values of areas and places of historic heritage; and	There is no need to restrict to just 'avoiding' adverse effects. For mining, avoidance is sometimes impossible and the policy needs to provide more flexibility. Also this is a more onerous policy than the existing RPS policy on managing historic heritage. The existing policy appears to have been effective. Does it need to change? The criteria for significance in Schedule 3 are commented on below. It is noted that Policy 4.2.3 is referred to in

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
	<p>archaeological sites or areas, wāhi tapu or wāhi taoka; and</p> <p>c) Avoiding adverse effects on those values which contribute to the area or place being of regional or national significance; and</p> <p>d) Avoiding significant adverse effects on other values of areas and places of historic heritage; and</p> <p>e) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</p> <p>f) Remediating, when adverse effects on other values cannot be avoided; and</p> <p>g) Mitigating when adverse effects on other values cannot be avoided or remediated; and</p> <p>h) Encouraging the integration of historic heritage values into new activities; and</p> <p>i) Enabling adaptive reuse or upgrade of historic heritage places and areas where heritage values can be maintained.</p>			<p>Method 4.2.5 and city or district councils will implement it by ensuring methods for protecting culturally important sites are culturally appropriate.</p>
<p>Objective 4.3</p>	<p>Sufficient land is managed and protected for economic production</p> <p>The use of land for productive activity underpins the economy of the region. We want to provide ongoing opportunities</p>	<p>Support</p>		<p>Mining is a highly productive use of land.</p>

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
	<p>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.</p>			
<p>Policy 4.3.1</p>	<p>Managing for rural activities Manage activities in rural areas, to support the region's economy and communities, by:</p> <ul style="list-style-type: none"> a) Enabling farming and other rural activities that support the rural economy; and b) Minimising the loss of soils highly valued for their versatility for primary production; and c) Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects; and d) Minimising the subdivision of productive rural land into smaller lots that may result in rural residential activities; and e) Providing for other activities that have a functional need to locate in rural areas, including tourism and recreational activities that are of a nature 	<p>Partial support</p>	<p>Amend "(b) Minimising<u>Mitigate</u> the loss..."</p>	<p>'Mitigate' is a well understood RMA term.</p>

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
	<i>and scale compatible with rural activities.</i>			
Policy 4.3.5	<p>Managing for industrial land uses <i>Manage the finite nature of land suitable and available for industrial activities, by:</i> <i>a) Providing specific areas to accommodate the effects of industrial activities; and</i> <i>b) Providing a range of land suitable for different industrial activities, including land extensive activities; and</i> <i>c) Restricting the establishment of activities in industrial areas that may result in:</i> <i>i. Reverse sensitivity effects; or</i> <i>ii. Inefficient use of industrial land or infrastructure.</i></p>	Partial support	Amend to expressly allow for the continuation of existing industrial activities	Provision should expressly allow for the continuation of existing industrial activities.
Policy 4.3.6	<p>Managing locational needs for mineral and gas exploration, extraction and processing <i>Recognise the needs of mineral exploration, extraction and processing activities to locate where the resource exists, and manage them by:</i> <i>a) Giving preference to avoiding their location in:</i> <i>i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna; or</i> <i>ii. Outstanding natural features,</i></p>	Oppose (a) Support (b)	Amend (a) to recognise that sometimes mineral deposits and the values in (a) will coincide. In those situations avoiding adverse effects on those values would mean foreclosing on the opportunity to develop the mineral resource, and this will not be in the interests of Otago. Therefore, in these situations it is critical that these activities be enabled and that adverse effects on important values are able to be remedied, mitigated or compensated. Stating that there is a preference that the effects be avoided is inappropriate.	<p>The heading of this policy is encouraging, but the wording largely misses the mark.</p> <p>The policy needs to address the fact that because minerals are fixed in location there will arise occasions when the location for mining will coincide with areas identified in (a).</p> <p>The policy needs to provide guidance for when that happens. At present the policy says nothing helpful in this respect.</p>

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
	<p>landscapes and seascapes; or</p> <p>iii. Areas of outstanding natural character; or</p> <p>iv. Outstanding water bodies; or</p> <p>v. Areas subject to significant natural hazard risk; and</p> <p>b) Restricting the establishment of those activities in areas used for mineral and gas exploration, extraction and processing that may result in reverse sensitivity effects.</p>		<p>Suggested wording:</p> <p>"Recognise the needs of mineral exploration, extraction and processing activities to locate where the resource exists, and manage them by:</p> <p>a) Providing for these activities in sensitive, significant, or outstanding areas, and recognising they are not inappropriate and may give rise to unavoidable adverse effects, but that any such effects need to be remedied, mitigated or compensated for".</p>	
Objective 4.4	<p>Otago's communities can make the most of the natural and built resources available for use</p> <p>Many of the resources we rely on for wellbeing and economic activity are finite and under pressure from different uses. It is therefore important to use these resources efficiently, and to maximise any beneficial effects for environmental wellbeing as well as the socioeconomic and cultural well-beings of resource use.</p>	Support		
Objective 4.4.1	<p>Ensuring efficient water allocation and use</p> <p>Ensure an efficient allocation and use of water by:</p> <p>a) Requiring that the volume of</p>	Partial support	<p>Add an additional e) as follows:</p> <p>"Where water is used for commercial purposes, giving preference to activities that make the best economic use of</p>	<p>Not all uses of water are of equal value. For example the water Oceana Gold takes from the Taieri River is used to supplement water from the mine site for ore processing purposes and therefore has a higher value</p>

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
	<p><i>water allocated does not exceed what is necessary for the purpose of use; and</i></p> <p><i>b) Requiring the development or upgrade of infrastructure that increases use efficiency; and</i></p> <p><i>c) Encouraging collective coordination and rationing of take and use of water when river flows or aquifer levels are lowering, to avoid breaching any minimum flow or aquifer level restriction; and</i></p> <p><i>d) Enabling water harvesting and storage, to reduce pressure on water bodies during periods of low flows.</i></p>		water"	per unit of water than, say, water for dairying or cropping. These factors should be relevant considerations when decisions are made about allocation of water and efficient use.
Objective 4.5	<p>Adverse effects of using and enjoying Otago's natural and built environment are minimised</p> <p><i>Any use of natural or physical resources has the potential to generate adverse effects. It is important to manage activities to avoid, individually or cumulatively, degrading the quality of Otago's natural environment. This requires the proactive management of natural resources, and can only be achieved through the integrated management of Otago's natural resources, and by giving due consideration to</i></p>	Partial support	Replace word 'minimised' with 'mitigated'.	There are many instances where negative effects from economic activities cannot be avoided or minimised. In such circumstances they could possibly be mitigated.

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
	<p><i>both managing adverse effects and maintaining and enhancing environmental values. Resource use can also have adverse effects on other uses or prevent the normal operation of existing uses.</i></p> <p><i>Resource management decisions are often about arbitrating between conflicting values or uses. For example, Section 2.3 of this document identifies resources which are so significant that adverse effects on their values should be avoided. Some activities, such as mineral extraction or infrastructure development, may have to locate in areas containing significant values. If we are to provide for those activities, it is important to outline how their adverse effects should be managed.</i></p> <p><i>Lastly, it is important to recognise that community values have regard to the quality of the environment, but also to the activities which are allowed and the management of their adverse effects. For instance, the preservation of the life supporting capacity of water</i></p>			

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	<p>is important to Kāi Tahu, as is the avoidance of human waste discharges to water, or close to mahika kai sites.</p>			
<p>Policy 4.5.1</p>	<p>Avoiding objectionable discharges Avoid discharges that are objectionable or offensive to takata whenua and the wider community, including:</p> <p>a) Discharges of human or animal waste:</p> <ul style="list-style-type: none"> i. Directly to water; or ii. In close proximity to water; or iii. In close proximity to mahika kai sites; or <p>b) Discharges of hazardous or noxious substances close to sensitive activities, including:</p> <ul style="list-style-type: none"> i. Residential activities; or ii. Schools and other educational activities; or iii. Places of public access to the natural environment; or iv. In close proximity to mahika kai sites; or <p>c) Odorous or conspicuous discharges.</p>	<p>Partial support</p>	<p>Amend to make provision for instances where objectionable discharges can be mitigated.</p> <p>Amend to say "Avoiding, <u>remedying or mitigating</u>... Avoid, remedy, or mitigate..."</p>	<p>Use of the term "avoid" is prescriptive and could lead to some activities being precluded which are able to be mitigated.</p>
<p>Policy 4.5.2</p>	<p>Applying an adaptive management approach Apply an adaptive management approach, to address adverse effects that might arise and that</p>	<p>Support</p>		<p>This policy is consistent with the way Oceana Gold's existing resource consents are framed.</p>

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
	<p>can be remedied before they become irreversible, by:</p> <p>a) Setting appropriate indicators for effective monitoring of those adverse effects; and</p> <p>b) Setting thresholds to trigger remedial action before the effects result in irreversible damage.</p>			
<p>Policy 4.5.6</p>	<p>Managing adverse effects from mineral and gas exploration, extraction and processing</p> <p>Minimise adverse effects from the exploration, extraction and processing of minerals, by:</p> <p>a) Giving preference to avoiding their location in:</p> <p>i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna; and</p> <p>ii. Outstanding natural features, landscapes and seascapes; and</p> <p>iii. Areas of outstanding natural character; and</p> <p>iv. Outstanding water bodies; and</p> <p>v. Areas subject to significant natural hazard risk;</p> <p>b) Where it is not possible to avoid locating in the areas listed in a) above, avoiding significant adverse effects of the activity on</p>	<p>Support in part; oppose in part</p>	<p>Amend: "Minimise-Mitigate adverse effects ..." Delete a) and b) and replace with:</p> <p>" Providing for these activities in sensitive, significant, or outstanding areas, and recognising they are not inappropriate and may give rise to unavoidable adverse effects, but that any such effects need to be remedied, mitigated or compensated for".</p> <p>Paragraph d) add "<u>Avoiding</u>, remedying or mitigating...</p> <p>Paragraph h) add "Applying a precautionary approach (<u>including through the use of adaptive management</u>) to assessing the effects..."</p>	<p>Oceana Gold supports the idea of a specific policy concerning the management of the effects of mineral activities. The relationship of this specific policy to the more general policies, particularly those in Part B Chapter 2, should be explicit and this policy needs to predominate.</p> <p>The overall objective is not to minimise adverse effects but to ensure adverse effects are mitigated</p> <p>Giving preference to avoiding these activities in sensitive locations (paragraph (a)) is inappropriate as the location of minerals is fixed.</p> <p>Paragraph (b) requires avoidance of significant adverse effects in sensitive locations. This is not likely to be achievable for large scale developments and so the options to remedy, mitigate and compensate need to be included.</p>

Provision	Text submission relates	Support Oppose	or Relief Sought	Reasons
	<p>those values that contribute to the significant or outstanding nature of those areas; and</p> <p>c) Avoiding adverse effects on the health and safety of the community; and</p> <p>d) Remedying or mitigating adverse effects on other values; and</p> <p>e) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and,</p> <p>f) Reducing unavoidable adverse effects by</p> <p>i. Staging development for longer term activities; and</p> <p>ii. Progressively rehabilitating the site, where possible.</p> <p>g) Considering the use of offsetting, or compensatory measures, for residual adverse effects; and</p> <p>h) Applying a precautionary approach to assessing the effects of the activity, where there is scientific uncertainty, and potentially significant or irreversible adverse effects.</p>			
<p>Policy 4.5.7</p>	<p>Enabling offsetting of indigenous biodiversity</p> <p>Enable offsetting of adverse effects on indigenous biodiversity values, only when:</p>	<p>Oppose</p>	<p>Delete</p>	<p>This policy is poorly worded and confused. It is not needed in the RPS. Offsetting can be dealt with in plans and consent applications if appropriate.</p>

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
	<p>a) The activities causing those effects have a functional necessity to locate in significant or outstanding areas; and</p> <p>b) Those effects cannot be avoided, remedied or mitigated; and</p> <p>c) Those effects do not result in the loss of irreplaceable or vulnerable biodiversity.</p>			
<p>Policy 4.5.8</p>	<p>Offsetting for indigenous biodiversity Provide for offsetting for indigenous biodiversity, when it is enabled, by ensuring that:</p> <p>a) The offset achieves no net loss and preferably a net gain in indigenous biodiversity values; and</p> <p>b) The offset is undertaken close to the location of development, where this will result in the best ecological outcome; and</p> <p>c) The ecological values being achieved are the same or similar to those being lost; and</p> <p>d) The positive ecological outcomes of the offset last at least as long as the impact of the activity, if practicable.</p>	<p>Oppose</p>	<p>Delete</p>	<p>This policy is poorly worded and confused. It is not needed in the RPS. Offsetting can be dealt with in plans and consent applications if appropriate</p>

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
Part C				
Method 4.1.1(c)	<p>4.1.1 City or district plans will implement Policies 3.2.1 to 3.2.11 by determining the appropriate level of regulatory response to natural hazard risk by:</p> <p>a) Identifying areas subject to natural hazards in plans and/or natural hazard registers and databases;</p> <p>b) Applying the plan principles to the management of recently identified natural hazards;</p> <p>c) Considering the use of adaptive management techniques;</p>	Support		Oceana Gold submitted on Policy 3.2.6 which is referred to in Method 4.1.1. Oceana Gold supports the use of adaptive management techniques to address natural hazard risk.
Method 4.1.11	<p>4.1.11 City or district plans will implement Policy 1.2.3 and 1.2.4 by promoting or restricting access, as required by circumstances, to historic heritage places and areas and identified sites in accordance with tikaka Māori;</p>	Partial support	Retain but make it clear that restriction of access will not be an appropriate response where adverse effects are capable of being remedied or mitigated.	OceanaGold submitted on Policy 1.2.3 which is referred to in Method 4.1.11. Oceana Gold does not support restriction of access to these areas as an appropriate response if adverse effects cannot be avoided but are capable of being remedied or mitigated.
AER 2.1	<p>The extent of, and values of, significant and highly valued natural resources and heritage in Otago are protected or enhanced</p> <p>Indicators: No net loss in the extent of, or the value of, outstanding and</p>	Partial support	Retain but modify to make it clear that some natural resources, like minerals, by their very nature are consumptively used and cannot be preserved and 'no net loss' cannot be achieved. Mining, which forms part of the primary production sector, relies on the quality and quantity of the mineral resource, and the ability to access and extract it economically.	Oceana Gold refers to an earlier submission on Part B Chapter 2 'Otago has high quality natural resources and ecosystems' (page 5 above) and repeats that it does not support an approach that might seek to protect / preserve Otago's mineral resources for future generations. Minerals extraction is not an industry where alternatives to extraction such as

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
	highly significant natural resources			preservation are practicable. A 'no net loss' approach to mineral resources is not possible.
AER 2.2	<p><i>Otago's water bodies support healthy ecosystems, are safe for swimming, and maintain their natural form and character</i></p> <p>Indicators: The number, extent, and health of Otago's wetlands is maintained or enhanced</p>	Partial support	Retain but make it clear that some activities, like mining, are locationally constrained and may degrade wetlands and in these instances adverse effects can be remedied, mitigated, or compensated.	<p>Oceana Gold refers to earlier submissions (for instance on Objective 2.1 (page 8 above), Policy 2.1.2 (page 11 above), and Policy 2.1.13 (page 17 above)) and repeats, there is no provision in the RPS for any degradation of beds of rivers and lakes, wetlands, and their margins. This is not in keeping with sound resource management principles.</p> <p>In some instances activities at Macraes Mine may require the destruction of wetlands (e.g. creation of a pit or waste rock stack). There may not be overall maintenance or enhancement of the number, extent and health of wetlands.</p> <p>This AER should acknowledge that some activities such as mining will have unavoidable adverse effects on wetlands and in these instances adverse effects can be remedied, mitigated, or compensated.</p>
AER 2.5	<p><i>The health and diversity of Otago's ecosystems is maintained or enhanced</i></p> <p>Indicators: The cover area, connectivity, and health of indigenous vegetation and fauna in Otago is maintained or enhanced.</p>	Partial support	Retain but make it clear that there will be some circumstances where maintenance or enhancement may not be possible.	Oceana Gold refers to earlier submissions (on Policy 2.1.6 (page 13 above) and Policy 2.2.2 (page 14 above)), it is not appropriate to require 'avoidance' of all adverse effects on areas of significant indigenous vegetation and habitats of indigenous fauna, therefore it may not always be possible to 'maintain or enhance' these matters.

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
	The distribution and abundance of national indicator species resident in Otago is maintained or enhanced			
AER 4.3	<p><i>The effects of current land management do not preclude future economic uses of land</i></p> <p>Indicators: No irreversible damage to soils or land</p> <p>How indicators can be measured: Measures to avoid land contamination are promoted, number of entries in the contaminated soil register is reduced, erosion is reduced.</p>	Partial support	Retain but delete "Measures to avoid land contamination are promoted"	Oceana Gold submitted (page 24 above) that Policy 3.9.5 'Avoid the creation of new contaminated land' should be deleted. Oceana Gold does not support reference in this AER to avoiding land contamination.
New AER 4.6		Support	<p>Add:</p> <p><i>"Otago's highly valued mineral resources, which are a source of regional development, are appropriately used and developed.</i></p> <p>Indicator: Mineral extraction activities are maintained or increased in Otago</p> <p>Mineral extraction activities are provided for in sensitive, significant, or outstanding areas, and unavoidable adverse effects are remedied, mitigated or compensated</p>	<p>Introduce a new AER that recognises appropriate use and development of Otago's highly valued mineral resources, as a source of the region's development potential.</p> <p>Oceana Gold refers to earlier submissions on this topic (for instance, on Objective 2.1 (page 8 above), Policy 4.3.6 (page 29 above) and Policy 4.5.6 (page 33 above)).</p>

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
			<p>for.</p> <p>How indicators can be measured: The number of consents for mineral extraction activities"</p>	
Schedule 3	Significance Threshold	Partial support	<p>Amend to:</p> <p>remove subjectivity and ambiguity; and</p> <p>clarify how the schedule is intended to function, in particular weighting/balancing of criteria and threshold for being 'significant'; and</p> <p>ensure that regard is given to any mitigation proposed in order for the nature of the effect to be properly understood; and</p> <p>ensure it satisfies the requirements in s32 of the Act.</p>	<p>Inclusion of this schedule is regarded as constructive and promotes transparency of decision-making.</p> <p>However, Oceana Gold would like guidance as to how the schedule is meant to function. For example how many of the matters does it take to become significant - does it only take 1 out of 9 matters to be significant? If an effect ticks all nine boxes is it more significant than effects that tick only 3?</p> <p>Further there is ambiguity as to how the matters will interact and be weighed. For example how does the degree of change (matter 9) interact with reversibility and irreversibility (matter 6)? There is some double up here and users should have some guidance.</p> <p>Some of the matters are subjective. For example matter three refers to 'affecting a large area'. In mining terms, what is a 'large area' could be much larger than what an ordinary person or decision-maker might consider large, because mining operates in hectares rather than square metres. Oceana Gold would like to see some of this subjectivity removed.</p>

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
				<p>The criteria in the Schedule are not an exhaustive list (<i>"When determining whether adverse effects are 'significant', consider matters including..."</i>). How will weight be attributed to criteria listed in the Schedule as compared to criteria not listed – will the Schedule criteria carry more weight?</p> <p>Further, the nature of the effect needs to be understood having regard to any mitigation proposed, to provide context for the determination of significance.</p> <p>The Schedule has not been evaluated as required by s32 of the Act.</p>
Schedule 4	Criteria for the identification of natural features and landscapes	Partial support	Amend to clarify how schedule is intended to function, in particular weighting/balancing of criteria, and to ensure it satisfies the requirements in s32 of the Act.	<p>Partial support – inclusion of this schedule is regarded as constructive and promotes transparency of decision-making.</p> <p>However it is unclear as to how the criteria will be weighed and balanced, as amongst themselves and then as against the 'other factors' that are not identified in the Schedule but may be considered (<i>"The identification of natural features and landscapes will be based on, but not limited to..."</i>).</p> <p>The Schedule has not been evaluated as required by s32 of the Act.</p>
Schedule 5	Criteria for the assessment of the significance of indigenous	Partial support	Amend to include another criteria:	Partial support – inclusion of this schedule is regarded as constructive and promotes

Provision	Text submission relates	Support or Oppose	Relief Sought	Reasons
	<p>vegetation and habitat of indigenous fauna</p>		<p>"6. Size and Scale"</p> <p>Clarify what is meant by the note beneath the Schedule.</p> <p>Ensure it satisfies the requirements in s32 of the Act.</p>	<p>transparency of decision-making.</p> <p>However amend to include another criteria 'Size and Scale' of the area. The size and scale of the area of indigenous vegetation or habitat (i.e. population numbers, spatial distribution, the proportion of indigenous species present in percentage terms, size of area in a site-wide and regional context) is relevant to significance.</p> <p>Further, there is a note below the Schedule ("<i>Note that ORC holds additional information to inform decision making on these criteria including the rationale for criteria and examples of areas representing these criteria in Otago.</i>") and it is not clear what this means for decision-makers or plan users.</p> <p>The Schedule has not been evaluated as required by s32 of the Act.</p>

In addition to the specific relief discussed in the above table and the general relief sought at paragraph 9 of this submission Oceana Gold also seeks any similar relief with like effect which addresses Oceana Gold's concerns.

Oceana Gold also seeks such other relief as may be necessary or consequential upon:

- a. the specific relief discussed in the above table
- b. the general relief sought at paragraph 9 of this submission.

Oceana Gold is not a person who could gain an advantage in trade competition through this submission.

Oceana Gold requests to be heard at any hearing convened to consider the RPS.

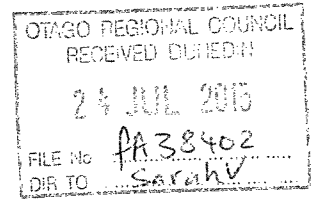
Dated: 24 July 2015



Oceana Gold (New Zealand) Limited
By its solicitors and duly authorised agents
ANDERSON LLOYD
Per: Stephen Christensen

Address for service of submitter:
c/- Anderson Lloyd Lawyers
Private Bag 1959
Dunedin 9054

Attention: Stephen Christensen
Telephone: 03 471 5430
Fax: 03 477 3184
Email: stephen.christensen@andersonlloyd.co.nz



**SUBMISSION TO THE PROPOSED OTAGO REGIONAL POLICY
STATEMENT 2015**

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

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

SUBMISSION ON: Proposed Otago Regional Policy Statement
2015

NAME OF SUBMITTER: Ballance Agri-Nutrients Limited

ADDRESS FOR SERVICE: Ballance Agri-Nutrients Limited
Hewletts Road
Mount Maunganui
Private Bag 12 503
Tauranga Mail Centre
Tauranga 3143

Attention: Mr Warwick Catto

Phone: (07) 572 7900

1.0 INTRODUCTION

Ballance Agri-Nutrients Limited (hereafter referred to as '**Ballance**', '**BAN**', or '**the Company**') is a farmer-owned co-operative with over 18,000 shareholders and approximately 800 staff throughout New Zealand. We own and operate super-phosphate manufacturing plants located in Tauranga and Invercargill, as well as New Zealand's only ammonia-urea manufacturing plant located at Kapuni, South Taranaki. The Company also owns and operates 'SuperAir', an agricultural aviation company; 'SealesWinslow', a high-performance compound feed manufacturer; 'Farmworks Systems Limited', a farm technology company; and 'AgHub', which provides on-line farm information and management tools.

Ballance places a strong emphasis on delivering value to its shareholders and on the use of the best science to inform sustainable nutrient management.

Ballance has a network of fertiliser storage and dispatch facilities across the country, twelve of which are located within the Otago Region.¹ These are dedicated facilities for the storage and redistribution of fertiliser, both in bulk and bagged form, with the larger stores often include mixing plants (for the supply of blended product), bagging facilities and weighbridges (for the accurate loading of trucks).

This submission is made to the proposed Otago Regional Policy Statement (hereafter referred to as the '**proposed RPS**'). When preparing its submission Ballance has had regard to the National Policy Statement for Freshwater Management 2014 ('**NPSFM**'), the operative Otago Regional Policy Statement ('**the Operative RPS**'), the Hazardous Substances and New Organisms Act 1996 (the '**HSNO Act**') (including the Fertilisers Group Standards) and the Resource Management Act 1991 (the '**Act**' or the '**RMA**').

We note, for completeness, that this submission has been prepared by experienced environmental and statutory planners from Ryder Consulting Limited ('**Ryder**').

2.0 SUBMISSIONS

2.1 Submission 1 - Part B – Chapter 2 - Objective 2.1

2.1.1 Ballance **supports (with amendments)** Objective 2.1 of the proposed RPS.

2.1.2 As Ballance understands it, the pRPS identifies that cumulative effects of human activities on the environment may be difficult to pinpoint initially, but will cause damage over time.

2.1.3 Ballance considers that Objective 2.1 is a directive provision that is wide-ranging and unjustifiably restrictive for the following reasons. As such, Ballance are concerned about the potential implications the Objective may have on future regional and district plan development within the Otago Region if adopted in its notified form.

2.1.4 Firstly, 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 can be interpreted as requiring that all 'values' be maintained and enhanced. The Company considers that only those values of natural and physical resources that are of significance to

¹ Otarehua Consignment Store located on Main Road, Otarehua; Ranfurly Consignment Store located on Charlemont Road, Ranfurly; Cromwell Consignment Store located on McNulty Road, Cromwell; Millers Flat Consignment Store located on Prngle Road, Millers Flat; Heriot Consignment Store located on Roxburgh Street, Taipanui; Balclutha Consignment Store located on Charlotte Street, Balclutha; Clydevale Consignment Store located on Allan Grange Road, Balclutha; Waipahi Consignment Store located on Webb Road, Waipahi; Lawrence Consignment Store located on Irvine Street, Lawrence; Owaka Consignment Store located on Royal Terrace, Owaka; Owiro Service Centre located on the corner of Gladfield and Gladstone Roads, Mosgiel; and the Luggate Consignment Store located on Main Road, Luggate.

the Otago Region should be maintained and enhanced.

- 2.1.5 Secondly, Objective 2.1 requires that these values be recognised, maintained and enhanced. In this respect Ballance notes that Objective 2.2, which addresses ‘significant and highly valued’ natural resources, requires that these resources be protected or enhanced to maintain their distinctiveness.
- 2.1.6 Given that Objective 2.1 simply refers to ‘values’ in broad terms, Ballance considers that it is inappropriate that the Objective seeks to maintain and enhance these values. The Company is, however, of the opinion that there will be circumstances where enhancement of the values of natural and physical resources is appropriate. The Policy should, in the Company’s opinion, be amended to provide for a case-by-case approach.

RELIEF SOUGHT

- 2.1.7 Ballance seeks that Objective 2.1 of the proposed RPS be amended and adopted as follows:
- Objective 2.1**
The values of Otago’s natural and physical resources are recognised, maintained and, where appropriate, enhanced.
- 2.1.8 Any similar amendments with like effect.
- 2.1.9 Any consequential amendments that stem from the relief sought in paragraph 2.1.7.

2.2 Submission 2 - Part B – Chapter 2 - (Water) Policy 2.1.1 – Managing for freshwater values

- 2.2.1 Ballance **supports (with amendments)** (Water) Policy 2.1.1 – *Managing for freshwater values* of the proposed RPS.
- 2.2.2 Ballance previously submitted on Policy 2.1.1 (previously Policy 1.1.1) in the draft version of the pRPS and notes that the concerns of the Company expressed during the draft consultation process regarding the uncertainty associated with the level of degradation required before an ‘enhancement’ response is triggered under clause ‘f’ (previously ‘d’) have not been addressed.
- 2.2.3 As per Ballance’s submission on the draft RPS, the Company considers that clause ‘f’ should be linked to ‘freshwater management unit targets’ associated with the work that is required of the regional council under the NPSFM.
- 2.2.4 Ballance considers that Policy 2.1.1 should be supported by methods that promote extensive consultation (including with industry stakeholders), recognition of community aspirations and the values of various catchments.
- 2.2.5 Ballance also seek that water quality limits be socially, economically, as well as environmentally, achievable. For completeness, these are methods similar to those prescribed by the NPSFM.
- 2.2.6 Ballance notes that Policy 2.1.1 is proposed to be achieved by the following methods:
- *Method 1: Kai Tahu Relationships;*
 - *Method 3: Regional Plans;*
 - *Method 4: City and District Plans; and*
 - *Method 7: Strategies and Plans (non-RMA).*

Of the RMA methods, Method 3: *Regional Plans* is the most relevant in terms of BAN’s previous submissions.

- 2.2.7 Clause 3.1.4 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. Ballance considers that this 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 NPSFM.

RELIEF SOUGHT

- 2.2.8 Ballance seeks that (Water) Policy 2.1.1 – *Managing for freshwater values* of the proposed RPS be amended and adopted as follows:

Policy 2.1.1 – Managing for freshwater values

Recognise freshwater values, and manage freshwater, to:

- a) *Support healthy ecosystems in all Otago aquifers, and rivers, lakes, wetlands, and their margins; and*
- b) *Retain the range and extent of habitats provided by freshwater; and*
- c) *Protect outstanding water bodies and wetlands; and*
- d) *Protect migratory patterns of freshwater species, unless detrimental to indigenous biodiversity; and*
- e) *Avoid aquifer compaction, and seawater intrusion in aquifers; and*
- f) *In accordance with established freshwater objectives, maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded; and*
- g) *Maintain or enhance coastal values supported by freshwater values; and*
- h) *Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers; and*
- i) *Retain the quality and reliability of existing drinking water supplies; and*
- j) *Protect Kāi Tahu values; and*
- k) *Provide for other cultural values; and*
- l) *Protect important recreation values; and*
- m) *Maintain the aesthetic and landscape values of rivers, lakes, and wetlands; and*
- n) *Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and*
- o) *Mitigate the adverse effects of natural hazards, including flooding and erosion; and*
- p) *Maintain the ability of existing infrastructure to operate within their design parameters*

- 2.2.9 Ballance also seeks that Method 3: Regional Plans of the proposed RPS be amended and adopted as follows:

3.1.6

Regional Plans will establish freshwater management units and associated freshwater objectives in accordance with the National Policy Statement for Freshwater Management 2014.

- 2.2.10 Any similar amendments with like effect.
- 2.2.11 Any consequential amendments that stem from the relief sought in paragraphs 2.2.8 and 2.2.9.

2.3 Submission 3 – Part B – Chapter 2 - (Air) Policy 2.1.4 – Managing for air quality values

- 2.3.1 Ballance **supports (with amendments)** (Air) Policy 2.1.4 – *Managing for air quality values* of the proposed RPS.
- 2.3.2 Ballance notes that Policy 2.1.4 (and the associated methods) provides little in the way of direction around how air quality values are to be recognised, determined or measured. Ballance considers that this creates uncertainty in terms of the point at which an enhancement response may be triggered and/or the baseline whereby air quality is considered to be ‘good’ or ‘degraded’.
- 2.3.3 The Company, in its submissions/feedback on the consultation draft pRPS, previously expressed its concerns in relation to the need to avoid potentially significant adverse social and economic effects associated with setting emission standards without first undertaking

extensive stakeholder and community engagement/consultation.

RELIEF SOUGHT

- 2.3.4 Ballance seeks that (Air) Policy 2.1.4 – *Managing for air quality values* of the proposed RPS be amended and adopted as follows.

Policy 2.1.4 – Managing for air quality values

Recognise air quality values, and manage air quality, to:

- a) ~~Maintain good~~ Set ambient air quality standards that supports human health, or enhance air quality where it has been degraded; and
- b) Maintain air quality in accordance with established air quality standards, or enhance it where it has been degraded; and
- c) *Protect Kāi Tahu values; and*
- d) *Maintain other cultural, aesthetic and amenity values.*

- 2.3.5 Ballance also seeks that Method 3: *Regional Plans* of the proposed RPS be amended to include a method for the setting of air quality standards that includes the requirement for extensive stakeholder and community engagement/consultation.

- 2.3.6 Any similar amendments with like effect.

- 2.3.7 Any consequential amendments that stem from the relief sought in paragraphs 2.3.4 and 2.3.5.

2.4 Submission 4 – Part B – Chapter 2 - (Soil) Policy 2.1.5 – Managing for soil values

- 2.4.1 Ballance **supports** (Soil) Policy 2.1.5 – *Managing for soil values* of the proposed RPS.

- 2.4.2 Ballance interprets Policy 2.1.5 as seeking to, amongst other things, recognise soil values and to manage soil to retain soil for primary production activities (clause ‘f’) and to maintain highly valued soil resources (clause ‘j’).

- 2.4.3 Ballance considers that the direction provided by these two clauses is important as it provides high-level policy direction in relation to managing the pressure generated by non-productive land use activities’ demand for productive land.

- 2.4.4 The Company notes that clause 6.1.3 c) of Method 6: *Research, Monitoring and Reporting*, requires Regional Council to identify highly valued soil resources and that Method 4 requires that City and District Plans (within the Otago Region) contain Objectives, Policies and Methods for achieving the pRPS. Both of these methods are appropriate as they require the identification of highly valued soil resources and then the incorporation of appropriate provisions within city and district plans to deliver the outcomes set by Policy 2.1.5.

RELIEF SOUGHT

- 2.4.5 Ballance seek that Policy 2.1.5 – *Managing for soil values* of the proposed RPS be adopted as notified.

- 2.4.6 Ballance also seek that Method 4 of the proposed RPS be adopted as notified.

- 2.4.7 Ballance also seek that Method 6, sub-clause 6.1.3 c) of the proposed RPS be adopted as notified.

- 2.4.8 Any similar amendments with like effect.

2.4.9 Any consequential amendments that stem from the relief sought in paragraphs 2.4.5, 2.4.6 and 2.4.7.

2.5 Submission 5 – Part B – Chapter 2 – Objective 2.2

2.5.1 Ballance **supports** Objective 2.2 of the proposed RPS.

2.5.2 The Company considers that the Objective 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.

2.5.3 Ballance notes that the term ‘highly-valued’ is somewhat ambiguous when the Objective is read alone, however the Objective is supported by a number of policies (2.2.1, 2.2.3, 2.2.5, 2.2.7, 2.2.8, 2.2.10, 2.2.12 and 2.2.14) that either prescribe the criteria, or cross reference to a schedule to the pRPS, for being considered ‘significant’ or ‘highly valued’.

RELIEF SOUGHT

2.5.4 Ballance seek that Objective 2.2 of the proposed RPS be adopted as notified.

2.5.5 Any similar amendments with like effect.

2.5.6 Any consequential amendments that stem from the relief sought in paragraph 2.5.4.

2.6 Submission 6 – Part B – Chapter 2 - (Outstanding Water Bodies) Policy 2.2.12 – Identifying outstanding water bodies and wetlands

2.6.1 Ballance **supports (with amendments)** (Outstanding Water Bodies) Policy 2.2.12 – *Identifying outstanding water bodies and wetlands* of the proposed RPS.

2.6.2 Ballance considers that, on their face, the criteria for determining whether a water body (or wetland) is ‘outstanding’ appear to be appropriate but note that the criteria are fairly broad and that no additional direction/explanation of the criteria is included as a Schedule to the pRPS.

2.6.3 Ballance considers that this potentially creates uncertainty whereby water bodies (or wetlands) that are not necessarily ‘outstanding’ may be captured by Policy 2.2.12.

2.6.4 The Policy would, in the Company’s opinion, benefit from the inclusion of a supporting schedule that provides additional direction around the specific values under each of the six criteria. For completeness, we note that the criteria make no specific reference to indigenous biodiversity or water quality values.

2.6.5 The inclusion of such a schedule would be consistent with the approach to other matters within the pRPS such as ‘historic heritage’, whereby Schedule 7 provides criteria for assessing historic heritage values. We note that the King Salmon decision promotes this approach, whereby the attributes that contribute to the ‘outstanding’ nature of the waterbody are identified.

RELIEF SOUGHT

2.6.6 Ballance seeks that (Outstanding Water Bodies) Policy 2.2.12 – *Identifying outstanding water bodies and wetlands* of the proposed RPS, be adopted as notified.

2.6.7 Ballance also seeks that Policy 2.2.12 be supported by a schedule within the pRPS that

provides additional direction around the specific values under each of the six criteria.

- 2.6.8 Any similar amendments with like effect.
- 2.6.9 Any consequential amendments that stem from the relief sought in paragraph 2.6.4.
- 2.7 **Submission 7 – Part B – Chapter 2 - (Highly Valued Soil Resources) Policy 2.2.14 – Identifying highly valued soil resources**
 - 2.7.1 Ballance **supports (with amendments)** (Highly Valued Soil Resources) Policy 2.2.14 – *Identifying highly valued soil resources* of the proposed RPS.
 - 2.7.2 Ballance supports the direction provided within the Policy to identify areas and values of highly valued soil resources within the Otago Region, specifically referring to versatility for primary production as one of the criteria under clause ‘a’.
 - 2.7.3 However, no set methodology for assessing a given soil resource against these criteria is provided within the pRPS, which, in the Company’s opinion, creates uncertainty in terms of how effective the Policy might be.
 - 2.7.4 Additionally, the identified methods for achieving Policy 2.2.14 (Methods 2 and 6) do not include a requirement to identify highly valued soil resources in Regional or District Plans.

RELIEF SOUGHT

- 2.7.5 Ballance seek that (Highly Valued Soil Resources) Policy 2.2.14 – *Identifying highly valued soil resources* of the proposed RPS, be adopted as notified.
- 2.7.6 Ballance also seeks that Policy 2.2.14 be supported by a schedule within the pRPS that provides additional direction around each of the four criteria.
- 2.7.7 Ballance also seeks that consequential amendments are made to the definition of ‘highly valued soils’ in the Glossary of the pRPS.
- 2.7.8 Ballance also seeks that Methods 3: *Regional Plans* and 4: *City and District Plans* be amended to include a requirement that areas recognised as having high value soil resource be identified within regional, city and district plans.
- 2.7.9 Any similar amendments with like effect.
- 2.7.10 Any consequential amendments that stem from the relief sought in paragraphs 2.7.5, 2.7.6, 2.7.7 and 2.7.8.
- 2.8 **Submission 8 – Part B – Chapter 2 - (Highly Valued Soil Resources) Policy 2.2.15 – Managing highly valued soil resources**
 - 2.8.1 Ballance **supports (with amendments)** (Highly Valued Soil Resources) Policy 2.2.15 – *Managing highly valued soil resources* of the proposed RPS.
 - 2.8.2 Ballance supports the direction provided under clause ‘a’ in terms of the avoidance of ‘significant’ adverse effects on the values that contribute to soil resource being ‘highly valued’. In this respect the Company notes that the pRPS, at Schedule 3, provides clear direction on determining whether an effect is ‘significant’ in the context of the pRPS.

- 2.8.3 Ballance also considers that the direction in Clause 'b' is appropriate insofar as it requires that all other effects (that is, those that are not significant and/or do not relate to the values that contribute to a soil resource being highly valued), be avoided, remedied or mitigated.
- 2.8.4 Clause 'd' does not, in the Company's opinion, sit comfortably within the Policy as it seeks to 'recognise' that urban expansion into areas of highly valued soil resource may be appropriate due to proximity to existing urban development and infrastructure.
- 2.8.5 Ballance considers that this creates tension and uncertainty within the Policy, because the stated aim of the Policy is the protection of highly valued soil resources. The Company considers that clause 'd' should be removed from Policy 2.2.15 and either be deleted or sit as a standalone policy. Additionally, the matters sought to be addressed by clause 'd' are also provided for under Policy 3.8.3: *Managing fragmentation of rural land*.

RELIEF SOUGHT

- 2.8.6 Ballance seeks that (Highly Valued Soil Resources) Policy 2.2.15 – *Managing highly valued soil resources* of the proposed RPS be amended and adopted as follows:

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*
- c) *Assessing the significance of adverse effects on values, as detailed in Schedule 3- and*
- d) *Recognising that urban expansion may be appropriate due to location and proximity to existing urban development and infrastructure.*

- 2.8.7 Ballance also seeks that Schedule 3 to the proposed RPS be adopted as notified.
- 2.8.8 As alternative relief to that set out in paragraph 2.8.6, Ballance seek that clause 'd' of Policy 2.2.15 be provided as a standalone Policy
- 2.8.9 Any similar amendments with like effect.
- 2.8.10 Any consequential amendments that stem from the relief sought in paragraphs 2.8.6, 2.8.7, and 2.8.8.

2.9 Submission 9 – Part B – Chapter 2 - Objective 2.3

- 2.9.1 Ballance **supports** Objective 2.3 of the proposed RPS.
- 2.9.2 As Ballance interprets it, 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.
- 2.9.3 Ballance considers that the Objective provides useful guidance at a broad level and note that the direction provided is not dissimilar to that provided under Objective C1 of the NPSFWM.

RELIEF SOUGHT

- 2.9.4 Ballance seeks that Objective 2.3 of the proposed RPS, be adopted as notified.
- 2.9.5 Any similar amendments with like effect.

- 2.9.6 Any consequential amendments that stem from the relief sought in paragraph 2.9.4.
- 2.10 Submission 10 – Part B – Chapter 2 – (Water) Policy 2.3.3 – Applying an integrated management approach for freshwater catchments**
- 2.10.1 Ballance **supports (with amendments)** (Water) Policy 2.3.3 – *Applying an integrated management approach for freshwater catchments* of the proposed RPS.
- 2.10.2 As Ballance interprets it, Policy 2.3.3 provides direction that an integrated management approach is to be applied in freshwater catchments through the use of freshwater objectives.
- 2.10.3 Ballance notes that clause ‘c’ in particular, is consistent with clause ‘a’ of Policy C2 of the NPSFM, which requires that the proposed RPS provides for the integrated management of the effects of the use and development of land on fresh water, including encouraging the co-ordination and sequencing of regional and/or urban growth, land use and development and the provision of infrastructure.
- 2.10.4 The Company considers that clause ‘a’ should also refer to the setting/establishing of freshwater objectives and not just the utilisation of the same. Currently, the methods for achieving Policy 2.3.3 (that is Methods 3, 4 and 7) make no reference to setting freshwater objectives or the process for the same. Notwithstanding this we note that the development of regional plans are required to give effect to the NPSFM, which, at section CA (Policies CA2 through CA4) prescribes the process for setting freshwater objectives.
- 2.10.5 Ballance considers that Method 3: *Regional Plans* of the proposed RPS should be updated to include reference to the setting of freshwater objectives in accordance with the NPSFM.
- 2.10.6 Ballance notes that clause ‘c’ of Policy 2.3.3 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. In this respect Ballance considers that the freshwater ‘values’ referred to in clause ‘c’ should be linked to the freshwater objectives referred to in clause ‘a’.

RELIEF SOUGHT

- 2.10.7 Ballance seeks that (Water) Policy 2.3.3 – *Applying an integrated management approach for freshwater catchments* of the proposed RPS be amended and adopted as follows:
- Policy 2.3.3 – Applying an integrated management approach for freshwater catchments**
Apply an integrated management approach to activities in freshwater catchments, by:
- a) *Establishing and Using consistent freshwater objectives for interconnected water bodies; and*
 - b) *Recognising the importance of river morphology, catchment hydrology, natural processes and land cover in supporting catchment values; and*
 - c) *Coordinating the management of land use and freshwater, to:*
 - i. *Maintain or enhance freshwater values as established by the freshwater objectives; and*
 - ii. *Maintain or enhance the wetland values; and*
 - iii. *Maintain or enhance the values of beds of rivers and lakes, wetlands, and their margins; and*
 - iv. *Reduce the potential for health and nuisance effects.*
- 2.10.8 Ballance also seeks that Method 3: *Regional Plans* of the proposed RPS be amended and adopted as follows:
- 3.1.6
Regional Plans will establish freshwater management units and associated freshwater objectives in accordance with the National Policy Statement for Freshwater Management 2014.

- 2.10.9 Any similar amendments with like effect.
- 2.10.10 Any consequential amendments that stem from the relief sought in paragraphs 2.10.7 and 2.10.8.
- 2.11 Submission 11 – Part B – Chapter 2 - (Air) Policy 2.3.5 – Applying an integrated management approach for air sheds**
- 2.11.1 Ballance **supports (with amendments)** (Air) Policy 2.3.5 – *Applying an integrated management approach for air sheds* of the proposed RPS.
- 2.11.2 Ballance notes that the integrated management approach for air sheds advanced under Policy 2.3.5 is consistent with the overall integrated resource management approach of the pRPS. Whilst generally supportive of this approach, the Company has some concerns.
- 2.11.3 Firstly, the Company considers that the use of the term ‘demographic changes’ in clause ‘a’ is too narrow and should, also encapsulate changes in land use in a general sense. In this regard, we consider that, whilst demographic/population changes effect land use patterns, it is the land use change that results in effects.
- 2.11.4 Secondly, the Policy (and associated methods) provides little in the way of direction around the setting of emission standards. In this respect Ballance, in its submissions/feedback on the consultation draft to the pRPS, previously expressed its concern in relation to the need to avoid potentially significant adverse social and economic effects associated with setting emission standards without first undertaking extensive stakeholder and community engagement/consultation.
- 2.11.5 Finally, co-ordinated management of land use and air quality should, in the Company’s opinion, also take into account potential reverse sensitivity effects on existing lawfully established activities/industries that discharge to the air, in particular where these activities operate in accordance with industry best practice.

RELIEF SOUGHT

- 2.11.6 Ballance also seeks that (Air) Policy 2.3.5 – *Applying an integrated management approach for air sheds* of the proposed RPS be amended and adopted as follows:
- Policy 2.3.5 – Applying an integrated management approach for air sheds**
Apply an integrated management approach to activities that affect air quality, by:
- a) *Setting emission standards for airsheds that take into account foreseeable demographic and associated land use changes, and their effects on cumulative emissions; and*
 - b) *Co-ordinating the management of land use and air quality, to:*
 - i. *Maintain or enhance air quality values in accordance with established air quality standards; and*
 - ii. *Reduce the potential for adverse health and nuisance effects; and*
 - iii. *Minimise reverse sensitivity effects on established activities.*
- 2.11.7 Ballance also seeks that Method 3: *Regional Plans* be amended to include a method for the setting of air quality standards that includes the requirement for extensive stakeholder and community engagement/consultation.
- 2.11.8 Any similar amendments with like effect.
- 2.11.9 Any consequential amendments that stem from the relief sought sought in paragraphs 2.11.6 and 2.11.7.

2.12 Submission 12 – Part B – Chapter 3 – Objective 3.8

2.12.1 Ballance **supports** Objective 3.8 of the proposed RPS.

2.12.2 As Ballance interprets it, Objective 3.8 seeks to manage urban growth in a manner that is efficient (in terms of the use of the existing urban land resource and existing infrastructure) and effectively integrates with adjoining urban and rural environments. The pRPS identifies that concentrating activities in urban areas can reduce the pressure on productive land.

2.12.3 In light of the additional direction provided in Policy 3.8.1 as it relates to rural production, Ballance is supportive of this Objective.

RELIEF SOUGHT

2.12.4 Ballance seeks that Objective 3.8 of the proposed RPS, be adopted as notified.

2.12.5 Any similar amendments with like effect.

2.12.6 Any consequential amendments that stem from the relief sought in paragraph 2.12.4.

2.13 Submission 13 – Part B – Chapter 3 – (Managing Growth) Policy 3.8.1 – Managing for urban growth

2.13.1 Ballance **supports** (Managing Growth) Policy 3.8.1 – *Managing for urban growth* of the proposed RPS.

2.13.2 Ballance is supportive of Sub-clause ‘c) i)’ in particular as it provides high level policy direction for city and district councils that, in identifying areas for future growth, adverse effects on rural productivity (including high value soils) are to be minimised.

2.13.3 Ballance considers that the policy is well-balanced and appropriately addresses the Company’s interests within the Otago Region.

RELIEF SOUGHT

2.13.4 Ballance seeks that (Managing Growth) Policy 3.8.1 – *Managing for urban growth* of the proposed RPS, be adopted as notified.

2.13.5 Any similar amendments with like effect.

2.13.6 Any consequential amendments that stem from the relief sought in paragraph 2.13.4.

2.14 Submission 14 – Part B – Chapter 3 (Managing Growth) Policy 3.8.3 – Managing fragmentation of rural land

2.14.1 Ballance **supports (with amendments)** (Managing Growth) Policy 3.8.3 – *Managing fragmentation of rural land* of the proposed RPS.

2.14.2 As Ballance interprets it, Policy 3.8.3 provides direction on the management of rural land in terms of fragmentation induced by urban expansion or growth. The Policy seeks to achieve Objective 3.8 and, like Policy 3.8.1, is relevant to BAN’s interests in terms of the management of potential pressures on the rural productive land resource associated with urban expansion.

- 2.14.3 Ballance considers that sub-clause 'a) i.' sets appropriate direction in terms of development, fragmentation and primary production.
- 2.14.4 Ballance considers that the use of the phrase 'have particular regard to' in clause 'b' is not sufficiently directive to be effective in terms of managing effects of development and urban expansion on highly valued soil resources.
- 2.14.5 In this respect, sub-clauses 'b) i.' though 'iii.' already provide exceptions where the loss of highly valued soils are not required to be considered. In Ballance's opinion, other development or expansion of land not covered by these exceptions should be required to avoid the loss of soils that have been identified as being highly valued.

RELIEF SOUGHT

- 2.14.6 Ballance seeks that (Managing Growth) Policy 3.8.3 – *Managing fragmentation of rural land* of the proposed RPS be amended and adopted as follows:

Policy 2.2.15 – Managing highly valued soil resources

Manage subdivision, use and development of rural land, to:

- a) *Avoid development or fragmentation of land which undermines or forecloses the potential of rural land:*
- i. *For primary production; or*
 - ii. *In areas identified for future urban uses; or*
 - iii. *In areas having the potential for future comprehensive residential development; and*
- b) ~~*Have particular regard to whether the proposal*~~ *Avoid development or fragmentation of land that will result in a loss of the productive potential of highly versatile soil, unless:*
- i. *The land adjoins an existing urban area and there is no other land suitable for urban expansion; and*
 - ii. ~~*The 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*~~
 - iii. *Reverse sensitivity effects on rural productive activities can be avoided; and*
- c) *Avoid unplanned demand for provision of infrastructure, including domestic water supply and waste disposal; and*
- d) *Avoid creating competing demand for water or other resources.*

- 2.14.7 Any similar amendments with like effect.
- 2.14.8 Any consequential amendments that stem from the relief sought in paragraph 2.14.6.

2.15 Submission 15 – Part B – Chapter 3 – Objective 3.9

- 2.15.1 Ballance **supports (with amendments)** Objective 3.9 of the proposed RPS.
- 2.15.2 Ballance is concerned by the tone of Objective 3.9 as it could be interpreted as requiring outright avoidance of all effects and does not fully reflect the outcomes sought under the pRPS as described in the explanation (which has no legal weight) to the same.
- 2.15.3 In this respect the explanation identifies that hazardous substances are dangerous but essential components of some activities and seeks to manage the production, use and disposal of the same to avoid creating environmental problems or adversely affecting human health.
- 2.15.4 Ballance notes that the RMA is not a 'nil effects' statute.
- 2.15.5 We note that Policy 3.9.2: *Managing the use, storage and disposal of hazardous substances, and the storage and disposal of waste materials* provides a comprehensive description of what management responses are anticipated under the pRPS.

RELIEF SOUGHT

- 2.15.6 Ballance seeks that Objective 3.9 of the proposed RPS, be amended and adopted as follows:
Objective 3.9
The effects of Hazardous substances and waste materials ~~do not harm~~ on human health ~~or~~ and the quality of the environment in Otago are appropriately managed.
- 2.15.7 Any similar amendments with like effect.
- 2.15.8 Any consequential amendments that stem from the relief sought in paragraph 2.15.6.

2.16 Submission 16 – Part B – Chapter 3 - (Integration) Policy 3.9.1 – Integrating management of hazardous substances and waste

- 2.16.1 Ballance **supports** (Integration) Policy 3.9.1 – *Integrating management of hazardous substances and waste* of the proposed RPS.
- 2.16.2 Ballance notes that Policy 3.9.1 continues the general theme of the pRPS of 'integrated management'. Ballance supports this approach.

RELIEF SOUGHT

- 2.16.3 Ballance seeks that (Integration) Policy 3.9.1 – *Integrating management of hazardous substances and waste* of the proposed RPS, be adopted as notified.
- 2.16.4 Any similar amendments with like effect.
- 2.16.5 Any consequential amendments that stem from the relief sought in paragraph 2.16.3.

2.17 Submission 17 – Part B – Chapter 3 - (Hazardous Substances) Policy 3.9.2 – Managing the use, storage and disposal of hazardous substances, and the storage and disposal of waste materials

- 2.17.1 Ballance **supports (with amendments)** (Hazardous Substances) Policy 3.9.2 – *Managing the use, storage and disposal of hazardous substances, and the storage and disposal of waste materials* of the proposed RPS.
- 2.17.2 As Ballance interprets it, the key element of the Policy is that hazardous substances are to be managed to avoid accidental spillage or release.
- 2.17.3 Ballance considers that the Policy should explicitly recognise manufacturing and processing activities also. These activities are integral elements to the management and use of hazardous substances and, as such, should be recognised and provided for in the same manner as use, storage and disposal activities.
- 2.17.4 Additionally, Ballance considers that the use of the term 'avoiding' in clause 'c' is too restrictive, particularly given the reference to 'other values'.
- 2.17.5 Ballance also considers that it is uncertain what these 'other values' may or may not encapsulate and that the reference to 'other values' should be either deleted or replaced with the phrase 'quality of the Otago environment' for consistency with Objective 3.9.
- 2.17.6 Ballance contends that clause 'd' should incorporate hazardous substance facilities generally, not just those that deal with waste products. In this respect the proposed RPS does not include direction that facilities used for the manufacture, storage, processing, handling and

disposal of hazardous substances, are to be provided for. Such facilities should, in the Company's opinion, be recognised and provided for in the same manner as those for the transfer, processing and handling of hazardous waste and waste materials.

- 2.17.7 Ballance considers that clause 'f' provides useful direction in terms of reverse sensitivity effects but should also capture hazardous substances facilities generally and not just those that treat and dispose of hazardous substances. In this respect Ballance note that hazardous substance manufacturing and processing activities in particular are also often subject to reverse sensitivity effects. The pRPS should recognise this.

RELIEF SOUGHT

- 2.17.8 Ballance seeks that Objective 3.9 of the proposed RPS be amended and adopted as follows:

Policy 3.9.2 – Managing the manufacture, use, storage and disposal of hazardous substances, and the storage and disposal of waste materials

Manage the manufacture, use, storage, handling 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:

- a) *Providing secure containment of those substances in case of accidental spillage; and*
- b) *Minimising risk associated with natural hazard events; and*
- c) *Avoiding ~~Managing~~ adverse effects of those substances and materials on the health and safety of people, and on ~~other values~~ the quality of the Otago environment; and*
- d) *Providing for the development of facilities to safely manufacture, store, transfer, process, handle and dispose of hazardous ~~waste substances~~ and waste materials; and*
- e) *Ensuring hazardous substances are treated or disposed at authorised facilities, in accordance with the relevant disposal instructions; and*
- f) *Restricting the location of activities that may result in reverse sensitivity effects near:*
 - i. *Authorised facilities for hazardous substance manufacture, storage, treatment or disposal; or*
 - ii. *Waste transfer or disposal facilities.*

- 2.17.9 Any similar amendments with like effect.

- 2.17.10 Any consequential amendments that stem from the relief sought in paragraph 2.17.8.

2.18 Submission 18 – Part B – Chapter 3 - (Encouragement) Policy 3.9.6 – Encouraging use of best management practices for hazardous substance use

- 2.18.1 Ballance **supports (with amendments)** (Encouragement) Policy 3.9.6 – *Encouraging use of best management practices for hazardous substance use* of the proposed RPS.

- 2.18.2 As Ballance interpret it, Policy 3.9.6 provides direction that the use of best management practices should be encouraged in terms of the use of hazardous substances.

- 2.18.3 Whilst Ballance is generally supportive of the direction provided by Policy 3.9.6, the Company considers that, whilst a reduction in the use of hazardous substances is one means by which to mitigate the effects of hazardous substances, there is no need to single this out within the Policy. Ballance considers this matter should be left to best management practices as required by Method 11.

RELIEF SOUGHT

- 2.18.4 Ballance seek that (Encouragement) Policy 3.9.6 – *Encouraging use of best management practices for hazardous substance use* of the proposed RPS be amended and adopted as follows:

Policy 3.9.6 – Encouraging use of best management practices for hazardous substance use
Encourage the use of best management practices to prevent or mitigate adverse effects of the use of hazardous substances on the environment, including reducing their use.

2.18.5 Ballance also seeks that Method 11, clause 11.1.3 be amended and adopted as follows:

Regional, city and district councils may:

- a) Advocate for the development, upgrade or maintenance of infrastructure, when it will enhance Otago’s communities’ well- being or health and safety;*
- b) Promote subdivision and urban development that responds to and anticipates the changing demographic needs of the local community;*
- c) Advocate for the development of infrastructure and services to provide for hazardous substance collection, disposal and recycling services across the region;*
- d) Promote the use of industry best management practices and compliance with the HSNO Act and supporting regulations, to prevent or mitigate adverse effects of the use of hazardous substances on the environment, including reducing their use wherever practicable;*
- e) In circumstances where no industry best practice currently exists, promote the development and adoption of best practice guidelines for the use and management of hazardous substances, and a reduction in hazardous substance use including reducing their use wherever practicable.*

2.18.6 Any similar amendments with like effect.

2.18.7 Any consequential amendments that stem from the relief sought in paragraphs 2.18.4 and 2.18.5.

2.19 Submission 19 – Part B – Chapter 4 – Objective 4.3

2.19.1 Ballance **supports** Objective 4.3 of the proposed RPS.

2.19.2 Ballance supports that the proposed RPS, through the explanation note to Objective 4.3, recognises that the use of land for productive activity underpins the economy of the Otago Region and that the Objective seeks to ensure that sufficient land is available for, amongst other things, rural production. The proposed RPS seeks to provide ongoing opportunities for economic growth and development by recognising and providing for the effects of activities.

2.19.3 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.

RELIEF SOUGHT

2.19.4 Ballance seeks that Objective 4.3 of the proposed RPS, be adopted as notified.

2.19.5 Any similar amendments with like effect.

2.19.6 Any consequential amendments that stem from the relief sought in paragraph 2.19.4.

2.20 Submission 20 – Part B – Chapter 4 - (Rural) Policy 4.3.1 – Managing for rural activities

2.20.1 Ballance **supports** (Rural) Policy 4.3.1 – *Managing for rural activities* of the proposed RPS.

2.20.2 As Ballance interprets it Policy 4.3.1 seeks to manage the pressures on rural land, provide for primary production and manage reverse sensitivity effects on rural activities.

- 2.20.3 Ballance considers that the Policy is well-balanced and provides appropriate high level policy direction for the development of City and District Plans.

RELIEF SOUGHT

- 2.20.4 Ballance seeks that (Rural) Policy 4.3.1 – *Managing for rural activities* of the proposed RPS be adopted as notified.
- 2.20.5 Any similar amendments with like effect.
- 2.20.6 Any consequential amendments that stem from the relief sought in paragraph 2.20.4.

2.21 Submission 21 – Part B – Chapter 4 - (Industrial) Policy 4.3.5 – Managing for industrial land uses

- 2.21.1 Ballance **supports** (Industrial) Policy 4.3.5 – *Managing for industrial land uses* of the proposed RPS.
- 2.21.2 As Ballance interprets it, Policy 4.3.5 seeks to provide sufficient appropriate land for industrial activities (such as Company’s Service Centres and Consignment Stores) and for the management of reverse sensitivity effects.
- 2.21.3 Ballance considers that the Policy is well-balanced and provides appropriate high level policy direction for the development of City and District Plans.

RELIEF SOUGHT

- 2.21.4 Ballance seeks that (Industrial) Policy 4.3.5 – *Managing for industrial land uses* of the proposed RPS be adopted as notified.
- 2.21.5 Any similar amendments with like effect.
- 2.21.6 Any consequential amendments that stem from the relief sought in paragraph 2.21.4.

2.22 Submission 22 – Part B – Chapter 4 – Objective 4.5

- 2.22.1 Ballance **supports (with amendments)** Objective 4.5 of the proposed RPS.
- 2.22.2 Ballance interprets Objective 4.5 as seeking to achieve the minimisation of all adverse effects, regardless of their magnitude or significance.
- 2.22.3 Ballance considers that this is inconsistent with the explanatory note to the Objective, which refers to the consideration of both managing adverse effects and maintaining and enhancing environmental values.
- 2.22.4 Ballance contends 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, Ballance notes that the ‘appropriate’ management of effects is addressed through the supporting policies (4.5.1 through 4.5.9).

RELIEF SOUGHT

- 2.22.5 Ballance seeks that Objective 4.5 of the proposed RPS be amended and adopted as follows:

Objective 4.5

Adverse effects of using and enjoying Otago's natural and built environment are ~~minimised~~ appropriately managed.

- 2.22.6 Any similar amendments with like effect.
- 2.22.7 Any consequential amendments that stem from the relief sought in paragraph 2.22.5.
- 2.23 Submission 23 – Part B – Chapter 4 – (Management) Policy 4.5.1 – Avoiding objectionable discharges**
- 2.23.1 Ballance **supports (with amendments)** (Management) Policy 4.5.1 – *Avoiding objectionable discharges* of the proposed RPS.
- 2.23.2 Ballance considers that the requirement for outright avoidance of the discharges listed in Policy 4.5.1 to be inappropriate. In this respect, we note that this Policy will ultimately direct the development or amendment of the Otago Regional Air Plan.
- 2.23.3 The Company considers that a more appropriate direction would be the ‘minimisation’ of objectionable and offensive discharges. This would be consistent with the overall outcome sought by Objective 4.5 as notified. The term ‘minimisation’ is also well understood and has been defined in case law.
- 2.23.4 Ballance considers that clause ‘b’ is appropriate when applied to new discharges. However, part of managing objectionable discharges in the Company’s opinion, is managing reverse sensitivity effects on existing activities that discharge.
- 2.23.5 The management of reverse sensitivity effects on rural production (Policies 3.8.3 and 4.3.1), industrial (Policy 4.3.5) and hazardous substances (Policy 3.9.2) activities are generally provided for elsewhere within the proposed RPS.

RELIEF SOUGHT

- 2.23.6 Ballance seeks that (Management) Policy 4.5.1 – *Avoiding objectionable discharges* of the proposed RPS be amended and adopted as follows:
- Policy 4.5.1 – Avoiding objectionable discharges**
- Avoid ~~Minimise~~ discharges that are objectionable or offensive to takata whenua and the wider community, including:*
- a) *Discharges of human or animal waste:*
 - i. *Directly to water; or*
 - ii. *In close proximity to water; or*
 - iii. *In close proximity to mahika kai sites; or*
 - b) *New or additional discharges of hazardous or noxious substances close to sensitive activities, including:*
 - i. *Residential activities; or*
 - ii. *Schools and other educational activities; or*
 - iii. *Places of public access to the natural environment; or*
 - iv. *In close proximity to mahika kai sites; or*
 - c) *Odorous or conspicuous discharges.*
- 2.23.7 Any similar amendments with like effect.
- 2.23.8 Any consequential amendments that stem from the relief sought in paragraph 2.23.6.

3.0 CONCLUSION

- 3.1 Ballance wish to be heard in support of this submission.
- 3.2 If others make a similar submission Ballance would consider presenting a joint case with them at any hearing.
- 3.3 Ballance cannot gain an advantage in trade competition through this submission.
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Signature:



PP Warwick Catto, for and on behalf of Ballance Agri-Nutrients Limited

Date: 24th of July 2015.

Address for Service: Ballance Agri-Nutrients Limited
Private Bag 12 503
Tauranga Mail Centre
Tauranga 3143

Attention: Mr Warwick Catto

Telephone: (07) 572 7900

E-mail: warwick.catto@ballance.co.nz