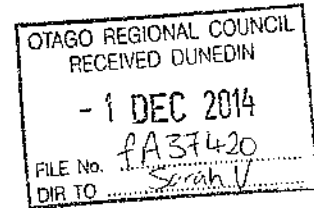


Submitter Number	Name1
1	Clive Blunden
2	Brian Turner
3	Engineers for Social Responsibility
4	The Southern District Health Board
5	Port Otago Ltd
6	Egg Producers Federation of New Zealand
7	Clutha District Council
8	Holcim (New Zealand) Limited
9	Jen Olsen
10	CCS Disability Action
11	Bus Go Dunedin
12	KiwiRail
13	New Zealand Defence Force
14	Blueskin Resilient Communities Trust (BRCT)
15	Transpower
16	Aurora Energy Ltd.
17	Queenstown Airport Corporation
18	Irrigation New Zealand Incorporated
19	Otago Fish and Game Council
20	Trustpower
21	Fonterra Cooperative Group Ltd
22	Making a Difference for Central Otago
23	Ravensdown Ltd
24	Delta
25	Alliance Group Ltd
26	Heritage New Zealand
27	Environmental Defence Society
28	Waitaki Irrigators Collective Limited
29	Otago Polytechnic Student's Association
30	Dave Tyrrell
31	Upper Clutha Conservation Taskforce
32	The Oil Companies (Mobil Oil NZ, BP Oil NZ, Z Energy)
33	DairyNZ
34	Meridian Energy
35	Central Otago Wilding Conifer Control Group
36	Contact Energy
37	Oceana Gold (New Zealand) Limited
38	Upper Clutha Tracks Coordinator
39	Mandy Tocher
40	NZ Transport Agency
41	Federated Farmers
42	Department of Conservation
43	OtagoNet Joint Venture Limited
44	Queenstown Lakes District Council
45	AgResearch Ltd
46	Ballance Agri-Nutrients Ltd
47	Royal Forest and Bird Protection Society
48	Otago Peninsula Biodiversity Group

**From:** Clive Blunden <blunden@slingshot.co.nz>  
**Sent:** Saturday, 29 November 2014 10:41 a.m.  
**To:** RPS ORC  
**Subject:** Consultation



Policy Team,  
Otago Regional Council.

Hi Mr. Fraser McRae,

When we were pig farming in the early 80's the amount of regulations we had to adhere to regarding effluent was huge, there was a connection between the amount of pigs we could keep and the amount of land we had to spread it on, and also the amount of concentration, we also had to get permission from all the neighbours who's land bordered on ours the set up the piggery in the first place.

This does not seem to apply to dairy farming, when a sheep farm converts to dairy do they have to get permission from their neighbours? According to Invermay the consistency of pig and cow effluent is much the same.

When you build a new house you have to put in a effluent disposal system that practically turns it into drinkable water before it goes back into the water ways, this does not seem to be the case for dairy farms. Why?

A recent report on soil production [ amount of DM/H ] found that the soil 20 years ago was better producing than today and they put it down to high artificial fertilizer use and Urea, when we kept pigs all effluent was systematically spread all over the farm, soil tests proved that no extra fertilizer was needed, and 15 years after we stopped keeping pigs, and with no fertilizer put on the grass soil tests showed the soil in very good health.

Dairy farms should have the same regulations as pig farms.

Thank you for reading my email,

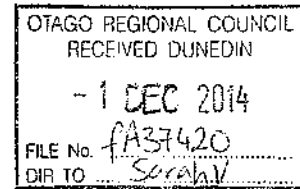
All the best,

Clive Blunden.

Sarah Valk

C2

**From:** Brian Turner <blturner@xtra.co.nz>  
**Sent:** Sunday, 30 November 2014 10:16 p.m.  
**To:** RPS ORC  
**Subject:** RPS Review Consultation draft



<http://www.monbiot.com/2014/11/27/a-vision-for-nature/>

Attn Fraser McRae,

Thanks for keeping in touch. In my case I'm one of a small percentage of New Zealanders (no more than 10 per cent is my guess) who've been writing about, talking about, and campaigning in an effort to alter the consciousness of the wider population in order to see us change course and genuinely attempt to halt degradation, destruction, species loss and so on and on.

I'm a product of my roots and my reading set alongside what I have seen occurring in my country - and especially southern New Zealand - in my lifetime. The more one reads, and witnesses, the direr it seems.

Rather than me paraphrase George Monbiot (GM), here's a very recent post of George's. To me he comprehensively elucidates and illuminates what ought to happen, needs to happen if we are to go near to arresting the worst of what's going on here and everywhere else on this lovely little planet. Is there any sign that, regionally and nationally, we're prepared to change course? No, for reasons similar, if not identical, to what GM covers and discloses here. Time is of the essence, and we're running out of it.

Regional councillors and many staff reflect the views of the electorate and the business interests and culture that drives them. Thus far the evidence shows that the willingness/ability to stick necks out and call 'enough' isn't there. Who on the ORC, or among the staff, is able or prepared to openly accept the truths Monbiot utters? And speak out publicly?

My request is that councillors and staff read this piece of GM's, consider and reflect on what he says, and decide if they/we are willing to make a big 'leap forward', lead and show the way.

We've been here for a short time only and have managed to do a tremendous amount of damage - in the name of 'progress'. But we all know that, hence the antidote willful blindness. We're all complicit, to varying degrees, and we know that, too.

Must press on. Thanks again for keeping me in the loop, and for efforts to stop/stall the rot in certain respects.

Yours truly,

Brian Turner

## A Vision for Nature

Posted: 27 Nov 2014 07:02 AM PST

By George Monbiot, posted on the Guardian's website, 21st November 2014

<http://www.monbiot.com/2014/11/27/a-vision-for-nature/>



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## A Vision for Nature

November 27, 2014



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3

[97](#)

As governments tear down the rules that defend our wildlife from extinction, here's a positive attempt to stop the wreckage.

By George Monbiot. posted on the Guardian's website, 21st November 2014

One of the fears of those who seek to defend the natural world is that people won't act until it is too late. Only when disasters strike will we understand how much damage we have done, and what the consequences might be.

I have some bad news: it's worse than that. For his fascinating and transformative book, *Don't Even Think About It: why our brains are wired to ignore climate change*, George Marshall visited Bastrop in Texas, which had suffered from a record drought followed by a record wildfire, and Sea Bright in New Jersey, which was devastated by Hurricane Sandy. These disasters are likely to have been caused or exacerbated by climate change. He interviewed plenty of people in both places, and in neither case – Republican Texas or Democratic New Jersey – could he find anyone who could recall a conversation about climate change as a potential cause of the catastrophe they had suffered. It simply had not arisen.

The editor of the Bastrop Advertiser told him "Sure, if climate change had a direct impact on us, we would definitely bring it in, but we are more centred around Bastrop County." The mayor of Sea Bright told him "We just want to go home, and we will deal with all that lofty stuff some other day." Marshall found that when people are dealing with the damage and rebuilding their lives they are even less inclined than they might otherwise be to talk about the underlying issues.

In his lectures, he makes another important point that – in retrospect – also seems obvious: people often react to crises in perverse and destructive ways. For example, immigrants, Jews, old women and other scapegoats have been blamed for scores of disasters they did not create. And sometimes people respond with behaviour that makes the disaster even worse: think, for instance, of the swing to UKIP, a party run by a former City broker and funded by a gruesome collection of tycoons and financiers, in response to an economic crisis caused by the banks.

I have seen many examples of this reactive denial at work, and I wonder now whether we are encountering another one.

The world's wild creatures are in crisis. In the past 40 years the world has lost over 50% of its vertebrate wildlife.

Hardly anywhere is spared this catastrophe. In the UK, for example, 60% of the 3,000 species whose fate has been studied have declined over the past 50 years. Our living wonders, which have persisted for millions of years, are disappearing in the course of decades.

You might expect governments and officials, faced with a bonfire of this magnitude, to rush to the scene with water and douse it. Instead they have rushed to the scene with cans of petrol.

Critical to the protection of the natural world are regulations: laws which restrain certain activities for the greater public good. Legal restrictions on destruction and pollution are often the only things that stand between species and their extinction.

Industrial interests often hate these laws, as they restrict their profits. The corporate media denigrates and demonises the very concept of regulation. Much of the effort of those who fund political parties is to remove the regulations that protect us and the living planet. Politicians and officials who seek to defend regulation will be taken down, through campaigns of unrelenting viciousness in the media. Everywhere the message has been received.

The European Commission has now ordered a “review” of the two main pillars of the protection of our wildlife: the Birds Directive and the Habitats Directive. It's likely to be the kind of review conducted by a large tracked vehicle with a steel ball on the end of a chain. The problem, the Commission says, is that these directives could impede the “fitness” of business in Europe.

But do they? Not even Edmund Stoiber, the conservative former president of Bavaria who was appointed by the Commission to wage war on regulation, thinks so. He discovered that European environmental laws account for less than 1% of the costs of regulation to business: the lowest cost of any of the regulations he investigated. “However, businesses perceive the burden to be much higher in this area.” So if these crucial directives are vitiated or scrapped, it will not be because they impede business, but because they are wrongly perceived to impose much greater costs than they do.

The UK chancellor, George Osborne, claimed in 2011 that wildlife regulations were placing ridiculous costs on business. But a review by the environment secretary, Caroline Spelman, concluded the claim was unfounded.

In the United Kingdom, whose leading politicians, like those of Australia and Canada, appear to be little more than channels for corporate power, we are facing a full-spectrum assault on the laws protecting our living treasures.

The Small Business, Enterprise and Employment Bill, now passing through the House of Commons, would oblige future governments to keep deregulating on behalf of business, regardless of the cost to the rest of society. The government's Red Tape Challenge at first insisted that no new regulation could be introduced unless an existing one is scrapped. Now two must be scrapped in exchange for any new one.

Cameron's government has set up what it calls a “Star Chamber”, composed of corporate executives and officials from the business department, before which other government departments must appear. They must justify, in front of the sector they regulate, any of the rules these business people don't like. If they are deemed insufficiently convincing, the rules are junked.

Usually, governments go to some lengths to disguise their intent, and to invent benign names for destructive policies. Not in this case. A Star Chamber perfectly captures the spirit of this enterprise. Here's how a website about the history of the Tudors describes the original version (my emphasis):

“The power of the court of Star Chamber grew considerably under the Stuarts, and by the time of Charles I it had become a **byword for misuse and abuse of power** by the king and his circle. ... Court sessions were held in secret, with **no right of appeal**, and **punishment was swift and severe to any enemy of the crown**. Charles I used the Court of Star Chamber as a **sort of Parliamentary substitute** during the years 1628-40, when he refused to call Parliament. Finally, in 1641 the Long Parliament abolished the hated Star Chamber, though its name survives still to designate **arbitrary, secretive proceedings in opposition to personal rights and liberty**.”

Yes, that is exactly what we're looking at. I suspect the government gave its kangaroo court this name to signal its intent to its corporate funders: we are prepared to be perfectly unreasonable on your behalf, trampling justice, democracy and

rational policy-making to give you what you want. We are putting you in charge. So please keep funding us, and please, dear owners of the corporate press, don't destroy our chances of winning the next election by backing UKIP instead.

Then there's the Deregulation Bill, which has now almost run its parliamentary course. Among the many ways in which it tilts the balance even further against defending the natural world is Clause 83, which states this:

"A person exercising a regulatory function to which this section applies must, in the exercise of the function, have regard to the desirability of promoting economic growth."

So bodies such as the Environment Agency or Natural England must promote economic growth, even if it directly threatens the natural wonders they are charged with protecting. For example, companies could save money by tipping pollutants into a river, rather than processing them or disposing of them safely. That means more funds for investment, which could translate into more economic growth. So what should an agency do if it is supposed to prevent pollution *and* promote economic growth?

Not that the government needs to bother, for it has already stuffed the committees that oversee these bodies.

Look, for example, at the board of Natural England. Its chairman, Andrew Sells, is a housebuilder and major donor to the Conservative Party, who was treasurer of the thinktank Policy Exchange, which inveighs against regulation at every opportunity. Its deputy chairman, David Hill, is also chairman of a private company called the Environment Bank, whose purpose is "to broker biodiversity offsetting agreements for both developers and landowners." Biodiversity offsetting is a new means of making the destruction of precious natural places seem acceptable.

The government has recently appointed to this small board not one but two Cumbrian sheep farmers – Will Cockbain and Julia Aglionby – who, my encounters with them suggest, both appear to be fanatically devoted to keeping the uplands sheepwrecked and bare. There's also a place for the chief executive of a group that I see as a greenwashing facility for the shooting industry, the Game and Wildlife Conservation Trust. And one for a former vice-president of Citibank. The board members with current or former interests in industries that often damage the natural world outnumber those who have devoted their lives to conservation and ecology.

So what do we do about this? You cannot fight assaults of this kind without producing a positive vision of your own.

This is what the RSPB and the Wildlife Trusts have done with the publication of their Nature and Wellbeing Green Paper. It's a proposal for a new act of parliament modelled on the Climate Change Act 2008. It obliges future governments to protect and restore the living world. It proposes targets for the recovery of species and places, a government agency (the Office for Environmental Responsibility) whose role is to ensure that all departments help to defend wildlife, and Local Ecological Networks, which devolve power to communities to protect the places they love most.

I have problems with some aspects of this proposal, not least its enthusiastic embrace of the Natural Capital Agenda, which seeks to persuade us to value nature by putting a price on it. This strategy is, I believe, astonishingly naïve. To be effective, you must open up political space, not help to close it down by accepting the premises, the values and the framing of your opponents. But I can see what drove them to do it. If the government accepts only policies or regulations that contribute to economic growth, it's tempting to try to prove that the financial value of wildlife and habits is greater than the financial value to be gained by destroying them, foolish and self-defeating as this exercise may be.

But I'll put this aside, because their proposal is the most comprehensive attempt yet to douse the bonfire of destruction on which the government is toasting our wildlife like marshmallows. The Climate Change Act and its lasting commitments are just about the only measures that oblige this government to restrict greenhouse gases. It remains a yardstick against which the efforts of all governments can be judged. Should we not also have similar, sustained protection for wildlife and habitats? Only lasting safeguards, not subject to the whims and fads of passing governments, can defend them against extinction.

The Nature and Wellbeing Act is a good example of positive environmentalism, setting the agenda, rather than merely responding to the policies we don't like. We must do both, but while those who love wildlife have often been effective opponents, we have tended to be less effective proponents.

It will be a struggle, as the times have changed radically. In 2008 the Climate Change Act was supported by the three main political parties. So far the Nature and Wellbeing Act has received the support of the Liberal Democrats (so after the election both their MPs will promote it in parliament) and the Green Party. The Conservatives, despite the green paper's desperate attempts to speak their language, are unreachable. And where on earth is Labour? So far it has shown no interest at all.

If you care about what is happening to the living world, if you care about the assault on the enthralling and bewitching outcome of millions of years of evolution for the sake of immediate and ephemeral corporate profits, join the campaign and lobby your MPs. The Nature and Wellbeing Act will succeed only through a movement as big as the one that brought the Climate Change Act into existence. Please join it.

[www.monbiot.com](http://www.monbiot.com)

## [← The Insatiable God](#)

- “I love not man the less, but Nature more.”

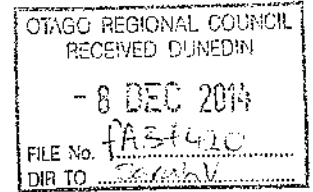
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**Otago Regional Council Regional Policy Statement Review Consultation Draft  
26 November 2014**

**Engineers for Social Responsibility Submission.**



Engineers for Social Responsibility Inc. (ESR) is an independent group of engineers who consider that being knowledgeable in the field of technology means that they also have a special obligation to the public at large. We have recently produced a series of fact sheets on climate change that are available on our website [www.esr.org.nz](http://www.esr.org.nz) under Climate Change Papers.

ESR's submission focuses on responding to the potential impacts of climate change and on measures to reduce greenhouse gas emissions. It proposes some changes to the section headed Objective 2.3, including the addition of proposed Methods. Engineers for Social Responsibility Inc. (ESR) is an independent group of engineers who consider that being knowledgeable in the field of technology means that they also have a special obligation to the public at large.

**Objective 2.3** Otago's communities are prepared for and able to adapt to the effects of climate change, and, to the extent practicable, can contribute to reducing future greenhouse gas emissions.

In Otago, climate change is, and will continue to, result in higher sea levels. Globally sea level is currently increasing by an average of 3.2mm. The rate of sea level rise approximately doubled between the 1950s and early 2000s, and according to the IPCC is set to double and double again as we progress through this century. Current projections indicate an increase of 50cm to 120cm by the end of the century.

Increasing temperatures will also increase the frequency and severity of extreme events such as storms and droughts. In combination with higher sea levels, storms can result in flooding of low lying coastal areas and damage to roads, railways and stormwater systems plus private property. Increased water storage may be required to cope with future droughts.

Not all climate change impacts will be negative. However, it is important that the potential adverse impacts on Otago be recognised and planned for, and that Otago's communities take steps to reduce future greenhouse gas emissions.

**Policy 2.3.1 Adapting to climate change: Proposed Methods**

- Upgrade the stormwater reticulation system to accommodate anticipated higher frequency storm events, where appropriate.
- Ensure that future land use development takes into account anticipated sea level rise and increased flooding.



- Reduce reliance on fossil fuels for electricity generation.
- Encourage and facilitate the uptake of electric vehicles.
- Integrate land use and transport to improve the effectiveness of public transport and make more efficient use of the existing road network.
- Facilitate quality urban design in the major centres including higher density mixed use development which encourages walking and cycling for shorter trips and can be served effectively by public transport.
- Improve and extend walkways and cycleways to encourage walking and cycling.

Ross Rutherford

President

Engineers for Social Responsibility

8 December 2014

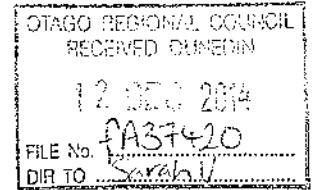
Email: [ross.rutherford@ihug.co.nz](mailto:ross.rutherford@ihug.co.nz)

Phone: 09 4491057 021740746

Sarah Valk

C4

**From:** Leanne Liggett <Leanne.Liggett@southerndhb.govt.nz>  
**Sent:** Friday, 12 December 2014 10:07 a.m.  
**To:** RPS ORC  
**Subject:** Otago regional policy statement review  
**Attachments:** Otago regional policy statement submission.pdf



Good morning,

Please find attached the submission on the above policy from the Southern District Health Board for your consideration.

We have also identified some minor improvements which could be made to this draft document, and these are outlined below.

- Page 54: the use of TLAs should be replaced with TAs as this abbreviation is no longer current. The error is not consistent throughout the document and occurs for the first time on the page identified and the entire document should be checked.
- Abbreviations used throughout the document should be located in the abbreviations list. If additional abbreviations are found in tables only, a footnote should be used or a note made under the relevant table.
- A number of subsections, predominantly found Part A: Introduction or Part C: Implementation; indicate that the detail for this section is still under development. In general, this has been noted in italics which make this detail very easy for readers to identify. It would be useful if this approach was consistent throughout the document (e.g. final sentence page 8 appears to be a note to readers rather than text). We also recommend that should this approach be used in future documents, that on the first occurrence, a footnote should be inserted which reminds readers that these additional details will be able to be commented on in the next phase of the process.
- To aid with the next draft, we recommend that all tables and graphs are numbered and that these are reported among the table of contents.

If you have any questions about the above comments, please feel free to contact me directly so I can discuss them further with you.

Kind regards  
Leanne

Leanne Liggett, Ph.D. | Public Health Analyst | Public Health South | Southern District Health Board  
 PO Box 1601, Invercargill 9840, New Zealand | phone: 03 2110900 ext 723 | fax: 03 2110899 | [leanne.liggett@southerndhb.govt.nz](mailto:leanne.liggett@southerndhb.govt.nz)

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**Public Health South**

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**SUBMISSION ON THE OTAGO REGIONAL POLICY STATEMENT REVIEW**

**To:** RPS Review  
Otago Regional Council  
Private Bag 1954  
Dunedin 9054  
rps@orc.govt.nz

**Details of Submitter:** The Southern District Health Board

**Address for Service:** Public Health South  
Southern District Health Board  
PO Box 1601  
INVERCARGILL 9840

**Contact Person:** Dr Leanne Liggett  
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03 2110900 ext. 723

**Our Reference:** 14Dec01

**Date:** 11 December 2014

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**Introduction**

Southern District Health Board (Southern DHB) presents this submission through its Public Health Service. This Service is the principal source of expert advice within Southern DHB regarding matters concerning Public Health. Southern DHB has responsibility under the New Zealand Public Health and Disability Act 2000 to improve, promote and protect the health of people and communities. Additionally there is a responsibility to promote the reduction of adverse social and environmental effects on the health of people and communities. With 4,250 staff, we are located in the lower South Island (South of the Waitaki River) and deliver health services to a population of 308,500.

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

This submission is intended to provide general commentary relating to the review of the Otago Regional Policy Statement (RPS).

**General Comments**

The Public Health Service wishes to highlight the value of working together with local government to consider the impact of various activities and plans on population health. The positive community health outcomes that can accrue when local government is cognizant of its potential to impact upon the health of citizens cannot be overstated. To assist ORC fulfil this vision, we continue to advocate for a Health in All Policies (HiAP) approach to be embraced.<sup>1</sup> This framework will assist staff to feel more confident in

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

knowing that future documents had been developed with a public health lens applied. This approach would contribute to fulfilling the new purpose of the Local Government Act (s.3) as local authorities are expected to play a broad role in meeting the current and future needs of their communities. This can generally be depicted in the provision of good-quality local infrastructure, local public services and high performing regulatory functions. More specifically, good quality should be defined as being efficient, effective and appropriate to present and anticipate future circumstances, and can consider issues relating to reducing inequalities, protecting the most vulnerable, and not increasing inequalities in their decision-making processes; provided this is not unduly at the expense of efficiency and effectiveness.

The Public Health Service wishes to recognise the extensive consultation process which is being followed in the development of the RPS. However we desire to be identified by ORC as a stakeholder who is an expert in the field of public health for future similar documents and would therefore wish to be formally invited at an earlier stage to contribute. Should a HiAP approach be adopted in the future then this activity would be expected to be a formality. We would prefer this to be our standard mode of operation in contributing to local government policy development rather than to seek out opportunities for involvement, as has happened on this occurrence.

When reviewing the document, it appears to be clear and it is easy to read. In general, we are supportive of the content and process being followed, however the content is not always explicit on how the actions will ensure the provision of good-quality local infrastructure, local public services and high performing regulatory functions which may be a reflection on the status of the draft document and the missing content of a number of subsections in Part C.

### **Summary**

The Public Health Service of the Southern DHB believe that the Otago Regional Council would support the overarching goal for Health in all Policies being *that it leads to a better place for everyone* and that the utilisation of this framework into the development of policies such as the RPS would be beneficial to both organisations and ultimately the community.

We will wish to be heard in support of this submission

Yours sincerely,



**Dr Leanne Liggett**  
Public Health Analyst

Leonard Andrew Andersen LL.B. (Hons.)

C5

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Email: [len@barristerschambers.co.nz](mailto:len@barristerschambers.co.nz)

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DX YP 80539  
Dunedin 9058

16 December 2014

Otago Regional Council  
RPS Review  
EMAIL: [rps@orc.govt.nz](mailto:rps@orc.govt.nz)



**Re: Consultation on Review of Regional Policy Statement**

I am making this submission on behalf of Port Otago Ltd.

Port Otago's position is that the Regional Policy Statement ("RPS") is significantly deficient because of its failure to address the importance to the Otago region in having efficient and functioning ports at Dunedin and Port Chalmers. The failure to identify the continued and efficient operation of the ports as being of fundamental significance to the Otago Region means that ports' operations are given no value that enable their benefits to be balanced against the environmental issues that are given specific value in the policy statement.

The policy statement has specifically addressed policy 16 of NZCPS (surf breaks) but not policy 9 which recognises the need for an efficient national network of safe ports and specifically requires provision in the RPS for "the efficient and safe operation of these ports, the development of their capacity for shipping and their connection with other transport modes". Not only there be a specific policy relating to ports in the RPS but the RPS should also identify the need to manage conflict between the identified policies.

This has major significance with regard to the surf break at Aramoana. Port Otago accepts the significance of the surf break but the surf break is a consequence of the shipping channel because of the build up of sand on the south side of the shipping channel beyond the Heads. Coastal processes are dynamic and it is possible that safe navigation may require the channel's position to be altered or the channel to be deepened to maintain existing operations. If there is no recognition of the importance of the ports then such alteration would not be permitted as it would be contrary to policy 1.3.10 requiring the Council to recognise the national significance of the Aramoana surf break and to protect it from the potential adverse affects of changing the channel that contributes to the surf break.

Whilst there is no dispute about the significance of the Aramoana surf break, this problem can be illustrated by saying that if there was to be a choice between the continuation of the Aramoana surf break or the closure of Dunedin ports because the channel could not be safely navigated then there can be no sensible argument for giving the surf break priority over the continued operation of the ports because of the damage that closure would inflict on the Otago region's economy.

The changes requested to the RPS are:

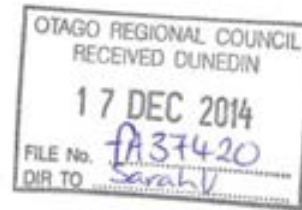
1. There needs to be an objective that makes it clear that it is fundamental to the Otago Region's economy that the Dunedin and Port Chalmers ports are able to properly service the needs of the Otago regional economy.
2. There needs to be policies that:
  - (a) Make clear the fundamental importance to the Otago Region of the Dunedin and Port Chalmers ports;
  - (b) Identify the need for the efficient and safe operation of the ports at Dunedin and Port Chalmers, the development of their capacity for shipping and their connection with other transport modes
  - (c) Require any changes to ports' operations to, where possible, avoid remedy or mitigate adverse affects on the natural coastal environment.
  - (d) Specifically recognise:
    - (i) The operations of the Dunedin and Port Chalmers ports have the potential to adversely affect the natural character of the coastal environment;
    - (ii) In appropriate cases, the ports' operator may be authorised to carryout activities that have adverse effects that are otherwise required to be avoided by the plan and, in such cases, approval of the ports' operations requires it to be established that the benefits of the ports operations are greater than the adverse effects caused by them.

Port Otago would welcome the opportunity to meet with you to discuss this matter further.

Yours faithfully



Les Anderson



16 December 2014

Otago Regional Council  
Freepost 497, RPS Review  
Private Bag 1954,  
**DUNEDIN 9054**

rps@orc.govt.nz

To whom it may concern

**COMMENTS ON OTAGO REGIONAL COUNCIL'S REGIONAL POLICY STATEMENT REVIEW  
HG REF: 1020-136597-01**

**1.0 INTRODUCTION**

Harrison Grierson acts for the Egg Producers Federation of New Zealand ("EPFNZ") and their members who have interests in the Otago Region. EPFNZ is the national organisation that represents the interests of commercial egg producers.

EPFNZ have asked that we provide the comments below in response to several topics indicated in the Regional Policy Statement Consultation Draft ("Consultation Draft") released by the Otago Regional Council (the "Council") as part of the Regional Policy Statement (the "RPS") review. These comments aim to highlight concerns and provide practical feedback that may help to resolve several key resource management issues that affect the poultry industry, as well as a range of other rural based activities. We request that Council take into account these comments when preparing the notified version of the RPS.

**2.0 POULTRY OPERATIONS IN OTAGO**

The poultry industry is a large sector of New Zealand's primary production industry and it includes the production of both poultry meat and eggs. There are currently 19 poultry operations in the Otago Region which includes the following:

- 15 layer farms;
- 1 rearer farm and
- 3 feedmills.

Given EPFNZ's interests in the Otago Region, the Consultation Draft is of great importance to them. Please find feedback on specific matters which is provided in the order structured in the Consultation Draft.

### 3.0 PART B1 - OTAGO HAS HIGH QUALITY NATURAL RESOURCES AND ECOSYSTEMS

We note that Council recognises that Otago's economy relies on its natural resources for food production. We agree that managing different values attached to resources is important as is reflected in the objective and suite of policies in Part B.1 of the Consultation Draft. We agree with the intention of Policy 1.1.1 which seeks to manage the allocation and use of freshwater and the effects of land use on water. However, we note that stock drinking water is not specifically provided for under this policy. The availability of water is a fundamental issue for rural production activities including poultry farming operations. Stock drinking water is explicitly provided for under s14(3)(b) of the RMA and this fact should be recognised in the proposed plan. We suggest that Policy 3.1.1(a) be added to Policy 1.1.1 and amended specifically to address stock drinking water. This amendment should also be added to Policy 3.1.1(a).

We note that there is an emphasis on managing, identifying and protecting soil resources as identified in Policies 1.1.9 and 1.1.10. We agree that managing the effects of rural land is important. However, it is important to note that the productive capacity of rural land is not solely based on soil fertility, but includes other characteristics such as soil structure, water availability, topography and climate as defined in the Land Use Capacity Survey Handbook prepared by Landcare New Zealand (2009). Any activities affecting the availability of productive land (being a finite resource) will need to be managed in a sustainable manner.

Rural production includes both soil and non-soil based activities. For example, rural production activities such as intensive poultry farming and horticulture activities may use sheds and/or greenhouses to carry out their respective production activities. These buildings need well-drained, flat rural land in order to operate, but do not solely rely on the fertility of the soil.

Therefore, while it is important to protect soils that are highly fertile, it is more important to include objectives and policies in the notified version of the Plan to protect the land resource/parcel containing that soil and land with other characteristics that make it suitable for a range of rural production activities, which is commonly termed 'versatile land'. We suggest that amendments should be made to Policy 3.7.5(a) and to the definition of versatile soil in the glossary.

---

#### Relief Requested:

##### Duplicate Policy 3.1.1(a) in Policy 1.1.1 and amend both policies:

Ensure the reasonable foreseeable needs of the community and existing water users for drinking water **(including stock water drinking)** can be satisfactorily met.

##### Amend the following section as follows:

###### Soil-Versatile Land

##### Amend Policy 1.1.9 as follows:

Identify highly valued soil **versatile land** resources by using the following criteria:

- a) Degree of versatility for primary production; or
  - b) Significance in providing environmental buffering services; or
  - c) Degree of rarity.
-



---

Amend Policy 1.1.10 as follows:

*Protecting highly valued ~~soil~~ versatile land resources*

*Protect ~~soil~~ land which ~~are~~ is highly valued for ~~their~~ its ~~soil~~ capacity for long term sustained production or for any significant environmental buffering services ~~they~~ it provides.*

Add a new sub-clause to Policy 3.5.4 to:

**(f) avoid development on versatile land and rural production activities.**

Amend Policy 3.7.5(a)

*Have particular regard to whether the proposal will result in a loss of the productive potential of*

*highly versatile ~~soil~~ land, unless*

*i. the land adjoins an existing urban area and there is no other land suitable for urban expansion; and*

*ii. where highly versatile ~~soil~~ land, are needed for urban expansion, any change of land use from rural activities achieves an appropriate and highly efficient form of urban development;*

*iii. reverse sensitivity effects on rural productive activities can be avoided.*

Amend glossary definition of versatile soil as follows:

*Versatile ~~soil~~ land ~~are~~ is that part of the soil resource that will support the widest range of productive uses with the least inputs (Classes I and II under the Land-use Capability Classification System).*

---

#### 4.0 B.3 PEOPLE ARE ABLE TO USE AND ENJOY OTAGO'S NATURAL AND BUILT ENVIRONMENT

We acknowledge that has addressed reverse sensitivity in Policy 3.2.6 of the Consultation Draft. However, we consider that Council conflated reverse sensitivity issues with incompatible activities, and these are two separate resource management issues. Managing incompatible land uses will prevent activities with conflicting effects being located adjacent to each other. Reverse sensitivity on the other hand occurs when an existing lawfully established activity is encroached by a more sensitivity activity, thereby potentially curtailing or hampering its operation.

Intensive poultry farming along with a large number of other rural production activities can only locate in a rural environment as a large area of land surrounding the poultry sheds can be required to provide separation between the farm and other adjacent activities. These activities have been increasingly threatened in the rural environment by encroaching rural residential subdivision and other sensitive activities such as schools and areas of assembly. It is crucial that they are protected from the encroachment in the rural environment similarly, they should not be allowed to locate in close proximity to activities that are sensitive to its effects.

---

**Relief Requested:**

**Amend Policy 3.2.6 as follows:**

~~Minimising reverse sensitivity conflicts between incompatible land uses~~

Minimise reverse sensitivity **conflicts between incompatible land uses** by:

a) Managing new subdivision, use and development so that incompatible land uses are separated; and

b) Setting standards appropriate for the planned land use activities; and

c) Requiring adverse effect mitigation where necessary; and

**d) Avoiding or mitigating reverse sensitivity effects that hinder the continued operation of lawfully established activities.**

---

**4.1 ECONOMIC WELLBEING**

The Consultation Draft acknowledges that rural land for rural production purposes is a key contributor to the Otago region's economy. We support this view but consider it appropriate to include a policy to make this explicit. We consider that Council should enable and provide for rural production activities, including poultry farming, in rural areas. This is consistent with Part 2 of the Resource Management Act (RMA) which enables people and communities to provide for their economic well-being.

---

**Relief Requested:**

**Add a new sub-clause to Policy 3.2.1 to:**

**(f) Economic wellbeing**

**Add a new sub-clause to Policy 3.2.2 to:**

**(c) Enables rural production activities**

---

Thank you for the opportunity to provide feedback on the Consultation Document of the RPS review. We trust that the above comments will be taken into account when preparing the notified provisions. EPFNZ would like to be involved in any other consultation on the RPS and/or any subsequent plans and strategies that are notified to give effect to the RPS.

Yours faithfully  
**Harrison Grierson**



Reima Kumar  
Planner

**Contact Details:**

Name: Harrison Grierson Consultants Limited (on behalf of the Egg Producers Federation of New Zealand)

Reina Kumar – Planner

Postal: PO Box 5760

Wellesley Street

Auckland 1141

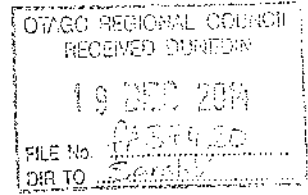
Phone: 09 917 5000

Email:

C7

**Sarah Valk**

**From:** David Campbell <david.campbell@Cluthadc.govt.nz>  
**Sent:** Thursday, 18 December 2014 4:41 p.m.  
**To:** Warren Hanley  
**Cc:** RPS ORC  
**Subject:** RE: RPS Consultation Draft 26 November 2014



Hi,

Please find attached our comments on the above document.

Regards,  
David

**From:** Warren Hanley [<mailto:warren.hanley@orc.govt.nz>]  
**Sent:** Wednesday, 26 November 2014 2:53 p.m.  
**To:** David Campbell  
**Cc:** Dale Meredith; Sarah Valk  
**Subject:** RPS Consultation Draft 26 November 2014

Hi David,

Further to yesterday's email, please find attached the consultation draft of the RPS and a formal cover letter addressing relevant matters under RMA in respect to this consultation and the due date for feedback.

Please note that your Chief Executive will also be sent a similar letter.

Regards

Warren.

Warren Hanley  
Resource Planner - Liaison  
Otago Regional Council  
Private Bag 1954  
70 Stafford Street  
Dunedin

Ph (03) 474 0827  
Fax (03) 479 0015  
Web site [www.orc.govt.nz](http://www.orc.govt.nz)

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## **Introduction**

The review of the Consultative Draft Otago Regional Policy Statement (CDORPS) has raised important issues facing the Otago Region. The Clutha District Council (Council) has a particularly strong interest in the development of the RPS due to the role it will have in shaping the future of our local community and environment as well as the rolling District Plan review currently underway. We have a vested interest in the resources of Otago through our ownership of land, infrastructure and community services. The Council also has a role to represent the communities within its area.

## **Summary**

As a starting point, the Council agrees with the aim of the CDORPS and the framework that has been developed around the three pillars. This CDORPS provides a framework in which we are able to formulate rules and non-regulatory methods which give effect to the regional aspirations for the sustainable management of both the natural and physical resources. Objectives and policies set out within the CDORPS need to be realistically achievable and justifiable for us to be able to give effect to and meet the desired outcomes. This Council cannot 'do it alone' and will require assistance from the regional council to help achieve the outcomes sought, such as the collaborative process used to produce the Milton 2060 Strategy and subsequent plan change. The CDORPS needs to set out where the regional council will take the lead and where it will support councils for the implementation of objectives and policies.

The CDORPS also needs to better encapsulate the value of the region's natural resources for tourism and other recreation opportunities. While the agriculture and extractive industries do play a significant part in our economy, they are often in conflict with other activities and the very values that others are willing to pay for to enjoy. A more balanced approach is therefore sought in any future RPS to better reflect these values.

While resilience to hazards is worthy, there needs to be an emphasis on the ability for communities to react to and recover from such hazards. Perhaps the title of this pillar needs to be more encompassing as it is certainly trying to address the issue. Hazards are going to affect communities in Otago and the future RPS can seek to put in place appropriate tools for councils to use should they require these.

Waste itself is currently not identified as a specific issue in the CDORPS; the generation, disposal and inappropriate management of waste is something that could be identified as an issue(s). Waste management within the region varies, with cleanfills, farm landfills and greenwaste landfills still being permitted activities. It would be ideal to see the generation, disposal and inappropriate management of waste identified as a standalone issue(s), allowing for more specific objectives, policies and methods to be set. Objectives should include minimising the generation of waste and the adverse effects.

The Council also notes that the CDORPS is largely silent on methods of implementation for the objectives and policies. This makes any feedback difficult in the sense that it is not clear whose responsibility it will be to implement these, particularly those that deal more with land use matters. Council officers met recently with ORC policy staff to discuss implementation methods, with the discussion being around what agencies should take the lead for certain topic areas (e.g. ORC for

water and district councils for heritage). Likewise, the level of support to district and city councils needs to be identified, particularly around matters such as biodiversity, hazards, waste and soils for example. Until such time as the RPS contains this level of detail required to fully assess its potential impact on the Council, our comments below are somewhat limited.

*Disclaimer: In light of the above matters and the timeframe for comments, the Council has not been able to fully assess the CDORPS. Where there are no comments on specific provisions, this does not represent agreement with them.*

### **Specific comments on CDORPS provisions**

*Objective 1.1 Otago's natural resources are of high quality, and support healthy ecosystems and a good quality of life.*

*Policy 1.1.9 Identifying highly valued soil resources*

*Identify highly valued soil resources by using the following criteria:*

- a) Degree of versatility for primary production; or*
- b) Significance in providing environmental buffering services; or*
- c) Degree of rarity.*

*Policy 1.1.10 Protecting highly valued soil resources*

*Protect soils which are highly valued for their rarity or for any significant environmental buffering services they provide.*

#### Comment:

This objective and soil policies need to be clarified by the ORC as to whose responsibility it is to identify and protect soil resources. The proposed method will also need to clarify 'how' soils will be identified and the protection mechanisms required.

*Objective 1.2 Otago's Natural resources are managed in an integrated way.*

*Policy 1.2.2 Integrating land use management with water management*

*Integrate land use management with freshwater management by:*

- a) Setting freshwater objectives that take into account:
  - i. The contribution of water in landscapes, seascapes or natural features identified as outstanding or highly valued by tangata whenua or local communities; and*
  - ii. The interactions between freshwater and land-based ecosystems; and**
- b) Setting land use controls that are consistent with the achievement of those freshwater objectives; and*
- c) Coordinating the management of rivers' morphology and hydrology; and*
- d) Setting processes between territorial authorities and the regional council, to ensure consistency between land use control and water management"*

Comment:

It is difficult to see how land use controls can be consistent with freshwater objectives when these objectives are yet to be formulated. The Council feels that the wording of Policy 1.2.2 needs redrafting to address this timing issue.

We also note that the ORC Water Plan already contains objectives relating to fresh water – will this be the mechanism that the ORC intends to use to address this policy?

*Policy 1.2.4 Identifying the extent of the coastal environment*

*Identify the landward extent of the coastal environment using the following criteria:*

- a) Area or landform dominated by coastal vegetation or habitat of indigenous coastal species; and*
- b) Landforms and the margins of landforms where active coastal processes, influences or qualities are significant ; and*
- c) Any landscapes or features, including coastal escarpments, which contribute to the natural character, visual quality or amenity values of the coast; and*
- d) Any physical resource or built form, including infrastructure, that has modified the coastal environment and retain a connection to or derive character from connection to the coast; and*
- e) The relationship of tangata whenua with the coastal environment”*

*Policy 1.2.5 Integrating for the management of the coastal environment*

*Integrate land use management or control of activities in the coastal environment by:*

- a) Recognising coastal objectives that take into account:*
  - i. The natural character of the coast; and*
  - ii. The contribution of water in the coastal environment to landscapes and seascapes; and*
  - iii. Natural features and landscapes identified as outstanding or highly valued by tangata whenua or local communities; and*
  - iv. The interactions between coastal and land-based ecosystems; and*
- b) Setting land use controls that are consistent with the achievement of coastal water quality standards, and the potential for nuisance effects; and*
- c) Setting collaborative processes between territorial authorities and the regional council, to ensure consistency between land use control and the management of discharges to the coastal marine area”*

Comment:

The wording of part a) of the policy needs redrafting as “Recognising” is not the right word for this context. Likewise, the term “nuisance effects” is somewhat vague and subjective and needs replacing with something more definitive.

The CDC already participates in an integrated management approach for coastal management with the other relevant local authorities in the region. Therefore, the council is supportive of the general intent for integrated management as this is already occurring.

*Policy 1.2.6 Integrating for the protection of indigenous biodiversity and maintenance of ecosystem health*

*Integrate controls to achieve healthy ecosystems, by:*

- a) Having regard to indigenous biodiversity values; and*
- b) Managing land use, having regard to freshwater and coastal water ecosystem values; and*
- c) Managing water, having regard to land-based and water ecosystem values; and*
- d) Setting clear roles and responsibilities for the management of wetlands and indigenous biodiversity.*

Comment:

The Council supports this approach, but seeks that the ORC develop a biodiversity strategy for the region and takes a lead role in this area. This Council (and others in Otago) have put some resource into local biodiversity protection and enhancement, however local resources are limited and a more regional approach might see better integration towards reducing the loss of biodiversity.

*Objective 1.3 Otago's significant and highly-valued natural resources are identified, and protected or enhanced*

*Policy 1.3.1 Identifying areas of significant indigenous vegetation and significant habitats of indigenous fauna.*

*Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, using the following criteria:*

- a) Representativeness;*
- b) Rarity;*
- c) Wetlands;*
- d) Diversity;*
- e) Distinctiveness;*
- f) Ecological context;*

*Policy 1.3.2 Protecting significant indigenous vegetation and significant habitats of indigenous fauna*

*"Protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:*

- a) Avoiding adverse effects on the values which contribute to the significance of the area or habitat; and*
- b) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and*
- c) Encouraging the planting of naturally occurring locally sourced indigenous species and the creation of habitats for indigenous species; and*
- d) Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and*
- e) Minimising the adverse effects of pests animal and plants on those values"*

*Policy 1.3.3 Maintaining or enhancing indigenous biodiversity*

*Maintain or enhance indigenous biodiversity values by:*

- a) Minimising adverse effects of subdivision, use and development on:*



- i. Areas of predominantly indigenous vegetation; and*
- ii. Areas that support indigenous biodiversity values by buffering or linking existing ecosystems; and*
- iii. Natural resources and processes that support indigenous biodiversity; and*
- iv. Habitats of indigenous species that are important for recreational, commercial, or customary or cultural purposes; and*
- v. Biodiversity significant to tangata whenua: and*
- b) Promoting the restoration, rehabilitation or creation of habitats when:*
  - i. It encourages the natural regeneration of indigenous species; or*
  - ii. It buffers or links ecosystems, habitats and areas of significance that contribute to ecological corridors; or*
  - iii. It maintains or enhances the provision of significant indigenous ecosystem services; and*
- c) Avoiding, or reducing as far as practicable, the spread of pest species.*

Comment:

The Council supports this approach and has implemented a plan change to give effect to Policy 1.3.2. Council also seeks that the ORC develop a biodiversity strategy for the region and takes a lead role in this area. This Council (and others in Otago) have put some resource into local biodiversity protection and enhancement, however local resources are limited and a more regional approach might see better integration towards reducing the loss of biodiversity.

*Policy 1.3.4 Identifying outstanding natural features, landscapes and seascapes*

*Identify outstanding natural features, landscapes and seascapes, using the following factors:*

- a) Biophysical attributes, including:*
  - i. Natural science factors;*
  - ii. The presence of water;*
  - iii. Vegetation (native and exotic); and*
- b) Sensory attributes, including:*
  - i. Legibility or expressiveness;*
  - ii. Aesthetic values;*
  - iii. Transient values, including nature's sounds;*
  - iv. Wild or scenic values; and*
- c) Associative attributes, including:*
  - i. Whether the values are shared and recognised;*
  - ii. Cultural and spiritual values for tangata whenua;*
  - iii. Historical and heritage associations.*

*Policy 1.3.5 Protecting outstanding natural features, landscapes, and seascapes*

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

- a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and*
- b) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and*

- c) Minimising the adverse effects of pests animal and plants on those values; and*
- d) Encouraging enhancement or restoration to increase their naturalness.*

*Policy 1.3.6 Identifying special amenity landscapes*

*Identify special amenity landscapes or natural features which are valued as matters of national, regional or local importance for their contribution to the amenity or quality of the environment, using criteria in Schedule 4.*

*Policy 1.3.7 Protecting special amenity landscapes*

*Protect or enhance the values of special amenity landscapes by:*

- a) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on those values which contribute to the special amenity of the landscape; and*
- b) Assessing the significance of adverse effects on special amenity landscapes in accordance with the criteria in Schedule 3; and*
- c) Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and*
- d) Minimising the adverse effects of pests animal and plants on those values; and*
- e) Encouraging enhancement to increase their special amenity values.*

Comment:

The CDORPS is going above and beyond the requirements of the RMA for the provisions to identify and protect outstanding landscapes by also including special amenity landscapes. The CDC has already undertaken a landscape study, for which consultation will occur with property owners that have an identified outstanding landscape.

The CDORPS uses schedule 4 as a method to identify both natural and special amenity landscapes. The schedule categorises natural features that can be used to categorise a natural landscape but does not include features that are necessarily associated with special amenity landscapes. The Council recommends that different schedules for categorising the different landscapes are used to achieve clarity of the different characteristics associated with each.

*Objective 2.1 Risk that natural hazards pose to Otago's communities is reduced*

Comment:

The objective and associated policies represents risk reduction techniques be employed as a response to natural hazards. As a joint approach between the CDC and ORC the Milton 2060 Strategy was adopted in 2012 to manage flooding in Milton and the Tokomairiro Plain. This represents an example of a joint council approach for risk reduction.

It is important that the methods of this section have the ability to identify what people can do. The ability of people at individual, community and regional levels will contribute to the ability to reduce the risks of natural hazards.

*Objective 2.2 Otago's communities are prepared for shock events and system disruptions*

*Policy 2.2.2 Enhancing community resilience*

*Enhance each community's ability to prepare for, adapt to and cope with the effects of risks, shocks, and disruptive events.*

*Policy 2.2.3 Protecting the level of service of hazard mitigation, lifeline utilities and essential services*

*Protect the level of service provided by any natural or engineered hazard mitigation measure, lifeline utility or essential service, including by:*

- a) Avoiding significant adverse effects, including reverse sensitivity effects, on the level of service of the feature, structure or service; and*
- b) Maintaining the ability to access the feature, structure or service for maintenance and operational purposes; and*
- c) Enabling any other activity that is required to maintain this level of service subject to meeting environmental baselines.*

*Policy 2.2.4 Requiring lifeline utilities and essential services design*

*Require that lifeline utilities and essential services:*

- a) Are designed to maintain their integrity and function, as far as practicable, during and after natural hazard events; and*
- b) Recognise the operational co-dependence on other lifeline utilities and essential services.*

Comment:

The ability to prepare communities for shock events requires a readiness technique which can be relied upon. The solutions need to be viable, especially as events are dynamic and outcomes can always change. There is a contradiction in the CDORPS as there is a move towards self-sufficiency yet pressure to improve technology with a growing reliance on the infrastructure network. The shift from traditional forms of energy, such as wood burners to other preferred forms of energy can compromise the ability of individuals to be self-sufficient in shock events and system disruptions. Lifeline utilities can be compromised and traditional sources of energy that are being phased out for various reasons, such as wood burners, can provide for vital needs during an emergency. These needs can include energy for heating and cooking when other energy supplies are unavailable. While the Council supports protecting lifeline utilities from the effects of natural hazards this should not be at the expense of self-sufficiency.

*Objective 2.3 Otago's communities are prepared for and able to adapt to the effects of climate change*

*Policy 2.3.1 Adapting to climate change*

*Ensure Otago's people and communities are able to adapt to the effects of climate change by:*

- a) Taking into account the effects of climate change over no less than 100 years, including, by
  - i. Using a predicted sea level rise of 1 metre by 2115, relative to 1990 mean sea level; and*
  - ii. Beyond 2115, adding an additional 10 mm per year; and**
- b) Using the most up-to-date and relevant climate change information available, for climate change effects other than sea level rise; and*
- c) Enabling any activity that reduces or mitigates the effects of climate change, so long as the*

*achievement of environmental objectives is not compromised; and  
d) Applying a precautionary approach in the consideration of the effects of climate change,  
where there is scientific uncertainty, but potentially significant or irreversible effects”*

Comment:

The Council supports the use of measurable indicators for identifying the extent of climate change effects. However, the inclusion of the effects over a shorter times scale is critical for the present communities to be able to align the effects they could be facing within their more immediate future.

*Objective 2.4 Energy supplies are secure and sustainable*

*Policy 2.4.9 Reducing reliance on fossil fuels*

*Reduce Otago’s communities’ reliance on fossil fuels by:*

- a) Ensuring that urban areas offer transport infrastructure which:
  - i. Places a high priority on walking; cycling; and public transport where appropriate; and*
  - ii. Maximises pedestrian connectivity; and*
  - iii. Provides for public transport where appropriate; and*
  - iv. Integrates roading, cycling and walking networks, and the land uses they serve; and**
- b) Encouraging the use of alternative technologies that have the potential to decrease reliance on fossil fuels is enabled; and*
- c) Encouraging the use of passive solar gain is maximised.*

Comment:

Council supports this policy and notes that part c) could be strengthened to also encourage the use of active solar energy, such as solar panels or solar hot water heating. Council’s Building Department has noticed an increase in the use of solar systems, particularly in more remote areas where reticulated electricity costs are high. Encouraging more domestic solar energy use also helps to make households more resilient in times of power outages and reduces the demand for power nationally. It can also contribute to reducing the reliance on combustion based heating that contribute to lower air quality.

*Objective 3.2 Resources are used efficiently and in a way that minimises conflict*

*Many of the resources we rely on for wellbeing and economic activity finite and under pressure from different uses. Inappropriate resource use can limit its availability for other activities, restrict access to resources and create conflict between activities. Adverse effects of activities may be direct, indirect or cumulative. Diverse approaches may be required to deal with the diversity of effects.*

*Policy 3.2.2 Requiring efficient resource use*

*Require that the subdivision, use and development of natural and physical resources are undertaken in a manner, and at a rate, which is efficient with regard to its purpose, so that it:*

- a) Minimises conflict with other resource uses; and*
- b) Minimises the generation of waste and discharges.*

*Policy 3.2.4 Managing cumulative effects*

*“Manage the cumulative effects of activities on Otago’s natural resources by:*

- a) Requiring the efficient use of natural resources; and*
- b) Enabling the development of community solutions, including infrastructure development, where this will minimise the community’s cumulative impact; and*
- c) Requiring the use of best environmental management practices; and*
- d) Managing urban growth in a way that minimises/reduces the environmental impact of the whole community”*

*Policy 3.2.5 Providing for activities that generate adverse effects*

*Manage the use and development of land and discharges to the environment to:*

- a) Avoid significant adverse impacts on human health or amenity by reducing exposure to activities that may generate adverse effects; and*
- b) Regulate activities that use or discharge noxious or dangerous substances to control off site effects that may be adverse to human health or safety; and*
- c) Recognise and providing for the operation and development of activities that have the potential to generate adverse effects, including industrial and rural productive activities.*

*Policy 3.2.6 Minimising reverse sensitivity*

*Minimise reverse sensitivity effects by:*

- a) Managing new subdivision, use and development so that incompatible land uses are separated, and*
- b) Setting standards appropriate for the planned land use activities; and*
- c) Requiring adverse effect mitigation where necessary.*

*Policy 3.2.7 Reducing unavoidable adverse effects*

*Reduce unavoidable adverse effects of activities by:*

- a) Staging development for longer term activities; and*
- b) Progressively rehabilitating the site where possible.*

Comment:

The subparts of Policy 3.2.2 do not correlate to the policy, which is trying to drive efficient resource use. Indeed, Policies 3.2.4 a) and 3.2.3 a) specifically mentions efficient use of natural resources and water, with Policy 3.2.3 also trying to address the minimisation of conflicts. There appears to be some confusion as to the purpose of these policies and the placement of their respective subparts. The Council supports efficient resource use, however these policies need to be redrafted to better capture their intent.

Policy 3.2.4 part d) is a little broad in that it tries to address effects that may fall outside what the regional, city or district councils can manage.

The wording of Policy 3.2.5 should commence with “Managing” rather than “Providing for” as the current wording infers that adverse effects are acceptable and should be provided for. Likewise, in Policy 3.2.6 a), this should be suffixed with the words “where practicable” or similar. This is because it is not always possible to achieve this in many smaller communities where mixed uses do exist.

*Policy 3.2.8 Providing for offsetting*

*Provide for the offsetting of adverse effects when those adverse effects cannot be avoided, remedied or mitigated while ensuring that the offsetting measures:*

- a) Are provided onsite where possible; and*
- b) Provide a benefit of the same nature.*

Comment:

The Council finds this policy to be too blunt in what it aims to achieve. To achieve the desired outcome for offsetting effects the policy needs to include more scope in providing for offsetting criteria.

*Objective 3.4 Public access to areas of value to the community is maintained or enhance*

Comment:

The Council is supportive of the CDORPS position on providing well maintained and enhanced public access to the community through the provisions for esplanade reserves and public access tracks. This is already provided for in the current District Plan.

*Objective 3.5 Good quality infrastructure meets community needs*

*Policy 3.5.4 Managing urban growth and infrastructure services*

*Manage the growth and development of urban areas in order to achieve a sustainable supply of land for urban purposes:*

- a) Plan for sustainable rates of land uptake; and*
- b) Provide a choice of brownfield and greenfield development options for the development and/or redevelopment of existing urban areas in preference to only greenfield development; and*
- c) Ensure the quantity of land being released at any one time has satisfactory access to infrastructure services; and*
- d) Promote urban growth and development within areas that have existing infrastructure capacity or where infrastructure can be efficiently upgraded; and*
- e) Require provision or upgrading of significant infrastructure to be coordinated with the structure and sequencing of growth and development.*

Comment:

The Council disagrees in part with the CDORPS approach to managing urban growth. In particular, policy 3.5.4 (a as the Council cannot envisage suitable methods to be able to plan for sustainable rates of land uptake. Also, the Council would suggest rewording policy 3.5.4 (b as the policy initially provides a choice, but then specifies the redevelopment of existing urban areas in preference to only greenfield development. This part of the policy needs rewording.

*Objective 3.6 Urban areas are well designed, sustainable and reflect local character*

*Policy 3.6.2 Requiring higher standards for buildings*

*Require subdivision design and development to maximise solar gain and encourage the adoption of standards of built form and insulation above the requirements of the Building Act 2004 to reflect the colder climatic conditions and energy costs of living in the region.*

Comment:

Council supports this objective and policy and notes that the policy could be strengthened to also encourage the use of active solar energy, such as solar panels or solar hot water heating. Council's Building Department has noticed an increase in the use of solar systems, particularly in more remote areas where reticulated electricity costs are high. Encouraging more domestic solar energy use also helps to make households more resilient in times of power outages and reduces the demand for power nationally. It can also contribute to reducing the reliance on combustion based heating that contribute to lower air quality.

*Policy 3.6.6 Encouraging diversity of housing*

*Encourage subdivision and residential development in urban areas to provide for a range of dwelling types and sizes to reflect the housing needs of households of different sizes and incomes.*

*Policy 3.6.7 Encouraging adaptive use*

*Encourage development within urban commercial areas to be designed to accommodate changes of use over time.*

Comment:

The Council is unsure as to why this is a regional issue and how each council can actually provide for this. In the two main townships in Clutha District, the diversity of housing types is driven by the demand for these. In the last year the following value houses have been consented:

- Balclutha: \$150,000, \$250,000, \$254,800.
- Milton: \$80,000, \$261,000, \$299,000, \$490,000.

The Clutha District Plan is not overly prescriptive in terms of subdivision and residential zone rules, rather it allows for a flexible approach without directing the type of development to occur. The Council feels that this approach has allowed for a diversity of housing types, sizes and values to be constructed. Furthermore, the Clutha District is home to two relocatable housing companies and these also provide for a diversity of housing, both within and outside the district.

*Objective 3.7 Urban areas accommodate needs for economic activity and growth effectively and efficiently.*

*Policy 3.7.1 Establishing urban limits*

*Establish urban limits for Queenstown and Dunedin so that urban activities may only occur within those limits.*

*Policy 3.7.2 Expanding beyond urban limits*

*Provide for expansion of urban activities beyond the urban limits of Dunedin or Queenstown, only when:*

- a) No suitable locations are available within the urban limit; and*
- b) Infrastructure services necessary for the activity are available; and*
- c) Reverse sensitivity effects are avoided.*

Comment:

The policies are a little contradictory in that Policy 3.7.1 seeks to ring fence, but the Policy 3.7.2 then creates the ability to extend beyond the urban limits.

*Policy 3.7.5 Managing fragmentation of rural land*

*Manage subdivision, use and development of rural land, in order to:*

- a) avoid development or fragmentation of land which undermines or forecloses the potential of rural land for primary production or future comprehensive residential development near urban areas.*
- b) Have particular regard to whether the proposal 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. where 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*
  - iii. reverse sensitivity effects on rural productive activities can be avoided.**

Comment:

The Council finds this policy to be confusing as it attempting to deal with two different issues associated with urban fringe issues (part a)) and the fragmentation of land in the rural (part b)). As worded, the policy is inconsistent and needs relooking at.

*Objective 3.8 Dunedin and Queenstown commercial cores are retained and enhanced*

*Identifying commercial cores and providing limited exceptions for expansion beyond these help protect the vitality and vibrancy of those central business districts from the effects of commercial dispersal.*

Comment:

This objective (and related policies) fails to identify the significance of applying this objective and policies to just the Dunedin and Queenstown commercial cores. The Council notes that commercial cores are important for any community to retain a central hub of activity as to encourage liveability and vibrancy. This can be especially important for smaller communities who want to attract people to spend time in their towns. The Council feels that by singling out these two locations could exclude provisions which would be relevant to other communities as well.

*Objective 3.9 Historic heritage resources contribute to the region's character and sense of identity.*

*Policy 3.9.1 Recognising heritage themes*

*Recognise the following elements as characteristic or important to Otago's historic heritage:*



- a) Residential and commercial buildings;
- b) Māori cultural and heritage values;
- c) Early 19/20th century pastoral sites;
- d) Early surveying, communications & transport, including roads, bridges and routes;
- e) Early industrial heritage, including mills and brickworks;
- f) Gold mining systems & settlements;
- g) Dredge & ship wrecks;
- h) Coastal heritage, particularly tangata whenua occupation sites & those associated with early European activity such as whaling;
- i) Memorials.

**Comment:**

The Council notes that the above list is only a snapshot of some heritage elements that was provided by Heritage New Zealand. The Council feels that many other important elements are excluded and have suggested these to the ORC previously.

*Policy 3.9.2 Identifying historic heritage*

*Identify historic heritage places, areas and landscapes of local, regional and national significance using criteria consistent with the following:*

- a) *Physical values, including:*
  - i. *Archaeological information;*
  - ii. *Architecture;*
  - iii. *Technology;*
  - iv. *Scientific;*
  - v. *Rarity;*
  - vi. *Representativeness;*
  - vii. *Integrity;*
  - viii. *Vulnerability;*
  - ix. *Context or group*
- b) *Historic values, including:*
  - i. *People;*
  - ii. *Events;*
  - iii. *Patterns;*
- c) *Cultural values, including:*
  - iv. *Identity;*
  - v. *Public esteem;*
  - vi. *Commemorative;*
  - vii. *Education;*
  - viii. *Tangata whenua*
  - ix. *Statutory recognition.*

*As detailed in Schedule 7.*

**Comment:**

The Council's Planning & Regulatory Manager has provided feedback on the criteria above and listed in Schedule 7. He noted that the historic and cultural values identified in b) and c) above should be

the main focus, with the physical values in a) being more appropriate as assessment matters for any district plan provisions.

*Policy 3.9.5 Enabling tangata whenua relationships with wahi tupuna*

*Take into account and enable the relationship of tangata whenua with the environment by:*

- a) Identifying wahi tupuna (ancestral/cultural landscapes, places of significance and the historical and traditional associations and practices with those sites); and*
- b) Managing these sites and associations by taking into account as part of environmental assessments for resource consents and plan changes such that the sites are maintained, enhanced and protected from inappropriate subdivision, use and development; and*
- c) Recognising traditional place names in council planning documents, educational material and street naming.*

Comment:

The Council questions the ability to recognise the street names that are from European origins and may not easily translate into Maori names.

*Objective 3.10 Hazardous substances and waste materials do not harm human health or the quality of the environment in Otago*

*Policy 3.10.6 Understanding waste management*

*Improve understanding of trends in the generation and disposal of solid waste and hazardous substances in Otago and the associated environmental effects.*

Comment:

This is not a Policy, rather it is a method. It also needs to be extended to include minimisation – “understanding waste management and minimisation”.

*Policy 3.10.8 Identifying contaminated land*

*Identify sites of known or potentially contaminated land in Otago.*

*Policy 3.10.9 Managing the use of contaminated land*

*Manage the use of contaminated land to ensure the protection of people and the environment from actual or potential adverse effects by:*

- a) Requiring a site investigation be undertaken to determine the nature or extent of any contamination where there is a proposal for subdivision, use or development of potentially contaminated land; and*
- b) Requiring an assessment of associated environmental risks from any contamination; and*
- c) Ongoing monitoring of contaminant levels and associated risks; and*
- d) Remediation of contaminated sites to an appropriate level”*

Comment:

The Council is unclear as to who is responsible for the identification of contaminated land as required by Policy 3.10.8.

Policy 3.10.9 then goes above and beyond the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health in that it also seeks to protect the

environment. The Council is unclear as to the implications of this for both its own activities, let alone those of its ratepayers.

*Policy 3.10.10 Avoiding new contaminated land*

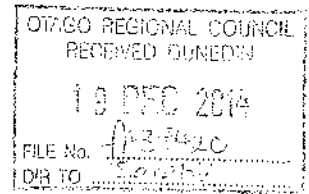
Avoid the creation of new contaminated land in Otago

Comment:

This is contrary to other policies, such as those that are supporting industrial activity that has the ability to contaminate. How will this policy be achievable? Are we expected to just use existing contaminated sites?

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**Submission on the  
Otago Regional Policy Statement  
Consultation Draft**



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To: Otago Regional Council

Name of submitter: Holcim (New Zealand) Limited

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**Introduction:**

1. Holcim (New Zealand) Limited (Holcim) is a wholly owned subsidiary of Holcim Ltd, one of the world's largest cement producers. Holcim's core business activities include the production and distribution of cement and aggregates. Holcim has been a supplier of cement to the New Zealand construction and building industries for in excess of 125 years.

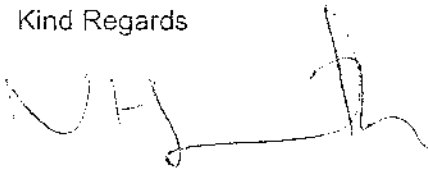
**Submission**

2. In 2009 Holcim was granted consent to construct and operate a new cement manufacturing plant at Weston, and for an associated limestone-siltstone quarry and tuff quarry at Weston, coal pit at Ngapara and sand pit at Windsor. While Holcim has decided not to implement the resource consents in the immediate future, it has retained ownership of the land and minerals so that the Weston project can be reactivated at some point in the future.
3. The minerals are fixed in location, and the Weston site was determined by Holcim to be the most appropriate location nationally for the development of a new cement plant. Holcim is primarily concerned to ensure that the possible future extraction of limestone and coal and the possible development of a cement plant at Weston are not compromised by activities established near to those resources which are not fixed in location, and which do not rely on access to those mineral resources.
4. The Regional Policy Statement (RPS) does not currently contain any provisions that promote the responsible use of minerals, recognising that they are fixed in location, and need to remain available for future generations. The RPS should therefore

recognise the need to protect mineral resources from encroachment by incompatible land uses that could reasonably be located elsewhere.

5. The RPS should also recognise that mineral processing activities do, or could, occur in rural areas and must locate there because of the presence of the mineral resource. The effects of mineral processing activities (primarily air and water discharges) must be properly managed in the rural environment, but the RPS should recognise that rural areas do, and could in the future, also include appropriate industrial activities which should not be compromised by other activities (especially residential and rural residential activities).
6. Holcim requests that these matters be provided for in objectives and policies in the RPS. This will enable them to be reflected in subordinate regional and district plans and for local authorities to find policy support in the RPS for addressing potential 'reverse sensitivity' issues related to the mining industry in District Plans.

Kind Regards



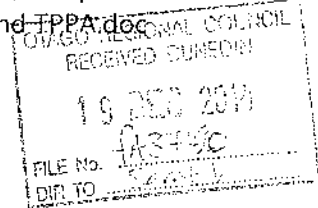
Nicky Hogarth  
Environmental Manager  
Holcim (New Zealand) Ltd  
Date: 18 December 2014

Address for Service:  
PO Box 6040  
Christchurch  
Phone (03) 339 7582

Sarah Valk

C9

**From:** jen.olsen <jen.olsen@slingshot.co.nz>  
**Sent:** Wednesday, 17 December 2014 10:38 p.m.  
**To:** RPS ORC  
**Subject:** Regional Policy Statement Consultation Draft  
**Attachments:** Submission to the ORC 17 Dec 2014.pdf; TPP and Local Government Acceptance of Public Interest TPP policy revised 6-10-2014.pdf; TPP public interest resolution Otago Regional Council.pdf; Local government and TPPA.doc



Your reference A681972

Hi Fraser

Thank you for your letter of 27th November regarding the opportunity to comment on the RPS Consultation Draft. Please find attached my submission to the Otago Regional Council on this matter.

I have also attached a copy of the TPP Public Interest Resolution referred to in my submission, further information on the councils which have adopted the resolution and a full copy of the address by Bill Rosenberg on TPP and local government.

The following websites give more detail on the worldwide concerns over trade and investment treaties and their effect on human rights and the environment, which I'm sure will be of interest to your department.

<http://blogs.lse.ac.uk/investment-and-human-rights/>

<http://www.ecologic.eu/10402>

If you have any queries on my submission, please feel free to contact me. My cell phone number is 021 029 38288.

Kind regards, Jenny Olsen

Your reference: A681972

13/12/14

Otago Regional Council  
Regional Policy Statement Review

Dear Fraser

Thank you for the opportunity to comment on the Regional Policy Statement Consultation Draft. I hope my contribution will draw attention to an issue facing Otago, and New Zealand as a whole, consideration of which is vitally important for the protection of our environment and regional assets for future generations.

First, I would like to congratulate the ORC for their comprehensive and detailed draft policy framework, which describes sustainable and integrated management of Otago's resources. I sincerely hope that these policies can be put into practice, for the benefit of all the people of Otago.

However, I have serious concerns and I will provide information here to demonstrate the level of risk to the success of the Regional Policy Framework, the Otago Regional Council and to our district, posed by an international agreement, the Trans Pacific Partnership (TPP). I will propose that a public interest resolution on the TPP is included in the Regional Policy Statement, in order to protect the intent of the policy framework.

The TPP is an international agreement on trade and services. It is being negotiated giving more importance to the interests of large international companies than to the interests of the people and the environment in the countries concerned. If negotiations are concluded and New Zealand becomes a signatory, national government will be obliged to pass legislation which can override local government concerns. This will have a major impact on the ability of the ORC to make decisions on environmental matters if there are international companies involved.

We know from looking at existing international agreements, and from information leaks on the TPP, that the Investor State Dispute Settlement (ISDS) process will be available under the TPP. This allows companies to take local and national governments bodies to court in private off shore tribunals, suing for large sums in compensation if they believe that government decisions have affected their investments. The definition of 'investment' is very broad and includes loss of expected profit if government regulations such as environmental protection measures, have reduced the company's expected income.

I provide details below of some of the ISDS cases that have recently been actioned against governments in South America, as reported by the Institute for Policy Studies (IPS). IPS notes that transnational corporations are increasingly turning to international arbitration tribunals to resolve disputes over natural resource rights. Marietje Schaake, Member of the European Parliament, reports that in 2000, there were ten new ISDS cases internationally while in 2013, there were more than fifty. There are currently 294 pending ISDS cases. Information on past and current cases can be found here:

<http://www.marietjeschaake.eu/2014/11/isds-whats-going-on/>

Bill Rosenberg, economist with the CTU, reported in his paper on the TPP and Local Government that:

“Local or state government decisions have been the subject of successful claims. For example the US Metalclad corporation sued Mexico after a local government (of a Mexican state) refused to grant a permit for a toxic waste facility. Local citizens had petitioned their government to deny the permit, fearing it would pollute their water supply. Metalclad won more than US\$15 million. Ecuador terminated a contract with Occidental Petroleum after the US company violated the terms of a contract with the government. The company won US\$2.3 billion dollars even though Occidental admitted violating the contract. French multinational Veolia, which operates Auckland’s passenger rail network under the name Transdev, and runs local government water services in Papakura, and refuse services through its Onyx subsidiary, recently brought a case against the government of Egypt for at least 82 million Euros, challenging a decision to raise the monthly minimum wage and make other labour reforms. Cases have challenged court decisions, and one of the most common themes has been mining companies challenging environmental protections, while others have included challenges to governments trying to retrieve the situation after privatisations went wrong.”

The provision of services is another area that would be affected by the TPP, and Bill Rosenberg continues:

“Overseas located or owned services suppliers such as in construction, retail, refuse disposal, facilities management, transport operators, private health or private education, will be subject to further protections. Rules prevent quantitative restrictions or bans on their activities (such as preventing big box retailers from getting approval in certain localities) and prevent preference for local suppliers. They have a bias towards light-handed regulation in areas like technical standards and licensing.”

And

“A leak of the Investment Chapter of the TPPA shows the definition of investment will apply to a very broad range of corporate activities. These include Public-Private Partnership (PPP) contracts and concessions, intellectual property, property development rights, environmental and planning licences and permits, and local government bonds. The rules will include an end to preference for local investors, restrictions on investor performance requirements such as use of local materials, and protections against new regulations that significantly impact on value or profits.”

Council will be aware that Energy and Resources Minister Simon Bridges announced the award of 15 new oil and gas exploration permits on the 9<sup>th</sup> December, as a result of Block Offer 2014. In their 2013 Submission on the Block Offer, the Dunedin City Council notes that “the local area takes on many of the costs and risks associated with oil and gas exploration but is not then guaranteed any direct benefits.” Concern is also expressed over protection of the natural environment and the suitability of the risk modelling that has been used. At least one of the companies awarded a permit, Chevron, is currently involved in an ISDS dispute. Chevron have also been prosecuted over environmental damage in Ecuador and have refused to pay the compensation ordered by the courts.

If New Zealand becomes part of the TPPA, our relationship with the large energy, resource extraction and mining companies will become even more one-sided. They will have increased power to demand concessions and refuse to abide by environmental controls and will have the ability to sue local governments that stand in their way.

The following is a list of the policy points that could come under threat if the Otago Regional Council was challenged by a company seeking to maximise its profits:



Policy 2.4.6 Protecting electricity transmission activities  
Policy 2.4.7 Managing adverse effects from extraction of gas and other fossil fuels  
Policy 2.4.8 Assessing adverse effects from extraction of gas and other fossil fuels  
Policy 2.4.9 Reducing reliance on fossil fuels  
Policy 2.4.10 Promoting energy efficiency  
Policy 3.1.3 Discharging to water  
Policy 3.1.4 Avoiding of soil erosion  
Policy 3.1.5 Protecting soil quality  
Policy 3.1.6 Extracting alluvial materials and sand  
Policy 3.1.7 Discharging to air  
Policy 3.1.9 Managing emissions from new developments in at risk areas  
Policy 3.2.1 Maximising benefits  
Policy 3.2.2 Requiring efficient resource use  
Policy 3.2.4 Managing cumulative effects  
Policy 3.2.9 Requiring adoption of best environmental management practices  
Policy 3.10.1 Integrating management of hazardous substances and waste  
Policy 3.10.2 Managing use and storage of hazardous substances  
Policy 3.10.3 Reducing hazardous substances  
Policy 3.10.9 Managing the use of contaminated land  
Policy 3.10.10 Avoiding new contaminated land

Here are some examples of ISDS cases that have taken place over resource extraction. They have been facilitated by trade agreements, such as the North American Free Trade Agreement (NAFTA), between the countries concerned. One of the effects of such cases is to discourage other governments from taking similar action to protect the environment.

Pacific Rim Cayman LLC (now owned by Oceana Gold) v. El Salvador (Gold mining )n June 2009.

Canadian mining company Pacific Rim Cayman LLC (Pacific Rim) sued the state of El Salvador under CAFTA for \$77 million, after the Ministry of the Environment of that country denied the company extraction permits for its “El Dorado” gold mine. The permits were denied on environmental and public health grounds.

Maersk Oil and Anadarko v. Algeria (Oil)

In July 2009, the Danish firm Maersk Oil filed an ICSID claim against the government of Algeria over a windfall profits tax on oil.

Renco Group Inc. v. Peru (Mining)

On April 7, 2011, Renco Group Inc. filed a claim with UNCITRAL against the Peruvian government on behalf of itself and its subsidiary, Doe Run Peru. The U.S. corporation is asking for \$800 million in damages after the Peruvian government revoked Doe Run’s operating license for the La Oroya smelter in July 2010. The Peruvian government charges that since its takeover of the smelter in 1997, Doe Run has failed to comply with an

environmental clean-up program (Programa de Adecuación y Manejo Ambiental, or PAMA), continuing to make La Oroya one of the most polluted sites in the world.

Bear Creek Mining Corporation v. Peru (Mining)

The Bear Creek Mining Corporation has threatened to sue the government of Peru for cancelling the company's authorization to own the Santa Ana mining project in June of 2011.

Crystallex v. Venezuela (Goldmining)

On March 9, 2011, the Crystallex International Corporation filed an arbitration claim under ICSID against the government of Venezuela. In September 2002, the Canadian corporation received exclusive rights to explore and develop the Las Cristinas properties, which is thought to be one of the largest gold deposits in Latin America. However, on February 3, 2011, the Venezuelan government cancelled its contract with Crystallex due to Crystallex's inactivity in progressing with the project within the previous year. In response, Crystallex filed a claim against Venezuela, seeking compensation of more than \$3.8 billion.

More details on these cases and more can be seen at:

[http://www.itsourfuture.org.nz/wp-content/uploads/2013/09/Mining\\_for\\_Profits\\_November\\_2011\\_FINAL-22.pdf](http://www.itsourfuture.org.nz/wp-content/uploads/2013/09/Mining_for_Profits_November_2011_FINAL-22.pdf)

Otago Regional Council is not responsible for decisions on the TPP, however it has a responsibility to ensure that national government supports our rights and our environmental quality during TPP negotiations. The TPP resolution was written and adopted by Auckland City Council in 2012, in order to provide a policy that protects the public interest. For the Regional Policy Statement to be upheld in Otago as planned, it is logical that Council support this resolution.

The resolution has now been adopted in full by Nelson City Council, Dunedin City Council, Christchurch City Council (CCC), Tasman District Council. It has been recommended to LGNZ by several councils including CCC when they carried the full policy formula on the 14th August 2014.

Greater Wellington Regional Council, Palmerston North City Council, Horizons Regional Council, Horowhenua District Council and Whanganui District Council have carried various formulas expressing concern about TPP outcomes.

The TPP issue is under consideration in Hutt City Council, Kapiti Coast District Council, Porirua City Council, Napier City Council, Gisborne District Council and Wellington City Council.

The entire resolution is important to the future independence of the Otago Regional Council and it's ability to formulate and carry out policies in the interests of the people and region of Otago. A TPP outcome along the lines of that proposed in our TPP policy solution is critical to the base assumptions and success of the ORC Regional Policy Statement.

I would like to respectfully suggest that the ORC reconsiders its position on the TPP Resolution, (attached), which was supported by over 300 local signatories to a petition circulated at the demonstration of November 8<sup>th</sup>, and adopts this resolution in full.

Thank you for your consideration.

Yours sincerely,

Jenny Olsen

24 Oxley Crescent

Broad Bay

Dunedin 9014

Ph: 03 4781 003

Cell: 021 029 38288

## TPPA resolution for Local Government consideration

That the Otago Regional Council encourages the government to conclude negotiations on the Trans-Pacific Partnership and Free Trade Agreements in a way that provides net positive benefits for the Otago Region and New Zealand, that is, provided the Partnership and Agreements achieve the following objectives:

- i. Continues to allow the Otago Regional Council and other Councils, if they so choose, to adopt procurement policies that provide for a degree of local preference; to choose whether particular services or facilities are provided in house, by council-controlled organisations (CCOs) or by contracting out; or to require higher health and safety, environmental protection, employment rights and conditions, community participation, animal protection or human rights standards than national or international minimum standards;
- ii. Maintains good diplomatic and trade relations and partnerships for Otago and New Zealand with other major trading partners not included in the agreement including with China
- iii. Provides substantially increased access for our agriculture exports, particularly those from the Otago region into the US Market;
- iv. Does not undermine PHARMAC, raise the cost of medical treatments and medicines or threaten public health measures, such as tobacco control;
- v. Does not give overseas investors or suppliers any greater rights than domestic investors and suppliers such as through introducing Investor-

State Dispute Settlement, or reduce our ability to control overseas investment or finance;

- vi. Does not expand intellectual property rights and enforcement in excess of current law;
- vii. Does not weaken our public services, require privatisation, hinder reversal of privatisations, or increase the commercialization of Government or of Otago Regional Council or other local government organisations;
- viii. Does not reduce our flexibility to support local economic and industry development and encourage good employment and environmental practices and initiatives;
- ix. Contains enforceable labour clauses requiring adherence to core International Labour Organisation conventions and preventing reduction of labour rights for trade or investment advantage;
- x. Contains enforceable environmental clauses preventing reduction of environmental and biosecurity standards for trade or investment advantage;
- xi. Has general exemptions to protect human rights, the environment, the Treaty of Waitangi, and New Zealand's economic and financial stability;
- xii. Has been negotiated with real public consultation including regular public releases of drafts of the text of the agreement, and ratification being conditional on a full social, environmental, and economic impact assessment including public submissions.

## **TPP and Local Government Acceptance of Public Interest TPP policy.**

Decisions and policies adopted by NZ Local Government Authorities as of 6<sup>th</sup> Oct 2014.

**Auckland Council's** Regional Development and Operations committee initiated the process on 6<sup>th</sup> December 2012 with the following policy ;

<http://www.itsourfuture.org.nz/wp-content/uploads/2012/09/Auckland-City-resolution.pdf>

**Nelson City Council** adopted the same policy in July 2013;

<http://www.scoop.co.nz/stories/AK1307/S00665/nelson-is-second-city-to-pass-critical-resolution-on-tppa.htm>

**Tasman District Council** in March 2014 adopted a policy substantially the same as Auckland and Nelson with some amendment to clause 12, which was turned into two clauses - a new 12 and 13;

<http://www.stuff.co.nz/nelson-mail/news/9802308/TDC-seeks-positive-benefits-from-TPPA>

**Greater Wellington Regional Council** (GWRC) dealt with TPP 12<sup>th</sup> December 2013. The resolution it adopted is contained in the following news report;

<http://www.stuff.co.nz/dominion-post/news/politics/9513659/Council-wades-into-trade-debate>

and here are the minutes from GWRC;

[http://www.gw.govt.nz/assets/council-reports/Report\\_PDFs/2013\\_1045.pdf](http://www.gw.govt.nz/assets/council-reports/Report_PDFs/2013_1045.pdf)

**Palmerston North City Council** (PNCC) on the 24<sup>th</sup> February 2014;

<http://www.stuff.co.nz/manawatu-standard/news/9878617/Trade-deal-protesters-pump-up-the-volume>

The PNCC resolution took the following form;

*RESOLVED that the Council send a letter, before 28 February 2014, to the Prime Minister asking him to submit any agreement that New Zealand reaches in the Trans Pacific Partnership negotiations to the scrutiny of Parliament through the usual democratic*

*process including consideration by a select committee, before a democratic decision is made on signing the agreement, and that the letter to the Prime Minister be copied to all councillors by 7 March 2014.*

*The letter to contain the following content;*

- the TPP negotiations are being conducted by a small group of people on New Zealand's behalf. It is possible that they may not be acting in what is genuinely NZ's best interests or that they are not able to see all the possible ramifications of proposals being negotiated. Opening up at least the ratification of any agreement to public scrutiny will enable a far fuller consideration to be given to the proposals.*
- Signing and ratifying any agreement tentatively reached should be subject to the approval of Parliament consistent with our system of democratic, open and participatory democracy.*
- The TPPA may have far-reaching repercussions for local government in terms of employment practices, intellectual property and the ability of local governments to make decisions in the best interest of their communities. This should not be permitted to occur without input from local government and those communities themselves.*

**Horizons Regional Council** Addressed TPP the following day 25<sup>th</sup> February 2014, adopting a similar policy to write a letter to the Prime Minister;

<http://www.stuff.co.nz/manawatu-standard/news/9765227/Horizons-to-question-TPPA-deal-process>

**Horowhenua District Council** carried a strong TPP policy at its 2nd April meeting where it was carried that a letter be sent to Central Government outlining the Council's concern about entering a TPP agreement. The contents of the letter were substantially stronger than the content of other Manawatu Councils. The following link is to minutes; item 3.6 on page 10. The letter content is in the link that follows this one;

<http://www.horowhenua.govt.nz/Download/?file=/Documents/Meetings%202014/14%20312%20HDC%20Open%20Minutes%202%20April%202014.pdf>

Horowhenua District Council meeting agenda 2<sup>nd</sup> April 2014. The draft letter to the Prime

Minister is on pages 502 and 503 of the agenda, attachment E. It is a large file 13.8mb:

<http://www.horowhenua.govt.nz/Download/?file=/Documents/Meetings%202014/14%20312%20HDC%20Open%20Minutes%202%20April%202014.pdf>

**Wanganui District Council** has recently been considering TPP. This consideration has been particularly fractious with 4 Councillors exiting the 19<sup>th</sup> June 2014 Council meeting leaving the Council without a quorum to deal with the matter. Council then considered TPP at its 15<sup>th</sup> July Audit, Risk and Finance Committee meeting where the Renewables TPP policy was adopted and recommended to the next Full Council meeting on the 28<sup>th</sup> July;

[http://www.nzherald.co.nz/wanganui-chronicle/news/article.cfm?c\\_id=1503426&objectid=11294140](http://www.nzherald.co.nz/wanganui-chronicle/news/article.cfm?c_id=1503426&objectid=11294140)

At that meeting on the 28<sup>th</sup> July the TPP policy suffered a set back with a majority of the Council choosing to gut the substantive resolution of the descriptive provisions 1-12 which establish the public interest in TPP;

[http://www.nzherald.co.nz/wanganui-chronicle/news/article.cfm?c\\_id=1503426&objectid=11300621&ref=rss](http://www.nzherald.co.nz/wanganui-chronicle/news/article.cfm?c_id=1503426&objectid=11300621&ref=rss)

**Christchurch City Council (CCC)** addressed TPP at its full council meeting of the 14<sup>th</sup> August. It endorsed our recommended TPP policy unanimously and further recommended it be adopted by LGNZ. The following link opens a pdf of the report recommended by the 7<sup>th</sup> August Committee of the whole Council.

<http://resources.ccc.govt.nz/files/TheCouncil/meetingsminutes/agendas/2014/August/CommitteeoftheWhole7August2014AGENDAOPEN.pdf>

Our local TPP activist Gen de Spa presented to the public forum of the CCC meeting that morning. See the video off the CCC website;

[https://www.youtube.com/watch?feature=player\\_embedded&v=8XL-f95s29U#t=4](https://www.youtube.com/watch?feature=player_embedded&v=8XL-f95s29U#t=4)

The Council considered the TPP matter later in the afternoon. They made a decision to support the TPP public interest policy that we promote, and to recommend that Local Government New Zealand (LGNZ) adopt it also.



[https://www.youtube.com/watch?feature=player\\_embedded&v=AbbZ0FEgXMw#t=11](https://www.youtube.com/watch?feature=player_embedded&v=AbbZ0FEgXMw#t=11)

**Dunedin City Council** gave its assent to our TPP policy in a tight vote after an extensive debate. See the ODT article for details;

[www.odt.co.nz/news/dunedin/312989/dcc-adopts-position-over-trans-pacific-agreement](http://www.odt.co.nz/news/dunedin/312989/dcc-adopts-position-over-trans-pacific-agreement)

Note that Ministry of Foreign Affairs and Trade (MFAT) official David Walker presented to Council in the morning prior to the Council meeting. The key here is that Council supported our TPP policy despite the MFAT explanation. DCC staff produced a report for Council available here, which includes the MFAT powerpoint;

[www.dunedin.govt.nz/\\_data/assets/pdf\\_file/0006/441888/ma\\_council\\_r\\_Trans-Pacific\\_2014\\_08\\_18.pdf](http://www.dunedin.govt.nz/_data/assets/pdf_file/0006/441888/ma_council_r_Trans-Pacific_2014_08_18.pdf)

**All Councils** had the Renewables TPP policy (substantially the Auckland Council resolution from 2012) placed before them in March. We are now making approaches to Councils where the local TPP action community requests our support or assistance.

We are concentrating our efforts in the North Island at the moment. We've presented to the **Wellington City Council** 27<sup>th</sup> August and **Greater Wellington Regional Council** 18<sup>th</sup> September.

Presentations will be made to **Kapiti Coast District Council** on the 9<sup>th</sup> October and **Hutt City Council** on the 16<sup>th</sup> October, papers were forwarded 29<sup>th</sup> September for inclusion in the Hutt City Council agenda.

Not just Christchurch City, other Councils have sought a common attitude be developed through **Local Government New Zealand (LGNZ)**.

Some Councils wrote back saying the TPP issue is not a local government concern and suggested they had no mandate to deal with it and better we approach central government. This appears to be reinforced by both **Hamilton City Council** and **Waikato Regional Council's** refusal to place our TPP policy on their agenda and their refusal to allow us to present to their public forums. We are considering a variety of options to ensure these Councils engage with our TPP policy. All Councils given their technical responsiveness to democratic process must formally accept any legitimate petition tabled by its community.

This report is an update of an earlier July version. It will be further updated as progress determines need.

Greg Rzesniowiecki 6-10-2014

[gregfullmoon013@gmail.com](mailto:gregfullmoon013@gmail.com)

## The impact of the TPPA on local government in New Zealand

Bill Rosenberg, 30 October 2014

Prominent US economist Jeffrey Sachs, despite being a strong supporter of international trade and investment who says he “helped to bring about globalisation”, says about agreements such as the TPPA (and the US is simultaneously trying to negotiate a similar one with the European Union) that they “are mostly investor protection agreements, rather than trade agreements...: investor protection of property rights of investors, of prerogatives of investors, of intellectual property of investors, of the regulatory environment of investors, and so forth”<sup>1</sup>. In other words the TPPA further shifts the balance between democratic rights and protections for citizens towards increased power for investors.

He says “the kind of globalization that we have right now, which in some ways expands the pie, but does so at high costs to the poor, to many poor, to rising inequality, to more frequent financial crises, and to a growing environmental catastrophe. Nothing that I know of these two treaties would do anything but continue us along that course, perhaps accelerated. These are not 21st century treaties that start out with our goals; these are 20th century treaties continuing to build the flawed globalization that we have underway.”

The TPPA has been under negotiation between 12 Pacific rim countries including New Zealand, the US, Australia and Japan since 2008. It is misleading to describe it as a trade agreement because trade is a very small part of it, even though the Government quite deliberately focuses on access for dairy exports to US and Japanese markets. Not so long ago, I heard Trade Minister Tim Groser talking about this to an audience of sympathetic trade officials and business representatives. He said the Government had “front and centre in its agenda” the “internationalisation of the economy”, which was much broader than trade, including research and development, foreign investment, import-competing industries and much more – but publicly he would just call it trade because that’s what the public understand.

It is increasingly doubtful that New Zealand will get any significant or immediate gains from agricultural access because Japan is clearly not going to zero its tariffs and will impose limits even on what can be exported under the somewhat reduced tariffs it concedes, and Canada and the US are likely to be equally protective.

But more importantly, much, much more is at stake ‘behind the border’ in the words of its advocates. We understand that only 5 of its 29 chapters are about trade. The rest of it affects Pharmac’s effectiveness, the cost of medicines, public health, our ability to support new industries and local suppliers, the freedom of the internet, the ability of whistle blowers and journalists to expose corporate foul play, our environmental standards, our ability to control our financial system, our ability to respond to international financial crises and to manage the exchange rate and overseas investment. Some of its provisions, such as restricting what state-owned enterprises can do, are almost unprecedented in such agreements. It threatens to give corporations much greater influence over both local and central governments and to undermine the public interest

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<sup>1</sup> Hickey, R. (2014, September 15). Economist Jeffrey Sachs Says NO to TPP and TAFTA Trade Deals. *Huffington Post*. Retrieved from [http://www.huffingtonpost.com/roger-hickey/economist-jeffrey-sachs-s\\_b\\_5823918.html](http://www.huffingtonpost.com/roger-hickey/economist-jeffrey-sachs-s_b_5823918.html)

role of publicly owned entities which have private competitors like Greater Wellington Council's CentrePort and Greater Wellington Rail, Wellington City Council's Positively Wellington Venues which manages its events and venues, and the jointly owned Wellington Water which provides water and drainage services.

With such deep domestic impacts, agreements like this should no longer be treated like the secret treaties of the reigning monarch but rather with the openness that citizens in a democratic society demand of all legislation. Because their implications are so deep and they are so difficult to change once ratified, these agreements should be treated more like a constitution, with all the serious public debate that would entail, rather than remain the prerogative of Cabinet.

This evening I would like to briefly cover six specific areas of particular concern to local government: intellectual property, government procurement (purchasing), investment, services, state owned enterprises and so-called transparency and regulatory coherence.

### **Intellectual property**

This is one of the most crucial chapters of the proposed agreement, and a key one for the US because its huge corporations in Hollywood – think music, games, videos, movies – and the Pharmaceutical industry stand to gain hugely and are very insistent that the agreement cannot be signed without this. Their demands are extensive and complex, and the best known effects are raising the costs of medicines and requiring internet service providers like Yahoo, Actrix or Paradise to take stronger and potentially unfair actions to protect copyright. They are demanding the extension of copyright from 50 years to 70 years or longer, longer patents and putting difficulties in the way of cheaper generic copies of pharmaceuticals once patents expire.

This will increase the costs of libraries and tertiary institutions such as universities, and reduce the services they can provide. There is a coalition of groups which are concerned about the effects of the TPPA on copyright laws called the Fair Deal coalition (<http://fairdeal.net.nz/>). It includes Internet New Zealand, innovative software companies such as TradeMe, Consumer New Zealand, and LIANZA, the Library and Information Association of New Zealand Aotearoa. LIANZA<sup>2</sup> is concerned about longer copyright durations which will increase the costs of books and other materials, and restrict the right of libraries and others to digitise older material which is invaluable for making it widely accessible, particularly to researchers and for education. They are concerned to maintain current exceptions for fair use for educational and research purposes, and the right to make copies of parts of works for users. They oppose the likely increased protection given to “technological protection measures” (TPMs) like international zoning for videos and DVDs. This would stop librarians from overriding TPMs in order to make material available to their users, despite access being perfectly legal. LIANZA would also oppose a ban on parallel importing that the US was demanding at the outset of the negotiations. Intellectual property rights must be a careful balance between encouraging innovation on the one hand, and the huge public benefit from the widest possible use, reuse and production of innovations. The TPPA is clearly on the side of further limiting their use in the interests of the corporations which own patents, copyright and other protections, tipping these arrangements way out of balance.

## Government procurement

If the TPPA's government procurement chapter is similar to other agreements the US is party to, it could:

- Stop local government giving an advantage to local suppliers. For example section 8 of Greater Wellington Council's procurement policy states that if "two proposals are equal then Greater Wellington will choose a local supplier in preference to a more distant supplier". Christchurch City Council has a policy of "Ensuring an active preference within a small financial cost for local firms for the supply of goods and services, based on whole of life costs."<sup>3</sup>
- Prevent local government giving more favourable treatment to small or not-for-profit firms.
- Open to challenge local governments taking into account general environmental conditions above the legal minimum that suppliers must meet, and/or are not directly related to the goods or service, as Greater Wellington does under section 7.2 of its policy, "Supplier environmental practices"<sup>4</sup>.
- Open to challenge local governments requiring suppliers to meet conditions above legal requirements such as paying a living wage, or having health and safety practices above minimum legal requirements.
- Prevent local governments boycotting suppliers or products from a rogue TPPA state like the boycotts of apartheid South Africa.

A similar government procurement agreement under the WTO is close to being signed by the Government.

## Investment

A leak of the Investment Chapter of the TPPA shows the definition of investment will apply to a very broad range of corporate activities. These include Public-Private Partnership (PPP) contracts and concessions, intellectual property, property development rights, environmental and planning licences and permits, and local government bonds. The rules will include an end to preference for local investors, restrictions on investor performance requirements such as use of local materials, and protections against new regulations that significantly impact on value or profits.

You may be aware of the so-called Investor-State Dispute Settlement process. This gives investors the power to sue the government directly in private offshore arbitral tribunals, whose panels are usually specialist lawyers who adjudicate in one case and represent clients in another, leading to constant concerns about conflict of interest and other major

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<http://www.ccc.govt.nz/thecouncil/policiesreportsstrategies/policies/groups/councilorganisation/procurementpolicy.aspx>

4

### 7.2 Supplier environmental practices

When evaluating the suitability of a supplier consideration will be given as to whether the supplier has:

- a formal, written environmental policy,
- an environmental management system,
- undertaken any noteworthy environmental initiatives,
- performed an environmental audit,
- produced an environmental report or a triple bottom line report,
- made demonstrable efforts to maximise resource efficiency (e.g. water, energy, etc.)

procedural issues<sup>5</sup>. There has been an exponential increase in the number of such cases, some of which are mounted with the aim of chilling regulatory decisions. A case by Philip Morris tobacco against the Australian government under similar provisions in a Hong Kong-Australia agreement is having precisely that effect on New Zealand's adoption of plain packaging laws for cigarettes. The New Zealand government says it is waiting for that case (and another in the World Trade Organisation) to conclude before proceeding with the law change.

Cases cost millions of dollars just to defend, and awards against governments range from tens of millions to billions of dollars. Local or state government decisions have been the subject of successful claims. For example the US Metalclad corporation sued Mexico after a local government (of a Mexican state) refused to grant a permit for a toxic waste facility. Local citizens had petitioned their government to deny the permit, fearing it would pollute their water supply. Metalclad won more than US\$15 million. Ecuador terminated a contract with Occidental Petroleum after the US company violated the terms of a contract with the government. The company won US\$2.3 billion dollars even though Occidental admitted violating the contract. French multinational Veolia, which operates Auckland's passenger rail network under the name Transdev, and runs local government water services in Papakura, and refuse services through its Onyx subsidiary, recently brought a case against the government of Egypt for at least 82 million Euros, challenging a decision to raise the monthly minimum wage and make other labour reforms. Cases have challenged court decisions, and one of the most common themes has been mining companies challenging environmental protections, while others have included challenges to governments trying to retrieve the situation after privatisations went wrong.

Several countries are now trying to back out of such provisions, the latest being Germany which was burnt by a challenge to its decision to stop nuclear power generation following the Fukushima disaster. Advice to the Australian government from its Productivity Commission, which found many risks and few benefits in such provisions led to successive governments of both colours refusing to accept them – though the Abbott Government is now saying it is willing to accept them if it gets enough of a trade-off. South Africa, after a mining company challenge to its policies advancing people disadvantaged under apartheid, and India are withdrawing from existing agreements and advice to the U.K. government has been similar to that from the Australian Productivity Commission.

So decisions a local government makes in its community's interests on environmental rules, planning decisions, procurement decisions or PPPs could be subject to such challenges and bring pressure from central government to cave in, to save the costs of an expensive defence, even if justified. They could also make recovery from a local government financial default more difficult.

### **Services**

Overseas located or owned services suppliers such as in construction, retail, refuse disposal, facilities management, transport operators, private health or private education, will be subject to further protections. Rules prevent quantitative restrictions or bans on

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<sup>5</sup> For a detailed critique, see the speech by experienced investment arbitration lawyer, George Kahale at <http://www.apf.gov.au/DocumentStore.ashx?id=d0029f2-594e-48b5-8318-f02adf7b632c>

their activities (such as preventing big box retailers from getting approval in certain localities) and prevent preference for local suppliers. They have a bias towards light-handed regulation in areas like technical standards and licensing. The government can negotiate a list of existing regulations that can continue unchanged and subject areas that are carved out altogether, but there will be major problems if any are missed or they need to be tightened.

### **State owned enterprises**

This is a virtually new area for these agreements. It is squarely aimed at China despite China not being in the negotiations – a symbol of the global politics that makes the TPPA so important to the US politically. China with its large number of state corporations would find it completely unacceptable but TPPA countries such as Vietnam and Malaysia also have many state owned enterprises themselves. New Zealand could well be collateral damage, and find it hard to return privatised or commercialised organisations to central or local government ownership with a public interest objective. The provision requires competitive neutrality for state-controlled entities (including non-commercial public agencies) which compete with private interests. It means they would have to act commercially rather than with public interest objectives. It is not clear just how far the term “state owned enterprise” will reach: conceptually it could include public hospitals and schools, housing, swimming pools, public internet services and convention centres for example, wherever they compete with the private sector. It could mean they would not be allowed special access to public land, real or implied government guarantees, subsidies or cheaper finance through council-raised borrowing. Much of this is still very unclear, highly controversial and under intensive negotiation, including what exemptions countries might be allowed to have.

### **Transparency and Regulatory coherence**

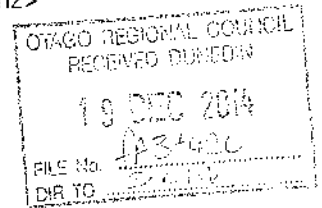
Transparency sounds like motherhood and apple pie. It appears in numerous parts of the agreement and is complemented by a chapter on so-called “regulatory coherence”. Ideally the corporations would like to have the same rules in every country so that, for example, a tube of toothpaste would be automatically be accepted in New Zealand if it was accepted in Vietnam. This would cover a myriad of regulations that ensure toothpaste is safe such as labelling, food, drug or cosmetic standards, safety and effectiveness regulations, ingredients regulations, testing requirements and approvals processes. If regulatory coherence in that sense was accepted it would mean that the lowest standards would win. The corporations appear to have conceded that that would be unacceptable – at least for now – but it remains the concept that motivates regulatory coherence. Instead, they want more control over the process of regulating. Transparency and regulatory coherence provisions mandate so-called ‘best practice’ approaches to regulation, based on risk assessment, cost benefit analysis and evidence based decisions that favour light-handed regulation, and make the process of regulation increasingly onerous. There will be extensive obligations for reporting on regulatory decisions, responding to commercial submissions, reviews of decisions, and reviews of existing regulation. The information commercial interests obtain from these processes will provide rich evidence for further political pressure or investor-state disputes.

It says a lot about the TPPA that it is proposing a tsunami of transparency and ‘good practice’ requirements to help investors and overseas suppliers, but exempts the process of negotiating and agreeing the deal itself from any such processes. Trade Minister Tim

Groser says, "Those people who are opposed to the agreement want access to the texts so they can blow it apart". This reveals a telling lack of confidence in the benefits of the proposed deal and the democratic process. Yet US corporations with a vested interest in the TPPA have privileged access to the text, and the proposed deal will give them permanent access to our regulatory processes enabling them to "blow apart" rules that are made by local and central government in the public interest. There is a great deal for local government, local communities, all of us, to be concerned about.



**From:** Mary O'Brien <Mary.O'Brien@ccsdisabilityaction.org.nz>  
**Sent:** Thursday, 18 December 2014 9:15 a.m.  
**To:** RPS ORC  
**Subject:** Submission regarding Regional Policy Statement



Dear Sir/Madam,

Please find attached the CCS Disability Action submission regarding the Otago Regional Council Regional Policy Statement.

Yours sincerely

Mary O'Brien

Mary O'Brien  
Regional Coordinator  
Moving Around Communities  
CCS Disability Action  
514 Gt King St  
Dunedin

DDI 03) 479 6895  
Mary.O'Brien@ccsDisabilityAction.org.nz  
[www.ccsDisabilityAction.org.nz](http://www.ccsDisabilityAction.org.nz)

**Te hunga haua mauri mo nga tangata katoa**

Disclaimer: This email may contain legally privileged information and is intended only for the addressee. It is not necessarily the official view of CCS Disability Action. If you are not the intended recipient please notify the sender immediately. You must not use, disclose, copy or distribute this email or information in it. Please consider your environmental responsibility before printing this e-mail

**Submission to Otago Regional Council regarding the  
Regional Policy Statement Review**

18.12.14



We would like to speak to our submission

CCS Disability Action<sup>1</sup> is one of the largest disability services providers in New Zealand. We have been advocating for people with disabilities since 1935. Today, our organisation has a strong disabled leadership and human rights focus.

CCS Disability Action has a National Office and regional management structure, and provides services nationally from sixteen incorporated societies. We deliver services to over 5,000 people of all ages with disabilities who choose to access our support. We also administer the Mobility Parking Scheme for over 114,000 people.

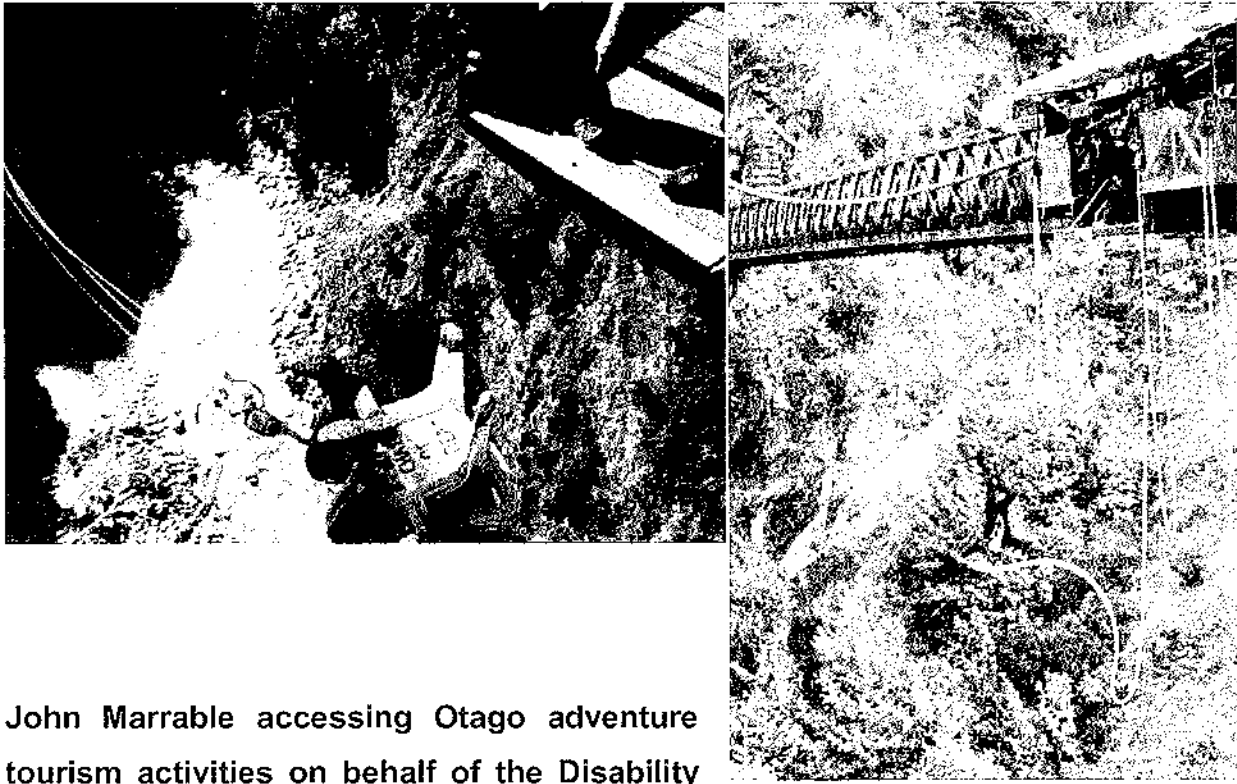
In Otago CCS Disability Action delivers services to 188 people and we also administer the Mobility Parking Scheme for 2,500 people across the Otago Region.

The New Zealand Disability Strategy 2001<sup>2</sup> defines disability in the following way. *Disability is a process which happens when one group of people creates barriers by designing a world only for their way of living, taking no account of the impairments that other people have.* This often occurs due to lack of information and awareness we believe that situations that create barriers to disabled people need to be addressed at a strategic and planning level.

## **Introduction**

The Otago Regional Council Regional Policy Statement (RPS) sets the tone for the work of the Otago Councils. CCS Disability action believes that the RPS should specifically address access for disabled people to further improve access in the councils areas of authority and to indicate the importance of addressing access to all Otago councils.

One in four<sup>3</sup> New Zealanders live with impairment. Our society does not always operate in a way where everyone can participate. This lack of participation can be due to a physical barrier; a barrier created by other people's attitudes and behaviours; or by a lack of access to information, resources and support. These barriers create an environment that can further disable people and prevent disabled people from living a full life e.g. having a job, being able to chose to attend social events, access health care etc,etc. The effects of this are numerous and have consequences for the whole community. People<sup>4</sup> with disabilities are commonly socially economically disadvantaged, New Zealanders with intellectual disabilities are 2.5 times<sup>5</sup> more likely to have health problems than non disabled New Zealanders and are less likely to be employed. Fifty percent<sup>3</sup> of disabled New Zealanders are employed in comparison with 76% of non-disabled New Zealanders. Improving access will contribute to the reduction of these disparities and to Otago becoming a non dis-disabling society.



**John Marrable accessing Otago adventure tourism activities on behalf of the Disability Information Service Inc. (Also see front cover).**

Twenty six percent<sup>3</sup> of the Otago population has a disability and it is likely that the percentage of disabled people in the area will increase as the population ages. The 2013 New Zealand Disability Survey showed a 20% increase in disability since 2001. It is likely that disability rates will continue to increase with increasing rates of chronic conditions<sup>6</sup> and the ageing population, 59%<sup>2</sup> of the population over the age of 65 years have a disability.

The council can improve outcomes for disabled people by addressing access at a strategic level and influencing change at a local level.

## **Submissions**

It is our overarching submission that the council consult with the disabled community regarding access. This will help to identify barriers to access and allow for them to be addressed while planning, this is frequently more cost effective. CCS Disability action found the consultation process with the council regarding the development of the Regional Public Transport plan to be positive and recommend that this process continues.

In addition to this we make the following submissions.

### **Objective 3.6 Urban areas are well designed, sustainable and reflect local character.**

We agree with the statement that *poor quality or badly coordinated development presents risks socially, environmentally, and economically*. However we also consider failing to address access for disabled people will continue to put disabled people in Otago at risk from not living a good life and that Otago will become a more inclusive community systematically by addressing disability.

#### **Policy 3.6.1 Ensuring Urban responsiveness. - Schedule 1**

We submit that the plan cannot cater for the needs of all without considering the access needs of disabled people who face numerous challenges when attempting to live a good life. We are very pleased to see that section 3k of Schedule 1 states that the plan *Ensures public spaces are accessible by everybody, including people with disabilities*.

We also submit that Schedule 1 is strengthened by adding a specific section - *The community is inclusive and accessible for disabled people* or that the schedule is reviewed to ensure that disability issues are identified and addressed. E.g. line 3a which currently reads *Ensures urban environments provide opportunities for all, especially the disadvantaged* be altered to include *the disadvantaged and disabled*.

## **Built Environment**

### **Policy 3.6.2**

There is a lack of accessible housing in Otago, addressing access in the planning and construction stage for all buildings and homes is more economical. We support the proposal to increase insulation standards above those required by the Building Act. In addition to this we submit that the council promote accessible design solutions such as Lifemark<sup>7</sup>. Lifemark's goal is to foster and promote design standards that work for people right across life's ages and abilities - from young families to older and disabled people.

### **Policy 3.6.4 Maximising Urban Connectivity**

Poor urban connectivity strongly contributes to the access challenges faced by disabled people. We submit that this section be expanded to address mobility challenges faced by mobility scooter and wheel chair users.

### **Objective 3.4 Public access to areas of value to the community is maintained or enhanced.**

**Policy 3.4.1** We submit that when public access to the natural environment is being reviewed/developed that access needs for disabled people are included.

## **Conclusion**

By systematically identifying access challenges and collaborating with the disabled community the council will be able to facilitate improved access for disabled people and contribute to Otago becoming an inclusive community.

## References

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<sup>1</sup> <http://www.ccsdisabilityaction.org.nz/>

<sup>2</sup> *The New Zealand Disability Strategy*. Minister of Disability Issues, April 2001.

<sup>3</sup> *2013 Disability Survey*.

[http://www.stats.govt.nz/browse\\_for\\_stats/health/disabilities/DisabilitySurvey\\_HOTP2013/Data%20Quality.aspx](http://www.stats.govt.nz/browse_for_stats/health/disabilities/DisabilitySurvey_HOTP2013/Data%20Quality.aspx) Accessed 15.12.14

<sup>4</sup> *The Social, cultural and Economic Determinants of Health*. <http://nhc.health.govt.nz/publications/nhc-publications-pre-2011/social-cultural-and-economic-determinants-health-new-zealand> Accessed 15.12.14

<sup>5</sup> <http://www.health.govt.nz/system/files/documents/publications/innovative-methods-providing-health-services-for-people-with-intellectual-disability-dec13.pdf>

<sup>6</sup> *Alleviating the Burden of Chronic Conditions in New Zealand. Literature review 2011*. Connelly M

<sup>7</sup> <http://www.lifemark.co.nz/home.aspx>



Sarah Valk

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**From:** Peter Dowden <peter.dowden@gmail.com>  
**Sent:** Thursday, 18 December 2014 11:33 a.m.  
**To:** RPS ORC  
**Cc:** Alex King; busgo; Lynley Hood  
**Subject:** Bus Go Dunedin submission to the Otago Regional Council 2014 Regional Policy Statement consultation draft  
**Attachments:** Bus Go Dunedin submission to the Otago Regional Council 2014 Regional Policy Statement consultation draft.pdf

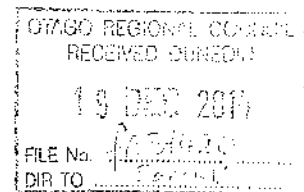
Herewith please find Bus Go Dunedin submission to the Otago Regional Council 2014 Regional Policy Statement consultation draft

Our submission can also be viewed online:

[http://busgodunedin.wikia.com/wiki/Bus\\_Go\\_Dunedin\\_submission\\_to\\_the\\_Otago\\_Regional\\_Council\\_2014\\_Regional\\_Policy\\_Statement\\_consultation\\_draft](http://busgodunedin.wikia.com/wiki/Bus_Go_Dunedin_submission_to_the_Otago_Regional_Council_2014_Regional_Policy_Statement_consultation_draft)

Thanks and have a happy Christmas and Summer holiday.

Bus Go Dunedin



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Please consider the environment and travel by public transport.

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Peter Dowden  
12 Woodhaugh St, Woodhaugh, Dunedin/Ōtepoti, 9010  
+64-3-467 9353 (mornings are best)  
+64 21 137 2129 (mobile; please try landline first)

## Bus Go Dunedin submission to the Otago Regional Council 2014 Regional Policy Statement consultation draft

### From Bus Go Dunedin Wiki

Bus Go Dunedin is a bus users' advocate that places the needs of public transport passengers first in matters of policy and delivery of bus services in Dunedin.

Dunedin has always been a leader in New Zealand public transport, with one of the world's pioneering cable car services, New Zealand's first electric tram, first trolleybus, important innovator in the design of diesel buses in New Zealand and a leader in developing high-quality, high frequency commercial bus service on the St Clair-Normanby route.

### Inclusion of public transport in regional policy

Bus Go Dunedin supports the proposed Regional Policy Statement, in particular the inclusion on page 32 of public transport as one means to reduce dependence on fossil fuels.

Bus Go Dunedin asks that public transport should also be included elsewhere in the statement as a solution to these other aspects of regional policy:

- Making better urban areas
- Good quality infrastructure
- Maximising urban connectivity

Bus Go Dunedin further asks that "public transport" be included in the glossary as one of the definitions of "infrastructure".

### Climate change

Bus Go Dunedin supports the policies regarding resilience and adapting to climate change but we are disappointed that the idea of preventing climate change is neglected. Bus Go Dunedin asks that the RPS includes positive steps to reduce the contribution by Otago people and industry on human-influenced global warming, in order to forestall climate change, including encouraging the use of public transport as one contribution to a low-carbon economy.

## List of requested changes to the draft Regional Policy Statement

p11 Part A Issue 12 Making better urban areas: add words "public transport" (twice) to read:

Urban design has a strong influence on people's lifestyle and their quality of life. In the past, urban development has not always had regard to the natural environment. Likewise, streets have been built to accommodate cars, but may not provide for **public transport**, cycling and walking as well.

Our towns need to contribute to people's well-being, through a better integration of ecosystems into urban areas, better **public transport**, walking and cycling facilities, and vibrant town centres. This could improve urban amenity, reduce the use of energy and enhance indigenous biodiversity.

p41 Objective 3.5 Good quality infrastructure meets community needs. add words "public transport" to read:

Roads, **public transport**, water supply, waste services, electricity transmission and telecommunication networks support our communities, economy, and health and safety.

p43 Urban design Policy 3.6.4 Maximising urban connectivity add words "public transport users" to read:

Maximise connectivity within new urban areas and between new urban areas and existing or proposed urban areas to provide for a range of travel options and ensure a high standard of amenity and safety for **public transport users**, pedestrians and cyclists to promote alternative transport options.

p77-78 add further definition of "infrastructure" to glossary to read:

infrastructure means

q) a **network of public transport stops, passenger shelters and facilities linked by public transport services operating on public transport routes**

Retrieved from "<http://busgodunedin.wikia.com>

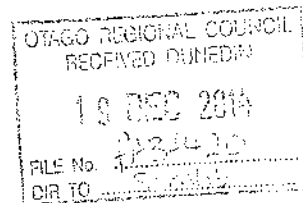
[/wiki/Bus\\_Go\\_Dunedin\\_submission\\_to\\_the\\_Otago\\_Regional\\_Council\\_2014\\_Regional\\_Policy\\_Statement\\_consultation\\_draft?oldid=4099](http://busgodunedin.wikia.com/wiki/Bus_Go_Dunedin_submission_to_the_Otago_Regional_Council_2014_Regional_Policy_Statement_consultation_draft?oldid=4099)

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19 December 2014

RPS Review  
 Otago Regional Council  
 Private Bag 1954  
 DUNEDIN 9054



**By email to:** rps@orc.govt.nz

## FEEDBACK ON DRAFT OTAGO REGIONAL POLICY STATEMENT

**NAME OF SUBMITTER:** KiwiRail Holdings Limited (KiwiRail)  
**ADDRESS FOR SERVICE:** PO Box 593  
 WELLINGTON 6140  
 Attention: Rebecca Beals

### KiwiRail Feedback on Draft Regional Policy Statement

KiwiRail Holdings Limited (KiwiRail) is the State Owned Enterprise responsible for the management and operation of the national railway network. This includes managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail Holdings Limited is also the Requiring Authority for land designated "Railway Purposes" (or similar) in District Plans throughout New Zealand.

KiwiRail's comments on the Draft Regional Policy Statement are set out in the attached table. Insertions we wish to make are marked in **bold** and **underlined**, while recommended deletions are shown as *struck-out* text. All requested changes include any consequential changes to the Plan to accommodate the requested change in the stated, or alternate, location. KiwiRail acknowledge that the Regional Policy Statement is still a draft document and further detail will be provided and clarified as the document is completed. We have therefore only commented on the sections already completed.

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

KiwiRail does not wish to speak to our comments, however are happy to provide any further detail should this be required by Council through the deliberation and consideration process in relation to the matters raised in this feedback.

Regards



Rebecca Beals  
 Senior RMA Advisor  
 KiwiRail

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
<b>Part A: Introduction</b>				
Regionally Significant Issues				
1	Issues	Support	KiwiRail support the range of Issues that have been identified within the Proposed RPS and that the role of infrastructure is recognised and provided for, as well as the conflicts that can arise in relation to hazard management and physical location.	Retain as proposed.
<b>Part B1: Otago has high quality natural resources and ecosystems</b>				
Areas of significant indigenous vegetation and significant habitats of indigenous fauna				
2	Policy 1.3.3(c)	Support	The KiwiRail network is a long linear network and is often susceptible to pest plants establishing themselves. The management of these can often be impractical for safety reasons, however best endeavors are generally undertaken to ensure that pest species are managed responsibly and not spread along the network. KiwiRail support the intention of the policy, and specifically that it provides for recognition of the practicalities in achieving it.	Retain as proposed.
<b>Part B2: Communities in Otago are resilient</b>				
Objective 2.1 Risk that natural hazards pose to Otago's communities is reduced				
3	Policy 2.1.3(g)	Support	KiwiRail support that the provisions seek to ensure the consequences of natural hazards when assessed includes consideration of Lifeline utilities and essential services. The Civil Defence Emergency Management Act 2002 in Part B of Schedule 1, which links to the definition of Lifeline Utility in Section 4 of that Act, includes an entity that provides a rail network or service as a lifeline utility.	Retain as proposed.
4	Policy 2.1.6(e)	Support	KiwiRail support the recognition of development, upgrade, maintenance and operation of lifeline utilities within the policy as proposed to assist in reducing natural hazard risks. This reflects that there are various distinct activities involved in the delivery of a network and that these are all recognised and provided for within the RPS.  Further, KiwiRail support that the intention of the policy is only that natural hazard risks be reduced as low as reasonably practicable, as noted above, recognising that there are often constraints around the ability to locate and thereby operate, upgrade and maintain infrastructure networks.	Retain as proposed.
5	Policy 2.1.10	Seek Amendment	KiwiRail support that the Council's preference is for soft engineering rather than hard engineering structures to manage the risk from natural hazards. KiwiRail also support the policy recognition that sometimes hard engineering structures are required.  KiwiRail would like to see wording included that specifically referenced lifeline utilities to ensure certainty is provided in relation to the protection of these and the ability to continue to provide the network and associated activities.  The existing provisions (a) and (b) provide for an element of reasonableness to be included, however this could be subjectively interpreted and the implications from alternatives for hard engineering structures, particularly in a coastal environment could be reasonable to one party yet not to an applicant.  Further, the location of the works not being on public land unless there is significant public or environmental benefit is of concern to KiwiRail. The rail corridor is Crown land. Any work to protect the network is therefore likely to involve works on public land. Determining whether there is significant public or environmental benefit in doing so is a high threshold to achieve and there is no certainty as to what benchmark would be used to measure that.	Amend Policy as follows:  <b>Policy 2.1.10 Mitigating natural hazards</b> Give preference to risk management approaches that reduce the need for hard mitigation structures and similar engineering interventions and enable hard protection structures only when: a) The risk cannot be reasonably avoided; and b) There are no reasonable alternatives; and c) It would not result in an increase in risk, including displacement of risk off-site; and d) The adverse effects can be adequately managed; and e) It is viable in the reasonably foreseeable long term; and f) It is not located on public land unless there is significant public or environmental benefit in doing so. <u>OR</u> <u>g) the works relate to the development, operation, upgrade or maintenance of a lifeline utility.</u>

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
<b>Objective 2.2 Otago's communities are prepared for shock events and system disruptions</b>				
6	Policy 2.2.3	Support	KiwiRail support the policy and the provisions to protect the level of service provided by the rail network as a lifeline utility. This includes the ability to operate the lifeline utility, including protection from reverse sensitivity effects.	Retain provision.
7	Policy 2.2.4	Support	KiwiRail support that there is an acceptance within the Draft RPS that lifeline utilities are often located in hazard prone areas and can require protection through hard engineering structures. KiwiRail also support that the design of lifeline utilities is required to be such that can withstand a natural hazard event to ensure that the function of the network continues to be provided. The recognition of the co-dependency of the networks is also supported as road and rail are often parallel networks.	Retain provision.
<b>Part B3: People are able to use and enjoy Otago's natural and built environment</b>				
<b>Objective 3.2 Resources are used efficiently and in a way that minimises conflict</b>				
8	Policy 3.2.2	Support	KiwiRail support that the subdivision, use and development of natural and physical resources is required to occur in a way that minimises conflict with other resource uses. KiwiRail can be subject to reverse sensitivity effects arising from inappropriate development being located near the rail corridor without appropriate mitigation being required, e.g. where sensitive activities are located adjacent to the corridor and the necessary level of mitigation is not included to address the effects from noise and vibration.	Retain provision
9	Policy 3.2.6	Support	As noted above, KiwiRail specifically support the recognition of reverse sensitivity within the RPS, and the policy direction to minimise these effects through managing land use and development and mitigating these effects where necessary.	Retain provision.
<b>Objective 3.4 Public access to areas of value to the community is maintained or enhanced</b>				
10	Policy 3.4.1	Support	KiwiRail support the Council with the intention to maintain and where possible enhance public access to the natural environment, however also support Council with the recognition that sometimes for public health and safety reasons this is not practicable. Public access across the rail corridor is a safety concern that requires careful management where this is provided, and therefore KiwiRail support recognition that sometimes public access is not feasible.	Retain provision
<b>Objective 3.5 Good quality infrastructure meets community needs</b>				
11	Commentary under Objective 3.5	Seeks Amendment	KiwiRail note that of the infrastructure listed, rail is not identified. While this is acknowledged as only being commentary under the Objective, and not the provision itself, the commentary will be used to support interpretation and application of the Objective and it's supporting Policies. Rail is not a large network within the region, however it is still there and does provide an infrastructure network that supports communities.  KiwiRail seek therefore that the commentary be amended to include 'transport' rather than 'road' so all transport networks are clearly included within the ambit of the provision.	<b>Amend Commentary as follows:</b>  Objective 3.5 Good quality infrastructure meets community needs. Roads- <del>Transport</del> , water supply, waste services, electricity transmission and telecommunication networks support our communities, economy, and health and safety. Although the development of infrastructure can have impacts on the environment it can also help reduce adverse effects. The establishment and operation of infrastructure requires significant investment. Integrating infrastructure with urban growth and development is essential to ensure it occurs in a sustainable and efficient manner.
12	Policy 3.5.1	Support	KiwiRail support the intention that infrastructure should be integrated with land use. While KiwiRail supports reverse sensitivity provisions and acknowledges that there are instances when development can be more suitably located, KiwiRail is not opposed to development adjoining the rail corridor and generally seeks that this is appropriately mitigated through setbacks and design standards, to ensure that the land use and the rail network are integrated.	Retain provision
13	Policy 3.5.2	Support	KiwiRail support the Regional Council specifically acknowledging the benefits obtained from infrastructure, including in the development, upgrade, maintenance and operation of the infrastructure.	Retain provision
14	Policy 3.5.3	Support	KiwiRail support the recognition that sometimes the location of infrastructure is dictated by other factors and in instances where the	Retain provision

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
			infrastructure is nationally or regionally significant, this can result in a location that might not otherwise be supported. e.g. areas identified as highly valued.	
<b>Part C: Implementation</b>				
Anticipated Environmental Results and Monitoring Programme				
15	Anticipated Environmental Results 40 and 41	Seek Amendment	The Anticipated Environmental Results 40 and 41 relate to infrastructure. However the Key Indicators 1 and 2 appear to be directed towards infrastructure provided by Council, e.g. by relationship to the efficiency being measured through the auditors report. KiwiRail is also an infrastructure provider, however auditors reports will not be the measure of efficiency and effectiveness in that instance. KiwiRail seek that the Key Indicators be worded to sufficiently ensure that where the auditors report is the measure of efficiency and effectiveness, it relates to those infrastructure services provided by local authorities. Alternatively, that the wording be sufficient to ensure if all infrastructure is included, the measure of efficiency and effectiveness is not related to the auditors report.	Amend Provision
<b>Glossary</b>				
16	Definition: Infrastructure		KiwiRail support the definition proposed, and specifically that reference to rail is included within the definition. KiwiRail note that a formatting error appears to have arisen as (e) and (f) are subsets of (d) rather than clauses in their own right, as per the RMA definition.	Amend formatting in provision for (e) and (f).
17	Definition: Lifeline Utilities	Seek Amendment	KiwiRail support Council referencing existing definitions for terms and specifically where these are provided for in legislation. However in this instance, the name of the legislation is missing the term 'Management'.	Amend provision as follows:  Lifeline utilities has the meaning set out in section 4 of the Civil Defence Emergency <i>Management</i> Act 2002.
18	Definition: Network Infrastructure		KiwiRail support the definition as proposed, including as noted above that this is a definition provided through legislation.  KiwiRail question however is there is an intended difference between 'infrastructure' and 'network infrastructure' and whether in fact just one of those definitions is sufficient as the detail within the LGA definition is also encompassed within the proposed definition of 'Infrastructure'.	



Property Group  
National Service Centre  
Alexander Road  
Private Bag 902  
Trentham  
Upper Hut 6140, New Zealand

## Comments on Otago Regional Policy Statement Review Consultation Draft (26 November 2014)

**To:** Otago Regional Council  
**Attn:** Policy Team

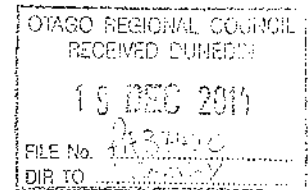
**Address:** Private Bag 1954  
Dunedin 9054

**Email:** rps@orc.govt.nz

**Submitter:** New Zealand Defence Force  
**Contact Person:** Sara McMillan

**Address for Service:** New Zealand Defence Force  
C/- Tonkin & Taylor Ltd  
PO Box 2083  
Wellington 6140  
Attn: Sara McMillan

**Phone:** 04 806-4977 or 021-826-706  
**Email:** smcmillan@tonkin.co.nz



### 1. Introduction

- 1.1. The New Zealand Defence Force (NZDF) has military interests throughout New Zealand. Within Otago, there is currently an Army Battalion Headquarters in Dunedin, HMNZS Toroa naval reserves centre in Dunedin, and a rifle range at Waitati. There is also potential for NZDF to need larger or additional facilities in Otago in the future. In addition, NZDF may undertake temporary military training at other locations in the region and not within its facilities.
- 1.2. NZDF provided comments on the Otago Regional Policy Statement Review – Issues and Options Document in June 2014. In summary, NZDF requested that New Zealand's defence facilities be recognised as nationally and regionally important infrastructure, and for reverse sensitivity effects on its facilities to be managed. Examples were provided of how other Regional Policy Statements around the country provide for this. Please refer to NZDF's June 2014 comments for further detail.

### 2. Definition of "infrastructure"

- 2.1. The draft definition of "infrastructure" does not include defence facilities. Given the importance of NZDF's facilities in maintaining the nation's security, meeting international obligations, and providing for the well-being and safety of communities, it is appropriate for defence facilities to be explicitly recognised and provided for. NZDF requests that the definition of "infrastructure" is amended by inserting an additional item to the list stating "New Zealand Defence Force facilities".

### 3. Strategic infrastructure

- 3.1. The Consultation Draft Regional Policy Statement (RPS) contains policies that seek to recognise the benefits of infrastructure, provide for its development, and protect it from incompatible land

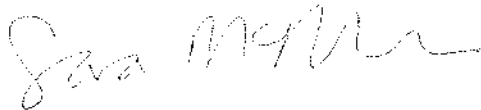
uses. However, the draft RPS does not clearly recognise that some types of infrastructure are more important than others. Other RPSs around the country provide additional protection and recognition for nationally and regionally important infrastructure, and infrastructure that is critical to the well-being of communities. For example, the Canterbury Regional Policy Statement 2013 includes definitions for "strategic infrastructure" and "regionally significant infrastructure" that include defence facilities, and both the categories (strategic and regionally significant infrastructure) are given specific recognition and protection within the policies. The Horizons One Plan and Proposed Auckland Unitary Plan similarly recognise the importance of defence infrastructure.

- 3.2. NZDF requests that strong provisions are included in the Otago RPS for infrastructure that is strategically important, and that defence facilities be included in these provisions. This could be addressed by including definitions such as for strategic infrastructure/ critical infrastructure/ nationally significant infrastructure/ regionally significant infrastructure (that specifically include defence facilities), and including policies that specifically recognise and provide for these types of infrastructure and protect them from adverse effects such as reverse sensitivity.

#### 4. Closing

- 4.1. NZDF is happy to provide further comment or information to assist the Council if required, and looks forward to further involvement in the development of the RPS.

pp.



Rob Owen  
Environmental Manager  
Defence Property Group  
New Zealand Defence Force

Date: 18 December 2014

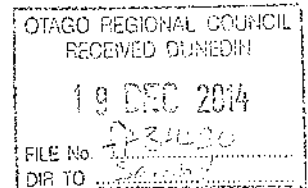




## BRCT submission on ORC Regional Policy Statement

18 December 2014

RPS Review  
 Otago Regional Council  
 Private Bag 1954  
 Dunedin



Submitters' Names: Blueskin Resilient Communities Trust (attention: Scott Willis)  
 Address: 31 Hill Street, RD2 Waitati, 9085 Dunedin District  
 Phone (day): 03 4822048  
 Phone (evening): 03 4822249  
 Email: office@brct.org.nz

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### Executive Summary

BRCT appreciates the opportunity to submit on the **ORC Regional Policy Statement**. BRCT is a registered charitable trust formed in 2008 to support local sustainability and transition initiatives in a planned and structured way. Our current core activity is supporting the development of a resilient energy system in Blueskin Bay, while we actively work on Climate Change mitigation and adaptation. We also provide services for people and community groups in our area and in Dunedin. Jeanette Fitzsimons is our patron.

We understand that Climate Change is presenting as a huge responsibility and burden for local government. We also see the role the Otago Regional Council has as an enabler is critical in moving towards a successful low carbon future.

In the Blueskin settlements, many residents are understandably concerned about Climate Change, sea-level rise, flooding, and new hazard mapping and risk management plans. We now know that stable coast lines are a thing of the past, and that we must adapt to a more dynamic environment and landscape, but we don't yet know the extent of adaptation required, or the full extent of sea-level rise. We only know that if we continue to emit carbon from fossil fuels, the future will be very bleak.

We've made a number of recommendations, the first of which calls for a greater degree of collaboration or partnership with community organisations such as ours which are at the front line of adaptation to Climate Change and engaged in mitigation activities. We also discuss Objectives in each section.

We thank you for this opportunity to make a submission on the Regional Policy Statement and support the Otago Regional Council in its work to set a positive direction for future work.

## Part B2: Objectives 2.1, 2.2 and 2.3

We are strongly supportive of all the policies designed to deliver Objectives 2.1, 2.2, 2.3. Climate Change is by far and away the most significant and long term challenge our settlements and our community face(s). History holds no lessons for us in a future of shifting coastlines, and increasingly erratic weather – we now live in a changed and changing world, with 30-40cm sea-level rise predicted by 2050<sup>1</sup> and much more beyond that.

Nationally, in 'Natural Resources Sector 2014 Briefing to the Incoming Ministers', Ministers of the Crown learned that *"we are off track in transitioning to a low carbon future, and there is increasing international pressure to reduce emissions"*<sup>2</sup>. It appears however that it is local government, rather than national government, which must bear the burden and take the lead in mitigating Climate Change impacts and adapting to Climate Change, in the absence of any central government leadership.

All stated policies in the RPS to reduce exposure to risk are positive, however we strongly encourage prioritisation of policy that will have the most impact. Heavy restrictions on building in flood prone zones must be a priority, as must provision for relocation and resettlement on higher ground. Careful thought must also be given to maintaining lifelines, such as the provision of electricity, transport links and food supply (including maintenance of productive land close to residential centres).

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<sup>1</sup> PCE 2014, Changing climate and rising seas: understanding the science

<sup>2</sup> <http://nrs.mfe.govt.nz/sites/default/files/nrs-bim-final.pdf>, pp.9



We strongly support “risk management approaches that reduce the need for hard mitigation structures and similar engineering interventions”.

*Achieving Objectives 2.1, 2.2 and 2.3 will require an adaptive, collaborative approach, much as set out in the NIWA “Engaging Communities: Make It Work” model<sup>3</sup>. We believe that partnering with community delivery agencies will enable effective actions to achieve Objectives.*

## Part B2: Objective 2.4

BRCT’s charitable company Blueskin Energy Ltd is working on building a small community wind farm at Blueskin Bay. This proposed infrastructural development is intended to:

- Supply more than the current (annual) community electricity demand through local distributed generation;
- Build resilience into the local electricity network, through increasing security of supply at a local level;
- Contribute to lowering NZ’s greenhouse gas emissions, by introducing more renewable electricity into the electricity market and forcing out the equivalent quantity of thermal generation;
- Build an income stream to help us adapt to future challenges and provide our community with a certain autonomy of action;
- Have minimal to negligible adverse effects and significant positive effects.

We have been working on our project for some years, and have significant community support for the proposed siting of our small wind development. We believe it is a nationally significant project, in that it is the first of its type in New Zealand, and if successful, will provide impetus for positive change all around New Zealand.

*We would like to see provision to support for community-scale renewable electricity generation strengthened in the RPS.*

Petroleum exploration off the Otago coastline will compromise the reputation of New Zealand and the safety of our marine environment which is important to local economies, fishing, scientific investigation and marine/ coastal tourism. It is also a process of exploration for fossil fuels which are fossil fuels that cannot in all conscience be burnt if we are to have any chance of maintaining an environment suitable for human life.

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<sup>3</sup> NIWA 2011a. Coastal Adaptation to Climate Change – Engaging communities; making it work, prepared for MSI contract CO1X0802, December 2011.



*We seek the establishment of a fossil fuel reserve off the Otago Coast, where fossil fuel reserves are assumed to exist (even without evidence) and are therefore protected as preserved, unburnable carbon assets.*

*We support all development of public transport options, and increasing the availability of public transport for all Dunedin residents.*

*We support the promotion of Energy Efficiency and believe that the Cosy Homes initiative and the Dunedin City Energy Plan are two clear pathways to achieve this policy. We suggest working closely with the Cosy Homes group and the Energy Plan team at the DCC as well as the Chamber of Commerce's Energy Committee to develop methods for this section of policy.*

Finally, wherever possible we request that the ORC actively invests in supporting the development of alternative energies and technologies to fuel its transport requirements, reports progress towards alternatives to oil dependence to the community and uses this as demonstrable evidence of ORC walking the talk.

### Part B3. Objective 3.1

Poor water quality is a growing and extremely significant issue in New Zealand. 40% of our wetlands are gone, 43% of our rivers fail to meet bathing standards, and between 18,000 and 30,000 people each year contract waterborne diseases from microbial contamination, reports Environmental Scientist Mike Joy<sup>4</sup>.

*We see improving the quality of our waterways as a priority issue.*

*The protection of soil quality is something we wholeheartedly support, and we value the ORC placing importance on it. Accelerated soil erosion (that created by humans), frontier production expansion into previously wild zones, and technological change leading to compaction and impoverishment of soils, are all issues that need addressing and we particularly support policy 3.1.5 'Protecting Soil Quality'.*

*In relation to air quality, we would like to see a wholesale ban on coal burning throughout the ORC's jurisdiction, and a supportive environment for wood burning technologies that is permissive rather than restrictive.*

### Part B3. Objective 3.2

Our community is already facing the challenge of a managed retreat from low-lying, flood prone land that is also very susceptible to any change in sea levels. Thus, it is doubly important that 'Resources are used efficiently and in a way that minimises

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<sup>4</sup> See: <http://freshwater.science.org.nz/index.php/news/media7-tv-interview-with-environmental-scientist-mike-joy-talks-about-water-quality-in-new-zealand/>



conflict'. The stresses our community now face and will increasingly face as Climate Change becomes more pronounced, will only increase further if we do not address the underlying issue of Climate Change.

*We are heading to a future of increasingly extreme climate change effects. Climate Change emissions reduction must be the lens through which we consider appropriate resource use.*

*We particularly support the 'development of community solutions, including infrastructure development, where this will minimise the community's cumulative impact' (in policy 3.2.4).*

### Part B3: Objective 3.5 and 3.6

*We support the development of 'good quality infrastructure [meeting] community needs'. In particular, we would value emphasis being placed on increasing 'the ability of communities to respond and adapt to emergencies'.*

We believe that future residential development should have as a focus, "sustainability", with an emphasis on ensuring future build has designed for emergencies, for efficiently managing resources, for shared resources where appropriate, and for containing potential harmful impacts.

*We are very supportive of policies 3.6.2 and 3.6.3 to support the development of housing that is suitable to our climate and the health and wellbeing needs of our residents, while we support all policies to improve diversity of housing, connectivity, accessibility and adaptability of use over time.*

### Recommendations

1. Achieving Objectives 2.1, 2.2 and 2.3 will require an adaptive, collaborative approach. We believe for 'Otago's communities [to] reduce their exposure to, and adapt to, foreseeable adverse effects of climate change' and to 'minimise their contribution to climate change processes' that partnering with community delivery agencies will be key. The number of partner organisations and quality of partnerships, as measured in public meetings and events, will provide additional 'key indicators'. We recommend partnering with community agencies who are actively working on Climate Change issues.
2. We recommend strengthening the provision to support for community-scale renewable electricity generation, with reference to the National Policy Statement on Renewable Electricity Generation 2011.

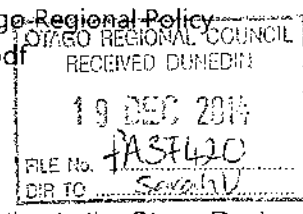
3. We recommend partnering with the Otago Chamber of Commerce and the Otago Energy Research Centre<sup>5</sup> to also contribute towards a 'Baseline Energy Assessment for Dunedin' to allow for measurement of a reduction in fossil fuel use, an increase in renewable electricity and energy generation and measurement of greater energy productivity or lowered energy consumption.
4. We recommend advocacy for the establishment of a fossil fuel reserve off the Otago Coast, where fossil fuel reserves are assumed to exist (even when lacking evidence) and are therefore protected as preserved, unburnable carbon assets.
5. We recommend supporting the Cosy Homes initiative, to provide for better homes, and more productive energy use by residents, to lower carbon emissions and ensure we have housing that suits our climate and the health and wellbeing needs of our residents.

---

<sup>5</sup> The Otago Chamber of Commerce and the Otago Energy Research Centre are currently collaborating on a Baseline Energy Assessment for Dunedin, with work beginning in the 2014-15 summer.

**Sarah Valk**

**From:** Aileen Crow <Aileen.Crow@beca.com>  
**Sent:** Friday, 19 December 2014 12:18 p.m.  
**To:** RPS ORC  
**Cc:** Kate.Pascall@transpower.co.nz; Joanne Mooar (Joanne.Mooar@transpower.co.nz); Ainsley McLeod  
**Subject:** Transpower's comments on the Otago RPS Consultation Draft  
**Attachments:** NZ1-10022123-Transpower New Zealand Limited, Otago Regional Policy Statement Review - Comments on Consultation Draft.pdf



Good afternoon

Please find attached comments prepared on behalf of Transpower New Zealand Ltd in relation to the Otago Regional Policy Statement (RPS) Consultation Draft recently released by the Otago Regional Council (ORC).

Transpower would welcome the opportunity to work alongside the ORC through the development of the RPS.

In the meantime, please do not hesitate to contact us if you have any queries or require further clarification.

Kind regards,

**Aileen Crow**

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**NZ Workplace Health & Safety Supreme Award 2014 // Best overall contribution to improving workplace H&S**

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Otago Regional Council  
Regional Policy Statement Review

19 December 2014

Via email: rps@orc.govt.nz

Dear Sir / Madam

**Transpower New Zealand Limited, Otago Regional Policy Statement Review - Comments on Consultation Draft**

Please find below comments prepared on behalf of Transpower New Zealand Limited (Transpower) in relation to the Otago Regional Policy Statement (RPS) Consultation Draft released by the Otago Regional Council (ORC). The comments have been prepared to assist ORC's development of the proposed RPS, due to be notified in March 2015, in a manner that ensures that the RPS appropriately recognises and provides for the National Grid, particularly through giving effect to the National Policy Statement on Electricity Transmission (NPSET) (attached) and the National Environmental Standards for Electricity Transmission Activities Regulations Act (NESETA). In addition to our specific comments, and by way of background, we have included a brief introduction to Transpower, the NPSET and the NESETA.

**About Transpower**

Transpower New Zealand Limited ("Transpower") is the State Owned Enterprise that owns, operates, maintains and develops New Zealand's high voltage transmission network, the National Grid. The National Grid comprises of a network of steel towers, poles, lines and substations which transport the electricity generated by power stations to the distribution networks of each region, which in turn conveys electricity energy to domestic, commercial and industrial users in the region.

The National Grid comprises around 12,000 km of transmission lines and some 173 substations, including outdoor switch-yards. The control centres (located in Wellington and Hamilton) operate a network of some 300 telecommunication sites, most of which operate on a line of sight basis and link together the components that make up the National Grid.

It is important to acknowledge that Transpower's role is distinct from electricity generation or retail. Transpower instead provides the required infrastructure to transport electricity from the point of generation to local lines distribution companies which supply electricity to everyday users. These users may be a considerable distance from the point of generation. As a result, the National Grid traverses District and Regional Council boundaries. A large portion of the electricity generated in the lower South Island is transmitted northwards. In some cases, major users of electricity will directly connect to the National Grid.

Transpower is committed to ensuring that the National Grid continues to meet the needs of its users both in the short and in the long term. It is important that existing infrastructure is upgraded and maintained in order to ensure that these expectations are met. In order for this maintenance to occur it is crucial that development under the lines and around other Grid infrastructure is appropriately managed to ensure continued access to these assets.



Transpower's 30 year strategy for future development of the Grid is set out in 'Transmission Tomorrow'. This document outlines the view that there will be an on-going role for the National Grid, and that the lines and substations Transpower owns and operates will be required into the future. As such it is important that the existing transmission corridors are maintained as far as practicable. Conversely, it is important that where new infrastructure is required, this is recognised and provided for.

In light of this, the unique role that Transpower plays in the provision of electricity throughout New Zealand means that its electricity infrastructure is considered a significant physical resource under the Resource Management Act 1991 (RMA) that must be sustainably managed. In turn, adverse effects on that infrastructure must be avoided, remedied or mitigated.

These adverse effects can occur as a result of development occurring in close proximity to the National Grid, and include (but are not limited to):

- Health and safety effects
- Reverse sensitivity effects
- Restricting access to infrastructure for required maintenance or upgrades

It is also acknowledged that the National Grid infrastructure, due to its linear nature and sheer scale, can have adverse effects on the environment. For example, the National Grid may, by necessity, traverse Outstanding Natural Features or Landscapes, or be located within the coastal environment. Transpower is required to 'avoid, remedy or mitigate' these adverse effects to the extent that the National Policy Statement on Electricity Transmission 2008 (NPSET) requires, which is discussed below.

## **The National Policy Statement on Electricity Transmission 2008**

The NPSET confirms the national significance of the National Grid and the need to appropriately manage activities and development close to it. The RMA amendment to Regulation 10 (Forms, Fees and Procedures), section 2(i) further acknowledges the importance of Transpower's National Grid assets, requiring Transpower to be served notice of applications or reviews that may affect the National Grid.

The NPSET, which was gazetted on 13 March 2008, and took effect on 10 April 2008, establishes national policy direction to recognise the benefits of transmission. The NPSET recognises the importance of security of supply for the well-being of New Zealand and New Zealanders, and makes it explicit that electricity transmission is to be considered a matter of national significance under the RMA in order to meet the electricity needs of present and future generations of New Zealanders.

The NPSET provides guidance to local government for the management and future planning of the National Grid, in terms of:

- Recognition of the national benefits of transmission;
- Managing the environmental effects of transmission;
- Managing the adverse effects of third parties on the transmission network; and
- Long term strategic planning for transmission assets.

The objective of the NPSET is as follows:

*To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*

- *Managing the adverse environmental effects of the network; and*
- *Managing the adverse effects of other activities on the network.*

The NPSET contains 14 policies. Policy 1 recognises the national benefits of transmission, while policies 2 - 9 guide the management of the environmental effects of transmission. Policies 10 and 11 seek to manage the adverse effects of third party activities on the transmission network. Policy 12 requires District Councils to identify the electricity network on their planning maps. Policy 13 requires decision makers to recognise the designation process as facilitating long-term planning of the infrastructure and Policy 14 requires Regional Councils to include objectives, policies and methods to facilitate long term planning for investment in transmission infrastructure and its integration with land uses.

Section 62(3) of the RMA requires a Regional Policy Statement to give effect to a National Policy Statement (NPS). Therefore the ORC, in developing the RPS, must give effect to the NPSET. The Supreme Court recently considered what is meant by the phrase "give effect to" in the context of the New Zealand Coastal Policy Statement (NZCPS) and held that:

*"Give effect to" simply means "implement". On the face of it, it is a strong directive, creating a firm obligation on the part of those subject to it ... There is a caveat, however. The implementation of such a directive will be affected by what it relates to, that is, what must be given effect to. A requirement to give effect to a policy which is framed in a specific and unqualified way may, in a practical sense, be more prescriptive than a requirement to give effect to a policy which is worded at a higher level of abstraction.*

The Supreme Court held that the "requirement to 'give effect to' the NZCPS is intended to constrain decision-makers". Transpower submit that this applies equally to the NPSET in the context of decisions relating to electricity transmission. Similarly, the observation that the "NZCPS is a carefully expressed document whose contents are the result of a rigorous process of formulation and evaluation. It is a document which reflects particular choices" applies to the NPSET. The preamble of the NPSET highlights that the National Grid has particular physical characteristics and operational/security requirements that create challenges for its management under the RMA, and it is important there are consistent policy and regulatory approaches by local authorities.

The Ministry for the Environment has released the "*Ministry for the Environment. 2010, National Policy Statement on Electricity Transmission: Implementation Guidance for Local Authorities*". This is currently available on the Ministry's website. This document aims to provide local authorities with direction on how the NPSET could be best given effect to through regional and district planning instruments. It also includes examples of the type of objectives and policies that will help give effect to the NPSET.

It is noted that the NPSET, along with further supporting documents including an implementation guide, are available on the Ministry for the Environment website at:  
<http://www.mfe.govt.nz/rma/central/transmission>.

## **National Environmental Standards for Electricity Transmission Activities Regulations 2009**

The National Environment Standards for Electricity Transmission Activities 2009 (NESETA) came into effect on 14 January 2010. The standards:

- only apply to transmission lines existing at 14 January 2010;
- specify that electricity transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects; and
- specify resource consent requirements for transmission activities that do not meet the terms and conditions for permitted activities.

The NESETA applies to existing (as at 14 January 2010) high voltage transmission lines owned and operated by Transpower (i.e. existing National Grid transmission lines). The standards in the NESETA recognise and provide for the operation, maintenance, upgrading, relocation and removal of the existing transmission network, having considered operational constraints and technical requirements. The standards provide a framework of consent requirements and permissions that take into account the policies in the NPSET. The NESETA does not apply to substations, new lines or lines that are not owned and operated by Transpower.

Section 30(1)(gb) of the RMA includes, as a function of regional councils, the strategic integration of infrastructure with land use through objectives, policies and methods.

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

### **Transpower's Activities in the Otago Region**

Transpower currently operates National Grid transmission lines and substations within the Otago Region. These assets are crucial to supply of electricity between Otago and the rest of New Zealand. Appendix A of this submission contains a map showing the location of the National Grid assets within the Otago Region.

At present, Transpower is undertaking some projects within the Otago Region to upgrade or maintain existing transmission lines including the Clutha-Upper Waitaki Lines Programme (CUWLP) Works. The Gore Hard Tee 220kV Transmission Line Project is also of significance for the lower South Island region overall and is therefore relevant to the Otago Region.

The CUWLP works involves the 'duplexing' and upgrading of the AVI-LIV A line and the ROX-TWI A line. The purpose of this project is to increase the capacity of the transmission lines between Roxburgh and the Waitaki Valley. The work involves adding a wire (conductor) to the existing conductor and increasing the operating temperature of some lines. This project will assist in transmitting electricity from the lower South Island, northwards.

Currently in the Otago Region as part of this project, the Roxburgh-Twizel A line (ROX-TWZ-A), Roxburgh to Clyde section (ROX-CYD) is being maintained and upgraded. The wiring work is

complete (that is, the new conductors are in place) and tower refurbishment work will begin in early 2015. Work on other lines is currently on hold, but it is likely that the next line to be upgraded will be the Roxburgh-Islington A line (ROX-ISL-A), the Roxburgh-Livingstone section (ROX-LIV).

Resource consent was obtained from the Otago Regional Council in October 2013 in relation to this project, specifically to install a new culvert to enable access to the Roxburgh-Twizel A Transmission Line.

Resource consent was also obtained from the Waitaki District Council in October 2012 specifically for on-going tower maintenance and specific tower foundation refurbishment works. A Certificate of Compliance was also obtained from WDC in relation to those tower refurbishment related activities which comply with all the permitted activity regulations of the NESETA.

A Certificate of Compliance was also obtained from Central Otago District Council in December 2012 for this project, specifically the Roxburgh to Clyde section (ROX to 506 span and Tower 506 to CYD) of the ROX-TWZ A transmission line.

The Gore Hard Tee 220kV Transmission Line Project covers a 2 kilometre stretch of 220kV transmission line required to connect Transpower's existing Gore substation on Chariton Road and the existing 220kV North Makarewa Three Mile Hill A transmission line (NMA-TMH A) that passes to the south of Gore. The new transmission line is required as part of Transpower's overall investment in strengthening and enhancing power transmission in the Lower South Island Region.

A significant portion of the new transmission line is located within the Otago Region.

## **Comments on Otago RPS Consultation Draft**

Transpower has reviewed the Consultation Draft released by Council as part of the Otago RPS review process. Transpower generally supports the approach taken by Council, particularly in relation to avoiding reverse sensitivity effects on lifeline utilities and protecting electricity transmission activities from incompatible land uses located in close proximity.

However, the Consultation Draft makes no mention of the NPSET or the NESETA. Transpower submits that these documents, particularly the NPSET, should be mentioned within the RPS Consultation Draft as these documents sit higher in the statutory documents hierarchy. In addition, Transpower considers that additional definitions within the Glossary section would provide greater clarity in regards to distinction between electricity generation, transmission and distribution. Council also needs to ensure that the RPS is consistent with recent case law, such as the Supreme Court's decision on the King Salmon case. This decision reflected the importance of the use of language in policy documents, and that policies that are worded strongly with the use of terms such as "avoid", for example, are to be interpreted and applied strictly. Although the King Salmon case was in the context of the National Coastal Policy Statement, the importance of carefully considering the wording of provisions in policy documents is important, particularly given that lower order plans must give effect to, or not be inconsistent with, the Regional Policy Statement.

Transpower's comments are organised below under the various chapter headings of the Consultation Draft.

### **Part A: Introduction**

Transpower strongly supports Issue 10 as it demonstrates that Council understands that some developments can only occur in specific places and that their potential adverse effects on landscape,

biodiversity, natural character or the coastal environment may be unavoidable. The National Grid and Transpower's other electricity transmission facilities are sometimes located in areas of outstanding natural landscape or character, or within / adjacent to waterways with unique ecosystems. Transpower considers it important to recognise the importance of this locational need in the context of regional policy, particularly in terms of the on-going use and development of the National Grid. Such an approach is consistent with the sustainable management purpose of the Resource Management Act 1991.

In addition, the preamble of the NPSET emphasises that strategic planning is required to provide for transmission infrastructure. A key aspect to facilitate the long-term strategic planning of the grid is the creation of an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans (Policy 11 of the NPSET). We recommend that a new policy be included in the Otago RPS to give effect to Policy 11 of the NPSET. In addition, Council should insert maps in the RPS which shows the location of the National Grid and buffer corridors within which other development should not occur.

Transpower accepts the intention of Issue 7 which relates to future energy and fuel pressures, particularly due to the finite nature of fossil fuels. However, as currently worded, this Issue focuses on the volatility of fossil fuels and thus fuel prices. We believe this Issue should be re-worded to emphasise the importance of maintaining, operating and developing renewable electricity generation along with the National Grid. Looking after the electricity networks and ensuring they are secure and resilient will ensure Otago can respond to energy pressures in the future.

Transpower supports Issue 9 as it acknowledges that locating sensitive activities close to important infrastructure may limit the ability of the infrastructure to operate or develop as expected. Reverse sensitivity effects on the National Grid is a key consideration for Transpower as incompatible activities located close to the network have the potential to limit not only the efficient and effective operation and maintenance of the network, but also any proposed upgrades or developments. This is emphasised in Policies 10 and 11 of the NPSET.

### **Part B.1: Otago has high quality natural resources and ecosystems**

Transpower generally support Objective 1.1 as it recognises that there are competing interests for Otago's natural resources and that a good quality resource management framework balances all the values attached to our resources. This is consistent with the purpose of the RMA.

Transpower acknowledges the recognition of the importance of river morphology and associated natural processes for the operation and maintenance of structures and infrastructure on, over or on the margins of the beds of rivers in Policy 1.1.5. However, it is suggested that the wording be amended to state "*Recognise and provide for*" rather than just 'recognise', and that c) be amended to read "*The operation, maintenance, upgrading and development of structures and infrastructure on, over or on the margins of the beds of rivers*". This amended wording will enable the upgrading and development of the National Grid, not just its operation and maintenance.

Transpower acknowledges Objective 1.3 and its explanation. However, the explanation would be improved by recognition of the need to balance the protection of unique landscapes, natural features and areas of indigenous biodiversity, with the need to recognise and provide for significant infrastructure. The protection of regionally or nationally significant and highly-valued natural resources needs to be balanced with the need for nationally-significant infrastructure, such as the National Grid.

Transpower notes that the following policies within Part B.1 relate to "avoiding adverse effects" on particular areas of interest. Further to the above discussion on the recent King Salmon decision, these policies are not considered to be consistent with Issue 10:

- Policy 1.3.2: avoiding adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- Policy 1.3.5: avoiding adverse effects on outstanding natural features, landscapes and seascapes;
- Policy 1.3.7: avoiding significant adverse effects on special amenity landscapes; and
- Policy 1.3.9: avoiding adverse effects on the natural character of the coastal environment.

Transpower considers that the word “avoid” should be carefully used by Councils in policy and plan documents due to the recent Supreme Court decision on the King Salmon Case. In that case, the Court stated that the word “avoid” means “not allowing” or “preventing the occurrence of”. Therefore, if a proposed activity (such as a new electricity substation) was to be located within an area identified as an outstanding natural character area, it would undoubtedly have unavoidable adverse effects on the natural character of the outstanding landscape area and therefore could potentially be declined statutory approval. Whilst the Consultation Draft RPS acknowledges that some developments need to be located in particular areas, the underlying policies do not acknowledge this.

Transpower therefore seeks Council be consistent with the interpretation afforded to such terminology as a result of the King Salmon decision. It is also considered that the above policies should be amended in order to ensure that they are consistent with Issue 10.

Guidance can be taken from other recently approved Regional Policy Statements in New Zealand. For example, the Canterbury RPS includes statements and policies such as:

*“protecting the coastal environment while avoiding, or where this is not practicable, remedying or mitigating adverse effects on the environment.”*

Another option for Council would be to discourage “inappropriate development” within these areas.

Furthermore, in relation to Policy 1.3.4, it would be beneficial to include a methodology for the identification of these outstanding natural features and landscapes and an explanation of the values being protected. Provision of criteria along with a methodology ensures certainty for resource users and will also ensure a consistent approach is taken across the region.

While Transpower acknowledges the intent of the Policy and the need to identify outstanding natural features and landscapes, clarity is required as to the difference between a feature identified as ‘outstanding’ and those areas which are labelled ‘special amenity’ (see Policy 1.3.6). Presently it appears that the same criteria are to be utilised to identify both groups of features (in Schedule 4). If the intent is to have a hierarchy of significance for these two groups, it is considered that the criteria for their identification should be different, and that this is made clear in the RPS. Further, it is considered that definitions be provided for each grouping in the RPS.

It is acknowledged that the methods for implementing the policies are yet to be developed, however it is expected that the Council will provide the relevant maps to show the spatial extent of the identified outstanding natural features, landscapes and seascapes.

Policy 1.3.5 relates to the protection of outstanding natural features, landscapes and seascapes. Notwithstanding the comments regarding the application of the King Salmon case findings to the RPS provisions, clarity is sought around a). Given b) requires an assessment of the significance of effects against those matters in Schedule 3, it is considered that an amendment is required to a) to refer only to *significant* adverse effects rather than any adverse effect (regardless of its significance). It is noted that Policy 1.3.2 uses similar wording and therefore the same clarity is sought.

There are also concerns around how mitigation methods and the reasonable operation needs of infrastructure will be taken into account within this policy. There is no reference to mitigation methods which may be put forward where infrastructure (such as the National Grid) affects outstanding natural features, landscapes and seascapes.

Policy 1.3.6 relates to the identification of special amenity landscapes. As previously mentioned, Transpower has concerns about the criteria used to identify outstanding landscapes and special amenity landscapes. If the idea is that these work as a hierarchy of landscapes, the criteria should be different, as stated previously.

Again, it is acknowledged that the methods for implementing these policies are yet to be developed. However, it is an expectation that the Council will provide the relevant maps to show the spatial extent of special amenity areas.

## **Part B.2: Communities in Otago are resilient**

### **Natural Hazards**

Transpower's National Grid currently traverses a broad range of environments, including those that are subject to natural hazards. Transpower is concerned that Policies 2.1.3-2.1.6 may be too restrictive in terms of the approach to avoiding areas of natural hazard areas for infrastructure. The risk from natural hazards is a factor that is considered in any line or substation route selection process and throughout the country there are numerous sections of transmission lines that traverse earthquake faults and flood zones, with some structures located within waterways in order to span those natural features.

Transpower therefore submits that the policies should be amended to allow for regionally significant infrastructure where it can be designed to deal with the risk from natural hazards.

Transpower is supportive of Policy 2.1.7 which seeks to ensure that activities do not increase natural hazard risks beyond tolerable levels. However, Transpower submits that this policy should be extended to also ensure that activities do not cause greater effects on existing activities, particularly nationally significant infrastructure such as the National Grid.

### **Lifeline Utilities**

Transpower acknowledges the objective and policies relating to protecting lifeline utilities, particularly avoiding reverse sensitivity effects on the utility. However, Transpower considers Policy 2.2.3 to be confusing, particularly in relation to the use of "level of service" as there is no definition or explanation to explain this term presently in the RPS. Transpower recommends removing this phrase so that the intent of the policy is to protect the actual lifeline utilities, such as avoiding reverse sensitivity effects.

In addition, Transpower recommends that when the methods are developed in the next stage of the RPS review process, these should include maps showing the location of lifeline utilities (such as the National Grid) as well as buffer zones to protect the network from incompatible land uses and reverse sensitivity effects. This would ensure the Otago RPS is consistent with Policies 11 and 12 of the NPSET.

We have attached a map showing the location of the National Grid within the Otago region.

## Energy

Transpower generally supports the Energy section of the RPS and considers that it is appropriate to address these matters in a separate chapter of the RPS.

Transpower considers that Objective 2.4 should be redrafted as it currently seems to be trying to merge the National Policy Statement for Renewable Electricity Generation (NPSREG) and the National Policy Statement on Electricity Transmission (NPSET) into one objective. As a consequence, the Objective does not reflect the policy direction found in each of the NPSREG and the NPSET documents.

We consider it would be better if there were two separate objectives: one which recognises the importance of renewable electricity generation and therefore giving effect to the NPSREG; and another objective which recognises the importance of Transpower's National Grid and therefore gives effect to the NPSET.

In addition, Objective 2.4 as currently worded does not mention electricity transmission at all. However, the policies relating to electricity transmission fall under the ambit of this objective. The objective needs to talk about electricity transmission activities if the underlying policies are to relate to it.

Based on the above, we consider it would be beneficial if there was an additional objective specifically for electricity transmission activities (the National Grid). We suggest that this objective not only recognises and provides for the benefits of the National Grid but also for the effective operation, maintenance, upgrading and development of the National Grid in Otago.

A potential objective in relation to the National Grid objective could be:

*The sustainable, secure and efficient provision of infrastructure of regional and national significance through the recognition of the operation, maintenance, development and upgrade requirements of the National Grid.*

A possible explanation for this objective could read:

*The National Grid is infrastructure which has critical importance at a local, regional and national level. This infrastructure is recognized as nationally significant and as such the National Policy Statement on Electricity Transmission underpins its operation, maintenance, development and upgrade. It is important that land use and subdivision is managed effectively to ensure that the operation, maintenance, development and upgrade of the National Grid is enabled, in line with the NPSET, so that adverse effects on the transmission network and on communities can be effectively managed.*

Supporting policies should also recognise that the National Grid enables communities to provide for their social, economic and cultural well-being, as well as their health and safety and the need to manage adverse effects.

As drafted, Policies 2.4.2 and 2.4.6 do not give effect to the NPSET, specifically Policies 5 and 10. Policy 5 states that when considering the environmental effects of transmission activities associated with transmission assets, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets. Policy 10 states that in achieving the purpose of the RMA, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading and development of the electricity transmission network is not compromised.



In light of this, it is suggested that the policy be amended or new policies added to adequately give effect to Policies 5 and 10 of the NPSET, and that this also covers the following:

- Avoiding, remedying or mitigating adverse effects to the extent practicable, taking into account technical and operational constraints.
- Giving weight to the extent to which adverse effects as a whole have been avoided, remedied or mitigated by appropriate management practices and/or site, route and method selection, when considering the effects of regionally significant infrastructure.

It is also suggested that the Draft RPS could benefit from incorporating policies on the integration of activities. Such a policy could relate to facilitating the development of the National Grid by taking into account whether land use activities, including new or redeveloped urban areas, will prematurely foreclose or compromise options for accommodating existing and future transmission corridors.

Transpower generally supports Policy 2.4.1 as it relates to enabling the development, upgrade, maintenance and operation of renewable electricity generation and transmission activities. Transpower also supports Policy 2.4.3 which provides for the generation and transmission of electricity.

Also, if Policy 2.4.6 is only referring to transmission activities, which Transpower assumes it is, Transpower would prefer the term "National Grid" was used as that term is consistent with the NPSET and removes any confusion about whether it is referring to just electricity transmission activities or distribution activities as well. We have shown suggested changes below.

#### **Policy 2.4.6: Protecting the National Grid**

*Protect the National Grid by:*

- a) Avoiding significant adverse effects, including reverse sensitivity effects, on the National Grid; and*
- b) Avoiding any other adverse effects on electricity transmission activities, or remedying or mitigating them appropriately where avoidance is not possible; and*
- c) Ensuring that existing National Grid corridors are identified and taken into account in all resource management decision making; and*
- d) Ensuring that any new activities that would adversely affect the operation, maintenance or upgrading of the National Grid are not located near existing infrastructure associated with the National Grid; and*
- e) Ensuring that there is no change to existing activities that increases their incompatibility with existing National Grid infrastructure; and*
- f) Notifying the owners and operators of infrastructure of consent applications that may adversely affect National Grid infrastructure.*

Transpower notes that the Supreme Court decision on the recent King Salmon case confirmed that "avoiding" in the context of section 5(2) of the RMA and the NZCPS has its ordinary meaning of "not allowing" or "preventing the occurrence of". Transpower submit the same interpretation is applicable to the use of the verb "avoiding" in the RPS and thus the suggested policy above would protect the National Grid in Otago.

It is also important that the benefits of nationally and regionally significant infrastructure be recognised in the Otago RPS. Transpower does not see reference to the benefits of nationally and regionally significant infrastructure as the purpose of any objective or a policy and thus requests an objective

and policy be added to the RPS to this effect. The provisions should include networks such as electricity generation, transmission and distribution networks and recognise that such networks are significant physical resources. The provisions should note that the National Grid forms part of a national network which enables communities to provide for their social, economic and cultural well-being, as well as their health and safety. Transpower considers these additional provisions should be further backed up by a definition for Regionally Significant Infrastructure, which has been included in several recently approved Regional Policy Statements around New Zealand.

### **Part B.3: People are able to use and enjoy Otago's natural and built environment**

#### **Hazardous Substances**

Transpower generally support the Policies relating to avoiding adverse effects of hazardous substances. It is noted that Transpower's electricity distribution activities involves the storage and use of transformer cooling oils in electricity transformers. It is noted that these transformers may have to be located in areas that are not ideal due to being locationally constrained.

#### **Land Development and Subdivision**

Transpower supports Policy 3.2.6 as it encourages reducing reverse sensitivity effects and ensuring incompatible land uses are separated (such as next to the National Grid).

#### **Infrastructure**

Transpower supports Policy 3.5.2 as it recognises the benefits of developing, upgrading, maintaining and operating infrastructure. Transpower also supports Policy 3.5.3 as it enables the development of infrastructure in locations which may not be ideal but where the infrastructure is required to be located.

#### **Urban Design**

Transpower does not support Policy 3.6.8 as this provision currently requires new development to positively contribute to the safety and amenity of streets and neighbourhoods. It is unclear as to how a positive contribution is expected to be measured or assessed. As development could include the development of the National Grid within an urban setting, this would require Transpower to contribute to the amenity of streets and neighbourhoods. This is an unrealistic expectation not only for Transpower but for the majority of infrastructure providers and should thus be altered or completely removed. If not removed, the policy should at least "exclude strategic infrastructure network development".

#### **Glossary**

Transpower acknowledges that the Glossary section is currently under development but we request some additional definitions and amendments.

Transpower suggest that any preamble to the Glossary section contains the following:

*If a word or phrase is not defined then the meaning should be taken to be the same as found in section 2 of the Resource Management Act, the National Policy Statement on Electricity Transmission, The Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009.*

Transpower seeks a definition either for the electricity transmission network or the National Grid as there is currently no definition. The below is a suggested definition for the National Grid:

*"National Grid means the same as in the National Policy Statement on Electricity Transmission 2009, being the assets used or owned by Transpower New Zealand Limited.*

Transpower also seeks an additional definition for "regionally significant infrastructure". Regionally Significant Infrastructure would include such networks as energy generation, transmission and distribution networks and recognise that such networks are significant physical resources. It could also be noted that components of electricity transmission infrastructure form part of a national network which enables communities to provide for their social, economic and cultural wellbeing, as well as their health and safety.

Transpower submits that there should also be a definition for reverse sensitivity as this is mentioned throughout the RPS.

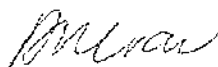
### **Otago RPS Review Process**

Transpower recognises the importance of working with councils to develop appropriate policy statements and plan provisions. Transpower would welcome any opportunity to work alongside the ORC through the development of the RPS, particularly to support the ORC's approach to giving effect to the NPSET (which has not yet been achieved).

In the interim, should you have any queries, or require further clarification in relation to the comments made on behalf of Transpower, please do not hesitate to contact the undersigned.

Yours sincerely

**Aileen Crow**  
Planner



on behalf of  
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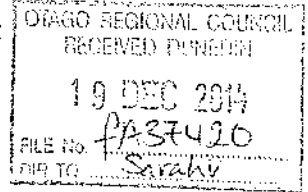
**Copy**  
National Policy Statement on Electricity Transmission 2008

**Copy**  
Kate Pascall and Jo Moorar, Transpower New Zealand Limited

**Sarah Valk**

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**To:** RPS ORC  
**Cc:** steve.sullivan@thinkdelta.co.nz; Ainsley McLeod  
**Subject:** Aurora's comments on the Otago RPS Consultation Draft  
**Attachments:** Aurora's comments Otago RPS.pdf



Good afternoon

Please find attached comments prepared on behalf of Aurora Energy Ltd in relation to the Otago Regional Policy Statement (RPS) Consultation Draft recently released by the Otago Regional Council (ORC).

Aurora would welcome the opportunity to work alongside the ORC through the development of the RPS.

In the meantime, please do not hesitate to contact us if you have any queries or require further clarification.

Kind regards,

**Aileen Crow**  
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Otago Regional Council  
Regional Policy Statement Review

19 December 2014

Via email: rps@orc.govt.nz

Dear Sir / Madam

### **Aurora Energy Ltd, Otago Regional Policy Statement Review - Comments on Consultation Draft**

Please find below comments prepared on behalf of Aurora Energy Ltd (Aurora) in relation to the Otago Regional Policy Statement (RPS) Consultation Draft recently released by the Otago Regional Council (ORC). The comments have been prepared to assist ORC's development of the proposed RPS, due to be notified in March 2015, in a manner that ensures that the RPS appropriately recognises and provides for Aurora's electricity distribution network in Otago. In addition to our specific comments and by way of background, we have also included a brief introduction to Aurora.

### **About Aurora**

Aurora Energy Limited (Aurora) owns, operates and maintains the electricity distribution network in the Dunedin and Central Otago regions. This network carries electricity from the National Grid to more than 84,000 homes and businesses across Dunedin City and the Central Otago region. Aurora owns substations, lines and cables located in public road reserve, as well as on private property. In addition to the distribution network, Aurora has the capacity to construct, own and operate high voltage (up to 110kV) transmission lines and associated structures, and may be required to do so as regional electricity demand grows.

Aurora is committed to providing its customers in the region with an effective and secure supply of electricity, which in doing so provides a critical service to customers as well as a public good to local communities including hospitals, schools, offices and residential dwellings.

### **Comments on Otago RPS Consultation Draft**

Aurora has reviewed the Consultation Draft released by Council as part of the Otago RPS review process. Aurora generally supports the approach taken by Council, particularly in relation to avoiding reverse sensitivity effects on lifeline utilities and protecting electricity generation and transmission activities from incompatible land uses located in close proximity.

However, the electricity distribution network (which Aurora operates, maintains and develops in Otago) has been omitted from the entire RPS. Although Council may consider "distribution" to fall within the ambit of electricity "transmission", electricity transmission involves transmitting high voltage electricity from the electricity generation source to substations (this is the National Grid and is operated and maintained by Transpower New Zealand Limited). Electricity transmission activities are

covered by the National Policy Statement on Electricity Transmission (NPSET) whereas electricity distribution activities are not. There is, therefore, a clear distinction between electricity generation, transmission and distribution, which needs to be reflected in the RPS.

Aurora considers that additional definitions within the Glossary would provide greater clarity to matters such as electricity generation, transmission and distribution. Council also needs to ensure that the RPS is consistent with recent case law, such as the Supreme Court's decision on the King Salmon case. This decision reflected the importance of the use of language in policy documents, and that policies that are worded strongly with the use of terms such as "avoid", for example, are to be interpreted and applied strictly. Although the King Salmon case was in the context of the National Coastal Policy Statement, the importance of carefully considering the wording of provisions in policy documents is important, particularly given that lower order plans must give effect to, or not be inconsistent with, the Regional Policy Statement.

Aurora's comments are organised below, under the various chapter headings of the Consultation Draft.

## **Part A: Introduction**

Aurora strongly supports Issue 10, as it demonstrates that Council understands that some developments can only occur in specific places and that their potential adverse effects on landscape, biodiversity, natural character, or the coastal environment may be unavoidable. Electricity distribution lines and substations are sometimes located in areas of outstanding natural landscape or character, or within / adjacent to waterways with unique ecosystems. Aurora considers it essential to recognise the importance of this locational need in the context of regional policy, particularly in terms of the on-going use and development of the electricity distribution network. Such an approach is consistent with the sustainable management purpose of the Resource Management Act 1991.

Aurora accepts the intention of Issue 7, which relates to future energy and fuel pressures, particularly due to the finite nature of fossil fuels. However, as currently worded, this Issue focuses on the volatility of fossil fuels and thus fuel prices. We believe this Issue should be re-worded to emphasise the importance of maintaining, operating and developing renewable electricity generation, along with the electricity transmission and distribution networks in Otago. Looking after the electricity networks and ensuring they are secure and resilient will ensure Otago can respond to energy pressures in the future.

Aurora supports Issue 9 as this Issue acknowledges that locating sensitive activities close to important infrastructure may limit the ability of the infrastructure to operate or develop as expected. Reverse sensitivity effects on the electricity distribution network is a key consideration for Aurora as incompatible activities located close to the network have the potential to limit not only the efficient and effective operation and maintenance of the network, but also any proposed upgrades or developments.

## **Part B.1: Otago has high quality natural resources and ecosystems**

Aurora generally supports Objective 1.1 as it recognises that there are competing interests for Otago's natural resources and that a good quality resource management framework balances all the values attached to our resources. This is consistent with the purpose of the RMA.

Aurora notes that the following policies within Part B.1 relate to "avoiding adverse effects" on particular areas of interest. Further to the above discussion on the recent King Salmon decision, these policies are not considered to be consistent with Issue 10:

- Policy 1.3.2: avoiding adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- Policy 1.3.5: avoiding adverse effects on outstanding natural features, landscapes and seascapes;
- Policy 1.3.7: avoiding significant adverse effects on special amenity landscapes; and
- Policy 1.3.9: avoiding adverse effects on the natural character of the coastal environment.

Aurora considers that the word “avoid” should be carefully used by Councils in policy and plan documents due to the recent Supreme Court decision on the King Salmon Case. In that case, the Court stated that the word “avoid” means “not allowing” or “preventing the occurrence of”. Therefore, if a proposed activity (such as a new electricity distribution substation) was to be located within an area identified as an outstanding natural character area, it would undoubtedly have unavoidable adverse effects on the natural character of the outstanding landscape area and therefore could potentially be declined statutory approval. Whilst the Consultation Draft RPS acknowledges that some developments need to be located in particular areas, the underlying policies do not acknowledge this.

Aurora therefore seeks that Council be consistent with the interpretation afforded to such terminology as a result of the King Salmon decision. It is also considered that the above policies should be amended in order to ensure that they are consistent with Issue 10.

Guidance can be taken from other recently approved Regional Policy Statements in New Zealand. For example, the Canterbury RPS includes statements and policies such as

*“protecting the coastal environment while avoiding, or where this is not practicable, remedying or mitigating adverse effects on the environment.”*

Another option for Council would be to discourage “inappropriate development” within these areas.

## **Part B.2: Communities in Otago are resilient**

### **Natural Hazards**

Aurora’s electricity distribution network currently traverses a broad range of environments, including those that are subject to natural hazards. Aurora is concerned that Policies 2.1.3-2.1.6 may be too restrictive in terms of the approach to avoiding areas of natural hazard for infrastructure. The risk from natural hazards is a factor that is considered in any line or substation route selection process and throughout the region there are numerous sections of distribution lines that traverse earthquake faults and flood zones, with some structures located within waterways in order to span those natural features.

Aurora therefore submits that the policies should be amended to allow for regionally significant infrastructure where it can be designed to deal with the risk from natural hazards.

Aurora is supportive of Policy 2.1.7 which seeks to ensure that activities do not increase natural hazard risks beyond tolerable levels. However, Aurora submits that this policy should be extended to ensure that activities do not cause greater effects on existing activities, particularly regionally significant infrastructure.

## **Lifeline Utilities**

Aurora generally supports the objective and policies relating to protecting lifeline utilities, particularly avoiding reverse sensitivity effects on the utility. However, Aurora considers Policy 2.2.3 to be confusing, particularly in relation to the use of "level of service" as there is currently no definition or explanation of this term in the RPS. Aurora recommends removing this phrase so that the intent of the policy is to protect the actual lifeline utilities, such as avoiding reverse sensitivity effects.

In addition, Aurora recommends that when the methods are developed in the next stage of the RPS review process, these should include directing Councils to produce maps that show the location of lifeline utilities (such as Aurora's electricity distribution network). Aurora also recommends that the methods direct Councils to produce vegetation and planting limitation zones within close proximity to the network's assets, particularly substations, low-voltage distribution and high-voltage sub-transmission lines. These zones would protect the network from incompatible land uses and reverse sensitivity effects.

## **Energy**

Aurora generally supports the Energy section of the RPS, and considers that it is appropriate to address these matters in a separate chapter of the RPS.

Aurora considers that Objective 2.4 should be redrafted, as it currently seems to be trying to merge the National Policy Statement for Renewable Electricity Generation (NPSREG) and the National Policy Statement on Electricity Transmission (NPSET) into one objective. As a consequence, the Objective does not reflect the policy direction found in each of the NPSREG and the NPSET documents.

In addition, Aurora wishes to note that electricity transmission (as described in the NPSET) refers to Transpower's National Grid and therefore does not apply to Aurora's electricity distribution network. In order to avoid confusion, particularly as there are no definitions provided in the RPS regarding electricity distribution, Aurora seeks inclusion of the word "distribution" within the Energy section, along with the words generation and transmission which are already included. This applies to all provisions within the Energy section of the RPS.

Based on the above, we believe it would therefore be beneficial if there were three separate objectives: one that recognises the importance of renewable electricity generation and therefore giving effect to the NPSREG; another objective that recognises the importance of Transpower's National Grid and therefore gives effect to the NPSET; and another objective that recognises the importance of Aurora's electricity distribution network, as this important infrastructure network does not fall within the ambit of either the NPSREG or NPSET documents.

A potential objective in relation to the electricity distribution network could be:

*Recognise the regional significance, and regional or locational importance and benefits of the sustainable, secure and efficient provision of infrastructure associated with the operation, maintenance, development and upgrade of the electricity distribution network."*

A supporting policy could also recognise that the electricity distribution network enables communities to provide for their social, economic and cultural well-being, as well as their health and safety.

Aurora generally supports Policy 2.4.1 as it relates to enabling the development, upgrade, maintenance and operation of renewable electricity generation and transmission activities. However, Aurora's electricity distribution network has been omitted from this although Transpower's National



Grid (transmission network) has been included. Aurora therefore seeks inclusion of the words "electricity distribution activities" within Policy 2.4.1.

Aurora also supports Policies 2.4.2 and 2.4.3, but again, requests that the electricity distribution network is included in these policies along with the electricity generation and transmission activities.

Aurora notes that Policies 2.4.5 and 2.4.6 specifically protect renewable electricity generation and transmission activities, however there is no mention of protecting the electricity distribution network. Although Council may have intended that Aurora's electricity distribution network fall under the ambit of "transmission activities", these are separate activities / networks operated by different entities.

Aurora therefore requests an additional policy in order to protect electricity distribution activities from significant adverse effects. The electricity distribution network is a regionally significant infrastructure network within Otago that is critical to Otago's success. It therefore requires protection, particularly from incompatible uses and reverse sensitivity effects.

Aurora seeks the following policy be included:

**Policy 2.4.x: Protecting electricity distribution activities**

*Protect electricity distribution activities by:*

- a) Avoiding significant adverse effects, including reverse sensitivity effects, on electricity distribution activities; and*
- b) Managing any other adverse effects on electricity distribution activities, or remedying or mitigating them appropriately where avoidance is not possible.*

Aurora notes that the recent Supreme Court decision on the King Salmon case confirmed that "avoiding" in the context of section 5(2) of the RMA and the NZCPS has its ordinary meaning of "not allowing" or "preventing the occurrence of". Aurora submits that the same interpretation is applicable to the use of the verb "avoiding" in the RPS and thus the suggested policy above would protect the electricity distribution network in Otago.

It is also important that the benefits of regionally significant infrastructure be recognised in the Otago RPS. Aurora does not see reference to the benefits of regionally significant infrastructure in the purpose of any objective or policy and thus requests an objective and policy be added to the RPS to this effect. The provisions should include infrastructure such as electricity generation, transmission and distribution networks and recognise that such utilities are significant physical resources. The provisions should note that the infrastructure forms part of a regional network that enables communities to provide for their social, economic and cultural well-being, as well as their health and safety. Aurora considers these additional provisions should be further backed up by a definition for Regionally Significant Infrastructure, which has been included in several recently approved Regional Policy Statements around New Zealand.

**Part B.3: People are able to use and enjoy Otago's natural and built environment**

**Land Development and Subdivision**

Aurora supports Policy 3.2.6 as it encourages reducing reverse sensitivity effects and ensuring incompatible land uses are separated (such as next to electricity distribution activities).

## Infrastructure

Aurora requests that "electricity distribution" is included in Objective 3.5 for the reasons stated previously.

Aurora supports Policy 3.5.2 as it recognises the benefits of developing, upgrading, maintaining and operating infrastructure. Aurora also supports Policy 3.5.3 as it enables the development of infrastructure in locations that may not be ideal but where the infrastructure is required to be located.

## Urban Design

Aurora does not support Policy 3.6.8 as this provision currently requires new development to positively contribute to the safety and amenity of streets and neighbourhoods. It is unclear how a positive contribution is expected to be measured or assessed. As development could include the development of the electricity distribution network within an urban setting, this would require Aurora to contribute to the amenity of streets and neighbourhoods. This is an unrealistic expectation for the majority of infrastructure providers and should thus be altered or completely removed. If not removed, the policy should at least "exclude strategic infrastructure network development".

## Glossary

Aurora acknowledges that the Glossary section is currently under development but we request some additional definitions and amendments.

As stated earlier, the objective and policies contained in the Energy section of the RPS currently only refer to electricity generation and transmission activities. Electricity transmission activities relate to Transpower's National Grid, whereas electricity distribution activities relate to Aurora's network that provides electricity transport from Grid Exit Points to homes and businesses throughout Otago. As there is a clear distinction between the two activities, we consider it important to not only include both activities in the provisions of the RPS, but also to include some additional definitions to clarify the distinction.

Aurora also seeks an additional definition for "Regionally Significant Infrastructure". Regionally Significant Infrastructure would include such networks as electricity generation, transmission and ***distribution networks*** and recognise that such networks are significant physical resources. It could also be noted that components of electricity distribution infrastructure form part of a regional network that enables communities to provide for their social, economic and cultural wellbeing, as well as their health and safety.

Aurora submits that there should also be a definition for Reverse Sensitivity as this is mentioned throughout the RPS.

The definition of Infrastructure does not include the electricity distribution network. Aurora is also confused by points e) and f) in this definition as it appears they are intended to be underlying and below point d) as opposed to being points in their own regard.

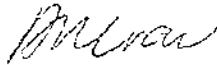
## Otago RPS Review Process

Aurora recognises the importance of working with Councils to develop appropriate policy statements and plan provisions. Aurora would welcome the opportunity to work alongside the ORC through the development of the RPS.

In the interim, should you have any queries, or require further clarification in relation to the comments made on behalf of Aurora, please do not hesitate to contact the undersigned.

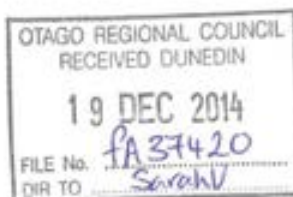
Yours sincerely

**Aileen Crow**  
Planner



on behalf of  
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**Copy**  
Steve Sullivan, Aurora Utility Services Limited



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**By Email**

19 December 2014

RPS Review  
 Otago Regional Council  
 Private Bag 1954  
**DUNEDIN**

Our Ref: 9008

**Attention:** Policy Team

Dear Sir / Madam

**RE: REGIONAL POLICY STATEMENT REVIEW – CONSULTATION DRAFT**

The Otago Regional Council ("ORC") has recently released for preliminary consultation a draft Proposed Regional Policy Statement ("PRPS") for the Otago Region. The Queenstown Airport Corporation ("QAC") understands that the ORC is seeking feedback on the draft PRPS prior to its full public notification early in the New Year.

QAC operates the regionally significant Queenstown and Wanaka Airports. QAC is the requiring authority for Queenstown Airport in terms of the Resource Management Act 1991 (the RMA). The Queenstown Lakes District Council (QLDC) is the requiring authority for Wanaka Airport, with QAC managing the operations of this airport on the requiring authorities' behalf.

Queenstown Airport is the main Airport in the Queenstown Lakes District and is the primary take-off and landing point for much of the aircraft activity in the District. Queenstown Airport provides facilities for the transportation of people and freight and is a key asset to the District and wider Otago region in terms of supporting the tourism industry and the needs of local and business travellers. The Airport acts as an essential gateway to the Queenstown Lakes District and facilitates access and economic activity in the local and broader regional economies. It is also a provider of emergency services and is a lifeline utility under the Civil Defence Emergency Management Act 2002.

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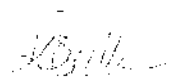
Queenstown Airport is one of the busiest airports in the country, accommodating in excess of 1.25 million passengers for the year ending June 2014. This represented a 4.2% increase in passengers from the previous year. Queenstown Airport has experienced a sustained period of growth, with passenger numbers expected to increase over the coming years as the district receives an increasing number of domestic and international visitors.

Wanaka Airport accommodates aircraft movements associated with scheduled, general aviation and helicopter operations and is a major provider of commercial helicopter operations within the Queenstown Lakes District.

It is on the above described basis that QAC has reviewed the draft PRPS and provides the specific feedback attached as Annexure 1. QAC trusts that you will take these comments into consideration and would welcome discussions with you as part of the PRPS review on how Queenstown and Wanaka Airports would best be provided for in the PRPS.

Yours sincerely,

**MITCHELL PARTNERSHIPS LIMITED**



**K O'SULLIVAN**

Email: [kirsty.osullivan@mitchellpartnerships.co.nz](mailto:kirsty.osullivan@mitchellpartnerships.co.nz)

cc: S Thompson

Queenstown Airport Corporation

Annexure 1: QAC feedback of the draft Proposed Regional Policy Statement 2014

PROVISION Issues	COMMENTS	RECOMMENDATION
<p><b>Issue 8: Managing uses and values of natural resources to avoid conflict</b></p> <p>We need to provide for ways to use our natural and physical resources to the best advantage, while providing for all the values which are important to the community</p> <p>This requires that our use of resources is as efficient as possible, and that we allow as much flexibility as possible to optimise resource allocation at all times</p>	<p>It is not clear what is trying to be achieved by the inclusion of this issue statement. QAC is of the view that this statement should be clear that there are benefits to be derived from the use of natural and physical resources, however in doing so this can create conflicts with a range of biophysical and community values which need to be managed appropriately.</p>	<p>Amend the issue as follows</p> <p><b>Issue 8: Managing uses and values of natural and physical resources to avoid manage conflict</b></p> <p>We need to provide for ways to use our natural and physical resources to the best advantage, while providing for all the values which are important to the community.</p> <p>There are benefits to be derived from the use and development of our natural and physical resources, however this can create conflicts with a range of biophysical and community held values that need to be managed appropriately.</p> <p>This requires that our use of resources is as efficient as possible, and that we allow as much flexibility as possible to optimise resource allocation at all times.</p>
<p><b>Issue 9: Minimising nuisance from incompatible activities</b></p> <p>The acceptability of adverse effects can depend on the surrounding activities, for example industrial activities often cause nuisance which makes them incompatible with residential developments. In some contexts, locating sensitive activities close to important infrastructure has the potential to limit the ability to operate or develop that infrastructure as expected.</p> <p>Sound planning often requires separation of those activities, so all the activities on which our communities depend on can be carried out in appropriate environments.</p>	<p>QAC supports the intent of this issue statement however considers that it should be amended to refer to "adverse reverse sensitivity effects" rather than nuisance effects. It is the nature of the activity rather than the creation of "nuisance effects" which makes it inappropriate to locate incompatible activities close to one another</p>	<p>Amend the issue as follows:</p> <p><b>Issue 9: Minimising nuisance-governed reverse sensitivity effects from incompatible activities</b></p> <p>The acceptability of adverse effects can depend on the surrounding activities within the receiving environment, for example industrial activities often cause nuisance undertake activities, which makes them incompatible with residential developments. In some contexts, locating sensitive activities close to important infrastructure has the potential to limit the ability to operate or develop that infrastructure as expected</p> <p>Sound planning often requires separation of those activities, so all the activities on which our communities depend on can be carried out in appropriate environments.</p>
<p><b>Issue 10: Locationally constrained activities</b></p> <p>Some developments can only occur in specific places, and some of their adverse effects may be unavoidable. For example, windfarms often need to be located on ridges, and can have significant impact on landscape values.</p> <p>We need to be clear about where such adverse effects can be accommodated, and where they cannot because of other outstanding values.</p>	<p>QAC supports the intent of this issue statement in recognising that for certain activities there may be technical or locational constraints that influence and/or determine where they will be located. However, QAC is concerned that this issue overemphasises that such activities will give rise to adverse effects. It would be preferable that this issue identifies that such activities often provide significant benefits for the health, safety and economic wellbeing of the community and they should be provided for, subject to the appropriate management of adverse effects.</p>	<p>Amend the issue as follows.</p> <p><b>Issue 10: Locationally constrained activities</b></p> <p>Some developments due to technical or locational constraints can only occur in specific places. These activities often create significant benefits for the health, safety and economic wellbeing of the community and it is necessary to enable the development, maintenance and operation of such activities while also appropriately managing adverse effects, and some of their adverse effects may be unavoidable. For example, windfarms often need to be located on ridges, and can have significant impact on landscape values.</p> <p>We need to be clear about where such adverse effects can be accommodated, and where they cannot because of other outstanding values.</p>

<p><b>Issue 12: Making better urban areas</b> Urban design has strong influence on people's lifestyle and their quality of life. In the past, urban development has not always had regard to the natural environment. Likewise, streets have been built to accommodate cars, but may not provide for cycling and walking as well.</p> <p>Our towns need to contribute to people's wellbeing, through a better integration of ecosystems into urban areas, better walking and cycling facilities, and vibrant town centres. This could improve urban amenity, reduce the use of energy and enhance indigenous biodiversity.</p>	<p>QAC is concerned that there is no specific issue statement which recognises the significant economic contribution urban (including commercial and industrial) development provides to the wellbeing of the region.</p>	<p>include another issue recognising the benefits that can be derived from the growth and development of commercial and industrial activities.</p>
<p><b>Part B.1 Otago has high quality natural resources and ecosystems</b></p> <p><b>Policy 1.1.3 Protecting outstanding water bodies</b> Protect the values of outstanding water bodies, by:</p> <ol style="list-style-type: none"> <li>Avoiding significant adverse effects on those values, including cumulative effects; and</li> <li>Avoiding, remedying or mitigating other adverse effects on those values.</li> </ol> <p><b>Policy 1.1.12 Managing riparian margins</b> Protect, maintain or restore wetlands, and riparian margins along the coastal marine area, rivers and lakes, in order to:</p> <ol style="list-style-type: none"> <li>Maintain or enhance ecosystem health, both in stream and along the margins; and</li> <li>Support the maintenance or enhancement of indigenous biodiversity and contribute to ecological corridors; and</li> <li>Reduce risks of erosion; and</li> <li>Recognise the effects of climate change;</li> <li>Maintain or enhance the natural functioning of the adjacent sea, river or lakes, including the formation of wetland areas, and estuaries in the coastal environment; and</li> <li>Maintain or enhance tangata whenua and public access to rivers, lakes, wetlands and the coastal environment; and</li> <li>Contribute to the achievement of a good quality urban environment, as detailed in Schedule 1.</li> </ol>	<p>QAC is of the view that there should be scope within the policy to allow for the remediation or mitigation of adverse effects including significant adverse effects.</p> <p>The absolute wording of the Policy "to avoid significant adverse effects" is of concern in the light of the King Salmon Supreme Court decision<sup>1</sup> in King Salmon "avoid" was held (by the majority) to have a greater weight<sup>2</sup> if the "environmental bottom line" approach is adopted.</p> <p>This policy effectively seeks to protect, maintain or restore all environmental values associated with wetlands and riparian margins. QAC consider such an approach to be overly restrictive and too generic. In this respect, while it is acknowledged that the RMA identifies the protection of natural character and outstanding landscape values from inappropriate development as a matter of national importance, not all values associated with the wetlands and riparian margins are afforded a "protective" regime under the RMA. Given this, QAC consider that the focus of the policy should be on enabling and managing development while also sustaining the environmental values that exist within wetlands and riparian margins</p>	<p>Amend the policy as follows:</p> <p><b>Policy 1.1.3 Protecting outstanding water bodies</b> <u>Significant adverse effects on the values of outstanding water bodies shall be managed by:</u></p> <ol style="list-style-type: none"> <li><u>Avoiding significant adverse effects where it is practicable to do so; and</u></li> <li><u>Where significant adverse effects cannot be avoided, remedying them, and</u></li> <li><u>Where significant adverse effects cannot be remedied, mitigating them.</u></li> </ol> <p>Amend the policy as follows:</p> <p><b>Policy 1.1.12 Managing riparian margins</b> <u>Protect—maintain or restore</u> Manage the use and development of wetlands, and riparian margins along the coastal marine area, rivers and lakes, in order to:</p>
<p><b>Objective 1.3</b> Otago's significant and highly valued natural resources are identified, and protected or enhanced.</p>	<p>QAC is concerned that this objective is too restrictive and generic in that it seeks to "protect" all of Otago's significant and highly valued natural resources. It could be construed that by seeking to protect such resources no development or use would be deemed to be acceptable in such an environment. Given this QAC consider that the focus of the objective should be to identify such resources and to maintain and where appropriate enhance the values that contribute to the significance of that resource.</p>	<p>Amend the objective as follows:</p> <p><b>Objective 1.3</b> Otago's significant and highly valued natural resources are identified, and protected <u>maintained or where appropriate enhanced.</u> Otago features <u>unique landscapes, natural features and areas of indigenous biodiversity which are nationally or regionally important. These resources should be maintained, and where appropriate enhanced. Giving these features a high level of protection ensure they will be retained, while</u></p>

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

<sup>2</sup> in the sense of "not allow" or "prevent the occurrence of".

<p><b>Policy 1.3.2 Protecting significant indigenous vegetation and significant habitats of indigenous fauna</b></p> <p>Protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</p> <p>a) Avoiding adverse effects on the values which contribute to the significance of the area or habitat, and</p> <p>b) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3, and</p> <p>c) Encouraging the planting of naturally occurring locally sourced indigenous species and the creation of habitats for indigenous species, and</p> <p>d) Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution, and</p> <p>e) Minimising the adverse effects of pests animal and plants on those values.</p>	<p>The policy seeks to protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna by avoiding adverse effects<sup>3</sup>. This is of concern in the light of the King Salmon Supreme Court decision<sup>3</sup>. In King Salmon "avoid" was held (by the majority) to have a greater weight<sup>4</sup> if the "environmental bottom line" approach is adopted.</p> <p>While QAC acknowledges that it is a necessary requirement under the RMA to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna, it is considered that this can be achieved with the appropriate management of adverse effects rather than the outright avoidance of all adverse effects, particularly where there is no regard had to the scale or significance of that adverse effect.</p>	<p>consumptive use of resources will be directed to areas where adverse effects are more acceptable.</p> <p>Amend the policy as follows:</p> <p><b>Policy 1.3.2 Protecting significant indigenous vegetation and significant habitats of indigenous fauna</b></p> <p>Protect and where appropriate enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</p> <p>a) Avoiding, remedying or mitigating adverse effects on the values which contribute to the significance of the area or habitat, and</p> <p>b) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3, and</p> <p>c) Encouraging the planting of naturally occurring locally sourced indigenous species and the creation of habitats for indigenous species, and</p> <p>d) Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution, and</p> <p>e) Minimising the adverse effects of pests animal and plants on those values.</p>
<p><b>Policy 1.3.5 Protecting outstanding natural features, landscapes, and seascapes</b></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, and</p> <p>b) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3, and</p> <p>c) Minimising the adverse effects of pests animal and plants on those values, and</p> <p>d) Encouraging enhancement or restoration to increase their naturalness.</p>	<p>This policy also seeks to "protect, enhance and restore the values of outstanding natural features, landscapes and seascapes by avoiding adverse effects". This is of concern in the light of the King Salmon Supreme Court decision<sup>5</sup>. In King Salmon "avoid" was held (by the majority) to have a greater weight<sup>4</sup> if the "environmental bottom line" approach is adopted.</p> <p>While QAC acknowledges that it is a necessary requirement under the RMA to protect areas of outstanding natural landscapes and features from inappropriate use, subdivision and development it is considered that this can be achieved with the appropriate management of adverse effects rather than the outright avoidance of all adverse effects, particularly where there is no regard had to the scale or significance of that adverse effect.</p>	<p><b>Policy 1.3.5 Protecting outstanding natural features, landscapes, and seascapes</b></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, and,</p> <p>b) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3, and,</p> <p>c) Minimising the adverse effects of pests animal and plants on those values, and,</p> <p>d) Encouraging enhancement or restoration to increase their naturalness.</p>
<p><b>Policy 1.3.7 Protecting special amenity landscapes</b></p> <p>Protect or enhance the values of special amenity landscapes by:</p> <p>a) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on those values which contribute to the special amenity of the landscape, and</p> <p>b) Assessing the significance of adverse effects on special amenity landscapes in accordance with the criteria in Schedule 3, and</p> <p>c) Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution, and</p>	<p>This policy is opposed by QAC as it seeks to protect landscapes and features that are not deemed to be "outstanding" in accordance with section 6(b) of the RMA. While QAC accepts that it is appropriate to manage the adverse effects on amenity values, it does not agree that the focus of this policy should be to "protect" such landscapes. QAC is also concerned that the policy seeks to avoid significant adverse effects which as set out above establishes a very high threshold test which is not considered to be appropriate.</p>	<p><b>Policy 1.3.7 Protecting special amenity landscapes</b></p> <p>Protect—Maintain or where appropriate enhance the values of special amenity landscapes by:</p> <p>a) Avoiding—signal—adverse—effects—and avoiding, remedying or mitigating other adverse effects on those values which contribute to the special amenity of the landscape, and</p> <p>b) Assessing the significance of adverse effects on special amenity landscapes in accordance with the criteria in Schedule 3, and</p> <p>c) Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution, and</p>

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

<sup>4</sup> in the sense of "not allow" or "prevent the occurrence of".

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

in the sense of "not allow" or "prevent the occurrence of".



<p>d) Minimising the adverse effects of pests animal and plants on those values; and</p> <p>e) Encouraging enhancement to increase their special amenity values.</p>	<p>c) Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and</p> <p>d) Minimising the adverse effects of pests animal and plants on those values; and</p> <p>e) Encouraging enhancement to increase their special amenity values</p>
<p><b>Policy 1.4.2 Protecting sites of cultural significance to tangata whenua</b>          Avoid adverse effects on the values of the sites of cultural significance to tangata whenua.</p>	<p>Amend the policy as follows:  <b>Policy 1.4.2 Protecting sites of cultural significance to tangata whenua</b>          Avoid, remedy or mitigate adverse effects on the values of the sites of cultural significance to tangata whenua</p>
<p><b>Part B.3 People are able to use and enjoy Otago's natural and built environment</b></p>	
<p><b>Objective 3.1</b>          Positive effects of resource use on the natural environment are maximised and negative effects are avoided or minimised.</p>	<p>Amend the objective as follows:  <b>Objective 3.1</b>          Positive effects of resource use are recognised on the natural environment and negative effects are suitably managed avoided or minimised</p>
<p><b>Policy 3.1.1 Managing effect of subdivision and development on water</b>          Manage subdivisions and developments in a way that</p> <p>a) Ensures the reasonable foreseeable needs of the community and existing water users for drinking water can be satisfactorily met; and</p> <p>b) Minimises the adverse effects of an increase in impervious areas; and</p> <p>c) Minimises adverse effects on:</p> <ol style="list-style-type: none"> <li>i. Freshwater ecosystem values; and</li> <li>ii. The natural character of the coastal environment, wetlands, and lakes and rivers and their margins.</li> </ol>	<p>Remove clause (c).</p>
<p><b>Policy 3.1.3 Discharging to water</b>          Manage the adverse effects of discharges to water, by:</p> <ol style="list-style-type: none"> <li>a) Avoiding discharges that are objectionable or offensive, and</li> <li>b) Enabling discharges which meet environmental baseline requirements, and</li> <li>c) Giving preference to discharges to land.</li> </ol>	<p>Amend the policy as follows:  <b>Policy 3.1.3 Discharging to water</b>          Manage the adverse effects of discharges to water, by:</p> <ol style="list-style-type: none"> <li>a) <del>Avoiding discharges that are objectionable or offensive, and</del></li> <li>b) Enabling discharges which meet environmental baseline requirements; and</li> </ol>

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

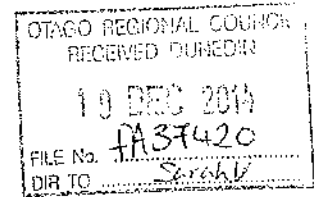
<sup>2</sup> in the sense of "not allow" or "prevent the occurrence of".

<p>addition section 107 includes a number of provisos that have not been included in the drafting of this policy, for example no provision has been made for assessment after reasonable mixing has occurred, nor it is consistent with section 107(2) which provides for discharges associated with exceptional circumstances, temporary discharges or discharges associated with maintenance activities</p> <p>Given the direction of the NPSFW and RMA, QAC is of the opinion that this policy should seek to ensure discharges meet environmental baseline requirements (referred in clause (b)) which are definitive measures of water quality, rather than the subjective reference to whether or not the discharge is objectionable or offensive.</p> <p>The RMA requires that the life supporting capacity of soil is sustained, this is different to its "protection" as is required by this policy.</p>	<p><b>Policy 3.1.5 Protecting soil quality</b> Protect soil quality by:</p> <p>a) Minimising the accumulation of chemicals in soil, including through inappropriate application of fertiliser or other discharge to land, that:</p> <ul style="list-style-type: none"> <li>i. May reduce the suitability of the soil resource for food production; or</li> <li>ii. Have potential adverse effects on human or animal health; or</li> <li>iii. May reduce the range of future uses of the soil resource; or</li> <li>iv. Soil ecology; or</li> </ul> <p>b) Minimising the physical degradation of soil by activities, including:</p> <ul style="list-style-type: none"> <li>i. Disturbance; and</li> <li>ii. Compaction; and</li> <li>iii. Destruction; and</li> <li>iv. Removal or translocation of topsoil; and</li> <li>v. Over-watering</li> </ul>
<p>c) Giving preference to discharges to land where appropriate;</p>	<p>Amend the policy as follows:</p> <p><b>Policy 3.1.5 Protecting soil quality</b> <u>Repeal: Sustain the life supporting capacity of soil quality by:</u></p> <p>a) Minimising the accumulation of chemicals in soil, including through inappropriate application of fertiliser or other discharge to land, that:</p> <ul style="list-style-type: none"> <li>i. May reduce the suitability of the soil resource for food production; or</li> <li>ii. Have potential adverse effects on human or animal health; or</li> <li>iii. May reduce the range of future uses of the soil resource; or</li> <li>iv. Soil ecology; or</li> </ul> <p>b) <u>Minimising Avoiding, remedying or mitigating the physical degradation of soil by activities, including:</u></p> <ul style="list-style-type: none"> <li>i. Disturbance; and</li> <li>ii. Compaction; and</li> <li>iii. Destruction; and</li> <li>iv. Removal or translocation of topsoil; and</li> <li>v. Over-watering</li> </ul>
<p>QAC supports the intent of this policy in that it seeks to manage the effects of hazardous substances in the more sensitive receiving environment. However there is concern about the use of the term "avoid". Mitigation measures can also be adopted to ensure any actual or potential effects arising from the discharge, use, storage or disposal of hazardous substances are suitably managed.</p>	<p>Amend the policy as follows:</p> <p><b>Policy 3.1.12 Avoiding adverse effects of hazardous substances</b> Avoid actual or potential adverse effects from the discharge, use, storage or disposal of hazardous substances in areas of high risk or sensitivity, including the following locations:</p> <ul style="list-style-type: none"> <li>a) Community drinking water protection areas; or within proximity to a community drinking water supply such that there is a no risk of contamination of that drinking water source; or</li> <li>b) Identified aquifers, where there is risk of contamination; or</li> <li>c) Within the coastal marine area and in the beds of lakes and rivers; or</li> <li>d) Within any area identified as being sensitive to the potential effects of hazardous substances, including but not limited to, sites of significance to langata whenua such as wahi tapu, urupa, or customary food gathering areas, institutions and residential areas; or</li> <li>e) Areas subject to intolerable natural hazard risk</li> </ul>
	<p>Amend the policy as follows:</p> <p><b>Policy 3.1.12 Avoiding or mitigating adverse effects of hazardous substances</b> Avoid or mitigate actual or potential adverse effects from the discharge, use, storage or disposal of hazardous substances in areas of high risk or sensitivity, including the following locations:</p> <ul style="list-style-type: none"> <li>a) Community drinking water protection areas; or within proximity to a community drinking water supply such that there is a no risk of contamination of that drinking water source; or</li> <li>b) Identified aquifers, where there is risk of contamination; or</li> <li>c) Within the coastal marine area and in the beds of lakes and rivers; or</li> <li>d) Within any area identified as being sensitive to the potential effects of hazardous substances, including but not limited to, sites of significance to langata whenua such as wahi tapu, urupa, or customary food gathering areas, institutions and residential areas; or</li> <li>e) Areas subject to intolerable natural hazard risk</li> </ul>

<p><b>Policy 3.2.1 Maximising benefits</b> Give preference to activities and solutions that maximise the positive benefits of resource allocation and use including those that enhance:</p> <ul style="list-style-type: none"> <li>a) Environmental values; or</li> <li>b) Tangata whenua values; or</li> <li>c) Other cultural values; or</li> <li>d) Social wellbeing, including public health and safety; or</li> <li>e) Community resilience.</li> </ul>	<p>It is not clear how this policy is intended to be applied. The policy refers to maximising benefits and giving preference to activities, this appears to be picking winners and is not consistent with the RMA's effects based assessment requirements. The policy also does not include explicit consideration of economic benefits.</p>	<p>Amend the policy as follows: <b>Policy 3.2.1 Maximising Recognising benefits</b> <del>Give preference to activities and solutions that maximise the</del> <b>Recognise the positive benefits of resource allocation and use, including those that enhance:</b></p> <ul style="list-style-type: none"> <li>a) Environmental values; or</li> <li>b) Tangata whenua values; or</li> <li>c) Other cultural values; or</li> <li>d) Social and economic wellbeing, including public health and safety; or</li> <li>e) Community resilience</li> </ul>
<p><b>Policy 3.2.2 Requiring efficient resource use</b> Require that the subdivision, use and development of natural and physical resources are undertaken in a manner, and at a rate, which is efficient with regard to its purpose, so that it:</p> <ul style="list-style-type: none"> <li>a) Minimises conflict with other resource uses; and</li> <li>b) Minimises the generation of waste and discharges.</li> </ul>	<p>The intention of this policy is uncertain. It is not clear how requiring a development to be "efficient with regard to its purpose" will minimise conflict with other resource uses. The management of conflict arises in the management of effects i.e. avoiding, remedying or mitigating these, and are not related to the efficiency of which a development is undertaken per se.</p>	<p>Delete this policy or rework it so that it is clear.</p>
<p><b>Policy 3.2.4 Managing cumulative effects</b> Manage the cumulative effects of activities on Otago's natural resources by:</p> <ul style="list-style-type: none"> <li>a) Requiring the efficient use of natural resources; and</li> <li>b) Enabling the development of community solutions, including infrastructure development, where this will minimise the community's cumulative impact; and</li> <li>c) Requiring the use of best environmental management practices; and</li> <li>d) Managing urban growth in a way that minimises/reduces the environmental impact of the whole community.</li> </ul>	<p>This policy is also uncertain and should be deleted or substantially reworked.  Clause (b) refers to the development of community solutions including infrastructure development – it is not clear what this is referring to or what would be required here.  Clause (c) is of concern as it requires the use of best environmental management practices it is not clear what this is referring to. It is not clear if this relates to the best practicable option which is used in the RMA, or whether this is something different.</p>	<p>Delete this policy or rework it so that it is clear.</p>
<p><b>Policy 3.2.5 Providing for activities that generate adverse effects</b> Manage the use and development of land and discharges to the environment to:</p> <ul style="list-style-type: none"> <li>a) Avoid significant adverse impacts on human health or amenity by reducing exposure to activities that may generate adverse effects; and</li> <li>b) Regulate activities that use or discharge noxious or dangerous substances to control off site effects that may be adverse to human health or safety; and</li> <li>c) Recognise and providing for the operation and development of activities that have the potential to generate adverse effects, including industrial and rural productive activities.</li> </ul>	<p>This policy refers to "providing for activities that generate adverse effects"; however clause (a) refers to avoiding significant adverse impacts which implies that such activities will be restricted or prevented rather than provided for. Given the intention of the policy it would be preferable that the policy sought to enable activities that create discharges for example, provided appropriate controls or regulations are adhered to and adverse effects are appropriately managed.</p>	<p>Amend the policy as follows: <b>Policy 3.2.5 Providing for activities that generate adverse effects</b> Manage the use and development of land and discharges to the environment to:</p> <ul style="list-style-type: none"> <li>a) <del>Avoid significant adverse impacts on human health or amenity by reducing exposure to activities that may generate adverse effects; and</del></li> <li>b) <del>Regulate</del> <b>Impose appropriate controls on activities that use or discharge noxious or dangerous substances to control off site effects that may be adverse to human health or safety; and</b></li> <li>c) <b>Recognise and providing for the operation and development of activities that have the potential to generate adverse effects, including industrial and rural productive activities.</b></li> </ul>
<p><b>Policy 3.2.7 Reducing unavoidable adverse effects</b> Reduce unavoidable adverse effects of activities by:</p> <ul style="list-style-type: none"> <li>a) Staging development for longer term activities; and</li> <li>b) Progressively rehabilitating the site where possible.</li> </ul>	<p>While the intent this policy is generally appropriate, it might not suit all situations and developments therefore some flexibility needs to be established to recognise that not all activities can be undertaken in a staged manner or that progressive rehabilitation can occur.</p>	<p>Amend the policy as follows: <b>Policy 3.2.7 Reducing unavoidable adverse effects</b> <del>Where appropriate and necessary, Reduce unavoidable adverse effects of activities by:</del></p>

<p>a) Staging development for longer term activities, and b) Progressively rehabilitating the site where possible.</p>		
<p>Delete the policy.</p>	<p>Offsetting is a valid form of mitigation. This has been confirmed by the Board of Inquiry (Transmission Gully Plan Change). Given this, it is not necessary to explicitly provide for this as a separate policy requirement</p>	<p><b>Policy 3.2.8 Providing for offsetting</b> Provide for the offsetting of adverse effects when those adverse effects cannot be avoided, remedied or mitigated while ensuring that the offsetting measures:</p> <ol style="list-style-type: none"> <li>Are provided onsite where possible, and</li> <li>Provide a benefit of the same nature.</li> </ol>
<p>Amend the policy as follows: <b>Policy 3.2.9 Requiring the adoption of best practicable environmental management practices</b> <del>Require</del> <i>Promote</i> the adoption of best practicable environmental management <del>options</del> <i>practices</i> and <del>new</del> <i>new</i> technologies that minimise the adverse effects of subdivision, use and development on:</p> <ol style="list-style-type: none"> <li>The availability of natural resources for other uses; and</li> <li>The ecosystem, tangata whenua, cultural and social values supported by those resources.</li> </ol>	<p>It is not clear if the reference to "adoption of best environmental management practices and new technologies" is intended to be consistent with the definition of best practicable option as set out in the RMA. The RMA sets out the circumstances when the best practicable option is to be considered and QAC is of the view that these same provisions should be applied here. It is important that in having regard to "best practices" and "new technologies" that financial implications and overall cost-benefit of doing so is appropriately considered</p>	<p><b>Policy 3.2.9 Requiring adoption of best environmental management practices</b> Require the adoption of best environmental management practices and new technologies that minimise the adverse effects of subdivision, use and development on:</p> <ol style="list-style-type: none"> <li>The availability of natural resources for other uses; and</li> <li>The ecosystem, tangata whenua, cultural and social values supported by those resources.</li> </ol>
<p>Amend the objective as follows: <b>Objective 3.5</b> Good quality infrastructure meets community needs on a local, regional and national scale</p>	<p>This is objective is supported, however it is necessary to recognise specifically within this objective that infrastructure might be required in order to support the wider needs of New Zealand, rather than the needs of Otago as a region or local area solely.</p>	<p><b>Objective 3.5</b> Good quality infrastructure meets community needs.</p>
<p>Retain the policy.</p>	<p>QAC supports this policy.</p>	<p><b>Policy 3.5.1 Integrating infrastructure with land use</b> Achieve the strategic integration of infrastructure with land use by:</p> <ol style="list-style-type: none"> <li>Ensuring infrastructure supports the long term needs of the community, taking into account: <ol style="list-style-type: none"> <li>The actual and foreseeable land use changes in the region; and</li> <li>Demographic changes to the local or regional community; and</li> <li>The effects of climate change on the foreseeable needs of the community; and</li> </ol> </li> <li>Managing land use in a way that maximises the use of existing infrastructure, and minimises the costs to ratepayers of infrastructure expansion, where possible.</li> </ol>
<p>Retain the policy.</p>	<p>QAC supports this policy.</p>	<p><b>Policy 3.5.2 Recognising benefits of infrastructure</b> Recognise the benefits of infrastructure development, upgrade, maintenance and operation in:</p> <ol style="list-style-type: none"> <li>Ensuring the health and safety of the community; and</li> <li>Increasing the ability of communities to respond and adapt to emergencies; and</li> <li>Improving access to markets, and creating significant trading and economic opportunities; and</li> <li>Improving efficiency of the use of natural resources.</li> </ol>

<p><b>Policy 3.5.3 Providing for locationally-constrained infrastructure</b> Enable the development of infrastructure in areas supporting resources identified as matters of national importance or highly valued, when:</p> <p>a) The infrastructure needs to locate in the proposed area; or b) The infrastructure:</p> <ul style="list-style-type: none"> <li>i. Is nationally or regionally significant; or</li> <li>ii. Is essential to the health and safety of the community; or</li> <li>iii. Increases the ability of communities to respond and adapt to emergencies; or</li> </ul> <p>c) All unavoidable adverse effects from the development, maintenance or operation of the infrastructure are appropriately remedied or mitigated.</p>	<p>This policy is generally supported. Clause (c) however, requires that all adverse effects are appropriately remedied or mitigated. As recognised elsewhere in the draft RPS not all adverse effects associated with the development of infrastructure may be able to be avoided, remedied or mitigated and that this might be acceptable on the basis that the project overall achieves the purpose of sustainable management. Given this, clause (c) should be amended to seek to remedy or mitigate adverse effects to the extent practicable.</p>	<p>Amend clause (c) as follows: c) All unavoidable adverse effects from the development, maintenance or operation of the infrastructure are appropriately remedied or mitigated to the extent that is practicable.</p>
<p><b>New objectives and policies</b></p>	<p>QAC is of the view that there needs to be explicit recognition in this chapter of the RPS of the significant positive effects of transportation infrastructure and its contribution to the economic and social wellbeing of the region. QAC considers that this objective is appropriate and should be retained</p>	<p>Include specific transportation objectives and policies  Retain the objective.</p>
<p><b>Objective 3.6</b> Urban areas are well designed, sustainable and reflect local character.</p>		
<p><b>Policy 3.7.1 Establishing urban limits</b> Establish urban limits for Queenstown and Dunedin so that urban activities may only occur within those limits.</p>	<p>It is not clear what is meant by "urban limit" and "urban activities". These terms need to be defined. It is not clear for example whether the reference to "urban limit" would result in a line on a map, or whether this relates to limits on the growth of these areas. It would be inappropriate for this policy to be used to stifle growth and development.</p>	<p>This policy should be deleted, or substantially reworked so that it encourages the growth and development of Queenstown and Dunedin as key economic centres for the Region.</p>
<p><b>Policy 3.7.2 Expanding beyond urban limits</b> Provide for expansion of urban activities beyond the urban limits of Dunedin or Queenstown only when:</p> <ul style="list-style-type: none"> <li>a) No suitable locations are available within the urban limit; and</li> <li>b) Infrastructure services necessary for the activity are available; and</li> <li>c) Reverse sensitivity effects are avoided.</li> </ul>	<p>As set out above it is not clear what is meant by reference to "urban activities" and "urban limits". It is not clear what would be included as an urban activities and how these would be "limited" – it would be inappropriate for this policy to be used to stifle growth and development of Dunedin and Queenstown.</p>	<p>This policy should be deleted, or substantially reworked so that it encourages the growth and development of Queenstown and Dunedin as key economic centres for the Region.</p>
<p><b>Policy 3.7.3 Managing the effects of commercial and industrial activities</b> Provide specific areas to accommodate the effects of industrial and commercial activities needed to support economic growth in Otago.</p>	<p>The intent of this policy is supported, however it is noted that commercial and industrial activities will not be limited to the areas specifically zoned 'commercial' and 'industrial' and that there may be other areas (i.e. airports, ports, rural industry) where such activities are entirely appropriate and should be able to establish.</p>	<p>Amend the policy as follows: Provide for and enable the growth of specific areas to accommodate the effects of industrial and commercial activities needed to support economic growth in Otago in appropriate locations</p>
<p><b>Objective 3.8</b> Dunedin and Queenstown commercial cores are retained and enhanced</p>	<p>It is not clear what would be considered as a "commercial core" for Dunedin and Queenstown. In Queenstown it would be inappropriate to limit this to the CBD given that there are other areas such as the airports which in themselves can be economic centres which contribute significantly to the growth and development of the towns and region overall.</p>	<p>Ensure that this objective does not constrain growth and development of other areas.</p>
<p><b>Policy 3.8.2 Expanding beyond commercial cores</b> Provide for the expansion of areas of commercial activity beyond the commercial cores of Dunedin and Queenstown, only when:</p> <ul style="list-style-type: none"> <li>a) No suitable locations are available within the commercial core; and</li> <li>b) Infrastructure services necessary for the activity are available; and</li> <li>c) Reverse sensitivity issues are avoided.</li> </ul>	<p>As above this policy could constrain the growth and development of other economic centres that are important to the overall economic wellbeing of these towns and the region as a whole. The development of commercial activities should be encouraged in appropriate locations.</p>	<p>Delete this policy</p>



## SUBMISSION – Regional Policy Statement Review - Consultation Draft

*Date:* 19/12/14

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(Andrew Curtis CEO Irrigation NZ)

INZ would like to discuss this consultation draft submission with the relevant technical and policy staff at ORC. We are happy to join with other parties in doing this.

### Overview

Irrigation NZ (INZ) is a national body that promotes excellence in irrigation throughout New Zealand. INZ represents the interests of over 3,600 irrigators totaling over 400,000ha of irrigation (approximately 60% of New Zealand's irrigated area), and the majority of irrigation service providers (over 140 researchers, suppliers, installers and consultants).

INZ has a strong Otago membership base with both irrigation schemes and individual irrigator members in the North Otago and Central Otago sub-regions.

## Submission

### ***Part B.1 Objective 1.1 Policy 1.1.1***

1. Food production and Irrigation values should be specifically included within this policy. Both are significant to the continued well-being of Otago communities, particularly those of North and Central Otago. The NPS FM 2014 and the recent Tukituki PC6 High Court decision provide justification for their inclusion. INZ acknowledges that the food production value is included within Policy 1.1.8 Managing the Values of soil, but feels it is also important it is included within the Freshwater values.

### ***Part B.2 Additional Objective***

2. There needs to be an Objective added stating that 'Water supplies are secure and reliable'.
3. A secure and reliable water supply is of extreme importance for the resilience of numerous Otago communities, particularly those of North and Central Otago. In these sub-regions rural communities and their associated service towns, Oamaru, Ranfurly, Alexandra and Cromwell for examples, are built on a secure and reliable water supply. They therefore require an on-going secure and reliable water supply, for domestic, stock and importantly irrigation purposes, to maintain the status quo and continue to grow and prosper. Security and reliability of water supply are also cornerstones for allowing continued investment and thus improvement in efficiency of water use.
4. The policies of this additional Objective need to -
  - a. Enable the development, upgrade, maintenance and operation, particularly of multi-purpose water supply activities (both storage and distribution networks), at different scales when it maintains or increases the security and reliability of water supply at the local or regional level
  - b. Minimise adverse effects from water supply by avoiding where reasonably practicable and requiring remediation or mitigation of adverse effects that cannot be avoided
  - c. Recognise the importance of existing water supply infrastructure to community resilience

### ***Part B.2 Objective 3.2 Additional Policy***

5. This objective needs to add a policy that recognise the importance of reliability and appropriate permit duration to enable investment in efficient water use.

Policy 3.2.10 - Providing for reliability and certainty

Provide appropriate reliability of supply and permit duration to allow for investment in best environmental practices to enable efficient resource use

**Part B.3 Objective 3.1 Policy 3.1.5**

6. In addition to this policy provision should be made for the encouragement of activities that enhance soil.

**Objective 3.5**

7. INZ strongly supports this objective and associated policies

**Part C - Anticipated environmental results and monitoring programme**

8. Novel technologies being required for new and renewed resource consents without being first proven to be economically or environmentally viable is not a sound approach, however it is important that once proven best practices and novel technologies are up taken.
9. INZ suggests the point is reworded to state 'Once proven best practices and novel technologies should to be considered for new and renewed resource consents'.

**Background Information – Importance of Reliability**

10. Over the last 20 years reliability of water supply has become one of the key drivers to enable good irrigation performance. It is now widely recognised that >95% reliability is required for this and is therefore being actively sought by irrigators<sup>1</sup>. This then creates the foundations for numerous other, socio-economic, environmental, recreational and cultural benefits to occur.
11. Reliability is key to maximising the value the community receives from irrigation. It allows a wide range of high value agricultural and horticultural production systems to be put in place. The increased capital investment and seasonal inputs associated with high value horticultural crops require a reliable water supply – without this there is a significant financial risk to production. This is very evident in Otago where low reliability run-of-river takes have pasture dominated land use. Feed can be brought in or livestock moved in times of low reliability (flow restrictions for example). It is not possible to move a crop and as a result, particularly for 'quality' driven crop production systems, significant crop loss or failure will occur. The financial risk is therefore too great for investment in high value horticulture or cropping (seed crops for example) where there is low water supply reliability. Whilst it is difficult to put an exact number on the level of reliability required for cropping and horticultural enterprises, as the actual number is crop and growth stage specific, it is regarded that less than 90% reliability during the critical growth stages of each crop is prohibitive.
12. High reliability is one of the main enablers for water and energy efficiency. A reliable water supply enables irrigators to invest in modern irrigation infrastructure and technologies (gives relative investment certainty). It also enables optimal irrigation, a move to 'as and when' and 'just in time' scheduling practice instead of a precautionary 'just in case' approach. If irrigators are uncertain about their reliability of irrigation water supply then a precautionary 'keep the

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<sup>1</sup> Macfarlane presentation to MAF seminar "Financing Pathways for Rural Water Infrastructure" MRB study for Environment Canterbury, and the Canterbury Water Management Strategy study "On-farm Impact of Variation in Reliability".



soil moisture topped up' strategy is common. Also with reliability the full water storage potential of the soil (its water holding capacity) is used to take better advantage of rainfall, particularly on the shoulders of the irrigation season where deficit irrigation practice is practiced. The availability of a reliable water supply to allow irrigators to 'catch-up' is fundamental to this.

13. Obviously a number of other factors need to be apparent for efficient water and energy use to occur, the irrigation system needs to be designed, installed, operated and maintained well and this requires a trained and knowledgeable irrigation service industry, as well as irrigators and their staff. The INZ SMART Irrigation framework provides the pathway for this. However a reliable water supply is the key enabler for allowing the full efficiency potential to be realised.
14. For example, irrigators on the RDR schemes (Mayfield Hinds, Valetta, and Ashburton Lyndhurst Irrigation Schemes) have demonstrated clearly that there are water efficiency, productivity, and environmental gains from improving reliability above the 90% reliability inherent in their 'run-of-river' take. They have voluntarily invested in 'in-scheme' (Mayfield Hinds Carew storage ponds for example) and 'on-farm' storage in order to increase reliability to in excess of 95%. As a result, water use per hectare has reduced, pasture and crop productivity has increased, electricity consumption has reduced, and nutrient leaching has declined. Typically, best practice farm output of wheat, milk and meat per millimetre of applied water, has tripled over the past decade<sup>2</sup>.
15. The Slee's Melrose Dairy farm on Mayfield Hinds, winners of the Supreme Ballance Farm Environment Award 2014, is a prime example of this. Between 1992 and 2014, 5 water storage ponds were built to increase reliability and allow investment in modern centre pivot technology. As a result water use reduced from 800mm/ha to 383mm/ha and Milk Solids produced per mm of irrigation applied increase from 0.439kg/mm to 1.666kg/mm<sup>3</sup>.
16. Efficient irrigation practice drives improved environmental performance. It is well documented that significantly less drainage and run-off occurs through improving irrigation efficiency. For example by moving from 60% to 80% irrigation application efficiency, for an average season and for a light (40mm WHC) and heavy (100mm) soil type, there is a drainage reduction of 241mm and 246mm respectively (746mm to 543mm and 722mm to 461mm)<sup>4</sup>. This would equate to a significant reduction in N-loss for an intensive farming system. The shift toward efficiency and related environmental improvement will only occur once all the building blocks and related incentives are in place. Reliable water is a fundamental building block.
17. It should be noted that the current OVERSEER model is not able to account for reduced nutrient losses through improvements in irrigation application efficiency due to the inadequacies of its irrigation module. This will be rectified with a new version release in April 2015 that INZ is actively involved in developing. A recent peer reviewed technical report has

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<sup>2</sup> Taken from the evidence of Mr Andy McFarlane for HBRIC as part of the EPA hearings for PC6 & RWSS

<sup>3</sup> Taken from the Canterbury Ballance Farm Environment Awards field day hand-out

<sup>4</sup> Numbers generated by the IRRICALC water allocation model and based on a Te Pirita climate scenario

confirmed with a few changes, that have now been tested in a beta version<sup>5</sup>, OVESEER will be able to better account for a range of irrigation practices.

#### **INZ Submission Ends**

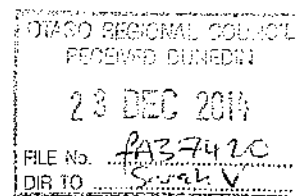
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<sup>5</sup> Comparison of OVERSERR and IRRICALC predicted irrigation and drainage depths, Agresearch RE500/2014/070

**James Adams**

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**From:** Peter Wilson <p.wilson@fish-game.org.nz>  
**Sent:** Monday, 22 December 2014 5:12 p.m.  
**To:** RPS ORC  
**Subject:** Otago Fish and Game Council comments  
**Attachments:** RPS Review Consultation Draft Submission.pdf



**Categories:** Email response sent

Dear Sir / Madam

Please find attached the comments from the Otago Fish and Game Council on the consultation draft of the RPS.

Cheers  
Peter

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Peter Wilson  
Environmental Officer  
**Otago Fish and Game Council**  
Tel: 03-479-6552  
Cell: 021 151 3486



RPS Review Team  
Policy Team  
Otago Regional Council

22/12/2014

Dear RPS Team,

**Re: RPS Review – Comments from the Otago Fish and Game Council on the Consultation Version of the Regional Policy Statement**

Thank you for taking the time and providing the staff to meet with me previously to discuss this, and for producing summary notes from that meeting rapidly after. This submission formalises much of what I said on behalf of Otago Fish and Game at that meeting. Otago Fish and Game broadly supports the direction and intent of the draft RPS.

*General Issues*

1. A consistent approach needs to be taken when using the terms "indigenous biodiversity", "pest", and exotic species. This applies throughout the document. It is not clear when issues, objectives, and policies are referring to terrestrial ecosystems, freshwater ecosystems, or general issues affecting pests. Some uses of the term "indigenous biodiversity" may be inconsistent, or be interpreted inconsistently, with section 7(h) of the Resource Management Act 1991 which requires the "protection of the habitat of trout and salmon", as well as introduced gamebirds, which are recognised under the Wildlife Act 1953.
2. Most of these instances can be fixed with more careful wording that portrays the issue that is trying to be fixed or rectified, rather than the general insertion of "indigenous biodiversity".
3. It is noted that many introduced species perform a valuable role in the ecosystem, and are highly valued by the community. An important distinction that should be recognised by the RPS is the concept of "valued introduced species" (some of which are provided for in legislation), as distinct from pest species.
4. An emerging issue in resource management is the need for plans to avoid "fictitious facts", and for the objectives, policies, rules, and methods to be "coupled", so that limits and targets are achievable and reflect reality. See for instance *Hawke's Bay and Eastern Fish and Game Councils v Hawke's Bay Regional Council*. This applies particularly when dealing for plans (with their respective objectives and policies) that deal with cumulative effects. Fish

*Statutory managers of freshwater sports fish, game birds and their habitats*

**Otago Region**

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and Game requests an issue and objective that covers this issue. A policy is probably not required. Suggestions are as below:

Issue: Plans must reflect reality (although other words may better reflect what I am trying to portray here).

Plans, and the objectives, policies, rules, and methods that are contained within them need to reflect environmental reality and avoid creating a fact in the plan that is substantially different to the reality on the ground. Where plans deal with cumulative effects, there needs to be clear consistency throughout the hierarchy of objectives, policies, rules and methods to ensure that the plan can be implemented.

Objective:

Otago's resource management plans and policies are clear, consistent, and either reflect environmental reality as informed by monitoring, or there is sufficient clarity and coupling between objectives, policies, and rules to give some certainty that a future outcome can be achieved.

#### *Planning architecture*

5. Otago Fish and Game supports the three overall themes of the RPS – that of “high quality natural resources and ecosystems” (Chapter 1), “community resilience” (Chapter 2), and “people can use and enjoy our natural and built environment” (Chapter 3).
6. Fish and Game supports the overall structure of the RPS.

#### *Regionally Significant Issues – Chapter 1*

7. Otago Fish and Game supports Issues 1-3 as written.
8. For Issue 4, the definition of pest needs to be clear that pests have an effect on statutorily recognised species as well (“valued introduced species”), particularly sports fish (trout and salmon), and gamebirds. The inclusion of the threat to water yield in dry catchments is strongly supported.

#### *Regionally Significant Issues – Chapter 2*

9. For Chapter 2, all these issues are supported, particularly Issue 7, which recognises the finite nature of fossil fuels. It is an achievement to recognise this in the RPS.

#### *Regionally Significant Issues – Chapter 3*

10. Issue 13 covering public access is strongly supported.

#### *Part B.1*

11. Objective 1.1 and Policy 1.1.1 are supported.

12. For Policy 1.1.2 a note should be inserted that makes it clear that “outstanding water bodies” is a category distinct and wider than that of National Water Conservation Orders for clarity, because the term “outstanding” is used in this context as well.
13. Policy 1.1.4 and 1.1.5 are strongly supported.
14. Policy 1.1.6 and Policy 1.1.7 are supported, subject to already agreed changes about wording for the coastal marine area.
15. Policy 1.1.8 and 1.1.9 are supported, subject to further discussions about the potential to insert a clause that encourages the build-up of soil depth if possible.
16. Policy 1.1.11 is supported. Fish and Game has always supported the recognition of ecosystem services in policy documents.
17. Policy 1.1.12 is supported, provided that (b) is amended to reference biodiversity only, as all riparian vegetation performs a valuable role in buffering water from land. Fish and Game is supportive of a new clause (h) which makes a preference for indigenous vegetation when enhancement is taking place, but given the reality of establishing vegetation, all vegetation is important.
18. Policy 1.2.1 and 1.1.2 are supported.
19. Policy 1.2.4 and 1.2.5 are supported.
20. Policy 1.2.6 needs to be clear in its extent. Freshwater ecosystem values are a combination of introduced and indigenous, as are wetlands. This may be primarily for terrestrial indigenous plants, rather than fish, but to avoid issues in the future, some clarity is required.
21. Objective 1.3 has a similar issue. Our sports fisheries are highly significant from an international, national and regional perspective, and provide a significant economic boost to the region. In the introductory paragraph under the objective, there is no wording that captures this. A suggestion is to repeat “natural resources” in the text.
22. Policy 1.3.2 introduces the term “exotic”. This makes sense in a plant context but not a fish context, where “exotic” usually means pest or undesirable. This needs clarity.
23. Policy 1.3.3 has similar issues. Wetlands are created restored and enhanced for a variety of reasons, such as the hunting of introduced and indigenous waterfowl. The recreational activity can be an impetus for a lot of other important conservation work. A recognition of this in the RPS would enable more appropriate wetland enhancement to take place.
24. Policy 1.3.4 is supported, particularly the “wild and scenic values”. This policy shows that the term “exotic” appears to be associated with plants, rather than fish.

25. All landscape policies are supported, but on Policy 1.3.7, that needs to include introduced or valued introduced species as well as "exotic". Fishery values are a component of landscapes, and this is well supported within case law.
26. Policy 1.3.8 is supported, particularly the references to dune systems, natural darkness, and wild and scenic values.
27. Policy 1.3.9 has similar issues as with 1.3.2 and 1.3.3 with the term exotic. It also needs to be clear that all riparian vegetation is supported (introduced and indigenous), but that indigenous vegetation should be given a higher priority.
28. Policy 1.3.11 needs to reference significant habitats of gamebirds, in a similar fashion to how the Regional Plan: Water now references these values, as a result of the plan change 2 mediation and consent order.
29. Objective 1.4. Otago Fish and Game supports the inclusion of tangata whenua values in this section.

#### *Part B.2*

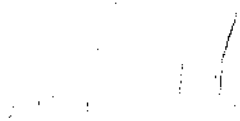
30. This section is strongly supported, as it future-proofs the plan, and sends a clear message to territorial local authorities and others that these issues require serious consideration and policy changes.
31. Policy 3.1.1 uses good wording that could be applied elsewhere by stating "freshwater ecosystem values", rather than getting tangled into indigenous vs introduced. This might have application elsewhere where this issue occurs.
32. Policy 3.1.2 is a significant achievement. One wording change would be to change (b) from "addressing", which may be interpreted as to not address the root cause but merely fix the downstream effects to "recognise and address".
33. Policies 3.1.3-3.1.12 are all supported.
34. Policy 3.2.4 introduces the term "best environmental management practice". This is consistent with the water plan, and it is acceptable provided it retains its reference to "environmental management practice", rather than the often-used "best management practice", which in practice, means little and cannot be readily defined.
35. Objective 3.4 and Policy 3.4.1 are strongly supported.
36. The urban growth sections are supported.

*Further consultation*

37. Otago Fish and Game looks forward to receiving the notified RPS and becoming involved in the formal stages of the planning process.

Thank you for the opportunity to provide input.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Wilson', is written over a faint, light-colored rectangular stamp or watermark.

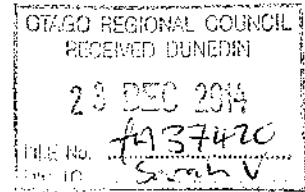
Peter Wilson  
MPlan, BSc(Geog), Grad.NZPI, MRMLA  
Environmental Officer  
Otago Fish and Game Council



**James Adams**

**From:** Laura Marra <laura.marra@trustpower.co.nz>  
**Sent:** Monday, 22 December 2014 2:50 p.m.  
**To:** RPS ORC  
**Subject:** Trustpower comments on draft RPS  
**Attachments:** LJM\_20141219\_cover letter - draft RPS.pdf; LJM\_20141219\_draft Otago RPS review (final).pdf

**Categories:** Email response sent



Good Afternoon,

Please find attached comments from Trustpower on the draft RPS. Apologies for the delay in providing these.

Could you please reply to this email to confirm receipt.

Kind regards

Laura Marra  
 Environmental Advisor - Policy and Planning

**Trustpower**

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Better together.

19 December 2014

Otago Regional Council  
Private Bay 1954  
DUNEDIN  
Attn: RPS Review Team

By email: [rps@orc.govt.nz](mailto:rps@orc.govt.nz)

To whom it may concern,

### **Trustpower's feedback on the draft Otago Regional Policy Statement**

Thank you for the opportunity to provide comments on the draft Otago Regional Policy Statement ('draft RPS'). We provide below a summary of Trustpower's interests in the Otago Region. A table containing specific comments on the draft RPS is enclosed.

#### **Trustpower's interest in the Otago Region**

Trustpower's generation assets consist of 19 electricity generation schemes strategically located around New Zealand to ensure power is generated close to where it is consumed. Trustpower has grown to become one of New Zealand's largest electricity retailers, serving just under a quarter of a million customers throughout the country, utilising solely renewable energy generation.

Trustpower is committed to responsible and effective energy generation and to applying industry best practice to these activities. Trustpower acknowledges the importance of the environment, in particular the aquatic environment, to its continued operations, and has adopted a set of environmental policies which encourage the practical minimisation of any adverse environmental impacts associated with the company's activities. Trustpower is also active in various environmental initiatives within the vicinity of their generation assets.

Trustpower is a significant user of water within the Otago Region, operating a number of hydro-electricity power schemes. Trustpower has also been granted resource consent for the construction and operation of the Mahinerangi Wind Farm. Within the Otago Region Trustpower currently operates the following power schemes:

#### ***Paerau/Patearoa – Existing Power Scheme***

The Patearoa/Paerau Gorge Power Scheme is a joint hydroelectric/irrigation scheme located within the Maniototo sub-region of the Taieri Catchment, utilising water diverted from storage reservoirs along the Taieri River. It is made up of the Paerau Power Station which has an annual output of 47.8GWh and the Patearoa Power Station which has an annual output of 7.5GWh. Both stations were commissioned in 1984 and between them produce an annual average output of 62GWh, sufficient to supply electricity to approximately 7,750 typical New Zealand households.

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### ***Deep Stream – Existing Hydro Scheme***

The Deep Stream Hydro Scheme was commissioned in 2008 to utilise water discharged from the north side of Lake Mahinerangi. The Scheme channels water flowing from an existing Deep Stream Diversion, impounds that water in a storage reservoir, and then allows the water to be released through canals containing 2.5 MW generating units to Lake Mahinerangi. The Scheme supplies power for the equivalent of 3,100 homes and also provides an emergency water supply for Dunedin City in the event of prolonged drought.

### ***Waipori – Existing Hydro Scheme***

The Waipori Hydro Scheme was commissioned in 1907 and generates electricity from the Waipori River. The system begins near the headwaters of the Waipori River, high in the Lammerlaw Range. A web of water races, open channels, diversion tunnels and pipelines feed the scheme. Today, the scheme consists of a large hydroelectric storage lake - Lake Mahinerangi, which feeds four power stations located on the Waipori River. It has a total average annual output of 192GWh, sufficient to supply electricity to approximately 24,000 typical New Zealand households.

### ***Mahinerangi Wind Farm***

Aside from its existing operations, Trustpower has future development aspirations within the Otago Region and, as part of these, has proposed the Mahinerangi Wind Farm. The Mahinerangi Wind Farm is to be built on 1723 hectares of farmland located north of Lake Mahinerangi. Lake Mahinerangi feeds the Waipori Hydro Scheme, as described above.

The Mahinerangi Wind Farm has been consented by the ORC and Clutha District Council. Stage 1 of its development was completed in April 2011. The resource consents obtained by Trustpower provide for a 200MW wind farm with a maximum of 100 turbines, at a maximum height of 145 metres.

### ***Summary***

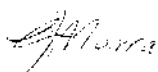
Trustpower's existing power schemes within the Otago Region are important strategic and physical resources that warrant protection under Part 2 of the Resource Management Act 1991 ("RMA") because of their contribution to the region's economic, social and cultural wellbeing. The power schemes listed above play a pivotal role in power generation in the region and will continue to do so in future. As such, enhancement of some or all of these schemes may be required within the life of the Regional Policy Statement. It is, therefore, appropriate that the Regional Policy Statement does not unreasonably impede either the operating regime or the future consenting requirements for these key strategic electricity generating assets.

Against this background, Trustpower has a great interest in the draft RPS provisions and their further development, as they will potentially affect its existing and future developments within the Otago Region.

Please contact me if you would like to discuss any aspect of this feedback.

Kind regards

**TRUSTPOWER**



Laura Marra

Environmental Advisor

## Trustpower's feedback of the draft Proposed Regional Policy Statement 2014

Provision	Trustpower comments	Requested relief
<b>Issues</b>		
<b>Issue 7: Responding to fuel and energy pressures</b>		
<p>While rich in renewable electricity generation potential, Otago is an importer of fossil fuels, and constraints on energy and fuel supply could affect the way we live. The finite nature of fossil fuels could lead to more volatile fuel prices, which may result in high food prices, increase transport costs and reduce mobility.</p> <p>It is possible to design Otago's settlements in a way that decreases our dependency on transport and energy, and therefore increase our resilience to those changes.</p>	<p>Trustpower supports the recognition that the region is rich in renewable electricity generation potential. Trustpower is concerned however that this issue statement confuses a number of energy related matters (generation, reliance on fossil fuels, energy efficiency and conservation) and it is not clear what the intent of the overall issue really is.</p> <p>Trustpower is of the view that explicit recognition of the region's current and potential renewable energy generation is required as a stand alone issue statement.</p>	<p>Amend the issue statement as follows:</p> <p><u>Otago is rich in existing and potential renewable electricity generation. The benefits of renewable electricity generation are significant in terms of providing for increasing regional electricity demands, as well as a wider contribution to meeting electricity demands that extend beyond Otago.</u></p>
<b>Issue 8: Managing uses and values of natural resources to avoid conflict</b>		
<p>We need to provide for ways to use our natural and physical resources to the best advantage, while providing for all the values which are important to the community.</p> <p>This requires that our use of resources is as efficient as possible, and that we allow as much flexibility as possible to optimise resource allocation at all times.</p>	<p>It is not clear what is trying to be achieved by the inclusion of this issue statement. Trustpower is of the view that this statement should be clear that there are benefits to be derived from the use of natural and physical resources, however in doing so this can create conflicts with a range of biophysical and community values which need to be managed appropriately.</p>	<p>Amend the issue as follows:</p> <p><b>Issue 8: Managing uses and values of natural and physical resources to-avoid manage conflict</b></p> <p><del>We need to provide for ways to use our natural and physical resources to the best advantage, while providing for all the values which are important to the community.</del></p> <p><u>There are benefits to be derived from the use and development of our natural and physical resources, however this can create conflicts with a range of biophysical and community held values that need to be managed appropriately.</u></p> <p><del>This requires that our use of resources is as efficient as possible, and that we allow as much flexibility as possible to optimise resource allocation at all times.</del></p>
<b>Issue 9: Minimising nuisance from incompatible activities</b>		
<p>The acceptability of adverse effects can depend on the surrounding activities: for example industrial activities often cause nuisance which makes them incompatible with residential developments. In some contexts, locating sensitive activities close to important infrastructure has the potential to limit the ability to operate or develop that infrastructure as expected.</p> <p>Sound planning often requires separation of those activities, so all the activities on which our communities depend on can be carried out in appropriate environments.</p>	<p>Trustpower supports the intent of this issue statement but thinks that it should be amended to refer to "adverse reverse sensitivity effects" rather than nuisance effects. It is the nature of the activity rather than the creation of "nuisance effects" which makes it inappropriate to locate incompatible activities close to one another.</p>	<p>Amend the issue as follows:</p> <p><b>Issue 9: Minimising nuisance—adverse reverse sensitivity effects from incompatible activities</b></p> <p>The acceptability of adverse effects can depend on the surrounding activities <u>within the receiving environment</u>; for example industrial activities often <del>cause nuisance</del> <u>undertake activities</u> which makes them incompatible with residential developments. In some contexts, locating sensitive activities close to important infrastructure has the potential to limit the ability to operate or develop that infrastructure as expected.</p> <p>Sound planning often requires separation of those activities, so all the activities on which our communities depend on can be carried out in appropriate environments.</p>
<b>Issue 10: Locationally constrained activities</b>		
<p>Some developments can only occur in specific places, and some of their adverse effects may be unavoidable. For example, windfarms often need to be located on ridges, and can have significant impact on landscape values.</p>	<p>Trustpower supports the intent of this issue statement in recognising that for certain activities they may be technical or locational constraints that influence and/or determine where they will be located. However Trustpower is concerned that this issue overemphasises that such activities</p>	<p>Amend the issue as follows:</p> <p><b>Issue 10: Locationally constrained activities</b></p> <p>Some developments <u>due to technical or locational constraints</u> can only occur in specific places. <u>These activities often create significant benefits for the health,</u></p>

<p>We need to be clear about where such adverse effects can be accommodated, and where they cannot because of other outstanding values</p>	<p>will give rise to adverse effects. It would be preferable that this issue identified that such activities often provide significant benefits for the health, safety and economic wellbeing of the community and they should be provided for, subject to the appropriate management of adverse effects.</p>	<p><u>safety and economic wellbeing of the community and it is necessary to enable the development, maintenance and operation of such activities while also appropriately managing adverse effects.</u> <del>and some of their adverse effects may be unavoidable. For example, windfarms often need to be located on ridges, and can have significant impact on landscape values.</del></p> <p>We need to be clear about where such adverse effects can be accommodated, and where they cannot because of other outstanding values</p>
<p><b>Part B.1 Otago has high quality natural resources and ecosystems</b></p>		
<p><b>Policy 1.1.1 Managing for freshwater values</b> Manage allocation and use of freshwater, and the effects of land use on water, in order to:</p> <ol style="list-style-type: none"> <li>Ensure Otago rivers, lakes, wetlands, and aquifers support healthy ecosystems; and</li> <li>Retain the range of habitats provided by freshwater; and</li> <li>Allow for the economic use of freshwater within a sustainable range; and</li> <li>Maintain good water quality, or enhance it where it has been degraded; and</li> <li>Maintain good water quality in the coastal marine area, or enhance it; and</li> <li>Maintain or enhance coastal values; and</li> <li>Retain the quality and reliability of existing drinking water supplies; and</li> <li>Protect tangata whenua values; and</li> <li>Provide for other cultural values; and</li> <li>Protect important recreation values; and</li> <li>Avoid the spreading of pest species.</li> </ol>	<p>Trustpower supports this policy in that it appropriately recognises the full range of matters that need to be considered when managing allocation and use of freshwater and assessing the effects of land use.</p>	<p>Retain the policy.</p>
<p><b>Policy 1.1.3 Protecting outstanding water bodies</b> Protect the values of outstanding water bodies, by:</p> <ol style="list-style-type: none"> <li>Avoiding significant adverse effects on those values, including cumulative effects; and</li> <li>Avoiding, remedying or mitigating other adverse effects on those values.</li> </ol>	<p>Trustpower is of the view that there should be scope within the policy to allow for the remediation or mitigation of adverse effects including significant adverse effects.</p> <p>The absolute wording of the Policy "to avoid significant adverse effects" is of concern in the light of the <i>King Salmon</i> Supreme Court decision<sup>1</sup>. In <i>King Salmon</i> "avoid" was held (by the majority) to have a greater weight<sup>2</sup> if the "environmental bottom line" approach is adopted.</p> <p>By definition, the term 'effect' also includes cumulative effects so it is not necessary to include.</p>	<p>Amend the policy as follows:</p> <p><u>The significant values of outstanding water bodies shall be protected by:</u></p> <ol style="list-style-type: none"> <li><u>Avoiding significant adverse effects where it is practicable to do so, and</u></li> <li><u>Where significant adverse effects cannot be avoided, remedying them,</u> <u>and</u></li> <li><u>Where significant adverse effects cannot be remedied, mitigating them.</u></li> </ol>
<p><b>Policy 1.1.7 Managing for air values</b></p>	<p>Trustpower supports this policy.</p>	<p>Retain the policy.</p>

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

<sup>2</sup> in the sense of "not allow" or "prevent the occurrence of".

Manage discharges to air, and the effects of land use and air, in order to:

- a) Maintain good ambient air quality that supports human health, or enhance it where it has been degraded; and
- b) Ensure air quality supports important tangata whenua values; and
- c) Ensure air quality supports important cultural and amenity values.

**Policy 1.1.12 Managing riparian margins**

Protect, maintain or restore wetlands, and riparian margins along the coastal marine area, rivers and lakes, in order to:

- a) Maintain or enhance ecosystem health, both in stream and along the margins; and
- b) Support the maintenance or enhancement of indigenous biodiversity and contribute to ecological corridors; and
- c) Reduce risks of erosion; and
- d) Recognise the effects of climate change;
- e) Maintain or enhance the natural functioning of the adjacent sea, river or lakes, including the formation of wetland areas, and estuaries in the coastal environment; and
- f) Maintain or enhance tangata whenua and public access to rivers, lakes, wetlands and the coastal environment; and
- g) Contribute to the achievement of a good quality urban environment, as detailed in Schedule 1.

**Policy 1.2.2 Integrating land use management with water management**

Integrate land use management with freshwater management by:

- a) Setting freshwater objectives that take into account:
  - i. The contribution of water in landscapes, seascapes, or natural features identified as outstanding or highly valued by tangata whenua or local communities; and
  - ii. The interactions between freshwater and land based ecosystems; and
- b) Setting land use controls that are consistent with the achievement of those freshwater objectives; and
- c) Coordinating the management of rivers' morphology and hydrology; and
- d) Setting processes between territorial authorities and the regional council, to ensure consistency between land use controls and water management.

**Objective 1.3**

Otago's significant and highly valued natural resources are identified, and protected or enhanced.

This policy effectively seeks to protect, maintain or restore all environmental values associated with wetlands and riparian margins. Trustpower consider such an approach to be overly restrictive and too generic. In this respect, while it is acknowledged that the RMA identifies the protection of natural character and outstanding landscape values from inappropriate development as a matter of national importance, not all values associated with the wetlands and riparian margins are afforded a "protective" regime under the RMA. Given this, Trustpower consider that the focus of the policy should be on enabling and managing development while also sustaining the environmental values that exist within wetlands and riparian margins.

Trustpower is of the view that this policy is not consistent with the National Policy Statement for Freshwater Management (NPSFM). The NPSFM sets out a National Framework that directs how Councils are to go about setting objectives, policies and rules about freshwater in their regional plans. They must do this by establishing freshwater areas (freshwater management units) across their regions and identifying the values (for example irrigation, mahinga kai, swimming etc) that communities hold for the water in those areas. This policy does not allow consideration of the human related values associated with water bodies within the Otago region, for example a number of Otago's rivers are used for hydroelectricity generation purposes and this is a value of the water resource that should be recognised.

It is also considered that this policy should seek to establish a water management regime which adequately takes into account the source of the contaminants which might be affecting water quality (i.e. non-point and diffuse discharges), and seek to address those activities and sources of contaminant rather than limiting other in river activities (i.e. hydro activities) which have no significant effect on the quality of the water.

Trustpower is concerned that this objective is too restrictive and generic in that it seeks to "protect" all of Otago's significant and highly valued natural resources. It could be construed that by seeking to protect such resources no development or use would be deemed to be acceptable in such an environment. Given this Trustpower consider that the focus of the objective

Amend the policy as follows:

**Policy 1.1.12 Managing riparian margins**

~~Protect, maintain or restore~~ **Manage the effects of use and development of** wetlands, and riparian margins along the coastal marine area, rivers and lakes, in order to:

Amend the policy as follows:

**Policy 1.2.2 Integrating land use management with water management**

**Integrate land use management with freshwater management by:**

- a) Setting freshwater objectives that take into account:
  - i. The contribution of water in landscapes, seascapes, or natural features identified as outstanding or highly valued by tangata whenua or local communities; and
  - ii. The interactions between freshwater and land based ecosystems including the sources of relevant contaminants; and
  - iii. The economic use and community values associated with that resource; and
- b) Setting land use controls that are consistent with the achievement of those freshwater objectives and in particular targeting the sources of any contaminants; and
- a) Coordinating the management of rivers' morphology and hydrology; and

Setting processes between territorial authorities and the regional council, to ensure consistency between land use controls and water management.

Amend the objective as follows:

**Objective 1.3**

Otago's significant and highly valued natural resources are identified, and ~~protected~~ maintained or where appropriate enhanced.

	should be to identify such resources and to maintain and where appropriate enhance the values that contribute to the significance of that resource.	Otago features unique landscapes, natural features and areas of indigenous biodiversity which are nationally or regionally important. <del>These resources should be maintained and where appropriate enhanced. Giving these features a high level of protection ensure they will be retained, while consumptive use of resources will be directed to areas where adverse effects are more acceptable.</del>
<p><b>Policy 1.3.2 Protecting significant indigenous vegetation and significant habitats of indigenous fauna</b></p> <p>Protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</p> <p>a) Avoiding adverse effects on the values which contribute to the significance of the area or habitat; and</p> <p>b) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</p> <p>c) Encouraging the planting of naturally occurring locally sourced indigenous species and the creation of habitats for indigenous species; and</p> <p>d) Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and</p> <p>e) Minimising the adverse effects of pests animal and plants on those values.</p>	<p>The policy seeks to “protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna by avoiding adverse effects”. This is of concern in the light of the <i>King Salmon</i> Supreme Court decision<sup>3</sup>. In <i>King Salmon</i> “avoid” was held (by the majority) to have a greater weight<sup>4</sup> if the “environmental bottom line” approach is adopted.</p> <p>While Trustpower acknowledge that it is a necessary requirement under the RMA to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna, it is considered that this can be achieved with the appropriate management of adverse effects rather than the outright avoidance of all adverse effects, particularly where there is no regard had to the scale or significance of that adverse effect.</p>	<p>Amend the policy as follows:</p> <p><b>Policy 1.3.2 Protecting significant indigenous vegetation and significant habitats of indigenous fauna</b></p> <p>Protect and <u>where appropriate</u> enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</p> <p>a) Avoiding, <u>remediating or mitigating</u> adverse effects on the values which contribute to the significance of the area or habitat; and</p> <p>b) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</p> <p>c) Encouraging the planting of naturally occurring locally sourced indigenous species and the creation of habitats for indigenous species; and</p> <p>d) Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and</p> <p>e) Minimising the adverse effects of pest’s animal and plants on those values.</p>
<p><b>Policy 1.3.4 Identifying outstanding natural features, landscapes and seascapes</b></p> <p>Identify outstanding natural features, landscapes and seascapes, using the following factors:</p> <p>a) Biophysical attributes, including:</p> <p>i. Natural science factors;</p> <p>ii. The presence of water;</p> <p>iii. Vegetation (native and exotic); and</p> <p>b) Sensory attributes, including:</p> <p>i. Legibility or expressiveness;</p> <p>ii. Aesthetic values;</p> <p>iii. Transient values, including nature’s sounds;</p> <p>iv. Wild or scenic values; and</p> <p>c) Associative attributes, including:</p> <p>i. Whether the values are shared and recognised;</p> <p>ii. Cultural and spiritual values for tangata whenua;</p> <p>iii. Historical and heritage associations.</p> <p>as detailed in Schedule 4.</p>	<p>While Trustpower generally supports the criteria identified in Policy 1.3.4 and Schedule 4 in that it is consistent with case law, Trustpower considers that better guidance is needed from the regional authority to ensure local authorities apply the criteria consistently. Within the Otago context, landscape values differ remarkably, for example Queenstown Lakes has a number of truly outstanding and remarkable landscapes, whereas the city of Dunedin has comparatively less and a landscape which has deemed to be of outstanding value in the Dunedin City context might not be awarded such a status elsewhere in Otago e.g. Queenstown Lakes.</p> <p>This has presented difficulties and inconsistencies in the current district planning framework, for example the Lammerlaw Ranges in Otago which run along the boundary of DCC and CODC jurisdictions and which is host to Trustpower’s Mahinerangi wind farm are deemed to be outstanding by the DCC but not by the CODC. With respect to Trustpower’s wind farm application the Court determined that the site is not outstanding, despite having this overlay applied in DCC District Plan. This is not considered to be effective and efficient and as such Trustpower is of the view that District Council’s should be guided by an assessment identifying outstanding landscapes and features at the regional level.</p>	<p>Undertake a regional landscape assessment and use this to identify outstanding landscapes and features in the RPS.</p>

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

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

<p><b>Policy 1.3.5 Protecting outstanding natural features, landscapes, and seascapes</b></p> <p>Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</p> <ul style="list-style-type: none"> <li>a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</li> <li>b) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</li> <li>c) Minimising the adverse effects of pests animal and plants on those values; and</li> <li>d) Encouraging enhancement or restoration to increase their naturalness.</li> </ul>	<p>This policy also seeks to “protect, enhance and restore the values of outstanding natural features, landscapes and seascapes by avoiding adverse effects”. This is of concern in the light of the <i>King Salmon</i> Supreme Court decision<sup>5</sup>. In <i>King Salmon</i> “avoid” was held (by the majority) to have a greater weight<sup>6</sup> if the “environmental bottom line” approach is adopted.</p> <p>While Trustpower acknowledge that it is a necessary requirement under the RMA to protect areas of outstanding natural landscapes and features from inappropriate use, subdivision and development it is considered that this can be achieved with the appropriate management of adverse effects rather than the outright avoidance of all adverse effects, particularly where there is no regard had to the scale or significance of that adverse effect.</p> <p>Protection is required from “inappropriate development”, so the policy direction should provide for appropriate development to occur in the region.</p>	<p>Amend the policy as follows:</p> <p><b>Policy 1.3.5 Protecting outstanding natural features, landscapes, and seascapes</b></p> <p>Protect, <u>where appropriate</u> enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</p> <ul style="list-style-type: none"> <li>a) Avoiding, <del>remedying or mitigating</del> adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</li> <li>b) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</li> <li>c) Minimising the adverse effects of pests animal and plants on those values; and</li> <li>d) Encouraging enhancement or restoration to increase their naturalness.</li> </ul>
<p><b>Policy 1.3.7 Protecting special amenity landscapes</b></p> <p>Protect or enhance the values of special amenity landscapes by:</p> <ul style="list-style-type: none"> <li>a) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on those values which contribute to the special amenity of the landscape; and</li> <li>b) Assessing the significance of adverse effects on special amenity landscapes in accordance with the criteria in Schedule 3; and</li> <li>c) Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and</li> <li>d) Minimising the adverse effects of pests animal and plants on those values; and</li> <li>e) Encouraging enhancement to increase their special amenity values.</li> </ul>	<p>This policy is opposed by Trustpower as it seeks to protect landscapes and features that are not deemed to be “outstanding” in accordance with section 6(b) of the RMA. While Trustpower accepts that it is appropriate to manage the adverse effects on amenity values, it does not agree that the focus of this policy should be to “protect” such landscapes. Trustpower is also concerned that the policy seeks to avoid significant adverse effects which as set out above establishes a very high threshold test which is not considered to be appropriate.</p>	<p>Amend the policy as follows:</p> <p><b>Policy 1.3.7 <del>Protecting</del> Maintenance of special amenity landscapes</b></p> <p><del>Protect</del> <u>Maintain</u> or <u>where appropriate</u> enhance the values of special amenity landscapes by:</p> <ul style="list-style-type: none"> <li>a) <del>Avoiding—significant—adverse—effects—and</del> avoiding, remedying or mitigating <del>other</del> adverse effects on those values which contribute to the special amenity of the landscape; and</li> <li>b) Assessing the significance of adverse effects on special amenity landscapes in accordance with the criteria in Schedule 3; and</li> <li>c) Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and</li> <li>d) Minimising the adverse effects of pests animal and plants on those values; and</li> <li>e) Encouraging enhancement to increase their special amenity values.</li> </ul>
<p><b>Policy 1.3.9 Preserving or enhancing the natural character of the coastal environment</b></p> <p>Preserve or enhance the natural character of the coastal environment, by:</p> <ul style="list-style-type: none"> <li>a) Avoiding adverse effects on those values which contribute to the outstanding natural character of an area; and</li> <li>b) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on those values which contribute to the natural character of other areas of the coastal environment; and</li> </ul>	<p>This policy seeks to “preserve or enhance the natural character of the coastal environment by avoiding adverse effects”. As set out above this is of concern in the light of the <i>King Salmon</i> Supreme Court decision<sup>7</sup>. In <i>King Salmon</i> “avoid” was held (by the majority) to have a greater weight<sup>8</sup> if the “environmental bottom line” approach is adopted.</p> <p>While Trustpower acknowledge that it is a necessary requirement under the RMA to preserve natural character values of the coastal environment and to protect these from inappropriate use, subdivision and development it is considered that this can be achieved with the appropriate management of adverse effects rather than the outright avoidance of all adverse effects,</p>	<p>Amend the policy as follows:</p> <p><b>Policy 1.3.9 Preserving or enhancing the natural character of the coastal environment</b></p> <p>Preserve or <u>where appropriate</u> enhance the natural character of the coastal environment, by:</p> <ul style="list-style-type: none"> <li>a) <del>Avoiding adverse effects on those values which contribute to the outstanding natural character of an area; and</del></li> </ul>

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

<sup>6</sup> in the sense of “not allow” or “prevent the occurrence of”.

<sup>7</sup> *Environmental Defence Society Inc. v The New Zealand King Salmon Co Ltd* [2014] NZSC 38.

<sup>8</sup> in the sense of “not allow” or “prevent the occurrence of”.



<p>c) Assessing the significance of adverse effects on the natural character of the coastal environment in accordance with the criteria in Schedule 3; and</p> <p>d) Recognising the particular contribution of exotic species to the natural character of the coastal environment, and providing for their ongoing contribution; and</p> <p>e) Promoting the restoration or rehabilitation of the natural character of the coastal environment in areas where the environment has been degraded; and</p> <p>f) Encouraging the establishment of indigenous riparian vegetation; and</p> <p>g) Managing pest animals and plants in areas where this will maintain enhance or restore the natural character of the coastal environment.</p>	<p>particularly where there is no regard had to the scale or significance of that adverse effect</p>	<p><del>b) Avoiding significant adverse effects and</del> avoiding, remedying or mitigating <del>other</del> adverse effects on those values which contribute to the natural character of other areas of the coastal environment; and</p> <p>c) Assessing the significance of adverse effects on the natural character of the coastal environment in accordance with the criteria in Schedule 3; and</p> <p>d) Recognising the particular contribution of exotic species to the natural character of the coastal environment, and providing for their ongoing contribution; and</p> <p>e) Promoting the restoration or rehabilitation of the natural character of the coastal environment in areas where the environment has been degraded; and</p> <p>f) Encouraging the establishment of indigenous riparian vegetation; and</p> <p>g) Managing pest animals and plants in areas where this will maintain enhance or restore the natural character of the coastal environment.</p>
<p><b>Policy 1.4.2 Protecting sites of cultural significance to tangata whenua</b> Avoid adverse effects on the values of the sites of cultural significance to tangata whenua.</p>	<p>This policy seeks to protect sites of cultural significance by avoiding adverse effects. As set out above this is of concern in the light of the <i>King Salmon</i> Supreme Court decision<sup>9</sup>. In <i>King Salmon</i> "avoid" was held (by the majority) to have a greater weight<sup>10</sup> if the "environmental bottom line" approach is adopted.</p> <p>While it is acknowledged that as a matter of national importance the relationship of Maori and their culture and traditions with their ancestral lands, water, site, waahi tapu and other taonga is to be recognised and provided for, this can be achieved by enabling the appropriate management of adverse effects including avoiding, mitigating or remedying adverse effects. Mitigating adverse effects can often result in "win-win" situations for example a development within a significant cultural area can be required to preserve certain features and enhance public understanding and appreciation of cultural sites.</p>	<p>Amend the policy as follows:</p> <p><b>Policy 1.4.2 Protecting sites of cultural significance to tangata whenua</b> Avoid, <u>remedy or mitigate</u> adverse effects on the values of the sites of cultural significance to tangata whenua.</p>
<p><b>PART B.2 Communities in Otago are resilient</b></p>		
<p><b>Objective 2.4 Energy supplies are secure and sustainable</b></p>	<p>While this objective is supported by Trustpower, there is some concern that the associated explanatory text is inappropriately focussed on the needs of Otago. In doing this the objective fails to recognise that electricity generation is nationally significant and that the use of the region's renewable resources are currently used, and likely to be used in the future, for the benefit of Otago and the rest of New Zealand.</p>	<p>Amend the explanatory text to include reference to the importance of renewable energy generation in particular on a national scale.</p>
<p><b>Policy 2.4.1 Benefiting from renewable electricity generation and transmission</b> Enable the development, upgrade, maintenance and operation of renewable electricity generation and transmission activities, at different scales and from different sources, when:</p> <p>a) It maintains or increases the security of electricity supply at a local, regional, or national level; or</p>	<p>Trustpower supports this policy.</p>	<p>Retain the policy.</p>

<sup>9</sup> *Environmental Defence Society Inc. v The New Zealand King Salmon Co Ltd* [2014] NZSC 38.

<sup>10</sup> in the sense of "not allow" or "prevent the occurrence of".

b) It replaces non-renewable energy sources.		
<p><b>Policy 2.4.2 Managing adverse effects from renewable electricity generation and transmission</b></p> <p>Minimise adverse effects from renewable electricity generation or transmission activities, by:</p> <ul style="list-style-type: none"> <li>a) Giving preference to the avoidance of adverse effects when reasonably practicable; and</li> <li>b) Requiring adequate remediation or mitigation of the adverse effects that cannot be avoided; and</li> <li>c) Requiring all residual adverse effects to be adequately offset.</li> </ul>	<p>Trustpower opposes this policy. Clause (a) refers to the avoidance of adverse effect when it is reasonably practicable. Trustpower is of the view that this is unduly onerous and should be redrafted to focus on avoiding, mitigation or remedying significant adverse effects as the utilisation of mitigation measures can often result in “win-win” circumstances and projects achieving the sustainable management purpose of the RMA. In addition, it is noted that this policy requires all residual adverse effects to be adequately offset. This goes beyond what is required under the RMA and the NPSREG and is not considered appropriate by Trustpower. The NPSREG requires decision makers to have regard to offsetting measures or environmental compensation when evaluating whether a proposal achieves the purposes and principles of the RMA overall.</p>	<p>Amend the policy as follows:</p> <p><b>Policy 2.4.2 Managing adverse effects from renewable electricity generation and transmission</b></p> <p>Minimise <del>Manage</del> adverse effects from renewable electricity generation or transmission activities, by:</p> <ul style="list-style-type: none"> <li>a) <del>Avoiding, remedying or mitigating</del> Giving preference to the avoidance of adverse effects <u>to the extent that is practicable when reasonably practicable</u>; and</li> <li>b) <u>to have regard to any offsetting or environmental compensation when determining whether the proposal is consistent with sustainable management. Requiring adequate remediation or mitigation of the adverse effects that cannot be avoided;</u> and</li> <li>e) <del>Requiring all residual adverse effects to be adequately offset.</del></li> </ul>
<p><b>Policy 2.4.3 Managing locationally-constrained renewable electricity generation and transmission activities</b></p> <p>Enable the development of renewable electricity generation and transmission activities, in areas supporting resources identified as matters of national importance or highly valued, when those activities:</p> <ul style="list-style-type: none"> <li>a) Need to locate in the proposed area; and</li> <li>b) Are nationally or regionally significant; or</li> <li>c) Increase the ability of communities to respond and adapt to emergencies; and</li> <li>d) All unavoidable adverse effects from the development, maintenance or operation of the infrastructure are appropriately remedied or mitigated.</li> </ul>	<p>Trustpower generally supports this policy in that it is appropriate to recognise that the development of renewable electricity generation may conflict with values of natural resources and it is appropriate to recognise that this may be inevitable due to locational or technical constraints and that there significant benefits to be derived from the proposed activity.</p> <p>Clause (d) requires that all adverse effects are appropriately remedied or mitigated, as recognised elsewhere in the draft RPS not all adverse effects associated with the development of renewable energy generation facilities may be able to be avoided, remedied or mitigated and that this might be acceptable on the basis that the project overall achieves the purpose of sustainable management. Given this clause (d) should be amended to seek to remedy or mitigate adverse effects to the extent practicable.</p>	<p>Amend clause (d) as follows:</p> <ul style="list-style-type: none"> <li>d) All unavoidable adverse effects from the development, maintenance or operation of the infrastructure are appropriately remedied or mitigated <u>to the extent that is practicable.</u></li> </ul>
<p><b>Policy 2.4.5 Protecting existing renewable electricity generation activities</b></p> <p>Protect the generation output of nationally or regionally significant renewable electricity generation activities, by:</p> <ul style="list-style-type: none"> <li>a) Avoiding significant adverse effects, including reverse sensitivity effects, on those activities; and</li> <li>b) Avoiding any other adverse effects, or remedying or mitigating them adequately where avoidance is not possible; and</li> <li>c) Taking into account the needs of nationally and regionally significant electricity generation activities when allocating natural resources.</li> </ul>	<p>Trustpower supports this policy but notes that there are difficulties in seeking to remedy or mitigate adverse reverse sensitivity effects, the preference in this regard is the avoidance. This is consistent with the NPSREG.</p>	<p>Amend the policy as follows:</p> <p><b>Policy 2.4.5 Protecting existing renewable electricity generation activities</b></p> <p>Protect the generation output of nationally or regionally significant renewable electricity generation activities, by:</p> <ul style="list-style-type: none"> <li>a) <del>Avoiding significant adverse effects, including</del> reverse sensitivity effects, on those activities; and</li> <li>b) Avoiding any other adverse effects, or remedying or mitigating them adequately where avoidance is not possible; and</li> <li>c) Taking into account the needs of nationally and regionally significant electricity generation activities when allocating natural resources.</li> </ul>
<p><b>Policy 2.4.6 Protecting electricity transmission activities</b></p> <p>Protect electricity transmission activities by:</p> <ul style="list-style-type: none"> <li>a) Avoiding significant adverse effects, including reverse sensitivity effects, on electricity transmission activities; and</li> <li>b) Avoiding any other adverse effects on electricity transmission activities, or remedying or mitigating them appropriately where avoidance is not possible.</li> </ul>	<p>Trustpower supports this policy.</p>	<p>Retain the policy.</p>

Part B.3 People are able to use and enjoy Otago's natural and built environment

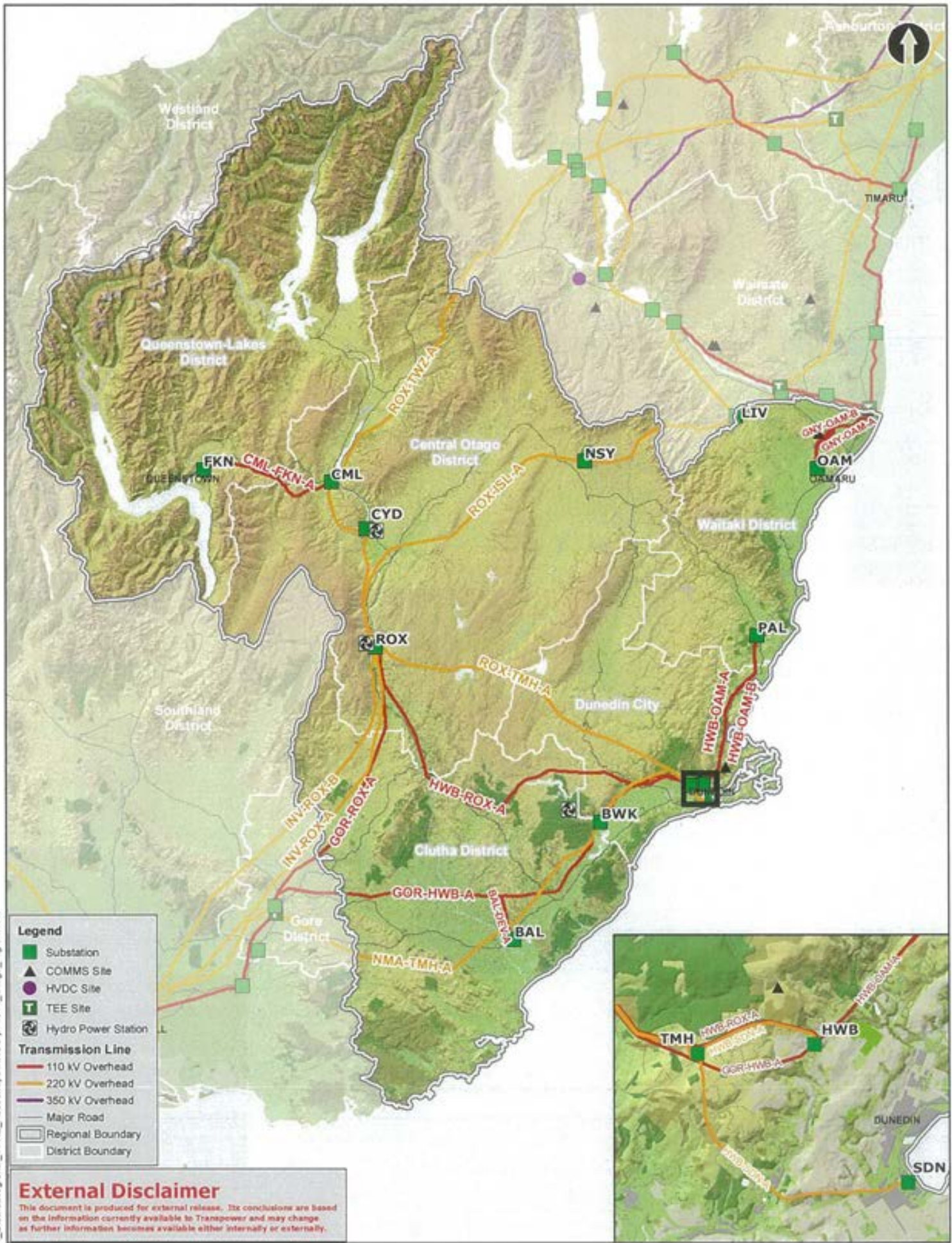
<p><b>Objective 3.1 Positive effects of resource use on the natural environment are maximised and negative effects are avoided or minimised</b></p>	<p>Trustpower supports the intent of this objective but is concerned that it could be interpreted as only recognising positive effects where these relate to the natural environment, and not recognising those positive effects which contribute to people or the community's social and economic, or cultural wellbeing. Trustpower is also concerned with the use of the term "minimise" and would prefer that this objective sought to manage the negative effects.</p>	<p>Amend the objective as follows:  <b>Objective 3.1 Positive effects of resource use are recognised on the natural environment—<del>are maximised</del> and negative effects are <u>suitably managed avoided or minimised</u></b></p>
<p><b>Policy 3.1.1 Managing effect of subdivision and development on water</b>  Manage subdivisions and developments in a way that:</p> <ul style="list-style-type: none"> <li>a) Ensures the reasonable foreseeable needs of the community and existing water users for drinking water can be satisfactorily met; and</li> <li>b) Minimises the adverse effects of an increase in impervious areas; and</li> <li>c) Minimises adverse effects on: <ul style="list-style-type: none"> <li>i. Freshwater ecosystem values; and</li> <li>ii. The natural character of the coastal environment, wetlands, and lakes and rivers and their margins.</li> </ul> </li> </ul>	<p>While the overall intent of this policy is generally appropriate it is noted that clause (c) seeks to minimise adverse effects on freshwater ecosystem values and the natural character of the coastal environment, wetlands, lakes and rivers and their margins. It is noted that there are a number of other policies contained within the draft RPS that deal with the management of such values, it does not need to be repeated here.</p>	<p>Remove clause (c).</p>
<p><b>Policy 3.1.3 Discharging to water</b>  Manage the adverse effects of discharges to water, by:</p> <ul style="list-style-type: none"> <li>a) Avoiding discharges that are objectionable or offensive; and</li> <li>b) Enabling discharges which meet environmental baseline requirements; and</li> <li>c) Giving preference to discharges to land.</li> </ul>	<p>Clause (a) seeks to avoid discharges that are objectionable or offensive. Trustpower has a number of concerns with this policy.</p> <p>It is not clear how the "objectionable or offensive" test would be applied. For example this rule appears to have been derived from the restrictions imposed by section 107 of the RMA, but it is not entirely consistent with this. For example section 107 refers to an objectionable odour which is more certain than the drafting of this policy. In addition section 107 includes a number of provisos that have not been included in the drafting of this policy, for example no provision has been made for assessment after reasonable mixing has occurred, nor it is consistent with section 107(2) which provides for discharges associated with exceptional circumstances, temporary discharges or discharges associated with maintenance activities.</p> <p>Given the direction of the NPSFW and RMA Trustpower is of the opinion that this policy should seek to ensure discharges meet environmental baseline requirements (referred in clause (b)) which are definitive measures of water quality, rather than the subjective reference to whether or not the discharge is objectionable or offensive.</p>	<p>Amend the policy as follows:  <b>Policy 3.1.3 Discharging to water</b>  Manage the adverse effects of discharges to water, by:</p> <ul style="list-style-type: none"> <li>a) <del>Avoiding discharges that are objectionable or offensive;</del> and</li> <li>b) Enabling discharges which meet environmental baseline requirements; and</li> <li>c) Giving preference to discharges to land <u>where appropriate</u>.</li> </ul>
<p><b>Policy 3.1.5 Protecting soil quality</b>  Protect soil quality by:</p> <ul style="list-style-type: none"> <li>a) Minimising the accumulation of chemicals in soil, including through inappropriate application of fertiliser or other discharge to land, that: <ul style="list-style-type: none"> <li>i. May reduce the suitability of the soil resource for food production; or</li> <li>ii. Have potential adverse effects on human or animal health; or</li> <li>iii. May reduce the range of future uses of the soil resource; or</li> <li>iv. Soil ecology; or</li> </ul> </li> </ul>	<p>The RMA requires that the life supporting capacity of soil is sustained, this is different to its "protection" as is required by this policy.</p>	<p>Amend the policy as follows:  <b>Policy 3.1.5 Protecting soil quality</b>  <del>Protect</del> <b>Sustain the life supporting capacity of soil quality by:</b></p> <ul style="list-style-type: none"> <li>a) Minimising the accumulation of chemicals in soil, including through inappropriate application of fertiliser or other discharge to land, that: <ul style="list-style-type: none"> <li>i. May reduce the suitability of the soil resource for food production; or</li> <li>ii. Have potential adverse effects on human or animal health; or</li> <li>iii. May reduce the range of future uses of the soil resource; or</li> </ul> </li> </ul>

<p>b) Minimising the physical degradation of soil by activities, including:</p> <ul style="list-style-type: none"> <li>i. Disturbance; and</li> <li>ii. Compaction; and</li> <li>iii. Destruction; and</li> <li>iv. Removal or translocation of topsoil; and</li> <li>v. Over-watering.</li> </ul>		<ul style="list-style-type: none"> <li>iv. Soil ecology; or</li> </ul> <p>b) <del>Minimising</del> <u>Avoiding, remedying or mitigating</u> the physical degradation of soil by activities, including:</p> <ul style="list-style-type: none"> <li>i. Disturbance; and</li> <li>ii. Compaction; and</li> <li>iii. Destruction; and</li> <li>iv. Removal or translocation of topsoil; and</li> <li>v. Over-watering.</li> </ul>
<p><b>Policy 3.1.7 Discharging to air</b> Avoid discharges to air which:</p> <ul style="list-style-type: none"> <li>a) Are objectionable in terms of tangata whenua values; or</li> <li>b) Are objectionable in terms of other cultural or amenity values; or</li> <li>c) Have significant adverse effects on human health and ecosystems.</li> </ul>	<p>Trustpower is concerned about the use of the term "objectionable" in this policy. It is not clear how this would be evaluated and determined, and whose responsibility it would be to ultimately determine whether the discharge is or is likely to have "objectionable" effects on tangata whenua values, or other cultural or amenity values. This policy appears to enable iwi and general members of the public with the discretion to determine whether or not an effect is objectionable. This is too subjective.</p> <p>It is also noted that discharges to air can be mitigated including by the use of offsetting measures. This is required by the NES where a discharge for a new activity in a polluted airshed is acceptable provided offsetting of PM<sub>10</sub> occurs. This policy would not allow for such scenarios to occur and therefore should be amended to also enable mitigation (inclusive of offsetting) to be applied.</p>	<p>Amend the policy as follows:</p> <p><b>Policy 3.1.7 Discharging to air</b> Avoid <del>or mitigate</del> discharges to air which:</p> <ul style="list-style-type: none"> <li>a) <del>Are objectionable in terms of tangata whenua values; or</del></li> <li>b) <del>Are objectionable in terms of other cultural or amenity values; or</del></li> <li>e) <del>Have significant adverse effects on human health and ecosystems.</del></li> </ul>
<p><b>Policy 3.1.12 Avoiding adverse effects of hazardous substances</b> Avoid actual or potential adverse effects from the discharge, use, storage or disposal of hazardous substances in areas of high risk or sensitivity, including the following locations:</p> <ul style="list-style-type: none"> <li>a) Community drinking water protection areas, or within proximity to a community drinking water supply such that there is a no risk of contamination of that drinking water source; or</li> <li>b) Identified aquifers, where there is risk of contamination; or</li> <li>c) Within the coastal marine area and in the beds of lakes and rivers; or</li> <li>d) Within any area identified as being sensitive to the potential effects of hazardous substances, including but not limited to, sites of significance to tangata whenua such as wāhi tapu, urupā, or customary food gathering areas, institutions and residential areas; or</li> <li>e) Areas subject to intolerable natural hazard risk.</li> </ul>	<p>Trustpower supports the intent of this policy in that it seeks to manage the effects of hazardous substances in the more sensitive receiving environment. However there is concern about the use of the term "avoid". Mitigation measures can also be adopted to ensure any actual or potential effects arising from the discharge, use, storage or disposal of hazardous substances are suitably managed.</p>	<p>Amend the policy as follows:</p> <p><b>Policy 3.1.12 Avoiding <del>or mitigating</del> adverse effects of hazardous substances</b> Avoid <del>or mitigate</del> actual or potential adverse effects from the discharge, use, storage or disposal of hazardous substances in areas of high risk or sensitivity, including the following locations:</p> <ul style="list-style-type: none"> <li>a) Community drinking water protection areas, or within proximity to a community drinking water supply such that there is a no risk of contamination of that drinking water source; or</li> <li>b) Identified aquifers, where there is risk of contamination; or</li> <li>c) Within the coastal marine area and in the beds of lakes and rivers; or</li> <li>d) Within any area identified as being sensitive to the potential effects of hazardous substances, including but not limited to, sites of significance to tangata whenua such as wāhi tapu, urupā, or customary food gathering areas, institutions and residential areas; or</li> <li>e) Areas subject to intolerable natural hazard risk.</li> </ul>
<p><b>Policy 3.2.1 Maximising benefits</b> Give preference to activities and solutions that maximise the positive benefits of resource allocation and use, including those that enhance:</p> <ul style="list-style-type: none"> <li>a) Environmental values; or</li> <li>b) Tangata whenua values; or</li> <li>c) Other cultural values; or</li> <li>d) Social wellbeing, including public health and safety; or</li> </ul>	<p>It is not clear how this policy is intended to be applied. The policy refers to maximising benefits and giving preference to activities, this appears to be picking winners and is not consistent with the RMA's effects based assessment requirements. The policy also does not include explicit consideration of economic benefits.</p>	<p>Amend the policy as follows:</p> <p><b>Policy 3.2.1 Maximising <del>Recognising</del> benefits</b> <del>Give preference to activities and solutions that maximise the</del> <u>Recognise the</u> positive benefits of resource allocation and use, including those that enhance:</p> <ul style="list-style-type: none"> <li>a) Environmental values; or</li> <li>b) Tangata whenua values; or</li> <li>c) Other cultural values; or</li> </ul>

e) Community resilience.		d) Social <u>and economic</u> wellbeing, including public health and safety; or e) Community resilience.
<b>Policy 3.2.2 Requiring efficient resource use</b> Require that the subdivision, use and development of natural and physical resources are undertaken in a manner, and at a rate, which is efficient with regard to its purpose, so that it: a) Minimises conflict with other resource uses; and b) Minimises the generation of waste and discharges.	The intention of this policy is uncertain. It is not clear how requiring a development to be "efficient with regard to its purpose" will minimise conflict with other resource uses. The management of conflict arise in the management of effects i.e. avoiding, remedying or mitigating these, and are not related to the efficiency of which a development is undertaken per se.	Delete this policy or rework it so that it is clear.
<b>Policy 3.2.4 Managing cumulative effects</b> Manage the cumulative effects of activities on Otago's natural resources by: a) Requiring the efficient use of natural resources; and b) Enabling the development of community solutions, including infrastructure development, where this will minimise the community's cumulative impact; and c) Requiring the use of best environmental management practices; and d) Managing urban growth in a way that minimises/reduces the environmental impact of the whole community.	This policy is also uncertain and should be deleted or substantially reworked.  Clause (b) refers to the development of community solutions including infrastructure development – it is not clear what this is referring to or what would be required here.  Clause (c) is of concern as it requires the use of best environmental management practices. It is not clear what this is referring to. It is not clear if this relates to the best practicable option which is used in the RMA, or whether this is something different.	Delete this policy or rework it so that it is clear.
<b>Policy 3.2.5 Providing for activities that generate adverse effects</b> Manage the use and development of land and discharges to the environment to: a) Avoid significant adverse impacts on human health or amenity by reducing exposure to activities that may generate adverse effects; and b) Regulate activities that use or discharge noxious or dangerous substances to control off site effects that may be adverse to human health or safety; and c) Recognise and providing for the operation and development of activities that have the potential to generate adverse effects, including industrial and rural productive activities.	This policy refers to "providing for activities that generate adverse effects", however clause (a) refers to avoiding significant adverse impacts which implies that such activities will be restricted or prevented rather than provided for. Given the intention of the policy it would be preferable that the policy sought to enable activities that create discharges for example, provided appropriate controls or regulations are adhered to and adverse effects are appropriately managed.	Amend the policy as follows: <b>Policy 3.2.5 Providing for activities that generate adverse effects</b> Manage the use and development of land and discharges to the environment to: <del>a) Avoid significant adverse impacts on human health or amenity by reducing exposure to activities that may generate adverse effects; and</del> b) <del>Regulate</del> <u>Impose appropriate controls on</u> activities that use or discharge noxious or dangerous substances to control off site effects that may be adverse to human health or safety; and c) Recognise and providing for the operation and development of activities that have the potential to generate adverse effects, including industrial and rural productive activities.
<b>Policy 3.2.7 Reducing unavoidable adverse effects</b> Reduce unavoidable adverse effects of activities by: a) Staging development for longer term activities; and b) Progressively rehabilitating the site where possible.	While the intent this policy is generally appropriate, it might not suit all situations and developments therefore some flexibility needs to be established to recognise that not all activities can be undertaken in a staged manner or that progressive rehabilitation can occur.	Amend the policy as follows: <b>Policy 3.2.7 Reducing unavoidable adverse effects</b> <u>Where appropriate and necessary</u> Reduce unavoidable adverse effects of activities by: a) Staging development for longer term activities; and b) Progressively rehabilitating the site where possible.
<b>Policy 3.2.8 Providing for offsetting</b> Provide for the offsetting of adverse effects when those adverse effects cannot be avoided, remedied or mitigated while ensuring that the offsetting measures: a) Are provided onsite where possible; and b) Provide a benefit of the same nature.	Offsetting is a valid form of mitigation. This has been confirmed by the Board of Inquiry (Transmission Gully Plan Change). Given this it is not necessary to explicit provide for this as a separate policy requirement.	Delete the policy.

<p><b>Policy 3.2.9 Requiring adoption of best environmental management practices</b></p> <p>Require the adoption of best environmental management practices and new technologies that minimise the adverse effects of subdivision, use and development on:</p> <ul style="list-style-type: none"> <li>a) The availability of natural resources for other uses; and</li> <li>b) The ecosystem, tangata whenua, cultural and social values supported by those resources.</li> </ul>	<p>It is not clear if the reference to “adoption of best environmental management practices and new technologies” is intended to be consistent with the definition of best practicable option as set out in the RMA. The RMA sets out the circumstances when the best practicable option is to be considered and Trustpower is of the view that these same provisions should be applied here. It is important that in having regard to “best practices” and “new technologies” that financial implications and overall cost-benefit of doing so is appropriately considered.</p>	<p>Amend the policy as follows:</p> <p><b>Policy 3.2.9 <u>Requiring—Promote the adoption of best practicable environmental management practices</u></b></p> <p><u>Require Promote</u> the adoption of best <u>practicable</u> environmental management <u>options</u> <u>practices-and-new-technologies</u> that minimise the adverse effects of subdivision, use and development on:</p> <ul style="list-style-type: none"> <li>a) The availability of natural resources for other uses; and</li> <li>b) The ecosystem, tangata whenua, cultural and social values supported by those resources.</li> </ul>
<p><b>Objective 3.5 Good quality infrastructure meets community needs.</b></p>	<p>This is supported however it is necessary to recognise specifically within this objective that infrastructure might be required in order to support the wider needs of New Zealand, rather than the needs of Otago as a region or local area solely.</p>	<p>Amend the objective as follows:</p> <p><b>Objective 3.5 Good quality infrastructure meets community needs <u>on a local, regional and national scale.</u></b></p>
<p><b>Policy 3.5.1 Integrating infrastructure with land use</b></p> <p>Achieve the strategic integration of infrastructure with land use by:</p> <ul style="list-style-type: none"> <li>a) Ensuring infrastructure supports the long term needs of the community, taking into account: <ul style="list-style-type: none"> <li>i. The actual and foreseeable land use changes in the region; and</li> <li>ii. Demographic changes to the local or regional community; and</li> <li>iii. The effects of climate change on the foreseeable needs of the community; and</li> </ul> </li> <li>b) Managing land use in a way that maximises the use of existing infrastructure, and minimises the costs to ratepayers of infrastructure expansion, where possible.</li> </ul>	<p>Trustpower supports this policy.</p>	<p>Retain the policy.</p>
<p><b>Policy 3.5.2 Recognising benefits of infrastructure</b></p> <p>Recognise the benefits of infrastructure development, upgrade, maintenance and operation in:</p> <ul style="list-style-type: none"> <li>a) Ensuring the health and safety of the community; and</li> <li>b) Increasing the ability of communities to respond and adapt to emergencies; and</li> <li>c) Improving access to markets, and creating significant trading and economic opportunities; and</li> <li>d) Improving efficiency of the use of natural resources.</li> </ul>	<p>Trustpower supports this policy.</p>	<p>Retain the policy.</p>
<p><b>Policy 3.5.3 Providing for locationally-constrained infrastructure</b></p> <p>Enable the development of infrastructure in areas supporting resources identified as matters of national importance or highly valued, when:</p> <ul style="list-style-type: none"> <li>a) The infrastructure needs to locate in the proposed area; or</li> <li>b) The infrastructure: <ul style="list-style-type: none"> <li>i. Is nationally or regionally significant; or</li> <li>ii. Is essential to the health and safety of the community; or</li> <li>iii. Increases the ability of communities to respond and adapt to emergencies; or</li> </ul> </li> </ul>	<p>This policy is generally supported.</p> <p>Clause (d) however requires that all adverse effects are appropriately remedied or mitigated, as recognised elsewhere in the draft RPS not all adverse effects associated with the development of infrastructure may be able to be avoided, remedied or mitigated and that this might be acceptable on the basis that the project overall achieves the purpose of sustainable management. Given this clause (d) should be amended to seek to remedy or mitigate adverse effects to the extent practicable.</p>	<p>Amend clause (d) as follows:</p> <p>c) All unavoidable adverse effects from the development, maintenance or operation of the infrastructure are appropriately remedied or mitigated <u>to the extent that is practicable.</u></p>

<p>c) All unavoidable adverse effects from the development, maintenance or operation of the infrastructure are appropriately remedied or mitigated.</p>		
<p><b>Policy 3.5.4 Managing urban growth and infrastructure services</b>  Manage the growth and development of urban areas in order to achieve a sustainable supply of land for urban purposes:</p> <p>a) Plan for sustainable rates of land uptake; and</p> <p>b) Provide a choice of brownfield and greenfield development options for the development and/or redevelopment of existing urban areas in preference to only greenfield development; and</p> <p>c) Ensure the quantity of land being released at any one time has satisfactory access to infrastructure services; and</p> <p>d) Promote urban growth and development within areas that have existing infrastructure capacity or where infrastructure can be efficiently upgraded; and</p> <p>e) Require provision or upgrading of significant infrastructure to be coordinated with the structure and sequencing of growth and development.</p>	<p>It is generally appropriate to ensure that infrastructure is developed and able to be developed in response to urban growth and development. It is however also noted that there are circumstances which require the development of infrastructure in other areas (ie rural areas) where a change in land use (for example dairy conversion and increased electricity generation associated with pivot irrigation) places greater pressure on current infrastructure supply and that upgrades are also necessary in rural areas. It is therefore considered necessary to amend this policy to refer to the growth and development of land in general, to ensure infrastructure can adequately respond to any growth and/or changes in current land use and demands. With this in mind the policy should also be amended to seek to provide for the development of infrastructure rather than the sustainable supply of land for urban purposes. Urban development is addressed elsewhere in the RPS.</p>	<p>Amend the policy as follows:</p> <p><b>Policy 3.5.4 Managing urban-growth <u>demand</u> and infrastructure services</b>  Manage the growth and development of urban areas in order to <del>achieve a</del> <u>ensure a secure supply of infrastructure services by sustainable supply of land for urban purposes:</u></p> <p>a) <u>Planing</u> for sustainable rates of land uptake; and</p> <p><del>b) Provide a choice of brownfield and greenfield development options for the development and/or redevelopment of existing urban areas in preference to only greenfield development; and</del></p> <p>c) Ensure the quantity of land being released at any one time has satisfactory access to infrastructure services; and</p> <p>d) Promote urban growth and development within areas that have existing infrastructure capacity or where infrastructure can be efficiently upgraded; and</p> <p>e) Require provision or upgrading of significant infrastructure to be coordinated with the structure and sequencing of growth and development.</p>

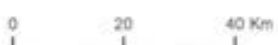


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**TRANSPOWER**  
 Prepared by: Geospatial & Drawings

**Transpower Assets in the Otago Region**



Projection: NZTM 2000 Scale: 1:1,356,000 Plan Size: A4P

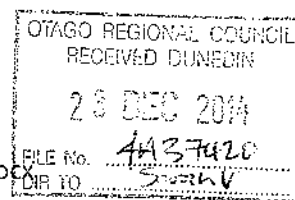
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 Date: 18/12/2014 Drawn by: Reymantaf



**James Adams**

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**From:** Sue Ruston <Sue.Ruston@fonterra.com>  
**Sent:** Saturday, 20 December 2014 11:48 a.m.  
**To:** RPS ORC  
**Cc:** Brigid Buckley; Anna McConachy; Fiona Mathis  
**Subject:** Otago Draft RPS - Feedback from Fonterra  
**Attachments:** Otago Reg Cnl - RPS - feedback on draft - Fonterra.docx



**Categories:** Email response sent

Dear Sir/Madam

Please find attached feedback on the Otago Draft RPS from the Fonterra Co-operative Group Limited (Fonterra).

Fonterra appreciates the efforts made by the Council to develop the Draft RPS, and to obtain input and feedback on it from the region's key stakeholders and communities prior to formal notification.

I apologise for not meeting your Friday timeframe, but trust that our feedback assists Council's further development of the RPS prior to notification.

Fonterra's activities in the Otago region extend across the dairy supply chain from the on-farm production of milk by its shareholder farmers and its subsequent processing at its Stirling milk processing site near Balclutha, to the distribution of its products to its domestic and international markets through the Mosgiel Distribution Centre and out of the Port of Otago. It is these activities that lead the Co-operative to have a strong interest in the outcomes of the RPS review process.

If you have any questions regarding the feedback provided, please do not hesitate to contact me on 027 702 4976 or via email: [sue.ruston@fonterra.com](mailto:sue.ruston@fonterra.com).

I look forward to continuing to work closely with the Council through the RPS review process.

Best regards

Sue Ruston

Environmental Policy Manager  
SDVC Risk Framework Manager

Fonterra Co-operative Group Limited

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RPS Review  
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19 December 2014

Dear Sir/Madam

**Otago Regional Policy Statement Review: Consultation on Draft Provisions**

Fonterra Co-operative Group Limited (Fonterra) appreciates the opportunity to provide Otago Regional Council (Council) with feedback on its Draft Otago Regional Policy Statement (Draft RPS).

We recognise the efforts made by the Council to develop the Draft RPS, and to obtain input and feedback on it from the region's key stakeholders and communities prior to formal notification.

Fonterra's activities in the Otago region extend across the dairy supply chain from the on-farm production of milk by its shareholder farmers and its subsequent processing at its Stirling milk processing site near Balclutha, to the distribution of its products to its domestic and international markets through the Mosgiel Distribution Centre and out of the Port of Otago. It is these activities that lead the Co-operative to have a strong interest in the outcomes of the RPS review process.

In the feedback attached, we have provided a brief overview of Fonterra's operations and activities in the Otago region, general comments on the draft provisions and specific comments on some of the provisions, including recommended changes.

If you have any questions regarding the feedback provided, please do not hesitate to contact me on 027 702 4976 or via email: [sue.ruston@fonterra.com](mailto:sue.ruston@fonterra.com).

We look forward to continuing to work closely with the Council through the RPS review process.

Yours sincerely

Sue Ruston  
Manager Environmental Policy  
Fonterra Co-operative Group Limited

# FONTERRA'S COMMENTS ON THE DRAFT OTAGO REGIONAL POLICY STATEMENT

## 1 INTRODUCTION

- 1.1 Fonterra Co-operative Group Limited (Fonterra) appreciates the opportunity to provide Otago Regional Council (Council) with feedback on its Draft Otago Regional Policy Statement (Draft RPS).
- 1.2 In this feedback, we have provided:
  - A brief overview of Fonterra's operations and activities, particularly in the Otago region, including those of our farmer suppliers;
  - General comments on the draft provisions; and
  - Specific comments on some of the provisions, including recommended changes.

## 2 OVERVIEW OF FONTERRA'S OPERATIONS AND ACTIVITIES

### *Global*

- 2.1 Fonterra is the world's largest dairy exporting company and is owned by more than 10,700 New Zealand dairy farmers. Fonterra's 18,000 global staff work across the dairy spectrum, from advising farmers on sustainable farming and milk production, to ensuring Fonterra meets exacting food quality standards and delivers dairy nutrition every day in more than 100 markets around the world.
- 2.2 Fonterra collects more than 16 billion litres of milk from New Zealand, exporting more than 2.4 million tonnes of dairy product annually. Globally, Fonterra processes more than 22 billion litres of milk and owns leading dairy brands in Australasia, Asia, the Middle East and Latin America.

### *Otago region*

- 2.3 In the Otago region Fonterra's activities span the dairy supply chain from the on-farm production of milk by its shareholder farmers and its subsequent processing at its Stirling milk processing site near Balclutha, to the transportation of finished products to the Mosgiel Distribution Centre from which they are sent to the Port of Otago for export to its domestic and international markets.
- 2.4 There are approximately 400 dairy herds<sup>1</sup> in the Otago region. In the 2013 / 2014 dairy season, the region's dairy farms produced a total of 96 million kgs of milk solids. At an average payout of \$8.47 per kg of milk solids, this had a farm gate value of approximately \$813 million – with much of this then entering the Otago economy.
- 2.5 Fonterra's processing activities in Otago form part of its Lower South Island (LSI) region which extends from North Otago, south to Invercargill.
- 2.6 Processing activities in the LSI Region include the collection of milk produced by almost 1,200 farmer shareholders, along with its subsequent processing at Fonterra's Edendale or Stirling Sites, and the distribution of finished product to both domestic and international

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<sup>1</sup> DairyNZ Statistics 2013/2014.

markets via, primarily, the Port of Otago or South Port in Bluff. It is, therefore, important to understand that as Fonterra's operations cross regional council boundaries the impacts of policy in one region can have implications on Fonterra's activities in another.

- 2.7 Fonterra itself, along with its farming families, interacts with not only the Otago Regional Council, but also the five territorial authorities located within this region. Planning documents that stem from the RPS, such as regional and district plans, will impact the day-to-day operations and activities of Fonterra, and its farming families.

#### *Stirling Milk Processing Site*

- 2.8 The Stirling Site employs almost 125 people, and processes up to 1.7 million litres of milk during the peak period into cheese products. The site operates within the ambit of a number of resource consents, including those to:

- Take and use up to 3,000 m<sup>3</sup> of surface water per day;
- Discharge contaminants to air for the purposes of operating a boiler to provide steam to the processing facilities;
- Discharge cooling water into a roadside drain;
- Discharge odour to air for the purposes of operating a wastewater treatment plant; and
- Discharge up to 3,500 m<sup>3</sup> per day of treated processing wastewater to the Matau branch of the Clutha River.

- 2.9 Fonterra also holds resource consents to discharge whey by-products produced at its Stirling Site to land throughout the Otago region. This includes an associated air discharge permit to discharge contaminants, including odour, to air.

- 2.10 Fonterra's Stirling Site does not operate in isolation, and is instead part of a large operations region which includes Fonterra's Edendale processing site in Southland.

#### *Mosgiel Distribution Centre*

- 2.11 The Mosgiel Distribution Centre is Fonterra's lower South Island logistical hub which acts as a node whereby finished product is supplied to it from both the Stirling and Edendale processing sites, and then subsequently moved primarily to the Port of Otago for export to Fonterra's international markets.

- 2.12 For this site, its functioning is reliant on safe and efficient road and rail network, and its ability to undertake its operations (and expand) in a suitably zoned area (i.e. Industrial) with appropriate protection from reverse sensitivity effects.

### 3 GENERAL COMMENTS

#### *Implications of New Zealand King Salmon decision*

- 3.1 The Council will be aware of the New Zealand King Salmon decision<sup>2</sup>, which the Supreme Court released in April 2014. A key message ensuing from this decision was the importance of the 'choice of words' in higher level planning statements (in that particular case, the New Zealand Coastal Policy Statement (NZCPS)). The Supreme Court made it very clear that the choice of these words and terms in high-level policy documents matters, as shown in the quote from the decision:<sup>3</sup>

...it is apparent that the various objectives and policies are expressed in deliberately different ways. Some policies give decision-makers more flexibility or are less prescriptive than others. They identify matters that councils should "take account of" or "take into account", "have (particular) regard to", "consider", "recognise", "promote" or "encourage"; use expressions such as "as far as practicable", "where practicable", and "where practicable and reasonable"; refer to taking "all practicable steps" or to there being "no practicable alternative methods". .... Obviously policies formulated along these lines leave councils with considerable flexibility and scope for choice. By contrast, other policies are expressed in more specific and directive terms ... These differences matter. ...

- 3.2 The Supreme Court decision reiterated the need for those drafting planning documents to consider very carefully the choice of words used, the form of the objectives and policies adopted, and the manner in which those objectives and policies relate to each other. Regional policy statements are the primary planning instrument through which a regional council demonstrates regional leadership. Particular care is needed because the Supreme Court has held that the content of these higher order documents will determine lower level objectives, policies and rules of regional and district plans, and those in turn will determine how the natural and physical resources of Otago are sustainably managed over the following decades.
- 3.3 In King Salmon, the use of the word "avoid" in the NZCPS was found to mean "not allow" or "prevent the occurrence of." Fonterra is concerned that the Draft RPS contains a number of very directive terms, including "avoid," "prevent" and "require" throughout the document (as well as numerous other, less specific, terms). Given the implications of using such directive terms, **Fonterra recommends** that the Council review the choice of such terms, as these may lead to unintended and unwanted constraints on development.

#### *Consistency with the National Policy Statement for Freshwater Management 2014*

- 3.4 The National Policy Statement for Freshwater Management 2014 (NPSFM) contains national direction on the management of New Zealand's water bodies. The NPSFM is highly relevant to the Draft RPS, given that the direction in section 62(3) of the RMA means that the RPS "must give effect to National Policy Statements". In King Salmon, the Supreme Court determined that the phrase "give effect to" means simply to "implement."<sup>4</sup> Accordingly, the RPS is required to implement the NPSFM.
- 3.5 Fonterra is concerned that the water quality provisions set out in the Draft RPS contain a number of inconsistencies with the NPSFM. While some direction is provided in the Draft RPS as to the identification of water bodies of value, there is no mention about the

<sup>2</sup> *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Ltd* [2014] NZSC 38.

<sup>3</sup> *Environmental Defence Society Inc v New Zealand King Salmon Company Limited* [2014] NZSC 38, at [127] (King Salmon).

<sup>4</sup> *King Salmon* at paragraph [77].

requirements which flow from the NPSFM, including the identification of freshwater objectives and values. The Draft RPS also contains a number of terms which appear to be inconsistent with the NPSFM, and no reference to the National Objectives Framework (NOF) or the process for implementing the NPSFM.

3.6 **Fonterra recommends** that the Council review the water quality provisions to align these with the NPSFM. **Fonterra recommends** (without limitation) that the Council addresses the following aspects of the water quality provisions in order to ensure consistency with the NPSFM:

- a) Amend language from maintaining and improving water quality to maintaining and improving *overall* water quality. The NPSFM requires the overall maintenance and improvement of the quality of freshwater; it is up to the councils to set freshwater objectives to achieve this, and those freshwater objectives are to be based on the community values.
- b) Amend language from the use of the term *values* to the use of the correct term being *freshwater objectives*. This is because the NPSFM-14 requires the Council to set freshwater objectives going forward. Values need to be identified through the correct process. Those values will then be taken into account when setting the freshwater objectives.

*Lack of enabling provisions, including lack of recognition of primary production and significant regional industries*

3.7 Fonterra is concerned that the Draft RPS is somewhat unbalanced. As currently drafted, there is emphasis placed on avoiding, remedying and mitigating effects on the environment, but there is no equivalent focus placed on providing for the social, economic, and cultural well-being of people, which are also important aspects of sustainable management.

3.8 **Fonterra recommends** that the Council review the enablement provided by the Draft RPS. In particular, the Draft RPS does not adequately recognise the importance of primary production, significant infrastructure and / or industry within the region. As set out in the overview to this feedback, dairying and its associated processing and servicing industries within the Otago region contributes greatly to the social and economic well-being of the region's communities, thereby enabling other economic, environmental, social and cultural aspirations to be realised within the region. **Fonterra recommends** that the Draft RPS acknowledges this contribution by providing greater recognition of the contribution of primary production to economic and social well being; and providing recognition to significant infrastructure and industry, and defining these terms.

3.9 As an example, the recently approved Waikato RPS (which was settled by consent and endorsed by the Environment Court) contained a specific topic in relation to industry recognition. The final version of this topic included the following provisions:

**Issue 1.4 Managing the built environment**

Development of the built environment including infrastructure is impacting on our ability to sustainably manage natural and physical resources and provide for our wellbeing.

While addressing this issue generally, specific focus should be directed to the following matters:

...

*h) the contribution of regionally significant industry and primary production to economic, social and cultural wellbeing, and the need for those industries to access natural and physical resources, having regard to catchment specific situations*

#### **Explanation**

Regionally significant industry and primary production play an important role in providing for the economic, social and cultural wellbeing of people and communities. The sustainable management of natural and physical resources needs to consider the ability and need for regionally significant industry and primary production to have appropriate access to resources in order for them to continue to successfully operate and develop, having regard to catchment specific situations.

#### **3.1A Resource use and development**

Recognise and provide for the role of sustainable resource use and development and its benefits in enabling people and communities to provide for their economic, social and cultural wellbeing, including by maintaining and where appropriate enhancing:

- a) access to natural and physical resources to provide for regionally significant industry and primary production activities that support such industry;
- b) the life supporting capacity of soils, water and ecosystems to support primary production activities;
- c) the availability of energy resources for electricity generation and for electricity generation activities to locate where the energy resource exists;
- d) access to the significant mineral resources of the region; and
- e) the availability of water for municipal and domestic supply to people and communities.

#### **Policy 4.4 Regionally significant industry and primary production**

The management of natural and physical resources provides for the continued operation and development of regionally significant industry and primary production activities by:

- a) recognising the value and long term benefits of regionally significant industry to economic, social and cultural wellbeing;
- b) recognising the value and long term benefits of primary production activities which support regionally significant industry;
- c) ensuring the adverse effects of regionally significant industry and primary production are avoided, remedied or mitigated;
- d) co-ordinating infrastructure and service provision at a scale appropriate to the activities likely to be undertaken;
- e) maintaining and where appropriate enhancing access to natural and physical resources, while balancing the competing demand for these resources;
- f) avoiding or minimising the potential for reverse sensitivity; and
- g) promoting positive environmental outcomes;

#### **Implementation methods**

##### **4.4.1 Plan provisions**

District and regional plans should provide for regionally significant industry and primary production by:

- a) identifying appropriate provisions, including zones, to enable the operation and development of regionally significant industry, which for new development is consistent with Policy 6.13 and Table 6-2;
- b) maintaining the life supporting capacity of soil to support primary production;
- c) maintaining and where appropriate enhancing access to natural and physical resources for regionally significant industry and primary production, while balancing the competing demand for these resources;

- d) recognising the potential for regionally significant industry and primary production activities to have adverse effects beyond its boundaries and the need to avoid or minimise the potential for reverse sensitivity effects;
- e) recognising the need to ensure regionally significant industry is supported by infrastructure networks of appropriate capacity;
- f) recognising the benefits of enabling the co-location of regionally significant industry to support efficient use of infrastructure, and minimise transportation requirements;
- g) recognising and balancing the competing demands for resources between regionally significant industry, primary production and other activities;
- h) ensuring the adverse effects of regionally significant industry and primary production are avoided, remedied or mitigated; and
- i) promoting positive environmental outcomes.

**Explanation**

Policy 4.4 recognises the important role that regionally significant industry and primary production plays in contributing to the economic, social and cultural wellbeing of people and communities. Activities such as dairying, forestry and horticulture also have a direct relationship with the management and continued viability of rural activities. Some regionally significant industries also provide an anchor to support other industries and communities within rural and urban settings. The economic benefits contribute significantly to the vitality of settlements ranging in size from rural villages to Hamilton City. The policy will provide for an integrated approach to the management of resources such as water, energy and infrastructure which are essential to regionally significant industry and primary production activities. The policy also recognises that there is also the potential for regionally significant industry and primary production to generate adverse effects which need to be managed.

Method 4.4.1 sets out the matters that regional and district plans should have regard to in order to provide for regionally significant industry and primary production activities, while recognising there are competing demands on those resources that need to be balanced. Method 4.4.2 helps ensure that there is a co-ordinated approach to the provision of infrastructure and services for regionally significant industry.

*Policies regarding outstanding / significant landscapes, wetlands etc*

- 3.10 The Draft RPS contains a number of policies which specify restrictions on the use and development of areas that are identified as outstanding or significant natural landscapes, historic heritage or wetlands etc. However, the Draft RPS provides limited direction as to how a Council is to determine whether an area is actually significant or outstanding. Given the potential restrictions on land use if an area is identified as outstanding (or significant), **Fonterra recommends** Council provide additional clarity as to how they will determine the significance of an area.

*Use of best practicable option*

- 3.11 Throughout the Draft RPS, there are various references to “best practice,” “good practice” and “best environmental management practices.” **Fonterra recommends** use of the more commonly accepted term, “best practicable option.” Best practicable option is defined in the RMA to mean, in relation to a discharge of a contaminant or an emission of noise:

the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to—

- (a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and
- (b) the financial implications, and the effects on the environment, of that option when compared with other options; and



(c) the current state of technical knowledge and the likelihood that the option can be successfully applied

- 3.12 The best practicable option approach is widely used, defined in the RMA, accepted by the Environment Court and well understood by farmers and industry. It allows for flexibility over time to adopt the best methods available, having regard to a range of factors, including both environmental and financial implications, and the current state of technical knowledge.

*Methods not been provided in the Draft RPS*

- 3.13 The Draft RPS states that the 'methods' sections are still under development. Methods provide useful direction to the objectives and policies of a regional policy statement, and would provide reviewers with greater clarity and understanding as to how the RPS will be implemented. Fonterra would appreciate the opportunity to review and provide comments on the methods prior to formal notification, and recommends that the Council releases these for feedback once they have been formulated.

*Structure of document*

- 3.14 The use of three key outcomes, followed by the grouping of issues has led to duplication and confusion within the document, and with what it is seeking to achieve. For example, there are conflicting policy directions between sections B1 and B3. B1 covers natural resources and ecosystems and B3 covers use of the natural and built environment, which leads to multiple and inconsistent policy directions for air and wetlands between the sections.
- 3.15 **Fonterra recommends** that the Council reviews the structure of the document to avoid such duplication and confusion. Listing chapters in the RPS by topic, rather than by issues, may make the document more straightforward (i.e. topics could be coastal, water quality, air, rural, infrastructure etc).

#### 4 SPECIFIC COMMENTS

Our Ref	Pg. No.	Section	Comments
<b>PART A: INTRODUCTION</b>			
1	6	1. Otago has high quality natural resources and ecosystems	<p>While this section identifies that agriculture and tourism contribute to the economy, Fonterra recommends that this section be broadened to identify the value to the region of primary production, and significant infrastructure and industry.</p> <p>Fonterra recommends that this section be amended as follows:</p> <p><u>"This chapter addresses our fundamental reliance on natural resources and ecosystem services to sustain us, our way of life, cultural identity and our economy: <del>agriculture and tourism</del> primary production, significant industry, infrastructure and tourism, Otago's biggest earners, <del>all both</del> rely on <del>having a great</del> the environment."</u></p> <p>Further, throughout the document, there are inconsistencies in the terms used. While agriculture is used in this section, Fonterra recommends that "primary production" be adopted, as it covers a wider variety of uses, including horticulture and activities (such as processing and storage) associated with agriculture.</p>
2	6	2. Communities in Otago are resilient	<p>Fonterra considers that this section is overly simplistic, and the matters considered under this stated outcome do not reflect those which are covered in the following sections including transportation and energy.</p> <p>Fonterra recommends that it be widened to include reference to transportation and energy, i.e.</p> <p><u>"For the Otago community to thrive in the future, we need to ensure that we are prepared for effects of expected and unexpected change.</u></p> <p><u>The region's people and businesses will need to be prepared to respond to natural hazard events and become more resilient to the future effects of climate change.</u></p> <p><u>Being connected through an efficient, safe and diverse transportation network and moving away from a dependency of fossil fuels towards an energy environment based on renewable resources in the long term will ensure our communities continue to thrive.</u></p>

Our Ref	Pg. No.	Section	Comments
			This chapter deals with our response to natural hazards, and resilience to future effects such as climate change."
3	6	3. People are able to use and enjoy our natural and built environment.	Fonterra recommends that this section be expanded to include reference to those activities that underpin the region's economy including primary production, commercial and industrial activities, energy, transportation, infrastructure and servicing (including transport through the Port of Otago) in achieving economic well-being.
4	8	Tangata Whenua Perspective	This section is incomplete. Fonterra would appreciate the opportunity to review this section prior to the RPS being notified.
5	9	Regionally Significant Issues New issue sought	<p>Throughout this part, Fonterra recommends that recognition be given to providing for and enabling the economic well-being of the Otago region, rather than simply focussing on adverse effects of use and development.</p> <p>There is no mention of primary processing or the interconnections it has with primary production and supply chain manufacturing in this section. Fonterra considers that the RPS should include a specific issue to recognise the value that primary production provides to the economic well-being of the region i.e.</p> <p><u>"Issue x: Providing for economic well-being</u>  <u>Otago's economic, social and cultural well-being relies on the contribution of significant industry, infrastructure and primary production. This includes primary processing and supply chains, including transportation and manufacturing, within the region.</u>  <u>Achieving economic well-being requires coordinated efforts to recognise the contribution of regionally significant industry and primary production to economic, social and cultural wellbeing, and the need for those industries to access natural and physical resources."</u></p>
6	9	1. Otago has high quality natural resources and ecosystems	<p>Fonterra supports the aspects of this section that recognise the economic impacts of farming, but (as set out in a point 1, above) recommends that consistent terms be used throughout the RPS. Fonterra also recommends that recognition is given to significant infrastructure and industry i.e.</p> <p>"Economic prosperity fundamentally relies on wise use of the resources we have. Otago's economic wellbeing is inextricably linked with the quality of its rural environments. Forestry, <u>farming</u> <u>primary</u></p>

Our Ref	Pg. No.	Section	Comments
			<u>production, significant industry and infrastructure</u> , and mining all form significant parts of our Gross Domestic Product.”
7	9	Issue 1: Cumulative effects of human activities on natural resources	<p>As set out in the general feedback, terms such as “reduce” should be used carefully, given the Supreme Court’s direction that terms in higher-level planning documents must be used carefully. When read literally, the term “reduce” means that there would have to be a reduction in activities that cause effects (even if these effects are not adverse). The term “manage” is more appropriate.</p> <p>Accordingly Fonterra recommends the following change:</p> <p>“Those cumulative adverse effects can only be <u>managed</u> <del>reduced</del> to acceptable levels if people take responsibility for their effects on the environment, actively seek to reduce them, and take pride in their environmental stewardship.”</p>
8	9	Issue 2: Managing complex interconnections between natural resources	Fonterra supports this section and considers that coordination between decision makers is crucial to the successful implementation of the RPS. Fonterra recommends that it be retained.
9	10	2. Communities in Otago are resilient	<p>Fonterra recommends that this introductory section be amended to relate it to the issues which have been identified. The issues appear to relate to natural events (i.e. natural hazards, climate change) and therefore the introduction should make this clear. Fonterra recommends that this section be amended to read:</p> <p>“New Zealand, as a country, has been shaped by powerful geological forces, which are still at play, and have the potential to dramatically affect Otago’s communities. <del>Other human-induced changes and shocks can affect the communities.</del></p> <p>Individuals and communities need to be prepared to <u>for</u> any future changes.”</p>
10	10	Issue 7: Responding to fuel and energy pressures	<p>Fonterra recommends that this issue also make reference to Otago being a producer of fossil fuels (Kaitangata). Fonterra recommends that the issue be amended to note that settlements should be designed in a manner that promotes more efficient methods/flows of transport (i.e. rail) both within and between them i.e.</p>

Our Ref	Pg. No.	Section	Comments
			<p>“While rich in renewable electricity generation potential, Otago is <u>both an importer and producer of fossil fuels</u>, and constraints on energy and fuel supply could affect the way we live. The finite nature of fossil fuels could lead to more volatile fuel prices, which may result in higher food prices, increase transport costs and reduce mobility.</p> <p>It is possible to design Otago’s settlements in a way that decreases our dependency on transport and energy, and therefore increase our resilience to those changes. <u>Emphasis should be placed on the encouraging more efficient methods and flows of transport (such as rail) both within settlement and between them.</u>”</p>
11	11	3. People are able to use and enjoy the natural environment	<p>As the issues below this heading relate to both the natural and the built environment, Fonterra recommends that this heading be amended to read “natural <u>and built</u> environment” or the topics be re-arranged.</p>
12	11	Issue 8: Managing uses and values of natural resources to avoid conflict	<p>As the issues set out under Issues 8 relate to both the natural and the physical environment, Fonterra recommends that this issue be amended to read “natural <u>and physical</u> environment” or the topics be re-arranged.</p> <p>Fonterra also recommends that word “all” in the first sentence be removed, as arguably this would encompass all possible values, some which may not be relevant to this section i.e.</p> <p>“We need to provide for ways to use our natural and physical resources to the best advantage, while providing for <del>all</del> the values which are important to the community.”</p>
13	11	Issue 9: Minimising nuisance from incompatible activities	<p>Reverse sensitivity effects can cause numerous issues between incompatible activities. While Issue 9 notes that industrial activities may cause nuisance which makes them incompatible with residential developments, it is important to make it clear that sensitive activities should not be allowed to locate in proximity to industrial activities.</p> <p>Industrial activities (both urban and rurally located) have important roles to play in strengthening economic and social well-being and as such, should not be constrained by sensitive activities seeking to locate in proximity to them.</p> <p>Fonterra recommends that these provisions be strengthened to recognise this i.e.</p> <p>“The acceptability of adverse effects can depend on the surrounding activities, <del>for example, industrial activities often cause nuisance which makes them incompatible with residential developments. In some</del></p>

Our Ref	Pg. No.	Section	Comments
			<p><del>contexts,</del> <u>Industrial activities and infrastructure play an important role in providing for social and economic well-being. Locating sensitive activities close to important industrial activities and infrastructure has the potential to lead to reverse sensitivity effects and</u> limit the ability to operate or develop that infrastructure as expected, <del>has the potential to</del></p> <p>Sound planning often requires separation of those activities, so all the activities on which our communities depend on can be carried out in appropriate environments."</p>
14	11	Issue 10: Locationally constrained activities	<p>Fonterra considers that it is important to recognise that sometimes it may be more appropriate from an efficiency and effects-based perspective to locate rural industrial activities in the rural environment.</p> <p>For some rural industries, the operational requirements are such that a rural location is likely to be more appropriate. Milk processing facilities (including transfer stations and reverse osmosis sites are often dependent on being in proximity to its product source, having good access to strategic freight networks, including rail; having access to a secure and reliable water supply; and having sufficient (and suitable) land available for the discharge of condensate and other processing wastewater.</p> <p>With regard to process wastewater, it is not always efficient or sustainable to send large quantities of such waste to Council-systems. Council systems are often unable to cope with the high volume as well as the high chemical and biological oxygen demand. It is therefore preferable to irrigate this wastewater onto pasture or crops.</p> <p>Further, the large area of rural land surrounding a site, whilst typically serving as part of the wastewater irrigation system, and in the main would continue to be farmed, also physically separates the processing facility from surrounding 'sensitive' activities (i.e. dwellings). This enables Fonterra to comply with typical district plan requirements relating to noise, and light spill whilst maintaining the rural character of the surrounding area.</p> <p>Fonterra recommends that this issue be replaced with the following or similar:</p> <p>"Some developments can only occur in specific places, and some of their adverse effects may be unavoidable. For example, wind farms often need to be located on ridges, and can have significant impact on landscape values.</p> <p>For some rural industries, like milk processing facilities, the operational requirements are such that a rural location is more appropriate. A rural location can provide an opportunity to sustainably manage</p>

Our Ref	Pg. No.	Section	Comments
			<p>wastewater and the surrounding rural land can provide a buffer as it physically separates the facility from more sensitive land uses (i.e. dwellings) and helps manage noise, light and odour.</p> <p>We need to be clear about where such adverse effects can be accommodated, and where they cannot because of other outstanding values.”</p>
15	11	Issue 11: Adapting urban form to the carrying capacity of the environment	Fonterra supports this section and recommends that it be retained.
16	12	Issue 13: Ensuring access to the natural environment	<p>Fonterra recommends that this section be qualified to acknowledge that there are some situations where, from a health and safety point of view, access is not always possible or appropriate, due to infrastructure located within the natural environment.</p> <p>Fonterra recommends that this section be amended as follows:</p> <p>“Access to the natural environment, in particular to mountains, coastal areas, rivers, lakes, or wetlands, is highly valued <del>by everyone</del>. Subdivision and development can limit access to people’s places of enjoyment, affect the way of life for tangata whenua, or provide opportunities to enhance this access. We need to make all possible efforts, and take advantage of every opportunity, to ensure public access to Otago’s natural environment <u>where appropriate</u>.”</p>
<b>PART B.1 OTAGO HAS HIGH QUALITY NATURAL RESOURCES AND ECOSYSTEMS</b>			
17	13	PART B.1 Otago has high quality natural resources and ecosystems	<p>As set out at item 12, Fonterra recommends that this be amended to refer to both natural and physical resources in both the heading, and first line of this introduction i.e.</p> <p>“PART B.1 Otago has high quality natural <u>and physical</u> resources and ecosystems</p> <p>Otago’s economy is reliant on its natural <u>and physical</u> resources.”</p>
18	13	Objective 1.1 Otago natural resources are of high quality,	Fonterra considers that this objective is confusing and that it is unclear what it is trying to achieve. Fonterra notes that the NPSFM requires that it is “overall” water quality which must be maintained and improved.

Our Ref	Pg. No.	Section	Comments
		and support healthy ecosystems and a good quality of life	Fonterra recommends that this objective be revised to make it clear what is being sought.
19	13	Freshwater	<p>As set out in the general comments, this section is inconsistent with the NPSFM and needs to be revised to align with, and give effect to, the NPSFM. Additionally, Fonterra recommends that Council review the wording (particularly terms such as “avoid” and “protect”) used in light of the King Salmon decision.</p> <p>The use of terms such as “good water quality” is unclear, as there is no definition or direction given as to what is “good”. Likewise, there is no definition of “pest species”.</p>
20	14	Policy 1.1.3 Protecting outstanding water bodies	<p>As set out in the general comments, Fonterra recommends that use of terms such “protecting” be reviewed, as the likely implication of such terms will mean no development is allowed in such areas.</p> <p>If this is the intention of the policy, it will also be necessary to review the threshold for identifying which water bodies are ‘outstanding’. Given that it is likely that no development will be allowed to occur in identified outstanding water bodies, the Council may wish to review the process and requirements for this identification.</p>
21	14	Policy 1.1.6 Managing for important coastal water values	Similar to the concerns outlined above, Fonterra recommends that the Council reviews the use of directive terminology such as “avoid” and “protect.”
22	15	Air Policy 1.1.7 Managing for air values	<p>Fonterra considers that the terminology in this policy is unclear. Use of “degraded” does not identify what the standard is that air quality has been degraded from. Similarly, it is unclear what the term “important” adds in (b) and (c), and how “important tangata whenua values” differs from “tangata whenua values.”</p> <p>Further, Fonterra recommends that a new (d) should be inserted to recognise that activities should be appropriately located to avoid reverse sensitivity effects between incompatible activities.</p> <p>In particular Fonterra recommends revising 1.1.7 (a) to make it clear what the air quality standard should be, and amending the remaining parts of the policy as follows:</p> <p>“b) Ensure air quality supports <del>important</del> tangata whenua values; and</p> <p>c) Ensure air quality supports <del>important</del> cultural and amenity values; <u>and</u></p>



Our Ref	Pg. No.	Section	Comments
			<u>d) Ensure activities are appropriately located to avoid reverse sensitivity effects and recognise that activities in certain locations (ie industrial and manufacturing activities) necessarily have lower air quality requirements."</u>
23	15	Policy 1.1.9 Identifying highly valued soil resources	This section does not contain any management policy or decision making criteria. Fonterra recommends that the policy be amended to include decision making criteria as to how highly valued soils are to be identified.
24	15	Policy 1.1.10 Protecting highly valued soil resources	As above, this section does not provide any criteria as to the identification of highly valued soil resources. Additionally, it is unclear what the term "environmental buffering" means.  Fonterra recommends revising the policy to include decision making criteria as to how highly valued soils are identified and to explain what is meant by the term "environmental buffering."
25	16	Policy 1.1.12 Managing riparian margins	Fonterra recommends that the heading to this policy include wetlands (consistent with the heading to this section). Alternatively, wetlands should be removed from this section.  At (e), this should refer to 'overall' water quality, for consistency with the NPSFM.
26	17	Objective 1.2 Otago's natural resources are managed in an integrated way	Fonterra recommends that the wording of this section be amended to align with the NPSFM, including reference to freshwater management units and freshwater objectives. The explanation notes that "vegetation cover on land impacts on water quality." This does not outline what vegetation cover in particular is being referred to. Fonterra recommends that this be clarified.  Additionally, the explanation does not explain what is meant by "integration." Some clarification around this terminology would be helpful.
27	17	Policy 1.2.1 Applying a relevant spatial scale	Fonterra recommends that the wording of this section be amended to align with the NPSFM, including reference to freshwater management units and freshwater objectives. Policy 1.2.1 refers to freshwater values, while the correct terminology is freshwater <i>objectives</i> .
28	17	Policy 1.2.3 Integrating land use	Fonterra supports this section and considers that the provisions are appropriate. Fonterra recommends that this

Our Ref	Pg. No.	Section	Comments
		management with the management of air discharges	section be retained.
29	18	Policy 1.2.6 Integrating for the protection of indigenous biodiversity and maintenance of ecosystem health	Fonterra recommends that the wording of this section is amended to align with the NPSFM, including reference to freshwater management units and freshwater objectives.
30	19	Objective 1.3 Otago's significant and highly-valued natural resources are identified, and protected or enhanced	Given the directive controls on avoiding effects on these areas (and note that the explanation states that "giving these features a higher level of protection ensures they will be retained"), Fonterra recommends that the identification criteria in this section, and in Schedule 1) be reviewed, to ensure that these policies will not have unintended consequences in light of the King Salmon decision.
31	19	Policy 1.3.2 Protecting significant indigenous vegetation and significant habitats of indigenous fauna	Fonterra is concerned that the words "protect and enhance" may have unintended consequences. While in some instances, it is important to protect such areas, it is unclear whether this would require new areas which have been planted to then be protected from use or development. Fonterra recommends using the term "promote" i.e.  " <del>Protect and enhance</del> <u>Promote</u> the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna...."
32	19	Policy 1.3.2 Protecting significant indigenous vegetation and significant habitats of indigenous fauna	It is unclear whether this policy relates simply to the area which contains vegetation, or the wider area. Fonterra recommends that this policy be clarified i.e.  "a) Avoiding adverse effects on the values <del>which contribute to the significance of the area or habitat of</del> <u>significant indigenous vegetation and significant habitats of indigenous fauna ...</u> "
33	19	Policy 1.3.3 Maintaining or enhancing indigenous biodiversity	Fonterra recommends that the term "predominantly" be amended to "significant" for consistency with the other provisions in this section (policies 1.3.1 and 1.3.2 use "significant").  The use of "minimising" is problematic as it may lead to restrictions on use and development in situations where adverse effects may be minor and / or can be remedied or mitigated. Fonterra recommends that this section be

Our Ref	Pg. No.	Section	Comments
			<p>amended i.e.</p> <p>"Maintain or enhance indigenous biodiversity values by:</p> <p>a) <del>Minimising-Avoiding</del>, remedying or mitigating adverse effects of subdivision, use and development on:</p> <p>i. Areas of predominantly <u>significant</u> indigenous vegetation; and..."</p>
34	20	Policy 1.3.4 Identifying outstanding natural features, landscapes and seascapes	<p>The criteria outlined in this policy are very broad, including "presence of water" and does not contain any direction as to what is significant and what is outstanding.</p> <p>Fonterra recommends that this section be amended to provide clearer direction as to the factors which contribute to an outstanding natural feature, landscape or seascape.</p>
35	20	Policy 1.3.5 Protecting outstanding natural features, landscapes, and seascapes	<p>Fonterra recommends that the Council review the use of directive controls (i.e. "avoiding" or "minimising" adverse effects) in light of the direction in King Salmon.</p> <p>Fonterra recommends that the identification criteria in this section, and in Schedule 1) should be reviewed, to ensure that these policies will not have unintended consequences.</p>
36	21	Policy 1.3.5 Protecting special amenity landscapes – Policy 1.3.7 Protecting special amenity landscapes	<p>As worded, there is very little difference between the policies relating to "outstanding landscapes" areas and those identified as "special amenity landscapes."</p> <p>Fonterra recommends that the Council review the wording of these policies to make clear the difference between outstanding and special amenity landscapes and when either provision is triggered.</p>
37	21	Areas of high and outstanding natural character in the coastal environment	<p>It is difficult to tell the distinction between the policies relating to "high" and "outstanding" natural character in this section.</p> <p>Fonterra recommends that the Council review the wording of these policies to make clear the difference between areas of high and outstanding natural character in the coastal environment.</p>
38	22	Policy 1.3.11 Preserving and	<p>Policies (b) and (c) contain duplication. Fonterra recommends that these policies are combined to avoid confusion.</p>

Our Ref	Pg. No.	Section	Comments
		enhancing natural character of wetlands, lakes and rivers and their margins	Additionally, policies 1.1.12 and 1.3.2 contain similar provisions. As discussed in the general section, there are areas of duplication (ie lakes and rivers are covered twice with different policy directions), which Fonterra recommends is remedied by amending the overall structure of the document.
39	23	Policy 1.4.3 Providing for tangata whenua values	<p>Fonterra supports Policy 1.4.3(c) in principle, however Fonterra is concerned that this may be interpreted to require applicants to obtain written approval from tangata whenua in every circumstance. The application of this depends on the methods, which are not yet formulated.</p> <p>Fonterra recommends that in the formulation of the methods, it is made clear that the requirement is simply that the tangata whenua are sent copies of consent applications, without requiring written approval.</p>
<b>PART B.2 COMMUNITIES IN OTAGO ARE RESILIENT</b>			
40	25	Policy 2.1.4 and 2.1.5 Managing natural hazard risk in subdivision, use and development decisions	Fonterra considers that these policies duplicate themselves in some aspects. Fonterra recommends splitting the policies into one that identifies and assess natural hazard risk, and a second that seeks to manage the identified risk in subdivision, use and development decisions.
41	30	Objective 2.4 Energy supplies are secure and sustainable	<p>Fonterra recommends that this section be amended to clarify that Otago is also a producer of fossil fuels and promote efficient transport methods i.e. adopt the following text:</p> <p>“Otago is an importer and producer of fossil fuels and constraints on energy and fuel supply affect the way we live. For example, more volatile fuel prices may result in higher food prices, increase transport costs and reduce mobility. By increasing our use of renewable electricity, promoting efficient transport methods (i.e. rail) and reducing reliance on fossil fuels we can help Otago to have more secure and sustainable energy supplies.</p> <p>Transitioning from a region reliant on fossil fuels to one reliant on renewable energy will take time, and require consideration from consent authorities to the investment required from business and industries as they replace existing fossil fuel-based infrastructure/capital and operating systems.”</p>

Our Ref	Pg. No.	Section	Comments
<b>PART B.3 PEOPLE ARE ABLE TO USE AND ENJOY OTAGO'S NATURAL AND BUILT ENVIRONMENT</b>			
42	33	Objective 3.1 Positive effects of resource use on the natural environment are maximised and negative effects are avoided or minimised.	<p>Fonterra recommends that this section be amended to recognise the positive effects associated with resource use, and the benefits on economic, social and community well-being.</p> <p>Aside from the heading itself, the objective does not adequately recognise positive effects.</p> <p>Fonterra also recommends a new paragraph is inserted to recognise the positive effects of resource use (suggested wording taken from the recently approved Waikato RPS). i.e.</p> <p><b>“Objective 3.1 Positive effects of resource use on the natural environment are maximised and negative effects are avoided or minimised.</b></p> <p><u>Regionally significant industry and primary production play an important role in contributing to the economic, social and cultural wellbeing of people and communities. Activities such as dairying, forestry and horticulture have a direct relationship with the management and continued viability of rural activities. Significant industries also provide an anchor to support other industries and communities within rural and urban settings. The economic benefits contribute significantly to the vitality of settlements within a region.</u></p> <p>Any use of natural or physical resources has the potential to adversely affect the quality of the environment. It is important to recognise and provide for the use of those resources, while ensuring that their impact on the quality of those resources is acceptable.”</p>
43	33	Policy 3.1.1 Managing effect of subdivision and development on water	Fonterra considers that there is confusion between Objective 3.1 and Policy 3.1.1 and it is unclear what they are targeting. Fonterra recommends that this policy be revised to give effect to the NPSFM (i.e. by referring to freshwater objectives).
44	33	Policy 3.1.2 Managing land use change and catchment yield	Fonterra recommends that (b) be amended to refer to the adverse effects of tussock grassland conversion i.e. “b) Addressing the <u>adverse</u> effects of tussock grassland conversion on flooding risks and catchment yields”

Our Ref	Pg. No.	Section	Comments
45	34	Policy 3.1.3 Discharging to water	3.1.3(b) refers to "environmental baseline requirements". This term is not defined, nor does it appear in the NPSFM. Fonterra recommends that this term be explained, or alternative wording be used.
46	34	Policy 3.1.5 Protecting soil quality	Fonterra considers that this policy is confusing and it is unclear what is being sought. Fonterra recommends that this policy be revised so that it is targeted at maintaining or improving soil health. Fonterra also recommends revising the use of terms such as terms "minimise" and "protect" in light of the King Salmon decision. For example: <p style="text-align: center;"><del>"Protect</del> <u>Maintain or improve</u> soil quality by:"</p>
47	35	Policy 3.1.7 Discharging to air	The proposed policy contains a threshold for effects of "objectionable". This is a high and subjective threshold with no link to "adverse effects". Fonterra recommends that this be amended and appropriate RMA terminology be used i.e. <p style="text-align: center;">"Avoid discharges to air which:</p> <ul style="list-style-type: none"> <li>a) <del>Are objectionable in terms of</del> <u>have adverse effects on</u> tangata whenua values; or</li> <li>b) <del>Are objectionable in terms of</del> <u>have adverse effects on</u> other cultural or amenity values; or</li> <li>c) Have significant adverse effects on human health and ecosystems"</li> </ul> <p>As outlined in the general comments, there is also duplication between policy 1.1.7 and 3.1.7, which should be clarified.</p>
48	35	Policy 3.1.8 Applying emission standards on domestic fuel burners	Fonterra supports this provision in principle, but considers it is drafted as a method rather than a policy. Fonterra recommends amending it so that it reads as a policy rather than a method.
49	35	Policy 3.1.9 Managing emissions from new developments in at risk areas	Fonterra supports this policy and recommends that it be retained.
	35	Policy 3.1.10 Promoting innovative solutions	Fonterra supports this section but considers that it could be improved by referencing adoption of the best practicable option to manage emissions.

Our Ref	Pg. No.	Section	Comments
50	35	Policy 3.1.11 Avoiding introduction and spread of pest plants and animals	It appears that a heading is missing between the sections relating to air discharges and policies relating to avoiding introduction and spread of pest plants and animals. Fonterra recommends that a new heading be inserted relating to pest plants and animals before Policy 3.1.11.
51	35	Policy 3.1.12 Avoiding adverse effects of hazardous substances	It appears that a heading is missing between the sections relating to pests and policies relating to hazardous substances. Fonterra recommends inserting a new heading relating to hazardous substances before Policy 3.1.1. Further, some of the terminology used in this policy could be broadly interpreted. For example, terms such as "high risk", "sensitivity", "at risk" and "appropriate locations" are not defined. It is unclear what the difference between these terms is or how they should be applied. Fonterra recommends clarification be provided on the use of such terms.
52	37	Policy 3.2.1 Maximising benefits	Fonterra recommends that a new value of "economic well-being" be included in this list.
53	37	Policy 3.2.3 Minimising conflicts between water uses and users	Fonterra considers this policy is appropriate and recommends that it be retained.
54	37	Policy 3.2.4 Managing cumulative effects	The term "best environmental management practices" is not defined, nor is it explained. Fonterra recommends that a more appropriate RMA term, such as "best practicable option", or good management practices be used. These terms are widely used, defined in the RMA, accepted by the Environment Court and well understood by farmers and industry.
55	38	Policy 3.2.5 Providing for activities that generate adverse effects	Fonterra recommends that the use of best practicable option to manage effects would be appropriate here. The term "adverse impacts" is not defined, nor is it commonly used. Fonterra recommends the more usual "adverse effects" threshold is more appropriate. i.e. amend (a) as follows: <p style="margin-left: 40px;">"a) Avoid significant adverse <del>impacts</del> <u>effects</u> on human health or amenity by reducing exposure to activities that may generate adverse effects; and "</p>
56	38	Policy 3.2.6 Minimising reverse sensitivity	Fonterra recommends that the term "minimise" should be amended to "avoid" to ensure that adequate direction is given to prevent sensitive activities locating in inappropriate areas. Additionally, it should be made clear that the onus

Our Ref	Pg. No.	Section	Comments
			<p>should rest on the new sensitive activity, rather than the existing activity.</p> <p>Accordingly Fonterra recommends the following amendments:</p> <p>"Minimise <u>Avoid</u> reverse sensitivity effects by:</p> <p>a) Managing new subdivision, use and development so that incompatible land uses are separated; and</p> <p>b) Setting standards appropriate for the planned land use activities; and</p> <p>c) Requiring <u>sensitive activities to undertake</u> adverse effect mitigation where necessary"</p>
57	38	Policy 3.2.7 Reducing unavoidable adverse effects	It is unclear what this policy is intended to address. The policy appears unnecessary, given the general RMA duty to avoid adverse effects on the environment. Fonterra recommends that the policy be deleted.
58	38	Policy 3.2.8 Providing for offsetting	Fonterra supports this policy in principle, but recommends that it be amended to clarify greater direction as to when and where off-setting might be appropriate.
59	38	Policy 3.2.9 Requiring adoption of best environmental management practices	Fonterra recommends that the use of best practicable option be adopted here.
60	40	Policy 3.4.1 Maintaining and enhancing public access	<p>While Fonterra supports this policy in principle, it recommends amending it to recognise that there are certain situations where access to the natural environment is inappropriate i.e.</p> <p>"Maintain and, where possible, enhance public access to the natural environment, including to the coast, lakes, rivers and their margins <u>where appropriate</u>, unless restricting access is necessary to:</p> <p>...</p> <p><u>(d) protect existing significant industry and infrastructure."</u></p>
61	41	Objective 3.5 Good quality infrastructure meets community needs	Fonterra supports this objective, but recommends that additional activities be recognised, including industry, primary production, and infrastructure that enable processing production and trade, giving recognition of supply chains and the importance of the Port of Otago i.e.



Our Ref	Pg. No.	Section	Comments
			<p>“Roads, water supply, waste services, electricity transmission and telecommunication networks support our communities, economy, and health and safety. <u>Industry, primary production, and infrastructure that enables processing production and trade supports our economic and social well-being.</u> Although the development of infrastructure can have impacts on the environment it can also help reduce adverse effects. The establishment and operation of infrastructure requires significant investment. Integrating infrastructure with urban growth and development is essential to ensure it occurs in a sustainable and efficient manner”</p>
62	41	Policy3.5.2	<p>Fonterra recommends including reference to infrastructure that enables processing production and trade i.e. “Recognise the benefits of infrastructure development, upgrade, maintenance and operation in:</p> <ul style="list-style-type: none"> <li>a) Ensuring the health and safety of the community; and</li> <li>b) Increasing the ability of communities to respond and adapt to emergencies; and</li> <li>c) Improving access to markets, and creating significant trading and economic opportunities; and</li> <li>d) Improving efficiency of the use of natural resources;</li> <li>e) <u>enabling processing production and trade.</u>”</li> </ul>
63	43	Objective 3.6 Urban areas are well designed, sustainable and reflect local character	<p>While Fonterra supports this objective in principle, urban design outcomes are not appropriate in all situations (e.g. in industrial areas where, for health and safety reasons, it would be inappropriate to promote pedestrian access by applying design principles that attract people to these zones). Such outcomes should be restricted to certain areas (e.g. city and town centres and retail developments).</p> <p>Fonterra recommends that this Objective be revise to clarify that urban design outcomes are not appropriate in all situations.</p>
64	45	Objective 3.7 Urban areas accommodate needs for economic activity and growth effectively and efficiently	<p>Fonterra generally supports this Objective and the policies below it. However, there is no equivalent in terms of rural and rural industry. Fonterra suggests that a similar section is included in relation to rural activities and rural industry.</p>

Our Ref	Pg. No.	Section	Comments
65	45	Policy 3.7.2 Expanding beyond urban limits	Fonterra supports this policy and recommends that it be retained.
66	45	Policy 3.7.3 Managing the effects of commercial and industrial activities	Fonterra supports this policy and recommends that it be retained.
67	45	Policy 3.7.4 Providing for commercial and industrial land uses	<p>Fonterra supports this policy, and recommends that an additional point be added to ensure that appropriate infrastructure and services to these areas are planned for prior to development i.e.</p> <p>“Recognise the finite nature of areas suitable and available for commercial and industrial activities by providing:</p> <ul style="list-style-type: none"> <li>a) provisions to manage the scale and intensity of effects of activities anticipated</li> <li>b) sufficient supply of appropriate land for commercial and industrial activities, and</li> <li>c) exclusion of activities that may result in reverse sensitivity issues or inefficient use of this resource</li> <li><u>d) infrastructure and services to cater to new industrial and commercial areas are planned for prior to development”</u></li> </ul>
68		New section proposed	Fonterra recommends that a new section be included equivalent to Policy 3.7.4 in relation to rural activities and rural industry.
69	48	Policy 3.9.1 Recognising heritage themes	Fonterra considers that this section is too broad. For example, the recognition to “early 19/20th century pastoral sites” does not give any guidance as to whether it is all of these sites that will be protected, or just those that are particularly rare. Fonterra recommends revising the policy to provide additional direction as to the factors that will determine the importance of historic heritage.
70	51	Policy 3.10.1 Integrating management of hazardous	Fonterra supports this policy and recommends that it be retained. Fonterra considers it will avoid duplication of functions between the regional and district councils with the application of the HSNO provisions.

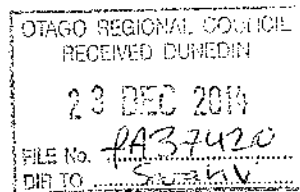
Our Ref	Pg. No.	Section	Comments
		substances and waste	
71	51	Policy 3.10.2 Managing use and storage of hazardous substances	<p>Fonterra supports this policy, but recommends inserting a new (d), which includes recognising appropriate locations for hazardous substances i.e.</p> <p>“Manage the use and storage of hazardous substances to:</p> <p>a) Minimise risks associated with natural hazard events; and</p> <p>b) Require that hazardous facilities are resilient to potential damage caused by natural hazards to avoid unintended discharges; <del>and</del></p> <p>c) Avoid unintended discharges or other adverse effects, including risks to individuals’ physical and cultural health, property, and the contamination of air, land, and water; <u>and</u></p> <p><u>d) Recognising that the storage and use of hazardous substances is appropriate in some zones.”</u></p>
<b>PART C: IMPLEMENTATION</b>			
72	53	Roles and Responsibilities Air quality in urban airsheds Dust management	In the section relating to dust management, restrictions on solid fuel burners in sensitive airsheds is in the City and District Councils section. Given that this section relates to air discharges, Fonterra recommends that this is moved into the Regional Council column. i.e. move “Potential restrictions on solid fuel burners in sensitive airsheds” to the regional council column.
73	55	Roles and Responsibilities Hazardous substances Responsibility for management of different aspects of hazardous substances	In the City and District Councils column, it notes that the primary role for land use controls through the District Plan is land use consent consideration. Fonterra recommends that this also include reference to zoning i.e.  “Primary roles for land use control through District Plan: <u>zoning and</u> land use consent consideration. ”
74	60	Anticipated Environmental Results and Monitoring	Fonterra recommends that this section be amended to include reference to land that is not held in private ownership i.e.

Our Ref	Pg. No.	Section	Comments
		<p>Programme</p> <p>39. Otago's sites of cultural significance and Otago's environment and coast line are accessible by the public.</p>	<p><u>"For land that is not held in private ownership:</u></p> <p>1. No reasonable complaints from the public about perceived lack of access to Otago's natural environment.</p> <p>Or</p> <p>At least 80% of Otago's residents are satisfied with the level of access to Otago's natural environment</p> <p>2. Tangata whenua have no reasonable complaints or concerns about the accessibility and management of tupuna whenua. "</p>
<b>GLOSSARY</b>			
75		New term: Primary Production	<p>Fonterra recommends that "primary production" be defined in the RPS, and offers the following definition (taken from the recently approved Waikato RPS):</p> <p><b>"Primary Production</b> means the commercial production of raw material and basic foods, which relies on the productive capacity of soil or water resources in the region. This includes the cultivation of land, animal husbandry/farming, horticulture, aquaculture, fishing, forestry, or viticulture. It does not include hobby farms, rural residential blocks, or land used for mineral extraction."</p>
76		New term: Regionally Significant Industry	<p>Fonterra recommends that "Regionally Significant Industry" be defined in the RPS, and offers the following definition (taken from the recently approved Waikato RPS):</p> <p><b>"Regionally Significant Industry</b> means an economic activity based on the use of natural and physical resources in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits."</p>

**James Adams**

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**From:** Phil & Lynne <phil.lynne2@xtra.co.nz>  
**Sent:** Saturday, 20 December 2014 10:17 a.m.  
**To:** RPS ORC  
**Subject:** RPS consultation review  
**Attachments:** Regional Policy Statement Review.docx  
  
**Categories:** Email response sent



ORC Regional Policy Statement Review Consultation Draft

Attached is our submission

from Making a Difference for Central Otago (MAD4CO)

Lynne Stewart

Dear Policy Team ORC re : **Regional Policy Statement Review**

## Consultation Draft

Re: Anticipated Environmental Results and Monitoring Programme

- Water Monitoring : ORC must sample 1. often  
2. for all the weeks of daylight saving

Results of water monitoring , if water is unsafe for human use, must be more widely publicised. Our Communities may be resilient , but our rivers and fisheries resources are not.

Re : Schedule 2 Criteria for the assessment of the significance indigenous vegetation and habitat of indigenous fauna

- Prevention of any adverse effects of the development of land , specifically clearing of indigenous vegetation for developing pasture must be stopped.

### *Issue 10: Locationally constrained activities*

Some developments can only occur in specific places, because of their adverse effects;

- dairy farming or dairy wintering should not occur on porous free draining land beside a river.
- Water use accumulated, must leave a public quantity of water remaining in our rivers for summer swimming and general public useage. Tourists and residents expect to use and enjoy our natural environment.

We do agree that Otago has high quality natural resources and ecosystems that supports healthy ecosystems and a good quality of life.

The ORC must identify all our highly-valued natural resources and make sure they are protected or enhanced , not degraded as had happened in other NZ regions.

(NB : MAD4CO is aware the Regional Council for the Bay of Plenty eBoP has to budget more than \$400 Million to “clean up” waterways in their area. Otago people do not want dairy pollution of our rivers and lakes to occur in the first place.)

Three inter-related outcomes are sought in managing the region’s resources:

- ❖ Otago has high quality natural resources and ecosystems
- ❖ Communities in Otago are resilient
- ❖ People are able to use and enjoy our natural and built environment

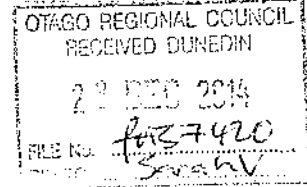
They provide the framework for sustainable, integrated management of resource use for us and for the generations that come after us - *Mo tatou, a mo ka uri a muri ake nei.*

This submission from the community Group, Making a Difference for Central Otago (MAD4CO)

Yours faithfully , Lynne Stewart .

**James Adams**

**From:** William Jennings <william.jennings@andersonlloyd.co.nz>  
**Sent:** Friday, 19 December 2014 6:03 p.m.  
**To:** RPS ORC  
**Cc:** Rachel Brooking  
**Subject:** Submission on RPS Review consultation  
**Attachments:** WDJ-N-201-V2 (Ravensdown Submission on draft RPS consultation).pdf  
**Categories:** Email response sent



Hello

Please find attached on behalf Ravensdown Ltd a submission on the consultation draft Regional Policy Statement review.


Kind Regards  
William

**William Jennings**  
**Solicitor**



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 Private Bag 1959  
 Dunedin 9054



*We wish you a Merry Christmas and a happy and prosperous New Year.*

Our office will close at 5.00pm on Tuesday, 23 December 2014  
and reopen at 8.30am on Monday, 12 January 2015

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 Please consider the environment before printing this e-mail

**RAVENSDown LIMITED'S SUBMISSION**  
**Otago Regional Policy Statement**  
**Consultation Draft**



**To:** RPS Review, Otago Regional Council  
Private Bag 1954, Dunedin 9054

**By email:** rps@orc.govt.nz

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

**This is a Submission on:** The Consultation Draft Regional Policy Statement Review ("RPS")

**Introduction**

1. Ravensdown provides nutrient management services, technical advice, quality fertiliser and other essential farm inputs to farmers and other land users throughout New Zealand. Ravensdown is a co-operative primarily owned by farmers and it exists to optimise soil fertility and farm profitability in a sustainable way.
2. Ravensdown was established in 1978 by farmers wishing to avoid large corporations obtaining assets in the farming sector. Ravensdown's mission is to provide competitively priced essential inputs and application knowledge based on sound science and sustainable practices.
3. Ravensdown appreciates that this RPS is only for consultation and that it will be publicly notified sometime in 2015 with new information, objectives and policies. Ravensdown looks forward to contributing to the development of the RPS in constructive manner. Ravensdown appreciates having this opportunity to comment on the RPS. Below are Ravensdown's detailed submission points.

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



Page	Provision	Submission	Decision Sought
General	<i>"avoid, enhance, maintain"</i>	<p>The ORC should exercise caution when using these terms in light of the Supreme Court's decision in the <i>King Salmon</i> case. Based on the outcome of the <i>King Salmon</i> case the drafting of policies and objectives in the RPS now requires greater precision.</p> <p>This is because subordinate plans are required to give effect to the RPS and in order to do so will if the RPS says for example "avoid" have to make provisions that avoid those particular activities or effects relevant to that policy or objective.</p>	Amend accordingly
General		There is nothing in the RPS about the responsible use of minerals, or protecting minerals from encroachment by inappropriate land uses – for example residential houses constructed on top of limestone, thereby sterilising the resource.	Add new objective and policies that provide for the responsible use of minerals and protect them from inappropriate land uses
General		<p>There is nothing in the RPS that recognises that rural industrial processing and mineral extraction activities do occur in Otago.</p> <p>Further the RPS should recognise that these activities could occur in rural areas and in many respects need to be there with appropriate</p>	Add new objective and policies that recognise mineral extraction and rural industrial processing does occur in Otago.

		controlling mechanisms in terms of air and water discharges particularly.	
		Having this recognition in the RPS is important because it will other subordinate plans to give consequential recognition to these matters when they give effect to the RPS.	
6	<p><b>1. Otago has high quality natural resources and ecosystems</b>  <i>Society relies heavily on the systems and services of the natural environment. This chapter addresses our fundamental reliance on natural resources and ecosystem 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. It 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.</i></p>	Support, it is important to recognise the reliance upon Otago's natural environment.	Retain
11	<p><b>Issue 9: Minimising nuisance from incompatible activities</b>  <i>The acceptability of adverse effects can depend on the surrounding activities: for example, industrial activities often cause nuisance which makes them incompatible with residential developments. In some contexts, locating sensitive activities close to important infrastructure has the potential to limit the ability to operate or develop that infrastructure as expected. Sound planning often requires separation of those activities, so all the activities on which our communities depend on can be carried out in appropriate environments.</i></p>	Support recognition of reverse sensitivity effects in future planning documents.	Retain
11	<p><b>Issue 10: Locationally constrained activities</b>  <i>Some developments can only occur in specific places, and some of their adverse effects may be unavoidable. For example, windfarms often need to be located on ridges, and can have significant impact on landscape values. We need to be clear about where such adverse effects can be accommodated, and where they cannot because of other outstanding values</i></p>	Support but Ravensdown would like to understand what the ORC means by "where they cannot because of other outstanding values". Will this translate into rules that say "avoid"? Ravensdown is curious to see how this develops.	Amend to make it abundantly clear that businesses that invested significant amounts in historic factories are locationally constrained

		For example Ravensdown has made a significant historic investment in its factory in Ravensbourne. For many reasons it is not practical to relocate such factories when they create adverse effects. The presence of Ravensdown's factory and others like it should gain recognition under this issue as well.	
13	<p><b>PART B.1 Otago has high quality natural resources and ecosystems</b>  <i>Otago's economy is reliant on its natural resources. Our modern lifestyles and quality of life depend on the quality of our natural resources. Beyond that, our natural resources and our environment define our identity, as individuals and as communities. Some of our natural resources are unique, either to New Zealand or to Otago.</i>  <i>It is critical to protect the quality of Otago's natural resources, and to identify resources which we want to preserve for future generations.</i></p>	<p>Support recognition that Otago's economy is reliant on natural resources including minerals.</p> <p>Does not support an approach that protects / preserves Otago's mineral resources (such as industrial rocks which include limestone) for perpetuity this is because minerals extraction is not an industry where alternatives are available.</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
13 – 16	<p><b>Objective 1.1 Otago natural resources are of high quality, and support healthy ecosystems and a good quality of life</b>  <i>Some of the many values of our natural resources may conflict with each other: we depend on water for food production, yet we want water for healthy rivers; our health partly depends on the quality of the air we breathe, but our fireplaces are the main source of air pollution in Otago towns. A good quality resource management framework balances all the values attached to our resources, and identifies those which need protection.</i></p>	<p>All of the policies implementing Objective 1.1 are focussed on protection with no evidence of the "balancing" mentioned in Objective 1.1.</p> <p>Further policies that provide for economic development and which direct how the balancing of competing values should occur are required.</p>	Additional policies required
14	<p><b>Policy 1.1.2 Identifying outstanding water bodies</b>  <i>Identify outstanding water bodies using the following criteria:</i></p>	It is not clear how these criteria are ranked if at all. Ravensdown queries whether only meeting one	Amend to explain whether there is a priority ranking and if necessary how

	<p>a) A high degree of naturalness;</p> <p>b) Exceptional aesthetic or landscape values;</p> <p>c) Significant tangata whenua cultural values;</p> <p>d) Significant recreational values;</p> <p>e) Significant ecological values.</p>	<p>criteria is sufficient to result in a water body being identified as outstanding (i.e. needing protection under policies 1.1.3 and 1.1.4).</p> <p>Further Ravensdown is interested to know how significance will be determined.</p>	<p>many factors must be met to become an outstanding water body.</p> <p>In addition to some reference on how "significance" is determined in schedule 3.</p>
14	<p><b>Policy 1.1.6 Managing for important coastal water values</b>  <i>Manage the use of coastal water, in order to:</i></p> <p>a) Ensure the coast supports healthy ecosystems; and</p> <p>b) Retain the range of habitats provided by the coastal marine area; and</p> <p>c) Allow for the economic use of coastal water within a sustainable range; and</p> <p>d) Maintain water quality, or enhance it where it has been degraded; and</p> <p>e) Maintain or enhance coastal values; and</p> <p>f) Protect tangata whenua values; and</p> <p>g) Provide for other cultural values; and</p> <p>h) Protect important recreation values; and</p> <p>i) Avoid the spreading of pest species.</p>	<p>Support but recommend small amendment</p>	<p>Amend (c) to include "... use of <u>and discharges into</u> coastal ..."</p>
15	<p><b>Policy 1.1.7 Managing for air values</b>  <i>Manage discharges to air, and the effects of land use and air, in order to:</i></p> <p>a) Maintain good ambient air quality that supports human health, or enhance it where it has been degraded; and</p> <p>b) Ensure air quality supports important tangata whenua values; and</p> <p>c) Ensure air quality supports important cultural and amenity values.</p>	<p>This policy does not provide for any instances where air may be degraded at least at the discharge point. It does not allow for reasonable mixing in any circumstance.</p> <p>Further it is unclear what is meant by the phrase "...and the effects of land use and air..."</p>	<p>Amend to allow for contaminated discharges subject to reasonable mixing or other mitigating factors</p> <p>Amend to say "...in order to (<u>after reasonable mixing</u>):"</p> <p>Amend to include a new provision</p>

			<p>"...and</p> <p><u>(d) Allow for the necessary discharge of contaminants to air associated with existing and new activities which support our modern lifestyles, quality of life, and economic wellbeing."</u></p>
15	<p><b>Policy 1.1.8 Managing the values of soil</b>  <i>Manage the effects of land use on soil, in order to:</i></p> <ul style="list-style-type: none"> <li>a) <i>Support the biological activity in soils; and</i></li> <li>b) <i>Retain the soil biodiversity; and</i></li> <li>c) <i>Retain soil's function in the cycling of nutrients, water, energy and other elements through the biosphere; and</i></li> <li>d) <i>Maintain or enhance soil's function as an environmental buffer or filter for the effects of human activities; and</i></li> <li>e) <i>Provide for food production; and</i></li> <li>f) <i>Retain soil's ability to act as a repository for heritage objects; and</i></li> <li>g) <i>Maintain the social and cultural values associated with soil.</i></li> </ul>	<p>It is not clear in this policy if there is a ranking of factors. In other words is 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>Amend to clarify if there is a ranking or if it is acceptable to comply with one factor but not another</p>
16	<p><b>Policy 1.1.12 Managing riparian margins</b>  <i>Protect, maintain or restore wetlands, and riparian margins along the coastal marine area, rivers and lakes, in order to:</i></p> <ul style="list-style-type: none"> <li>a) <i>Maintain or enhance ecosystem health, both in-stream and along the margins; and</i></li> <li>b) <i>Support the maintenance or enhancement of indigenous biodiversity and contribute to ecological corridors; and</i></li> <li>c) <i>Reduce risks of erosion; and</i></li> <li>d) <i>Recognise the effects of climate change;</i></li> <li>e) <i>Maintain or enhance the natural functioning of the adjacent sea, river or lake, including the formation of wetland areas, and estuaries in the coastal environment; and</i></li> <li>f) <i>Maintain or enhance tangata whenua and public access to rivers, lakes, wetlands and the coastal environment; and</i></li> </ul>	<p>Ravensdown 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 riparian margins. This policy is not in keeping with sound resource management principles because numerous activities including recreational values rely on wharfs and other coastal infrastructure.</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 provide for instances where the riparian margins can be degraded subject to certain management provisions</p>

	<p>g) <i>Contribute to the achievement of a good quality urban environment, as detailed in Schedule 1.</i></p> <p><i>Methods for this section are under development</i></p>		
17	<p><b>Policy 1.2.3 Integrating land use management with the management of air discharges</b>  <i>Integrate land use management with the management of discharges to air by:</i></p> <p>a) <i>Setting emission standards that take into account the foreseeable demographic changes, and their effects on cumulative emissions; and</i></p> <p>b) <i>Setting land use controls that are consistent with the achievement of air quality standards and emissions standards, and the potential for nuisance effects; and</i></p> <p>c) <i>Setting collaborative processes between territorial authorities and the regional council, to ensure consistency between land use control and the management of discharges to air.</i></p>	<p>Partially support,</p> <p>Ravensdown encourages the inclusion of a provision for appropriate industry.</p>	<p>Amend to include a provision for appropriate industry</p>
18	<p><b>Policy 1.2.5 Integrating for the management of the coastal environment</b>  <i>Integrate land use management or control of activities in the coastal environment by:</i></p> <p>a) <i>Recognising coastal objectives that take into account:</i></p> <p>i. <i>The natural character of the coast; and</i></p> <p>ii. <i>The contribution of water in the coastal environment to landscapes and seascapes; and</i></p> <p>iii. <i>Natural features and landscapes identified as outstanding or highly valued by tangata whenua or local communities; and</i></p> <p>iv. <i>The interactions between coastal and land-based ecosystems; and</i></p> <p>b) <i>Setting land use controls that are consistent with the achievement of coastal water quality standards, and the potential for nuisance effects; and</i></p> <p>c) <i>Setting collaborative processes between territorial authorities and the regional council, to ensure consistency between land use control and the management of discharges to the coastal marine area.</i></p>	<p>Partially support,</p> <p>Ravensdown would like to see some recognition that the coastal and harbour areas also provide a productive environment for economic activity.</p>	<p>Amend new provision that the coastal and harbour areas also provide a productive environment for economic activity.</p>
19	<p><b>Objective 1.3 Otago's significant and highly-valued natural resources are identified, and protected or enhanced</b>  <i>Otago features unique landscapes, natural features and areas of indigenous biodiversity which are nationally or regionally important. Giving these features a higher level of protection ensures they will be retained, while consumptive</i></p>	<p>Object</p> <p>In some instances strategically important mineral resources may be co-located with regionally</p>	<p>Delete</p>

	<p>use of resources will be directed to areas where adverse effects are more acceptable.</p>	<p>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>	
19	<p><b>Policy 1.3.2 Protecting significant indigenous vegetation and significant habitats of indigenous fauna</b>  <i>Protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</i>  a) <i>Avoiding adverse effects on the values which contribute to the significance of the area or habitat; and</i>  b) <i>Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</i>  c) <i>Encouraging the planting of naturally occurring locally sourced indigenous species and the creation of habitats for indigenous species; and</i>  d) <i>Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and</i>  e) <i>Minimising the adverse effects of pests animal and plants on those values.</i></p>	<p>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.</p>	<p>Amend to provide for some instances where the protection of significant flora and fauna is not possible at all times.</p> <p>Amend to read " <i>Protecting and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna from the effects of inappropriate activities, by:</i>  a) <i>Avoiding, remedying, mitigating or offsetting adverse effects...</i>"</p>
20	<p><b>Policy 1.3.5 Protecting outstanding natural features, landscapes, and seascapes</b>  <i>Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</i>  a) <i>Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</i>  b) <i>Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</i>  c) <i>Minimising the adverse effects of pests animal and plants on those values;</i></p>	<p>The term "avoid" in this policy is not appropriate in light of <i>King Salmon</i>.</p> <p>Many farms throughout Otago straddle multiple districts. This puts farmers in the inconvenient position in some cases of having an Outstanding Natural Landscape on one part of the</p>	<p>Amend "avoid" to "avoid, remedy or mitigate"</p> <p>Provide for cross-boundary issues</p>

	<p>and d) Encouraging enhancement or restoration to increase their naturalness.</p>	<p>property but not on another adjoining part of the property that is located in another district even though the landscapes are exactly identical. This type of land management severely restricts farm management regimes.</p> <p>For example if the Otago harbour was to become an outstanding seascape the term "avoid" would make the management of economic activities troublesome in the harbour including Ravensdown's factory in Ravensbourne. Here the factory makes up part of the harbour landscape and any changes to the factory would be severely restricted by this provision.</p> <p>The New Zealand Coastal Policy Statement will also be relevant to this policy.</p>	
21 - 22	<p><b>Policy 1.3.9 Preserving or enhancing the natural character of the coastal environment</b>  <i>Preserve or enhance the natural character of the coastal environment, by:</i>  a) <i>Avoiding adverse effects on those values which contribute to the outstanding natural character of an area; and</i>  b) <i>Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on those values which contribute to the natural character of other areas of the coastal environment; and</i>  c) <i>Assessing the significance of adverse effects on the natural character of the coastal environment in accordance with the criteria in Schedule 3; and</i>  d) <i>Recognising the particular contribution of exotic species to the natural character of the coastal environment, and providing for their ongoing contribution; and</i></p>	<p>Object because 'natural character' is a continuum and there are very few coastal environments that have no natural character. The policy needs significant re-wording so that its focus is on maintenance of the values that contribute to areas with acknowledged high natural character.</p>	Re-word



	<p>e) Promoting the restoration or rehabilitation of the natural character of the coastal environment in areas where the environment has been degraded; and</p> <p>f) Encouraging the establishment of indigenous riparian vegetation; and</p> <p>g) Managing pest animals and plants in areas where this will maintain enhance or restore the natural character of the coastal environment.</p>		
23	<p><b>Policy 1.4.2 Protecting sites of cultural significance to tangata whenua</b>  Avoid adverse effects on the values of the sites of cultural significance to tangata whenua.</p>	Reconsider use of the term "avoid". There may be circumstances where the tangata whenua are accepting of certain adverse effects.	Amend to include "Avoid, <u>remedy, or mitigate...</u> ".
33	<p><b>Objective 3.1 Positive effects of resource use on the natural environment are maximised and negative effects are avoided or minimised.</b>  Any use of natural or physical resources has the potential to adversely affect the quality of the environment. It is important to recognise and provide for the use of those resources, while ensuring that their impact on the quality of those resources is acceptable.</p>	<p>Support in general the paragraph but would like to see more around defining the term 'acceptable'.</p> <p>Does acceptable mean "avoided or minimised"? If this is the case then there are many instances where negative effects from economic activities cannot always be avoided or minimised. In such circumstances that could possibly be mitigated.</p>	<p>Amend to further define 'acceptable'.</p> <p>Replace word "minimised" with "remedied, or mitigated".</p>
34	<p><b>Policy 3.1.5 Protecting soil quality</b>  Protect soil quality by:</p> <p>a) Minimising the accumulation of chemicals in soil, including through inappropriate application of fertiliser or other discharge to land, that:</p> <p>i. May reduce the suitability of the soil resource for food production; or</p> <p>ii. Have potential adverse effects on human or animal health; or</p> <p>iii. May reduce the range of future uses of the soil resource; or</p> <p>iv. Soil ecology; or</p> <p>b) Minimising the physical degradation of soil by activities, including:</p> <p>i. Disturbance; and</p> <p>ii. Compaction; and</p>	Partially support, because this provision does not attempt to define what "inappropriate application of fertiliser" is which is just as well. This is because inappropriate fertiliser application is a slightly subjective term which depends on which expert is answering the question.	<p>Amend to remove reference to inappropriate application of fertiliser</p> <p>Recommend an additional policy that says:</p> <p>"Enhance soil productivity:</p> <p>Enhance soil productivity by:</p> <p>a. Encouraging the</p>

	<p>iii. Destruction; and</p> <p>iv. Removal or translocation of topsoil; and</p> <p>v. Over-watering.</p>		<p>appropriate application of fertiliser;</p> <p>b. Encouraging efficient and sustainable irrigation;</p> <p>c. Discouraging land use practices that degrade soil quality."</p>
35	<p><b>Policy 3.1.7 Discharging to air</b>  Avoid discharges to air which:</p> <p>a) Are objectionable in terms of tangata whenua values; or</p> <p>b) Are objectionable in terms of other cultural or amenity values; or</p> <p>c) Have significant adverse effects on human health and ecosystems.</p>	<p>RPS does not point out what the tangata whenua values are. Further the term "avoid" in this instance is overly strong.</p> <p>There are some instances where objectionable air discharges cannot be avoided but they can be mitigated.</p>	<p>Amend to make provision for instances where objectionable odours can occur.</p> <p>Amend to say "Avoid, <u>remedy or mitigate...</u>"</p>
35	<p><b>Policy 3.1.12 Avoiding adverse effects of hazardous substances</b>  Avoid actual or potential adverse effects from the discharge, use, storage or disposal of hazardous substances in areas of high risk or sensitivity, including the following locations:</p> <p>a) Community drinking water protection areas, or within proximity to a community drinking water supply such that there is a no risk of contamination of that drinking water source; or</p> <p>b) Identified aquifers, where there is risk of contamination; or</p> <p>c) Within the coastal marine area and in the beds of lakes and rivers; or</p> <p>d) Within any area identified as being sensitive to the potential effects of hazardous substances, including but not limited to, sites of significance to tangata whenua such as wāhi tapu, urupā, or customary food gathering areas, institutions and residential areas; or</p> <p>e) Areas subject to intolerable natural hazard risk.  Methods for this section are under development</p>	<p>Ravensdown queries whether this is necessary and is this duplication with HSNO requirements. It should also provide for minimisation of adverse effects.</p>	<p>Amend to say "Avoid or minimise potential adverse effects..."</p>
37	<p><b>Policy 3.2.1 Maximising benefits</b>  Give preference to activities and solutions that maximise the positive benefits</p>	<p>Support but should also include a reference to utilisation of existing</p>	<p>Amend to include utilisation of existing</p>

	<p>of resource allocation and use, including those that enhance:</p> <p>a) Environmental values; or</p> <p>b) Tangata whenua values; or</p> <p>c) Other cultural values; or</p> <p>d) Social wellbeing, including public health and safety; or</p> <p>e) Community resilience.</p>	<p>investment in infrastructure.</p> <p>This may fall under the general head of social wellbeing but it should be made abundantly clear that it does relate to utilisation of existing investment in infrastructure.</p>	<p>investment in infrastructure.</p> <p>Add an additional provision:</p> <p>"f. economic wellbeing"</p>
38	<p><b>Policy 3.2.5 Providing for activities that generate adverse effects</b></p> <p>Manage the use and development of land and discharges to the environment to:</p> <p>a) Avoid significant adverse impacts on human health or amenity by reducing exposure to activities that may generate adverse effects; and</p> <p>b) Regulate activities that use or discharge noxious or dangerous substances to control off site effects that may be adverse to human health or safety; and</p> <p>c) Recognise and providing for the operation and development of activities that have the potential to generate adverse effects, including industrial and rural productive activities.</p>	<p>Partially support, Ravensdown can understand the avoidance of significant adverse effects on human health because it can actually be calculated, however, Ravensdown does not support including the term "amenity" in (a) because this is a subjective value and when this is added into the fray with determining the subjective term "significant" then this leaves to many subjective variables to be determined.</p>	<p>Delete "amenity" from (a)</p> <p>Delete "may" from (a)</p>
38	<p><b>Policy 3.2.6 Minimising reverse sensitivity</b></p> <p>Minimise reverse sensitivity effects by:</p> <p>a) Managing new subdivision, use and development so that incompatible land uses are separated; and</p> <p>b) Setting standards appropriate for the planned land use activities; and</p> <p>c) Requiring adverse effect mitigation where necessary.</p>	<p>Support</p>	<p>Retain</p>
38	<p><b>Policy 3.2.7 Reducing unavoidable adverse effects</b></p> <p>Reduce unavoidable adverse effects of activities by:</p> <p>a) Staging development for longer term activities; and</p> <p>b) Progressively rehabilitating the site where possible.</p>	<p>Support</p>	<p>Retain</p>

38	<p><b>Policy 3.2.8 Providing for offsetting</b>  <i>Provide for the offsetting of adverse effects when those adverse effects cannot be avoided, remedied or mitigated while ensuring that the offsetting measures:</i>  a) <i>Are provided onsite where possible; and</i>  b) <i>Provide a benefit of the same nature.</i></p>	<p>Support the proposition to allow for flexibility to address adverse effects that cannot be avoided. But would like references to what "offsetting" is and how it is to be measured.</p>	<p>Amend policy to "</p> <p><b>"Policy 3.2.8 Providing for offsetting and environmental compensation</b></p> <p><i>Provide for the offsetting of or compensation for adverse effects when those adverse effects cannot be avoided, remedied or mitigated."</i></p>
45	<p><b>Policy 3.7.4 Providing for commercial and industrial land uses</b>  <i>Recognise the finite nature of areas suitable and available for commercial and industrial activities by providing:</i>  a) <i>provisions to manage the scale and intensity of effects of activities anticipated</i>  b) <i>sufficient supply of appropriate land for commercial and industrial activities, and</i>  c) <i>exclusion of activities that may result in reverse sensitivity issues or inefficient use of this resource</i></p>	<p>Support but provision should expressly allow for the continuation of existing industrial activities.</p>	<p>Amend to expressly allow for the continuation of existing industrial activities</p>
51	<p><b>Policy 3.10.2 Managing use and storage of hazardous substances</b>  <i>Manage the use and storage of hazardous substances to:</i>  a) <i>Minimise risks associated with natural hazard events; and</i>  b) <i>Require that hazardous facilities are resilient to potential damage caused by natural hazards to avoid unintended discharges; and</i>  c) <i>Avoid unintended discharges or other adverse effects, including risks to individuals' physical and cultural health, property, and the contamination of air, land, and water.</i></p>	<p>This policy is overly restrictive particularly (c). Subsection (c) should be amended.</p>	<p>Amend (c) to say "Avoid unintended discharges and minimise other adverse effects..."</p>
52	<p><b>Policy 3.10.10 Avoiding new contaminated land</b>  <i>Avoid the creation of new contaminated land in Otago.</i></p>	<p>This policy creates numerous problems for many industries. This policy will prohibit any activities on the HAIL list from occurring. For example livestock</p>	<p>Delete</p>

		<p>dips or spray race operations, bulk storage of fertiliser, service stations etc. This policy as it stands is not practicable.</p> <p>This policy should be deleted for the reasons given. The adverse effects of land contamination are adequately covered by other objectives and policies.</p>	
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Date: 19 December 2014



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**Ravensdown Limited**

By its solicitors and duly authorised agents

ANDERSON LLOYD

Per: Stephen Christensen

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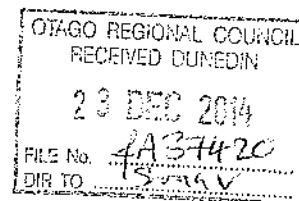
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**James Adams**

**From:** David Hanan <David.Hanan@thinkdelta.co.nz>  
**Sent:** Friday, 19 December 2014 5:14 p.m.  
**To:** RPS ORC  
**Subject:** Regional Policy Statement - Delta Submission  
**Attachments:** Delta RPS - final.pdf  
**Categories:** Email response sent



Please find attached a submission on behalf of Delta Utility Services. This submission focuses on 3.10.

Any questions please do not hesitate to contact me

Cheers  
Dave



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Date: 19 December 2014

Otago Regional Council  
Regional Policy Statement Review

Dear Sir / Madam

### **DELTA UTILITIES LTD OTAGO REGIONAL POLICY STATEMENT REVIEW**

Please find below comments prepared on behalf of Delta Utilities Ltd (Delta) in relation to the Otago Regional Policy Statement (RPS) Consultation Draft recently released by the Otago Regional Council (ORC). The comments have been prepared to assist ORC's development of the proposed RPS, due to be notified in March 2015.

### **About Delta**

Delta is a multi-utility service contractor that operates and maintains a range of environmental and electrical infrastructure around New Zealand. Delta is ultimately owned by Dunedin City Council and accordingly is a Council Controlled Trading Organisation as defined by the Local Government Act 2002.

Of particular interest to Delta is waste management in the Otago region. Delta is responsible for the landfill and transfer operation for Dunedin city and Clutha district and on an adhoc basis an environmental consultant providing monitoring, advice for contaminated sites, hazardous waste planning and consenting services.

### **Comments on Otago RPS Consultation Draft**

Delta has reviewed the Consultation Draft released by Council as part of the Otago RPS review process. Delta generally supports the approach taken by Council however we note that a number of sections are incomplete which has impacted our ability to provide relevant feedback particularly when there is no mention of method or how activities proposed would be undertaken.

Comments are organised below under the various objective and policy headings of the Consultation Draft.

### **Objective 3.10 - Hazardous substances and waste materials do not harm Human Health or the Quality of the Environment in Otago.**

This objective currently covers Hazardous Substances, Contaminated Land, Waste Minimisation and Management. In order to recognise the importance of each of these area we recommend breaking the objective up into the individual components.



### **Policy 3.10.1 Integrating management of hazardous substances and waste**

It must be recognised that hazardous substances are vital to the social, cultural and economic wellbeing of people and communities as well as maintenance and enhancement of the environment.

Hazardous substances management is a complex area with a number of agencies responsible. Key legislation governing the management of hazardous substances is included in the RMA 1991, the Hazardous Substances and New Organisms Act (HSNO) 1996 and the Building Act 2004. HSNO Act 1996 provides a baseline for the operation of the management of hazardous substances.

We think it is worth documenting which organisation (Regional authority, TLA) is responsible for which aspects of the legislation. There are of course joint responsibilities for the purpose of preventing adverse effects entering the environment.

### **Policy 3.10.2 Managing use and storage of hazardous substances**

Adverse effects from the storage, use, disposal or transport can contaminate land, air or water which in turn effect the relationship of Iwi and their culture and traditions with their ancestral lands water sites, burial grounds etc. Adverse effects can also effect ecosystems, human health and impact on communities. We believe this should be reflected in this section.

### **Policy 3.10.3 Reducing Hazardous substances**

We believe that this section needs to be strengthened to prevent or mitigate the adverse effects resulting from the use, storage or disposal of hazardous substances in the following locations:

- In high hazard areas.
- Within a community drinking water protection zone, or within such a distance from a drinking water supply that there is a risk of contamination.
- In areas of unconfined or semi confined aquifers where the depth to the ground water is such that there is a risk of contamination
- Within a coastal marine area and the beds of lakes and rivers
- Within any area identified by a district or regional plan as being sensitive to the potential effects of hazardous substances for example Iwi and residential areas.

We feel that in high hazard areas there is a greater chance of stored or disposed hazardous substances discharging or unexpectedly spilling in the event of an incident – whether it is natural or man-made. The consequential effect on the above could be significant if such an event occurred. It is appropriate for Council to define these areas and actively manage or eliminate the storage or use of hazardous substances in such zones.

### **Policy 3.10.5 Developing facilities for transfer of waste and hazardous waste**

Delta is very supportive of this objective as it would be beneficial for Otago. We would add that working with local government and suitable infrastructure providers would be an efficient use of resources. In our

view, from the hazardous waste intercepted at Green Island landfill, we believe that there is a real need for this waste stream to be coordinated by the ORC across Otago to ensure there is adequate provision for the collection, storage and management of these substances.

Delta seeks the following policy be included:

**Policy 3.10. X Emergency Management**

The ORC should work with other local and central government organisations to share information so the location of specific types of hazardous substances are widely known. In the event of an emergency, the regional council should encourage appropriate information sharing to the various agencies so that emergencies can be managed effectively. Also, prepare and plan for emergencies so that the effects of an emergency can be responded to as quickly as possible.

**Policy 3.10.7 Managing Waste streams**

Having an understanding of how the waste streams are managed in Otago would, in our opinion, be beneficial for Otago. However it would be more appropriate for ORC to actively work with existing service providers who manage this waste stream rather than undertake this themselves.

We suggest by way of in introduction having some legislative context and some background would be appropriate.

Table one indicated the number of landfill, their classification and the consent expiry, expected closure date and the amount of tonnages deposited at each site.

**Table 1: Otago Landfills**

Landfill	Location	Owner	Current Landfill Class	Consent expiry	Estimated annual Tonnages
Green Island	Dunedin	DCC	B	2023	45000
Fairfield	Dunedin	Waste Management	B	2017	42000
Waikouaiti	Dunedin	DCC	B	2016	3000
Mt Cooee	Balclutha	CDC	B	2023	8700
Victoria Flats	Queenstown	QLDC	B	?	30000?

Disposing of waste is costly both to people in terms of fees paid and to the environment. It also uses and contaminates land that would otherwise be available for other purposes. Waste is controlled by local authorities under several pieces of legislation but in particular the Waste Minimisation Act 2008. TLA’s have a responsibility to promote effective and efficient waste management in their region.

It should be acknowledged that inappropriate management of wastes can result in increased adverse effects to the environment. Policies and methods in the Regional Policy Statement need to reflect this. For example Council need to understand how many clean and organic fills and farm dumps there are in Otago and ensure that they are actively managing environmental implications for each site.

We are supportive of the councils consideration of the 5 R's as part of the minimising and reducing wastes. Council need to support this initiative by advocating the implication of the 5 Rs throughout the Otago region. This will mean working with in conjunction TLA's so that consistent messages are delivered to the communities throughout Otago. Council should support product stewardship programmes aimed at reducing wastes and advocate the reuse of materials within industry. Again the TLAs have done some excellent work in this area; however ORC should be applying a regionalised approach to ensuring that such schemes are consistent across Otago. Council could also develop policies which would require assessment of the adverse effects of wastes to be considered by managing and minimising the generation of wastes.

Council could also promote behaviour change in our communities to try and reduce waste at the source of origin. This could be achieved by education and advocating the power of consumer choice or advocating stronger national guidance and incentives for reducing wastes, particularly in manufacturing and packaging. Along with Working with industry to champion cleaner production and/or resource efficiency methods not only helps drive business productivity by extracting more out of the existing resources and increases profitability.

### **Policy 3.10.8 Identifying contaminated Land**

Some legislative framework would be useful for context. The RMA 1991 sets out the functions for managing contaminated land for Regional Councils and TLAs. Regional councils have the function to investigate land for the purposes of identifying and monitoring contaminated land, while the TLA have the function to prevent or mitigate any adverse effects on the environment that may arise from the use, subdivision or development of contaminated land. The National Environmental Standard 2013 assesses and managing contaminates in soils to protect Human health. The NES does not currently address the management of contaminated land for environmental reasons. It is therefore important the ORC work in collaboration with TLAs to ensure adequate sharing of information so such sites can be appropriately managed so the effects to humans and environments can be mitigated.

We suggest this policy could be strengthen by adding: To verify contaminated land, if appropriate, by determining the existence and nature of the contamination. have For example if a piece of land is considered to be on the Hazardous Activities and Industry List (HAIL) and a desk top study or preliminary site investigation indicates that it is not contaminated it could be taken off the list. In determining the presence or acceptable level of contamination the Regional Policy Statement could consider which reference document should be used.

### **Policy 3.10.9 Managing the use of contaminated land**

We are very supportive of any policy which seeks to manage the use of contaminated land. However we feel that the policy should explicitly state that contaminates should only be permitted to be left insitu if discharges of contaminates beyond the site do not result in significant risks to human health or the environment.

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## Otago RPS Review Process

Delta recognises the importance of working with councils to develop appropriate policy statements and plan provisions. Delta would welcome the opportunity to work alongside the ORC through the development of the RPS.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'D. Hanan', with a long horizontal flourish extending to the right.

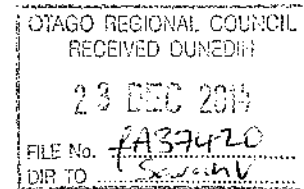
David Hanan  
Environmental Engineer  
Delta

**James Adams**

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**From:** Claire Hunter <claire.hunter@mitchellpartnerships.co.nz>  
**Sent:** Friday, 19 December 2014 5:00 p.m.  
**To:** RPS ORC  
**Subject:** Alliance Group Limited - Comments on Draft RPS  
**Attachments:** REGIONAL POLICY STATEMENT REVIEW 19.12.14.pdf

**Categories:** Email response sent



To whom it may concern:

Please find attached comments on the draft Otago Regional Policy Statement submitted on behalf of Alliance Group Limited.

We thank you for the opportunity to provide these comments, and look forward to further discussion.

Kind regards,  
Claire Hunter

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Mitchell Partnerships Ltd  
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**By Email**

19 December 2014

Ref: 9009

RPS Review  
Otago Regional Council  
Private Bag 1954  
**DUNEDIN**

**Attention:** Policy Team

Dear Sir / Madam

**RE: REGIONAL POLICY STATEMENT REVIEW – ALLIANCE GROUP LIMITED**

The Otago Regional Council ("ORC") has recently released for preliminary consultation a draft Proposed Regional Policy Statement ("PRPS") for the Otago Region. Alliance Group Limited (Alliance) has been invited to provide feedback prior to the formal notification of the document.

Alliance appreciates the opportunity to review the draft PRPS and provides specific feedback attached as Annexure 1. Alliance trusts that you will take these comments into consideration and would welcome discussions with you as part of the PRPS review on how rural industry would be best provided for in the future RPS for Otago.

Yours sincerely,  
**MITCHELL PARTNERSHIPS LIMITED**



**CLAIRE HUNTER**

Email: [claire.hunter@mitchellpartnerships.co.nz](mailto:claire.hunter@mitchellpartnerships.co.nz)

Annexure 1: Alliance's comments on the Draft Otago RPS

Provision Issues	Comments	Recommendation
<p>Issue 8: Managing uses and values of natural resources to avoid conflict</p> <p>We need to provide for ways to use our natural and physical resources to the best advantage, while providing for all the values which are important to the community.</p> <p>This requires that our use of resources is as efficient as possible, and that we allow as much flexibility as possible to optimise resource allocation at all times</p>	<p>It is not clear what is trying to be achieved by the inclusion of this issue statement. Alliance is of the view that this statement should be clear that there are benefits to be derived from the use of natural and physical resources, however in doing so this can create conflicts with a range of biophysical and community values which need to be managed appropriately</p>	<p>Amend the issue as follows:</p> <p>Issue 8: Managing uses and values of natural <u>and physical</u> resources to <u>avoid</u> <del>manage</del> conflict</p> <p><del>We need to provide for ways to use our natural and physical resources to the best advantage, while providing for all the values which are important to the community.</del></p> <p><u>There are benefits to be derived from the use and development of our natural and physical resources, however this can create conflicts with a range of biophysical and community held values that need to be managed appropriately.</u></p> <p><del>This requires that our use of resources is as efficient as possible, and that we allow as much flexibility as possible to optimise resource allocation at all times.</del></p>
<p>Issue 9: Minimising nuisance from incompatible activities</p> <p>The acceptability of adverse effects can depend on the surrounding activities; for example industrial activities often cause nuisance which makes them incompatible with residential developments. In some contexts, locating sensitive activities close to important infrastructure has the potential to limit the ability to operate or develop that infrastructure as expected.</p> <p>Sound planning often requires separation of those activities, so all the activities on which our communities depend on can be carried out in appropriate environments</p>	<p>Alliance supports the intent of this issue statement but thinks that it should be amended to refer to "adverse reverse sensitivity effects" rather than nuisance effects. It is the nature of the activity rather than the creation of "nuisance effects" which makes it inappropriate to locate incompatible activities close to one another.</p>	<p>Amend the issue as follows:</p> <p>Issue 9: Minimising <del>nuisance</del> <u>adverse reverse sensitivity effects</u> from incompatible activities</p> <p>The acceptability of adverse effects can depend on the surrounding activities <u>within the receiving environment</u>; for example industrial activities often <del>cause nuisance</del> <u>undertake activities</u> which makes them incompatible with residential developments. In some contexts, locating sensitive activities close to important infrastructure has the potential to limit the ability to operate or develop that infrastructure as expected.</p> <p>Sound planning often requires separation of those activities, so all the activities on which our communities depend on can be carried out in appropriate environments.</p>
<p>Issue 10: Locationally constrained activities</p> <p>Some developments can only occur in specific places, and some of their adverse effects may be unavoidable. For example, windfarms often need to be located on ridges, and can have significant impact on landscape values.</p> <p>We need to be clear about where such adverse effects can be accommodated, and where they cannot because of other outstanding values</p>	<p>Alliance supports the intent of this issue statement in recognising that for certain activities there may be technical or locational constraints that influence and/or determine where they will be located. However Alliance is concerned that this issue overemphasises that such activities will give rise to adverse effects. It would be preferable that this issue identified that such activities often provide significant benefits for the health safety and economic wellbeing of the community and they should be provided for subject to the appropriate management of adverse effects.</p>	<p>Amend the issue as follows:</p> <p>Issue 10: Locationally constrained activities</p> <p>Some developments <u>due to technical or locational constraints</u> can only occur in specific places. <u>These activities often create significant benefits for the health, safety and economic wellbeing of the community and it is necessary to enable the development, maintenance and operation of such activities while also appropriately managing adverse effects.</u> <del>and some of their adverse effects may be unavoidable. For example, windfarms often need to be located on ridges, and can have significant impact on landscape values.</del></p> <p><del>We need to be clear about where such adverse effects can be accommodated, and where they cannot because of other outstanding values</del></p>

<p>Issue 12: Making better urban areas</p> <p>Urban design has strong influence on people's lifestyle and their quality of life. In the past, urban development has not always had regard to the natural environment. Likewise, streets have been built to accommodate cars, but may not provide for cycling and walking as well.</p> <p>Our towns need to contribute to people's wellbeing, through a better integration of ecosystems into urban areas, better walking and cycling facilities, and vibrant town centres. This could improve urban amenity, reduce the use of energy and enhance indigenous biodiversity</p>	<p>Alliance is concerned that there is no specific issue statement which recognises the significant economic contribution urban (including commercial and industrial) development provides to the wellbeing of the region.</p>	<p>Include another issue recognising the benefits that can be derived from the growth and development of commercial and industrial activities.</p>
<p><b>Part B:1 Otago has high quality natural resources and ecosystems</b></p>		
<p>Policy 1.1.1 Managing for freshwater values</p> <p>Manage allocation and use of freshwater, and the effects of land use on water, in order to:</p> <ul style="list-style-type: none"> <li>a) Ensure Otago rivers, lakes, wetlands, and aquifers support healthy ecosystems, and</li> <li>b) Retain the range of habitats provided by freshwater; and</li> <li>c) Allow for the economic use of freshwater within a sustainable range; and</li> <li>d) Maintain good water quality, or enhance it where it has been degraded; and</li> <li>e) Maintain good water quality in the coastal marine area, or enhance it; and</li> <li>f) Maintain or enhance coastal values, and</li> <li>g) Retain the quality and reliability of existing drinking water supplies; and</li> <li>h) Protect tangata whenua values, and</li> <li>i) Provide for other cultural values; and</li> <li>j) Protect important recreation values; and</li> <li>k) Avoid the spreading of pest species.</li> </ul>	<p>Alliance supports this policy in that it appropriately recognises the full range of matters that need to be considered when managing allocation and use of freshwater and assessing the effects of land use</p>	<p>Retain the policy.</p>
<p>Policy 1.1.3 Protecting outstanding water bodies</p> <p>Protect the values of outstanding water bodies, by:</p> <ul style="list-style-type: none"> <li>a) Avoiding significant adverse effects on those values, including cumulative effects; and</li> <li>b) Avoiding, remedying or mitigating other adverse effects on those values</li> </ul>	<p>Alliance is of the view that there should be scope within the policy to allow for the remediation or mitigation of adverse effects including significant adverse effects. The absolute wording of the Policy "to avoid significant adverse effects" is of concern in the light of the <i>King Salmon</i> Supreme Court decision<sup>1</sup>. In <i>King Salmon</i> "avoid" was held (by the majority) to have a greater weight<sup>2</sup> if the "environmental bottom line" approach is adopted.</p>	<p>Amend the policy as follows:</p> <p>The values of outstanding water bodies shall be managed by:</p> <ul style="list-style-type: none"> <li>(a) <u>Avoiding significant adverse effects where it is practicable to do so, and</u></li> <li>(b) <u>Where it is not remedying or mitigating significant adverse effects, and</u></li> <li>(c) <u>Avoiding, remedying or mitigating any other adverse effects on those values.</u></li> </ul>
<p>Policy 1.1.6 Managing for important coastal water values</p> <p>Manage the use of coastal water, in order to:</p> <ul style="list-style-type: none"> <li>a) Ensure the coast supports healthy ecosystems; and</li> <li>b) Retain the range of habitats provided by the coastal marine area; and</li> </ul>	<p>This policy is generally supported by Alliance. Alliance notes that clause (a) seeks to maintain or enhance coastal values. This is too general and is not considered necessary as the values of the coastal environment are already specified in the other clauses of this policy. It is also noted that clause (b) seeks to protect recreational values. This goes beyond what is required under the RMA</p>	<p>Amend the policy as follows:</p> <p>Policy 1.1.6 Managing for important coastal water values</p> <p>Manage the use of coastal water, in order to:</p> <ul style="list-style-type: none"> <li>a) Ensure the coast supports healthy ecosystems; and</li> </ul>

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

<sup>2</sup> in the sense of "not allow" or "prevent the occurrence of".



<p>c) Allow for the economic use of coastal water within a sustainable range; and</p> <p>d) Maintain water quality, or enhance it where it has been degraded; and</p> <p>e) Maintain or enhance coastal values; and</p> <p>f) Protect tangata whenua values; and</p> <p>g) Provide for other cultural values; and</p> <p>h) Protect important recreation values; and</p> <p>i) Avoid the spreading of pest species.</p>	<p>and the New Zealand Coastal Policy Statement which seeks that public open space qualities and recreational opportunities are maintained and enhanced</p>	<p>b) Retain the range of habitats provided by the coastal marine area; and</p> <p>c) Allow for the economic use of coastal water within a sustainable range; and</p> <p>d) Maintain water quality, or enhance it where it has been degraded; and</p> <p>e) <del>Maintain or enhance coastal values;</del> and</p> <p>f) Protect tangata whenua values; and</p> <p>g) Provide for other cultural values; and</p> <p>h) <del>Maintain</del> <del>Protect</del> important recreation <u>opportunities</u> values; and</p> <p>i) Avoid the spreading of pest species.</p>
<p>Policy 1.1.7 Managing for air values</p> <p>Manage discharges to air, and the effects of land use and air, in order to:</p> <p>a) Maintain good ambient air quality that supports human health, or enhance it where it has been degraded; and</p> <p>b) Ensure air quality supports important tangata whenua values; and</p> <p>c) Ensure air quality supports important cultural and amenity values.</p>	<p>Alliance supports this policy</p>	<p>Retain the policy</p>
<p>Policy 1.1.12 Managing riparian margins</p> <p>Protect, maintain or restore wetlands, and riparian margins along the coastal marine area, rivers and lakes, in order to:</p> <p>a) Maintain or enhance ecosystem health, both in stream and along the margins; and</p> <p>b) Support the maintenance or enhancement of indigenous biodiversity and contribute to ecological corridors; and</p> <p>c) Reduce risks of erosion; and</p> <p>d) Recognise the effects of climate change;</p> <p>e) Maintain or enhance the natural functioning of the adjacent sea, river or lakes, including the formation of wetland areas, and estuaries in the coastal environment; and</p> <p>f) Maintain or enhance tangata whenua and public access to rivers, lakes, wetlands and the coastal environment; and</p> <p>g) Contribute to the achievement of a good quality urban environment, as detailed in Schedule 1</p>	<p>This policy effectively seeks to protect, maintain or restore all environmental values associated with wetlands and riparian margins. Alliance consider such an approach to be overly restrictive and too generic. In this respect, while it is acknowledged that the RMA identifies the protection of natural character and outstanding landscape values from inappropriate development as a matter of national importance, not all values associated with the wetlands and riparian margins are afforded a "protective" regime under the RMA. Given this, Alliance consider that the focus of the policy should be on enabling and managing development while also sustaining the environmental values that exist within wetlands and riparian margins</p>	<p>Amend the policy as follows:</p> <p>Policy 1.1.12 Managing riparian margins</p> <p><del>Protect, maintain or restore</del> <u>Manage the use and development of</u> wetlands, and riparian margins along the coastal marine area, rivers and lakes, in order to:</p> <p>....</p>
<p>Policy 1.2.2 Integrating land use management with water management</p> <p>Integrate land use management with freshwater management by:</p> <p>a) Setting freshwater objectives that take into account:</p> <p>i. The contribution of water in landscapes, seascapes, or natural features identified as outstanding or highly valued by tangata whenua or local communities; and</p> <p>ii. The interactions between freshwater and land based ecosystems; and</p> <p>b) Setting land use controls that are consistent with the achievement of those freshwater objectives; and</p>	<p>Alliance is of the view that this policy is not consistent with the National Policy Statement for Freshwater Management. The NPSFM sets out a National Framework that directs how Councils are to go about setting objectives, policies and rules about freshwater in their regional plans. They must do this by establishing freshwater areas (freshwater management units) across their regions and identifying the values (for example irrigation, mahinga kai, swimming etc) that communities hold for the water in those areas. This policy does not allow consideration of the human related values associated with water bodies within the Otago region, for example a number of Otago's rivers are used for hydroelectricity generation purposes and this is a value of the water resource that should be recognised.</p>	<p>Amend the policy as follows:</p> <p>Policy 1.2.2 Integrating land use management with water management</p> <p>Integrate land use management with freshwater management by:</p> <p>a) Setting freshwater objectives that take into account:</p> <p>i. The contribution of water in landscapes, seascapes, or natural features identified as outstanding or highly valued by tangata whenua or local communities; and</p> <p>ii. The interactions between freshwater and land based ecosystems, and</p>

<p>c) Coordinating the management of rivers' morphology and hydrology, and</p> <p>d) Setting processes between territorial authorities and the regional council, to ensure consistency between land use controls and water management.</p>		<p>iii. <u>The economic use and community values associated with that resource; and</u></p> <p>b) Setting land use controls that are consistent with the achievement of those freshwater objectives; and</p> <p>c) Coordinating the management of rivers' morphology and hydrology, and</p> <p>Setting processes between territorial authorities and the regional council, to ensure consistency between land use controls and water management.</p>
<p>Policy 1.2.4 Identifying the extent of the coastal environment</p> <p>Identify the landward extent of the coastal environment using the following criteria:</p> <p>a) Area or landform dominated by coastal vegetation or habitat of indigenous coastal species; and</p> <p>b) Landforms and the margins of landforms where active coastal processes, influences or qualities are significant ; and</p> <p>c) Any landscapes or features, including coastal escarpments, which contribute to the natural character, visual quality or amenity values of the coast; and</p> <p>d) Any physical resource or built form, including infrastructure, that has modified the coastal environment and retain a connection to or derive character from connection to the coast, and</p> <p>e) The relationship of tangata whenua with the coastal environment.</p>	<p>Alliance notes that this policy is generally consistent with that of Policy 1 of the NZCPS, and while this is generally appropriate Alliance considers that the Otago RPS should be more definitive in identifying the extent of the coastal environment in Otago. Alliance is of the view that the Regional Council should prepare a map to accompany the RPS delineating the extent of the coastal environment.</p>	<p>Insert a map defining the extent of the coastal environment</p>
<p>Policy 1.2.5 Integrating for the management of the coastal environment</p> <p>Integrate land use management or control of activities in the coastal environment by:</p> <p>a) Recognising coastal objectives that take into account:</p> <ol style="list-style-type: none"> <li>i. The natural character of the coast; and</li> <li>ii. The contribution of water in the coastal environment to landscapes and seascapes; and</li> <li>iii. Natural features and landscapes identified as outstanding or highly valued by tangata whenua or local communities; and</li> <li>iv. The interactions between coastal and land-based ecosystems; and</li> </ol> <p>b) Setting land use controls that are consistent with the achievement of coastal water quality standards, and the potential for nuisance effects; and</p> <p>c) Setting collaborative processes between territorial authorities and the regional council, to ensure consistency between land use control and the management of discharges to the coastal marine area</p>	<p>As set out above Alliance is of the view that when providing for the integrated management of natural and physical resources, the human use (ie economic and community) values of resources should also be recognised. Given the predominant coastline in eastern Otago a number of land use activities take place in close proximity to the coastal environment. The economic and social contribution these activities provide to the community also needs to be taken into account when developing objectives, policies and standards associated with the management of the coast.</p>	<p>Amend the policy as follows:</p> <p>Integrate land use management or control of activities in the coastal environment by:</p> <p>a) Recognising coastal objectives that take into account:</p> <ol style="list-style-type: none"> <li>i. The natural character of the coast; and</li> <li>ii. The contribution of water in the coastal environment to landscapes and seascapes; and</li> <li>iii. Natural features and landscapes identified as outstanding or highly valued by tangata whenua or local communities, and</li> <li>iv. The interactions between coastal and land-based ecosystems; and</li> <li>v. <u>The economic use and community values associated with the coastal environment; and</u></li> </ol> <p>b) Setting land use controls that are consistent with the achievement of coastal water quality standards, <u>maintain economic and social wellbeing and manage adverse effects on the environment and the potential for nuisance effects;</u> and</p> <p>c) Setting collaborative processes between territorial authorities and the regional council, to ensure consistency between land use control and the management of discharges to the coastal marine area.</p>

<p>Objective 1.3</p> <p>Otago's significant and highly valued natural resources are identified, and protected or enhanced.</p>	<p>Alliance is concerned that this objective is too restrictive and generic in that it seeks to "protect" all of Otago's significant and highly valued natural resources. It could be construed that by seeking to protect such resources no development or use would be deemed to be acceptable in such an environment. Given this Alliance consider that the focus of the objective should be to identify such resources and to maintain and where appropriate enhance the values that contribute to the significance of that resource.</p>	<p>Amend the objective as follows:</p> <p>Objective 1.3</p> <p>Otago's significant and highly valued natural resources are identified, and <del>protected</del> <u>maintained or where appropriate</u> enhanced.</p> <p>Otago features unique landscapes, natural features and areas of indigenous biodiversity which are nationally or regionally important. <u>These resources should be maintained and where appropriate enhanced. Giving these features a high level of protection ensure they will be retained, while consumptive use of resources will be directed to areas where adverse effects are more acceptable.</u></p>
<p>Policy 1.3.2 Protecting significant indigenous vegetation and significant habitats of indigenous fauna</p> <p>Protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</p> <ol style="list-style-type: none"> <li>Avoiding adverse effects on the values which contribute to the significance of the area or habitat; and</li> <li>Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</li> <li>Encouraging the planting of naturally occurring locally sourced indigenous species and the creation of habitats for indigenous species; and</li> <li>Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution, and</li> <li>Minimising the adverse effects of pests animal and plants on those values.</li> </ol>	<p>The policy seeks to "protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna by avoiding adverse effects". This is of concern in the light of the <i>King Salmon</i> Supreme Court decision<sup>3</sup>. In <i>King Salmon</i> "avoid" was held (by the majority) to have a greater weight<sup>4</sup> if the "environmental bottom line" approach is adopted</p> <p>While Alliance acknowledges that it is a necessary requirement under the RMA to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna, it is considered that this can be achieved with the appropriate management of adverse effects rather than the outright avoidance of all adverse effects, particularly where there is no regard had to the scale or significance of that adverse effect.</p>	<p>Amend the policy as follows:</p> <p>Policy 1.3.2 Protecting significant indigenous vegetation and significant habitats of indigenous fauna</p> <p>Protect and <u>where appropriate</u> enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</p> <ol style="list-style-type: none"> <li>Avoiding, <u>remedying or mitigating</u> adverse effects on the values which contribute to the significance of the area or habitat; and</li> <li>Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</li> <li>Encouraging the planting of naturally occurring locally sourced indigenous species and the creation of habitats for indigenous species; and</li> <li>Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and</li> <li>Minimising the adverse effects of pests animal and plants on those values.</li> </ol>
<p>Policy 1.3.5 Protecting outstanding natural features, landscapes, and seascapes</p> <p>Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</p> <ol style="list-style-type: none"> <li>Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</li> <li>Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</li> <li>Minimising the adverse effects of pests animal and plants on those values; and</li> <li>Encouraging enhancement or restoration to increase their naturalness.</li> </ol>	<p>This policy also seeks to "protect, enhance and restore the values of outstanding natural features, landscapes and seascapes by avoiding adverse effects". This is of concern in the light of the <i>King Salmon</i> Supreme Court decision<sup>5</sup>. In <i>King Salmon</i> "avoid" was held (by the majority) to have a greater weight<sup>6</sup> if the "environmental bottom line" approach is adopted.</p> <p>While Alliance acknowledges that it is a necessary requirement under the RMA to protect areas of outstanding natural landscapes and features from inappropriate use, subdivision and development it is considered that this can be achieved with the appropriate management of adverse effects rather than the outright avoidance of all adverse effects, particularly where there is no regard had to the scale or significance of that adverse effect.</p>	<p>Amend the policy as follows:</p> <p>Policy 1.3.5 Protecting outstanding natural features, landscapes, and seascapes</p> <p>Protect, <u>where appropriate</u> enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</p> <ol style="list-style-type: none"> <li>Avoiding, <u>remedying or mitigating</u> adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</li> <li>Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</li> <li>Minimising the adverse effects of pests animal and plants on those values; and</li> <li>Encouraging enhancement or restoration to increase their naturalness.</li> </ol>

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

<sup>4</sup> in the sense of "not allow" or "prevent the occurrence of".

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

<sup>6</sup> in the sense of "not allow" or "prevent the occurrence of".

<p>Policy 1.3.7 Protecting special amenity landscapes</p> <p>Protect or enhance the values of special amenity landscapes by:</p> <ul style="list-style-type: none"> <li>a) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on those values which contribute to the special amenity of the landscape; and</li> <li>b) Assessing the significance of adverse effects on special amenity landscapes in accordance with the criteria in Schedule 3, and</li> <li>c) Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and</li> <li>d) Minimising the adverse effects of pests animal and plants on those values; and</li> <li>e) Encouraging enhancement to increase their special amenity values.</li> </ul>	<p>This policy is opposed by Alliance as it seeks to protect landscapes and features that are not deemed to be "outstanding" in accordance with section 6(b) of the RMA. While Alliance accepts that it is appropriate to manage the adverse effects on amenity values, it does not agree that the focus of this policy should be to "protect" such landscapes. Alliance is also concerned that the policy seeks to avoid significant adverse effects which as set out above establishes a very high threshold test which is not considered to be appropriate.</p>	<p>Amend the policy as follows:</p> <p>Policy 1.3.7 <del>Protecting</del> <u>Maintenance of</u> special amenity landscapes <del>Protect</del> <u>Maintain</u> or where appropriate enhance the values of special amenity landscapes by:</p> <ul style="list-style-type: none"> <li>a) <del>Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on those values which contribute to the special amenity of the landscape, and</del></li> <li>b) Assessing the significance of adverse effects on special amenity landscapes in accordance with the criteria in Schedule 3; and</li> <li>c) Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution, and</li> <li>d) Minimising the adverse effects of pests animal and plants on those values; and</li> <li>e) Encouraging enhancement to increase their special amenity values.</li> </ul>
<p>Policy 1.3.9 Preserving or enhancing the natural character of the coastal environment</p> <p>Preserve or enhance the natural character of the coastal environment, by:</p> <ul style="list-style-type: none"> <li>a) Avoiding adverse effects on those values which contribute to the outstanding natural character of an area; and</li> <li>b) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on those values which contribute to the natural character of other areas of the coastal environment; and</li> <li>c) Assessing the significance of adverse effects on the natural character of the coastal environment in accordance with the criteria in Schedule 3; and</li> <li>d) Recognising the particular contribution of exotic species to the natural character of the coastal environment, and providing for their ongoing contribution; and</li> <li>e) Promoting the restoration or rehabilitation of the natural character of the coastal environment in areas where the environment has been degraded; and</li> <li>f) Encouraging the establishment of indigenous riparian vegetation; and</li> <li>g) Managing pest animals and plants in areas where this will maintain enhance or restore the natural character of the coastal environment</li> </ul>	<p>This policy seeks to "preserve or enhance the natural character of the coastal environment by avoiding adverse effects". As set out above this is of concern in the light of the <i>King Salmon</i> Supreme Court decision<sup>7</sup>. In <i>King Salmon</i> 'avoid' was held (by the majority) to have a greater weight<sup>8</sup> if the "environmental bottom line" approach is adopted.</p> <p>While Alliance acknowledges that it is a necessary requirement under the RMA to preserve natural character values of the coastal environment and to protect these from inappropriate use, subdivision and development it is considered that this can be achieved with the appropriate management of adverse effects rather than the outright avoidance of all adverse effects, particularly where there is no regard had to the scale or significance of that adverse effect</p>	<p>Amend the policy as follows:</p> <p>Policy 1.3.9 Preserving or enhancing the natural character of the coastal environment</p> <p>Preserve or where appropriate enhance the natural character of the coastal environment, by:</p> <ul style="list-style-type: none"> <li>a) <del>Avoiding adverse effects on those values which contribute to the outstanding natural character of an area; and</del></li> <li>b) <del>Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on those values which contribute to the natural character of other areas of the coastal environment; and</del></li> <li>c) Assessing the significance of adverse effects on the natural character of the coastal environment in accordance with the criteria in Schedule 3; and</li> <li>d) Recognising the particular contribution of exotic species to the natural character of the coastal environment, and providing for their ongoing contribution; and</li> <li>e) Promoting the restoration or rehabilitation of the natural character of the coastal environment in areas where the environment has been degraded; and</li> <li>f) Encouraging the establishment of indigenous riparian vegetation; and</li> <li>g) Managing pest animals and plants in areas where this will maintain enhance or restore the natural character of the coastal environment</li> </ul>

<sup>7</sup> *Environmental Defence Society Inc. v The New Zealand King Salmon Co Ltd* [2014] NZSC 36

<sup>8</sup> in the sense of "not allow" or "prevent the occurrence of".

<p>Policy 1.4.2 Protecting sites of cultural significance to tangata whenua Avoid adverse effects on the values of the sites of cultural significance to tangata whenua.</p>	<p>This policy seeks to protect sites of cultural significance by avoiding adverse effects. As set out above this is of concern in the light of the <i>King Salmon</i> Supreme Court decision<sup>9</sup>. In <i>King Salmon</i> 'avoid' was held (by the majority) to have a greater weight<sup>10</sup> if the "environmental bottom line" approach is adopted.</p> <p>While it is acknowledged that as a matter of national importance the relationship of Maori and their culture and traditions with their ancestral lands, water, site, waahi tapu and other taonga is to be recognised and provided for, this can be achieved by enabling the appropriate management of adverse effects including avoiding, mitigating or remedying adverse effects. Mitigating adverse effects can often result in "win-win" situations for example a development within a significant cultural area can be required to preserve certain features and enhance public understanding and appreciation of cultural sites</p>	<p>Amend the policy as follows:</p> <p>Policy 1.4.2 Protecting sites of cultural significance to tangata whenua Avoid, <u>remedy or mitigate</u> adverse effects on the values of the sites of cultural significance to tangata whenua</p>
<p><b>Part B.3 People are able to use and enjoy Otago's natural and built environment</b></p>		
<p>Objective 3.1 Positive effects of resource use on the natural environment are maximised and negative effects are avoided or minimised</p>	<p>Alliance supports the intent of this objective but is concerned that it could be interpreted as only recognising positive effects where these relate to the natural environment, and not recognising those positive effects which contribute to people or the community's social and economic, or cultural wellbeing. Alliance is also concerned with the use of the term "minimise" and would prefer that this objective sought to manage the negative effects.</p>	<p>Amend the objective as follows: Objective 3.1 Positive effects of resource use <u>are recognised on the natural environment</u> are maximised and negative effects are <u>suitably managed avoided or minimised</u></p>
<p>Policy 3.1.1 Managing effect of subdivision and development on water Manage subdivisions and developments in a way that:</p> <ul style="list-style-type: none"> <li>a) Ensures the reasonable foreseeable needs of the community and existing water users for drinking water can be satisfactorily met; and</li> <li>b) Minimises the adverse effects of an increase in impervious areas; and</li> <li>c) Minimises adverse effects on: <ul style="list-style-type: none"> <li>i. Freshwater ecosystem values; and</li> <li>ii. The natural character of the coastal environment, wetlands, and lakes and rivers and their margins.</li> </ul> </li> </ul>	<p>While the overall intent of this policy is generally appropriate it is noted that clause (c) seeks to minimise adverse effects on freshwater ecosystem values and the natural character of the coastal environment, wetlands, lakes and rivers and their margins. It is noted that there are a number of other policies contained within the draft RPS that deal with the management of such values, it does not need to be repeated here</p>	<p>Remove clause (c).</p>
<p>Policy 3.1.3 Discharging to water Manage the adverse effects of discharges to water, by:</p> <ul style="list-style-type: none"> <li>a) Avoiding discharges that are objectionable or offensive; and</li> <li>b) Enabling discharges which meet environmental baseline requirements; and</li> <li>c) Giving preference to discharges to land</li> </ul>	<p>Clause (a) seeks to avoid discharges that are objectionable or offensive. Alliance has a number of concerns with this policy</p> <p>It is not clear how the "objectionable or offensive" test would be applied. For example this rule appears to have been derived from the restrictions imposed by section 107 of the RMA, but it is not entirely consistent with this. For example section 107 refers to an objectionable odour which is more certain than the drafting of this policy. In addition section 107 includes a number of provisos that have not been included in the drafting of this policy, for example no provision has been made for assessment after reasonable mixing has occurred, nor it is consistent with section 107(2) which provides for discharges associated with exceptional circumstances, temporary discharges or discharges associated with maintenance activities</p>	<p>Amend the policy as follows: Policy 3.1.3 Discharging to water Manage the adverse effects of discharges to water, by:</p> <ul style="list-style-type: none"> <li>a) <del>Avoiding discharges that are objectionable or offensive; and</del></li> <li>b) Enabling discharges which meet environmental baseline requirements; and</li> <li>c) Giving preference to discharges to land <u>where appropriate.</u></li> </ul>

<sup>9</sup> *Environmental Defence Society Inc. v The New Zealand King Salmon Co Ltd* [2014] NZSC 38.

<sup>10</sup> in the sense of "not allow" or "prevent the occurrence of".

	Given the direction of the NPSFW and RMA, Alliance is of the opinion that this policy should seek to ensure discharges meet environmental baseline requirements (referred in clause (b)) which are definitive measures of water quality, rather than the subjective reference to whether or not the discharge is objectionable or offensive	
Policy 3.1.5 Protecting soil quality Protect soil quality by:	The RMA requires that the life supporting capacity of soil is sustained, this is different to its "protection" as is required by this policy.	Amend the policy as follows: Policy 3.1.5 Protecting soil quality <del>Protect</del> <u>Sustain the life supporting capacity of</u> soil quality by:
<ul style="list-style-type: none"> <li>a) Minimising the accumulation of chemicals in soil, including through inappropriate application of fertiliser or other discharge to land, that: <ul style="list-style-type: none"> <li>i. May reduce the suitability of the soil resource for food production; or</li> <li>ii. Have potential adverse effects on human or animal health; or</li> <li>iii. May reduce the range of future uses of the soil resource; or</li> <li>iv. Soil ecology; or</li> </ul> </li> <li>b) Minimising the physical degradation of soil by activities, including: <ul style="list-style-type: none"> <li>i. Disturbance; and</li> <li>ii. Compaction; and</li> <li>iii. Destruction; and</li> <li>iv. Removal or translocation of topsoil, and</li> <li>v. Over-watering</li> </ul> </li> </ul>		<ul style="list-style-type: none"> <li>a) Minimising the accumulation of chemicals in soil, including through inappropriate application of fertiliser or other discharge to land, that: <ul style="list-style-type: none"> <li>i. May reduce the suitability of the soil resource for food production, or</li> <li>ii. Have potential adverse effects on human or animal health, or</li> <li>iii. May reduce the range of future uses of the soil resource; or</li> <li>iv. Soil ecology, or</li> </ul> </li> <li>b) Minimising <u>Avoiding, remedying or mitigating</u> the physical degradation of soil by activities, including <ul style="list-style-type: none"> <li>i. Disturbance, and</li> <li>ii. Compaction, and</li> <li>iii. Destruction, and</li> <li>iv. Removal or translocation of topsoil; and</li> <li>v. Over-watering</li> </ul> </li> </ul>
Policy 3.1.7 Discharging to air Avoid discharges to air which:	Alliance is concerned about the use of the term "objectionable" in this policy. It is not clear how this would be evaluated and determined, and whose responsibility it would be to ultimately determine whether the discharge is or is likely to have "objectionable" effects on tangata whenua values, or other cultural or amenity values. This policy appears to enable iwi and general members of the public with the discretion to determine whether or not an effect is objectionable. This is too subjective  It is also noted that discharges to air can be mitigated including by the use of offsetting measures. This is required by the NES where a discharge for a new activity in a polluted airshed is acceptable provided offsetting of PM <sub>10</sub> occurs. This policy would not allow for such scenarios to occur and therefore should be amended to also enable mitigation (inclusive of offsetting) to be applied	Amend the policy as follows: Policy 3.1.7 Discharging to air Avoid or <u>mitigate</u> discharges to air which:
<ul style="list-style-type: none"> <li>a) Are objectionable in terms of tangata whenua values; or</li> <li>b) Are objectionable in terms of other cultural or amenity values; or</li> <li>c) Have significant adverse effects on human health and ecosystems.</li> </ul>		<ul style="list-style-type: none"> <li><del>a) Are objectionable in terms of tangata whenua values; or</del></li> <li><del>b) Are objectionable in terms of other cultural or amenity values; or</del></li> <li>e) Have significant adverse effects on human health and ecosystems.</li> </ul>
Policy 3.1.12 Avoiding adverse effects of hazardous substances Avoid actual or potential adverse effects from the discharge, use, storage or disposal of hazardous substances in areas of high risk or sensitivity, including the following locations:	Alliance supports the intent of this policy in that it seeks to manage the effects of hazardous substances in the more sensitive receiving environment. However there is concern about the use of the term "avoid". Mitigation measures can also be adopted to ensure any actual or potential effects arising from the discharge, use, storage or disposal of hazardous substances are suitably managed.	Amend the policy as follows: Policy 3.1.12 Avoiding or <u>mitigating</u> adverse effects of hazardous substances Avoid or <u>mitigate</u> actual or potential adverse effects from the discharge, use, storage or disposal of hazardous substances in areas of high risk or sensitivity, including the following locations:
<ul style="list-style-type: none"> <li>a) Community drinking water protection areas, or within proximity to a community drinking water supply such that there is a no risk of contamination of that drinking water source, or</li> <li>b) Identified aquifers, where there is risk of contamination, or</li> <li>c) Within the coastal marine area and in the beds of lakes and rivers, or</li> </ul>		<ul style="list-style-type: none"> <li>a) Community drinking water protection areas, or within proximity to a community drinking water supply such that there is a no risk of contamination of that drinking water source; or</li> <li>b) Identified aquifers, where there is risk of contamination, or</li> </ul>

<p>d) Within any area identified as being sensitive to the potential effects of hazardous substances, including but not limited to, sites of significance to tangata whenua such as wāhi tapu, urupā, or customary food gathering areas, institutions and residential areas; or</p> <p>e) Areas subject to intolerable natural hazard risk.</p>		<p>c) Within the coastal marine area and in the beds of lakes and rivers, or</p> <p>d) Within any area identified as being sensitive to the potential effects of hazardous substances, including but not limited to, sites of significance to tangata whenua such as wāhi tapu, urupā, or customary food gathering areas, institutions and residential areas; or</p> <p>e) Areas subject to intolerable natural hazard risk.</p>
<p>Policy 3.2.1 Maximising benefits</p> <p>Give preference to activities and solutions that maximise the positive benefits of resource allocation and use, including those that enhance:</p> <p>a) Environmental values; or</p> <p>b) Tangata whenua values; or</p> <p>c) Other cultural values; or</p> <p>d) Social wellbeing, including public health and safety; or</p> <p>e) Community resilience.</p>	<p>It is not clear how this policy is intended to be applied. The policy refers to maximising benefits and giving preference to activities, this appears to be picking winners and is not consistent with the RMA's effects based assessment requirements. The policy also does not include explicit consideration of economic benefits.</p>	<p>Amend the policy as follows:</p> <p>Policy 3.2.1 <del>Maximising</del> <u>Recognising</u> benefits</p> <p><del>Give preference to activities and solutions that maximise the</del> <u>Recognise the</u> positive benefits of resource allocation and use, including those that enhance:</p> <p>a) Environmental values; or</p> <p>b) Tangata whenua values; or</p> <p>c) Other cultural values; or</p> <p>d) Social <u>and economic</u> wellbeing, including public health and safety; or</p> <p>e) Community resilience.</p>
<p>Policy 3.2.2 Requiring efficient resource use</p> <p>Require that the subdivision, use and development of natural and physical resources are undertaken in a manner, and at a rate, which is efficient with regard to its purpose, so that it:</p> <p>a) Minimises conflict with other resource uses; and</p> <p>b) Minimises the generation of waste and discharges.</p>	<p>The intention of this policy is uncertain it is not clear how requiring a development to be "efficient with regard to its purpose" will minimise conflict with other resource uses. The management of conflict arise in the management of effects ie avoiding, remedying or mitigating these, and are not related to the efficiency of which a development is undertaken per se.</p>	<p>Delete this policy or rework it so that it is clear.</p>
<p>Policy 3.2.4 Managing cumulative effects</p> <p>Manage the cumulative effects of activities on Otago's natural resources by:</p> <p>a) Requiring the efficient use of natural resources; and</p> <p>b) Enabling the development of community solutions, including infrastructure development, where this will minimise the community's cumulative impact; and</p> <p>c) Requiring the use of best environmental management practices; and</p> <p>d) Managing urban growth in a way that minimises/reduces the environmental impact of the whole community.</p>	<p>This policy is also uncertain and should be deleted or substantially reworked</p> <p>Clause (b) refers to the development of community solutions including infrastructure development – it is not clear what this is referring to or what would be required here</p> <p>Clause (c) is of concern as it requires the use of best environmental management practices. It is not clear what this is referring to. It is not clear if this relates to the best practicable option which is used in the RMA, or whether this is something different.</p>	<p>Delete this policy or rework it so that it is clear.</p>
<p>Policy 3.2.5 Providing for activities that generate adverse effects</p> <p>Manage the use and development of land and discharges to the environment to:</p> <p>a) Avoid significant adverse impacts on human health or amenity by reducing exposure to activities that may generate adverse effects; and</p> <p>b) Regulate activities that use or discharge noxious or dangerous substances to control off site effects that may be adverse to human health or safety; and</p> <p>c) Recognise and providing for the operation and development of activities that have the potential to generate adverse effects, including industrial and rural productive activities.</p>	<p>This policy refers to "providing for activities that generate adverse effects", however clause (a) refers to avoiding significant adverse impacts which implies that such activities will be restricted or prevented rather than provided for. Given the intention of the policy it would be preferable that the policy sought to enable activities that create discharges for example, provided appropriate controls or regulations are adhered to and adverse effects are appropriately managed.</p>	<p>Amend the policy as follows:</p> <p>Policy 3.2.5 Providing for activities that generate adverse effects</p> <p>Manage the use and development of land and discharges to the environment to:</p> <p>a) <del>Avoid significant adverse impacts on human health or amenity by reducing exposure to activities that may generate adverse effects; and</del></p> <p>b) <del>Regulate</del> <u>Impose appropriate controls on activities that use or discharge noxious or dangerous substances to control off site effects that may be adverse to human health or safety; and</u></p> <p>c) <u>Recognise and providing for the operation and development of activities that have the potential to generate adverse effects, including industrial and rural productive activities</u></p>

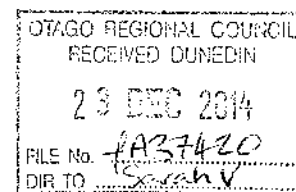
<p>Policy 3.2.7 Reducing unavoidable adverse effects</p> <p>Reduce unavoidable adverse effects of activities by:</p> <p>a) Staging development for longer term activities; and</p> <p>b) Progressively rehabilitating the site where possible.</p>	<p>While the intent this policy is generally appropriate, it might not suit all situations and developments therefore some flexibility needs to be established to recognise that not all activities can be undertaken in a staged manner or that progressive rehabilitation can occur.</p>	<p>Amend the policy as follows:</p> <p>Policy 3.2.7 Reducing unavoidable adverse effects</p> <p><u>Where appropriate and necessary</u> Reduce unavoidable adverse effects of activities by:</p> <p>a) Staging development for longer term activities; and</p> <p>b) Progressively rehabilitating the site where possible</p>
<p>Policy 3.2.8 Providing for offsetting</p> <p>Provide for the offsetting of adverse effects when those adverse effects cannot be avoided, remedied or mitigated while ensuring that the offsetting measures:</p> <p>a) Are provided onsite where possible; and</p> <p>b) Provide a benefit of the same nature.</p>	<p>Offsetting is a valid form of mitigation. This has been confirmed by the Board of Inquiry (Transmission Gully Plan Change). Given this it is not necessary to explicitly provide for this as a separate policy requirement.</p>	<p>Delete the policy.</p>
<p>Policy 3.2.9 Requiring adoption of best environmental management practices</p> <p>Require the adoption of best environmental management practices and new technologies that minimise the adverse effects of subdivision, use and development on:</p> <p>a) The availability of natural resources for other uses, and</p> <p>b) The ecosystem, tangata whenua, cultural and social values supported by those resources</p>	<p>It is not clear if the reference to "adoption of best environmental management practices and new technologies" is intended to be consistent with the definition of best practicable option as set out in the RMA. The RMA sets out the circumstances when the best practicable option is to be considered and Alliance is of the view that these same provisions should be applied here. It is important that in having regard to "best practices" and "new technologies" that financial implications and overall cost-benefit of doing so is appropriately considered.</p>	<p>Amend the policy as follows:</p> <p><del>Policy 3.2.9 Requiring</del> <u>Promote</u> the adoption of best <u>practicable</u> environmental management practices</p> <p><u>Require</u> <u>Promote</u> the adoption of best <u>practicable</u> environmental management <u>options</u> <del>practices</del> <del>and new technologies</del> that minimise the adverse effects of subdivision, use and development on:</p> <p>a) The availability of natural resources for other uses; and</p> <p>b) The ecosystem, tangata whenua, cultural and social values supported by those resources</p>
<p>Objective 3.7 Urban areas accommodate needs for economic activity and growth effectively and efficiently</p>	<p>Alliance is of the view that this objective and accompanying policies should also recognise that the use and development of rural areas can also contribute to economic wellbeing of the region. Rural activities and industries play a significant role in the economic wellbeing of the Otago Region and this needs to be explicitly recognised in the RPS.</p>	<p>Amend the objectives and policies of this section of the plan to also recognise and encourage the use of rural land for economic growth and prosperity.</p>
<p>Policy 3.7.1 Establishing urban limits</p> <p>Establish urban limits for Queenstown and Dunedin so that urban activities may only occur within those limits.</p>	<p>It is not clear what is meant by "urban limit" and "urban activities". These terms need to be defined. It is not clear for example whether the reference to "urban limit" would result in a line on a map, or whether this relates to limits on the growth of these areas. It would be inappropriate for this policy to be used to stifle growth and development.</p> <p>Alliance is also concerned that this policy could mean that an industrial activity that supports the needs of the rural community would be unacceptable in the rural environment because it is defined as an "industrial activity" which is therefore urban?</p>	<p>This policy should be deleted, or substantially reworked so that it encourages the growth and development of the region generally and not limit this growth to urban activities within urban areas.</p>
<p>Policy 3.7.2 Expanding beyond urban limits</p> <p>Provide for expansion of urban activities beyond the urban limits of Dunedin or Queenstown, only when:</p> <p>a) No suitable locations are available within the urban limit, and</p> <p>b) Infrastructure services necessary for the activity are available, and</p> <p>c) Reverse sensitivity effects are avoided.</p>	<p>As set out above it is not clear what is meant by reference to "urban activities" and "urban limits". It is not clear what would be included as an urban activities and how these would be "limited".</p>	<p>This policy should be deleted, or substantially reworked</p>
<p>Policy 3.7.3 Managing the effects of commercial and industrial activities</p>	<p>The intent of this policy is supported, however as set out above it is noted that commercial and industrial activities will not be limited to the areas specifically zoned "commercial" and "industrial" and that there may be other areas (i.e.</p>	<p>Amend the policy as follows:</p>



Provide specific areas to accommodate the effects of industrial and commercial activities needed to support economic growth in Otago.	airports, ports, rural industry) where such activities are entirely appropriate and should be able to establish	Provide <u>for and enable the growth of specific areas to accommodate the effects of industrial and commercial activities needed to support economic growth in Otago in appropriate locations</u>
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**James Adams**

**From:** Ralph Henderson  
**Sent:** Friday, 19 December 2014 5:00 p.m.  
**To:** RPS ORC  
**Subject:** Draft RPS Feedback  
**Attachments:** november 2014 ORC policy document.doc  
**Categories:** Email response sent



Ralph Henderson  
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 Otago Regional Council

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 DDI: 03 470 7431

**From:** Jane O'Dea [mailto:HAPlanningOS@heritage.org.nz]  
**Sent:** Friday, 19 December 2014 4:57 p.m.  
**To:** Ralph Henderson  
**Cc:** Huia Pacey  
**Subject:** Draft RPS Feedback

Hello Ralph,

Thanks for the meeting earlier in December and for the opportunity to comment on the draft RPS provisions. My comments on the draft provisions and your questionnaire are below. I have also attached some minor wording suggestions from Huia Pacey, Heritage New Zealand Southern Region Pouarahi who you will remember from the meeting. Our earlier feedback dated 20 June 2014 also refers.

### Objective 2.2

Heritage New Zealand considers that it would be appropriate to include a method in this section relating to the seismic strengthening of older buildings as a means of increasing community resilience.

### Objective 3.9

At the meeting we discussed the addition of a third 'category' of heritage to Policy 3.9.3 for places where heritage values are known or strongly suspected to be present but are either not able to be seen, or are not formally recorded. Heritage New Zealand would like to formally suggest this and suggests that following wording:

'Places or areas that are known or strongly suspected to contain archaeological sites, wahi tapu or wahi taoka which could be of historic or cultural significant value.'

I would suggest that if adopted, this category should become b.) ahead of 'unidentified archaeological sites . . .'

### Policy 3.1.6

Extraction activities have the potential to adversely effect heritage values, particularly archaeological values. I suggest that 'heritage, including archaeological values' be added to 3.1.6 c).

### Objective 3.9 - Methods

## *Incentives*

For the reasons discussed in our previous feedback dated 20 June 2014, Heritage New Zealand recommends that the Regional Policy Statement should include a method that states that as follows or similar:

'local authorities shall prepare and implement regulatory and non-regulatory incentives to facilitate the preservation of cultural and historic heritage places.'

## *Heritage Alert Layers*

Risk to heritage values can arise where sites are not known about by the general public and/or Council staff assessing development applications. In some cases where pre-1900 sites are present, development activity will trigger a legal process under the Heritage New Zealand Act 2014. In Heritage New Zealand's experience owners/developers are often unaware of this requirement and accidental damage/loss of heritage values can occur.

As discussed at the meeting, Heritage New Zealand has been working with some local authorities to develop heritage alert layers which can take the form of a District Plan overlay showing areas where there is a high probability of archaeological material being present, for example coastal areas or parts of town where intensive early occupation took place. Heritage alert layers can be supported by information about the process to be followed under the HNZPTA 2014. The benefits that we see this providing are that an owner/developer has early information about the presence of heritage values and will be prompted to contact Heritage New Zealand regarding any legal requirements they must meet; knowledge about heritage values can be incorporated into the development proposal and there is the potential for site avoidance and other positive heritage outcomes.

Heritage New Zealand would like to see the RPS formally direct this approach in the methods to Objective 3.2 as a means of protecting archaeological values and avoiding accidental archaeological site damage. Suggested wording:

Local authorities shall collaborate with Heritage New Zealand to generate heritage alert layers in District Plans and/or GIS databases to inform the public about areas where there is a high probability of the presence of heritage values, particularly archaeological values.

Heritage New Zealand sees these alert layers as being in addition to District Plan mechanisms to protect heritage places that are of known significance ie. through heritage schedules and associated rules.

## *Coastal Heritage Inventory*

Policy 17 of the New Zealand Coastal Policy Statement requires the protection of '*historic heritage in the coastal environment from inappropriate subdivision, use, and development by: a. identification, assessment and recording of historic heritage, including archaeological sites;*'

Heritage New Zealand has previously submitted to ORC regarding a coastal heritage inventory project and some work has been done towards initiating such a project. Heritage New Zealand would like to see a method in the RPS as follows or similar:

The Regional Council shall collaborate with local authorities, iwi, community groups, relevant government agencies and Heritage New Zealand to identify, map, record and where necessary monitor coastal heritage values.

## **Questionnaire – Historic Heritage Criteria**

Heritage New Zealand supports the use of the standard criteria outlined in Schedule 7 for the identification of historic heritage values, as recommended by Heritage New Zealand's Sustainable Management of Historic Heritage Guidance, to encourage a systematic and transparent approach to the identification and assessment of historic heritage. The criteria have been developed by heritage professionals and are nationally accepted through their adoption by Heritage New Zealand.

## Questionnaire – Heritage Landscapes

Heritage New Zealand considers that the surroundings associated with historic heritage can be essential for retaining and interpreting a place's heritage significance – this can include including land, water, buildings, structures, archaeological sites, trees, and places/areas of significance to Maori. Heritage New Zealand therefore supports the recognition of interrelated heritage values within a certain geographical setting or wider landscape. Heritage New Zealand is open minded about how these values should be recognised and provided for by regional and local authorities.

For example:

- District Plan defined historic area or precinct, eg. Arrowtown or St Bathans.
- Distinct Heritage Landscape overlays such as in the Queenstown Lakes District Plan eg. Skippers;
- As a component of outstanding natural landscapes, as has occurred in Central Otago with places such as the Nevis Valley, St Bathans Blue Lake and backdrop and the Serpentine. This is supported by the criteria for the identification of natural features and landscapes in Schedule 4.

Given that the New Zealand Coastal Policy Statement requires the initiation, assessment and management of historic heritage in the context of historic landscapes, Heritage New Zealand sees scope for more of this work in coastal areas. Due to the interface with coastal resources, coastal areas often display heritage values representing multiple layers of history. As an example of this, the Otago Peninsula displays a wide range of heritage values and layers of history in the landscape - from Maori occupation such as pa, middens, kainga, umu-ti, rock shelters; military sites; European pastoral sites, including dairying and stone walls; industrial sites (lime kilns, goldmining, whaling), communication and transport (historic bullock/dray tracks, old road formations), typical 19<sup>th</sup> century settlements, holiday cribs.

Whatever approaches are taken to by local and regional councils to considering heritage landscape values, Heritage New Zealand recommends thorough identification and assessment including defining boundaries, preparing statements of significance and careful design and implementation of an appropriate regulatory framework so that any protection or management mechanisms can be well-targeted and effective.

I hope the above is useful. If I think of anything else pre-Christmas I will drop you another email.

Regards

Jane

Jane O'Dea | Heritage Advisor (Planning) | Heritage New Zealand *Pouhere Taonga* | PO Box 5467, Dunedin 9058 | Ph: (64 3) 477 9871 | DDI: 470 2366 | Visit [www.heritage.org.nz](http://www.heritage.org.nz) and learn more about New Zealand's heritage places

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#### **Policy 1.3.4 Identifying outstanding natural features, landscapes and seascapes**

Identify outstanding natural features, landscapes and seascapes, using the following factors:

- a) Biophysical attributes, including:
  - i. Natural science factors;
  - ii. The presence of water;
  - iii. Vegetation (native and exotic); and
- b) Sensory attributes, including:
  - i. Legibility or expressiveness;
  - ii. Aesthetic values;
  - iii. Transient values, including nature's sounds;
  - iv. Wild or scenic values; and
- c) Associative attributes, including:
  - i. Whether the values are shared and recognised;
  - ii. Cultural, **including and** spiritual values for tangata whenua;
  - iii. Historical and heritage associations.

as detailed in Schedule 4.

#### **Objective 1.4 Tangata whenua are able to maintain or deepen their relationship with the natural environment**

The **mythology, korero**, traditions, culture and life of tangata whenua are **intricately inextricably** linked with the natural environment of the region. The RMA requires their values are recognised and provided for.

##### **Policy 1.4.1 Identifying sites of cultural significance to tangata whenua**

Identify sites of cultural significance to tangata whenua, using one or more of the following criteria, as detailed in Schedule 5.

##### **Policy 1.4.2 Protecting sites of cultural significance to tangata whenua**

Avoid adverse effects on the values of the sites of cultural significance to tangata whenua.

##### **Policy 1.4.3 Providing for tangata whenua values**

Reflect tangata whenua values in resource management planning documents and resource consent decisions, by:

- a) Setting consultative decision-making processes with tangata whenua; and
- b) Taking into account any relevant iwi resource management document; and
- c) Require that consent authorities, as part of consent applications, forward summaries of resource consent applications to the runanga representing tangata whenua; and
- d) Have regard to tangata whenua interests in the statutory acknowledgement areas listed in Schedule 6; and
- e) Have regard to the tangata whenua interests that may be affected by planning and consent decisions detailed in Schedule 5.

##### **Policy 3.1.6 Extracting alluvial materials and sand**

Manage extraction of alluvial materials and sand by:

- a) Giving preference to land-based extraction; and
- b) Recognising that the extraction of alluvial material or sand from the beds of rivers or lakes, or in the coastal marine area, may contribute to reducing flood risk
- c) Minimising adverse effects of extraction, including from:
  - i. River form and function; and
  - ii. Water quality; and
  - iii. Aquatic, river and riparian ecosystem values; and
  - iv. The natural character of the coastal environment or waterbodies and their margins; and

- v. Significant values of tangata whenua; and
- vi. Important recreational and amenity values; and
- vii. The spread of pest species.

### **Objective 3.3 Tangata whenua values are able to be expressed in the use and development of ancestral lands**

The use and recognition of sites of significance to tangata whenua is integral to their ability to exercise **kaitiakitanga** in Otago and is enshrined in the principles of the Resource Management Act. More consistent recognition of matters of importance to tangata whenua will enhance their economic, social and cultural well-being.

#### **Policy 3.3.1 Enabling use of ancestral land**

Provide for the ongoing use and development of marae and papakāinga when undertaken by tangata whenua on their ancestral land.

#### **Policy 3.3.2 Enabling access to sites of cultural importance for tangata whenua**

Enable access to sites of cultural importance to tangata whenua by:

- a) Managing wāhi tapu and wāhi taoka in a culturally appropriate manner; and
- b) Facilitating access of tangata whenua to sites of cultural importance, in negotiation with owners of private land where necessary.

#### **Policy 3.4.1 Maintaining and enhancing public access**

Maintain and, where possible, enhance public access to the natural environment, including to the coast, lakes, rivers and their margins, unless restricting access is necessary to:

- a) Protect public health and safety; or
- b) Protect the natural heritage and ecosystem values of sensitive natural areas or habitats; or
- c) Protect identified sites and values associated with historic heritage or cultural significance to tangata whenua.

#### **Policy 3.9.3 Protecting significant historic heritage**

Protect historic heritage places and areas from the adverse effects of inappropriate activities including:

- a) Historic places and areas that have been identified as nationally, regionally or locally significant; and
- b) Unidentified archaeological sites or areas, wāhi tapu or wāhi taoka with significant historic heritage values, immediately upon discovery.

#### **Policy 3.9.4 Managing historic heritage values**

Manage effects on historic heritage values by:

- a) Ensuring subdivision, use and development is appropriate in terms of maintaining:
  - i. Heritage values of the place or area; and
  - ii. The relationship and historical associations between places within heritage landscapes; and
  - iii. Visual or physical qualities that make the heritage place or area iconic, rare or scarce at the national, regional or district level; and
- b) Assessing the significance of adverse effect on the heritage place or area in terms of the criteria for significance in Schedule 3; and
- c) Encouraging the integration of historic heritage values into new activities in both rural and urban areas; and
- d) Enabling adaptive reuse of historic heritage places and areas where heritage values can be maintained.

#### **Policy 3.9.5 Enabling tangata whenua relationships with wahi tupuna**

Take into account and enable the relationship of tangata whenua with the environment by:

- a) Identifying wahi tupuna (ancestral/cultural landscapes, places of significance and the historical and traditional associations and practices with those sites); and
- b) Managing these sites and associations by taking into account as part of environmental assessments for resource consents and plan changes such that the sites are maintained, enhanced and protected from inappropriate subdivision, use and development; and

c) Recognising traditional place names in council planning documents, educational material and street naming.

### Policy 3.9.6 Upgrading historic heritage

Enable the appropriate repair, reconstruction, upgrading, reuse or strengthening of historic heritage buildings and their surrounds in a manner that expresses their heritage values.

*Otago Regional Council RPS Consultation Draft 26 November 2014 57*

## Anticipated Environmental Results and Monitoring Programme

### Under development

This table sets out the anticipated environmental results and key indicators that will be used for monitoring the effectiveness of the RPS

10. Sites of cultural significance to tangata whenua in Otago are identified and protected.	1. An index of Otago's sites of significance to tangata whenua is established under guidance from tangata whenua.
11. Tangata whenua values are respected.	2. Surveys and direct feedback demonstrate that Tangata whenua are satisfied with their level of participation in Otago's resource management decision-making processes and agree that their cultural values are respected and their significant sites are protected.
12. Tangata whenua are informed of non-notified consents in Otago at a level and scope that meets their requirements.	
38. Tangata whenua are able to access sites of cultural importance and to develop ancestral land.	Tangata whenua are satisfied that sites of cultural importance can be accessed and that ancestral land can be used and developed.
39. Otago's sites of cultural significance and Otago's environment and coast line are accessible by the public.	1. No reasonable complaints from the public about perceived lack of access to Otago's natural environment. Or At least 80% of Otago's residents are satisfied with the level of access to Otago's natural environment.
50. There is a comprehensive register of Otago's historic heritage, and significant items in this register are protected.	2. Tangata whenua have no reasonable complaints or concerns about the accessibility and management of tupuna whenua.
51. Other items in Otago's heritage register are managed so adaptive use that protects heritage values is enabled.	1. There is a comprehensive inventory of Otago's historic (and natural) heritage resources and there is no loss of items in this inventory. 2. There is evidence non-significant heritage is sympathetically restored and adapted for modern uses.
52. Wahi tupuna are identified and protected and traditional place names are used in official documents.	3. Tangata whenua are satisfied that wahi tupuna are protected and managed well.

## Schedule 4 Criteria for the identification of natural features and landscapes

The identification of natural features and landscapes will be based on, but not limited to, the following factors:

a. Natural science factors, including geological, topographical, ecological and dynamic

1. Biophysical attributes

- components;
- b. The presence of water including in seas, lakes, rivers and streams;
- c. Vegetation (native and exotic);

2. Sensory attributes

- a. Legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes;
- b. Aesthetic values including memorability and naturalness;
- c. Transient values including presence of wildlife or other values at certain times of the day or year;
- d. Wild or scenic values;

3. Associative attributes

- a. Whether the values are shared and recognised;
- b. Cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;
- c. Historical and heritage associations



## Cultural values

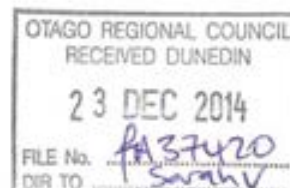
4. Identity  
Is the place or area a focus of community, regional or national identity or sense of place, and does it provide evidence of cultural or historical continuity?
5. Public esteem  
Is the place held in high public esteem for its heritage or aesthetic values or as a focus of spiritual, political, national or other cultural sentiment?
6. Commemorative  
Does the place have symbolic or commemorative significance to people who use or have used it, or to the descendants of such people, as a result of its special interest, character, landmark, amenity or visual appeal?  
Could the place contribute, through public education, to people's awareness, understanding and appreciation of New Zealand's history and cultures?
7. Education  
Is the place important to tangata whenua for traditional, **spiritual**, cultural or historical reasons?
8. Tangata whenua  
Does the place or area have recognition in New Zealand legislation or international law including: World Heritage Listing under the World Heritage Convention 1972; registration under the Historic Places Act 1993; is it an archaeological site as defined by the Historic Places Act 1993; is it a statutory acknowledgement under claim settlement legislation; or is it recognised by special legislation?
9. Statutory recognition

**James Adams**

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**From:** Nicola de Wit <nicola@eds.org.nz>  
**Sent:** Friday, 19 December 2014 4:48 p.m.  
**To:** RPS ORC  
**Cc:** Madeleine Wright  
**Subject:** Draft RPS Feedback  
**Attachments:** 141219 Feedback on the Draft Otago Regional Policy Statement.pdf

**Categories:** Email response sent



Dear Policy Team,

Please find attached feedback from the Environmental Defence Society on the Otago Regional Policy Statement Consultation Draft.

Kind regards,

Nicola de Wit  
Solicitor  
Environmental Defence Society

PO Box 91736 | Victoria Street West | Auckland 1142 | New Zealand  
09 480 2565 | 027 696 9598 | [nicola@eds.org.nz](mailto:nicola@eds.org.nz)

For more information about EDS go to [www.eds.org.nz](http://www.eds.org.nz); [www.edsconference.com](http://www.edsconference.com)  
The Community Guide to the Resource Management Act go to [www.rmaguide.org.nz](http://www.rmaguide.org.nz)

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## FEEDBACK ON THE DRAFT OTAGO REGIONAL POLICY STATEMENT

### Introduction

1. The Environmental Defence Society Incorporated (EDS) welcomes the opportunity to provide feedback on the Draft Otago Regional Policy Statement (**Draft RPS**).
2. EDS is a national public interest environmental organisation established in 1971. Its membership is largely comprised of resource management professionals. EDS seeks to achieve good environmental outcomes through improving the quality of New Zealand's legal and policy frameworks and participating in statutory decision-making processes. EDS has been active in assessing the effectiveness of the Resource Management Act 1991 (RMA) and statutory planning documents in addressing key environmental issues.
3. Improving regional policy statements is a primary focus of EDS. EDS has produced a guide *Strengthening Second Generation Regional Policy Statements* (2011) which is designed to provide practical guidance to all those involved in the development of second generation RPSs. The Guide summarises learnings from first generation RPSs and sets out what should be included in second generation RPSs. The Guide is available to download at [www.eds.org.nz/eresources/e-books.cfm#faq117643](http://www.eds.org.nz/eresources/e-books.cfm#faq117643).
4. This submission focuses on the management of freshwater, biodiversity, landscape and coastal values, although many comments are relevant throughout the Draft RPS. A key theme is the requirement to give effect to the National Policy Statement for Freshwater Management 2014 (NPS Freshwater) and the New Zealand Coastal Policy Statement 2010 (NZCPS). The recent Supreme Court decision *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited* [2014] NZSC 41 (*EDS v King Salmon*) and its implications for plan making are also discussed.
5. Unfortunately time restraints have limited the scope of this feedback. We are happy to provide clarification or further detail if it would be of assistance. Our contact details are:

Environmental Defence Society Incorporated

Contact Person: Madeleine Wright

[madeleine@eds.org.nz](mailto:madeleine@eds.org.nz)

09 480 2565

PO Box 91736, Victoria St West, Auckland 1142

## ***EDS v King Salmon***

6. The recent *EDS v King Salmon* requires a new approach to be taken to plan-making. The focus is on the operative decision-making provisions; in the case of regional policy statements sections 61 and 62 of the RMA. Section 62(3) of the RMA requires regional policy statements to give effect to the NZCPS and any relevant national policy statement. Where the NZCPS or a national policy statement is relevant the regional policy statement must give effect to it and there is no need to refer back to Part 2 of the RMA absent invalidity, incomplete coverage or uncertainty of meaning.<sup>1</sup>
7. The Supreme Court also clarified a range of other matters including: the meaning of the word “avoid” (as used in Section 5(2)(c) of the RMA and provisions of the NZCPS) is “not allow” or “prevent the occurrence of”<sup>2</sup> and the meaning of the word “inappropriate” depends on its context and in sections 6(a) and (b) should be interpreted against the backdrop of what is sought to be protected or preserved.<sup>3</sup>
8. The High Court has recently confirmed that the Supreme Court’s findings in *EDS v King Salmon* are applicable to the NPS Freshwater: *Hawkes Bay and Eastern Fish and Game Councils v Hawkes Bay Regional Council* [2014] NZHC 3191 at [169] to [172].

### **Objective 1.1**

9. Objectives must state the environmental outcomes that are to be achieved in order to resolve the regional issues identified. They should clearly express what is to be achieved, where and by when. They must address key decisions up-front and decisively. They should indicate clear measureable environmental bottom lines for the state of key regional resources.
10. Objective 1.1 does not meet this standard. It is very general and high level. It is highly unusual to have one objective covering freshwater, coastal water, air, soil and biodiversity values. EDS requests that specific and measureable objectives are developed for each of those matters (freshwater, coastal water, air, soil and biodiversity).

### **Freshwater**

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<sup>1</sup> *EDS v King Salmon*, at [90]

<sup>2</sup> *EDS v King Salmon*, at [96]

<sup>3</sup> *EDS v King Salmon*, at [100], [101] and [105]

11. Policy 1.1.1 is currently limited in the activities it refers to. It should refer to managing the allocation, use, damming, or diversion of freshwater, the discharge of contaminants and the subdivision, use and development of land. All of those activities can impact on freshwater values.
12. Policy 1.1.1(a) and (b) are supported. It is consistent with the requirement to safeguard the life-supporting capacity, ecosystem processes and indigenous species of fresh water (NPS Freshwater, Objectives A1 and B1).
13. Policy 1.1.1(c) is supported in part. The economic use of freshwater is an important freshwater value. The NPS Freshwater requires a limits-based approach to freshwater management – economic use of freshwater is enabled within defined environmental limits. We suggest this should refer to enablement rather than allowance, as in many cases close management will be required to ensure limits are met. In addition, it may be appropriate to refer to “within environmental limits” to reference the NPS Freshwater limits-based approach.
14. Policy 1.1.1(d) is supported. It is consistent with the requirement to maintain or improve the overall quality of fresh water within a region (NPS Freshwater, Objective A2).
15. Policy 1.1.1(e) is supported. It is consistent with Objective 1 of the NZCPS (bullet point three). It is appropriate to locate this matter in Policy 1.1.1 as it is predominantly land use and freshwater which impact coastal water quality. However, this relationship could be clearly identified.
16. Policy 1.1.1(f) is more directly related to coastal values. It is not clear how it is relevant to Policy 1.1.1. If it is to be retained, this should be clarified.
17. Policy 1.1.1(g) is supported. This is consistent with Section 14(3)(b)(i) of the RMA which provides for the take and use of water for domestic needs and the NES Sources of Drinking Water which provides for the quality of drinking water supplies.
18. Policy 1.1.1(h) (i) and (j) are supported in part. We consider that more specificity is required. Paragraph (h) could refer to the mauri of water bodies. It should not refer to economic values covered in (c). It is not clear what cultural values (i) relates to. This should be clarified. Paragraph (j) should refer to maintenance of water quality and other freshwater attributes (e.g. flow) required for recreation purposes.

19. Policy 1.1.1(k) is supported in part. Unfortunately, the spreading of pest species cannot be completely avoided. This should refer to preventing as far as possible the spread of pest species.
20. Policy 1.1.2 is supported in part. The criteria predominantly reflect the definition of outstanding freshwater bodies in the NPS Freshwater. The word 'exceptional' should be replaced with 'outstanding'.
21. Policy 1.1.3 is supported. It gives effect to Objectives A2(a) and B4 of the NPS Freshwater.
22. Policy 1.1.4 is opposed in part. It recognises the value of wetland and tussock grasslands for the provision of hydrological services. The NPS Freshwater requires all significant values of wetlands to be protected (Objectives A2(b) and B4). To achieve this, the RPS should provide for the identification of wetlands and for the protection of their values and, where appropriate, enhancement.
23. Policy 1.1.5 is opposed in part. This policy recognises only one aspect of the natural character of rivers which must be preserved and protected under section 6(a) of the RMA. It is essential that other aspects of natural character are identified for protection. These include natural elements, processes and patterns, biophysical, ecological, geological, geomorphological and morphological aspects, and the natural movement of water and sediment including hydrological and fluvial processes. This policy needs to do more than "recognise" these elements, it must provide for their preservation and protection.
24. Policy 1.1.5(a) and (b) are supported. The elements of natural character outlined above are important for habitat values and aesthetic and amenity values.
25. Policy 1.1.5(c) is supported in part. It is clear that river morphology has a bearing on the operation and maintenance of structures and infrastructure on rivers.
26. A considerable amount of the freshwater management framework is not covered in the Draft RPS. It is important the RPS sets a clear framework for freshwater management in the Otago Region. Matters to be addressed through further policies or methods include:
  - a. Identify freshwater management units using the criteria in Appendix X

- b. Identify the environmental, social, cultural and economic values of freshwater management units, utilising a process which involves tangata whenua, stakeholders, and communities
- c. Establish freshwater objectives in accordance with national guidance and reflecting identified values.
- d. Establish limits or targets and timeframes for their achievement.
- e. Establish efficient allocation mechanisms to avoid over-allocation, meet targets within the timeframes / phase out over-allocation.
- f. Manage the effects of subdivision, use and development to reduce impacts on water quality by:
  - i. Requiring the exclusion of stock from streams, rivers, lakes and wetlands
  - ii. Controlling land use change and intensification
  - iii. Controlling earthworks
  - iv. Requiring the adoption of good management practices to minimise discharges
  - v. Other methods, including management of stormwater and wastewater, control of hazardous substances, etc.
- g. Manage the effects of subdivision, use and development to reduce impacts on water quantity by:
  - i. Not allowing new takes in catchments which are over-allocated
  - ii. Closely managing allocation in catchments which are nearing over-allocation
  - iii. Utilising common review dates to allow for the assessment of adverse cumulative effects on flows and levels.
  - iv. Providing for the phase out of over-allocation of surface and groundwater by methods which include shared reductions across the catchment by consent review, when consents expire.

- v. Identifying how water use will be restricted during water shortages.
  - vi. Other methods, including managing impervious surfaces, providing for green infrastructure, etc.
- h. Provisions requiring efficient use of freshwater
- i. Advocacy and education to promote water quality protection and water conservation

#### **Coastal water**

27. Policy 1.1.6 is currently limited in the activities it refers to. It should refer to managing the use of coastal water freshwater, the discharge of contaminants and the subdivision, use and development of coastal land. All of those activities can impact on coastal water values.
28. Policy 1.1.6(a) is supported in part. It should probably be focused on coastal water quality.
29. Policy 1.1.6(b) is supported.
30. Policy 1.1.6(c) is supported in part. The economic use of freshwater is an important freshwater value. The NPS Freshwater requires a limits-based approach to freshwater management – economic use of freshwater may be enabled within environmental limits. We suggest this should refer to enablement rather than allowance, as close management will be required. In addition it may be appropriate to refer to “within environmental limits” to reference the limits-based approach.
31. Policy 1.1.6(d) is supported. It is consistent with Objective 1 of the NZCPA (bullet point three).
32. Policy 1.1.6(e) is not supported. It is not clear which “coastal values” it relates to. This could be incredibly broad in scope and requires clarification.
33. Policy 1.1.6(f) (g) and (h) are supported in part. We consider that more specificity is required. Paragraph (f) could refer to the mauri of coastal water. It should not refer to economic values covered in (c). It is not clear what cultural values (i) relates to. This should be clarified. Paragraph (j) should refer to maintenance of water quality and any other attributes required for recreation purposes.



34. Policy 1.1.1(i) is supported in part. Unfortunately, the spreading of pest species cannot be completely avoided. This should be amended to refer to preventing as far as possible the spread of pest species.

#### **Biodiversity**

35. New Zealand's biodiversity is in a state of crisis and the Otago region is no exception. "Vanishing Nature – Facing New Zealand's biodiversity crisis" by Marie Brown and Theo Stephens is a critical analysis of New Zealand's biodiversity crisis and the actions required to reverse current trends. It will be published in early 2015 and a copy will be provided to Otago Regional Council.
36. Otago Regional Council is responsible for the establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity (section 30(1)(ga) RMA).
37. Otago Regional Council must also recognise and provide for (as a matter of national importance) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (section 6(c) RMA).
38. The inclusion on one policy addressing biodiversity in 1.1, with the majority of biodiversity policies located at Part 1.3, is confusing. EDS suggests they are addressed comprehensively at 1.3, and 1.1 is focused on water, air and soil.

#### **Policy 1.2.2**

39. Policy 1.2.2 is opposed. This policy provides in part for the NPS Freshwater framework (freshwater objectives, land use controls) however it is incomplete. It is important the RPS establishes the freshwater management framework clearly as set out above.

#### **Policy 1.2.4**

40. Policy 1.2.4 is supported in part. Identification of the landward extent of the coastal environment provides certainty for all stakeholders as to the application of the NZCPS. However, the criteria listed do not fully encapsulate the characteristics of the coastal environment set out in Policy 1 of the NZCPS including Policy 1(b), (d), (g) and (h).

#### **Policy 1.2.5**

41. Policy 1.2.5(a) is unclear in its intent. What are the coastal objectives or where will they be identified? "Recognising" would not appear to be the appropriate standard, objectives should be achieved.

### **Objective 1.3**

42. As set out above in relation to Objective 1.1, Objective 1.3 is very general and high level. It is highly unusual to have one objective covering significant indigenous biodiversity, outstanding natural features and natural landscapes, and other natural features and natural landscapes. EDS requests that specific and measureable objectives are developed for each of those matters as set out below.

### **Policy 1.3.1**

43. Policy 1.3.1 is supported in part. It is important that the criteria for the identification of areas of significant indigenous vegetation and significant habitats of indigenous fauna are clearly identified in the RPS, to allow consistent identification of these areas in regional plans and district plans.
44. Policy 1.3.1 is supported in part. A list such as that contained in Policy 1.3.1 is of little value and EDS supports the provision of more detailed criteria in a Schedule of the RPS. Feedback on the Schedule is included below.
45. It is also essential that the criteria allow for the application of Policy 11 of the NZCPS in the coastal environment. We suggest the inclusion of specific criteria for the marine environment.

### **Policy 1.3.2**

46. Policy 1.3.2 is supported. The requirement to protect and enhance areas of significant ecological areas is in accordance with sections 6(c), 7(d) and 7(f) of the RMA.
47. Policy 1.3.2(a) is supported. It is essential that the characteristics that contribute to the significance of significant ecological areas are not adversely affected or reduced.
48. Policy 1.3.2(b) is supported in part. The provision of criteria for the assessment of effects provides certainty to stakeholders. However, much depends on the appropriateness of those criteria.

49. Policy 1.3.2(c) and (e) are supported. It is not enough to manage adverse effects on biodiversity as this will result in certain decline (due to permitted activities and other losses not controlled by the RMA e.g. pests). It is important that enhancement of significant ecological areas occurs to offset any losses.
50. Policy 1.3.2(d) is supported. It recognises that section 6(c) of the RMA applies to significant habitats of indigenous fauna, which may include exotic vegetation.

### **Policy 1.3.3**

51. Policy 1.3.3 is supported. The direction to maintain or enhance indigenous biodiversity is consistent with section 30(1)(ga) of the RMA. The framework identified in (a) (b) and (c) of minimising adverse effects of subdivision, use and development, minimising effects of pest species, and carrying out enhancement is supported. All three steps are required to achieve no net loss of indigenous biodiversity at a regional scale.
52. Policy 1.3.3(b) is supported in part. It seems to unnecessarily limit the situations in which restoration, rehabilitation, or creation of habitats will be promoted.

### **Indigenous biodiversity**

53. EDS's preferred framework for objectives and policies addressing indigenous biodiversity is as follows:

*Objective: Improve understanding of the current state of biodiversity and threats to biodiversity.*

*Policy: Gather and report biodiversity information with a particular focus on: identifying current state (extent and ecosystem health), identifying trends (against no net loss), identifying threats and identifying the success of management options undertaken.*

*Objective: Maintain the full range of ecosystem and habitat types in the region and maintain or enhance their spatial extent and ecosystem health and functioning.*

*Policy: In order to achieve no net loss of indigenous biodiversity (\*include definition from the proposed NPS Indigenous Biodiversity) at a regional scale:*

*(a) Avoid, remedy, mitigate, and offset adverse effects on indigenous biodiversity, and*

*(b) Promote active management to maintain, restore or enhance indigenous biodiversity through methods including pest management, fencing and planting.*

*Objective: Protect significant ecological areas (containing significant indigenous vegetation and significant habitats of indigenous fauna)*

*Policy: Identify significant ecological areas using the criteria in Appendix X.*

*Policy: Significant indigenous vegetation and the significant habitats of indigenous fauna shall be protected and enhanced by:*

- (a) Managing the effects of activities by:*
  - i. Avoiding adverse effects on significant biodiversity that is vulnerable or irreplaceable and other significant biodiversity where an avoidance approach is required to protect the values of the significant biodiversity*
  - ii. Where the values of the significant biodiversity can be protecting without requiring total avoidance of adverse effects:*
    - i. Avoid adverse effects as far as practicable, and where total avoidance is not practicable, minimise adverse effects on the values of the area,*
    - ii. Require remediation where adverse effects cannot be avoided,*
    - iii. Require mitigation where adverse effects cannot be avoided or remedied,*
    - iv. Require any more than minor residual adverse effects to be offset to achieve no net loss and preferably a net gain in indigenous biodiversity in accordance with the criteria in Appendix X.*
- (b) Promote active management to maintain, restore or enhance indigenous biodiversity through methods including pest management, fencing and planting*

#### **Policy 1.3.4**

54. Policy 1.3.4 is supported. It is important that the criteria for the identification of outstanding natural features, landscapes and seascapes are clearly identified in the RPS, to allow consistent identification of these areas in regional plans and district plans. The factors listed are consistent with the NZILA Best Practice Guidance Note and Policy 15 of the NZCPS.

#### **Policy 1.3.5**

55. Policy 1.3.5 is supported. It is consistent with section 6(b) of the RMA which requires outstanding natural features and landscapes to be protected from inappropriate subdivision,

use and development and Policy 15(a) of the NZCPS which requires adverse effects on outstanding natural landscapes in the coastal environment to be avoided.

56. The Supreme Court has held that Policy 15(a) defines “inappropriate subdivision use and development” in this context.<sup>4</sup> We expect other parties will suggest the management framework should distinguish between outstanding natural landscapes inside the coastal environment and outstanding natural landscapes outside the coastal environment. Section 6(b) does not distinguish between outstanding natural landscapes inside the coastal environment and outstanding natural landscapes outside the coastal environment. There is no basis for managing two areas both identified as of outstanding value utilising the same criteria in a different manner.

#### **Policy 1.3.6**

57. Policy 1.3.6 is supported. The identification of special amenity landscapes and features assists the effectiveness management of these areas which, despite not meeting the standard of “outstanding”, are highly important for the amenity and recreational value of Otago communities and important contributors to Otago’s tourism industry. It is also consistent with Policy 15(b) NZCPS.

#### **Policy 1.3.7**

58. Policy 1.3.7(a) is supported. It is consistent with Section 7(c) RMA which requires particular regard to be had to the maintenance and enhancement of amenity values and Policy 15(b) of the NZCPS which requires significant adverse effects on natural features and landscapes to be avoided, and other adverse effects to be avoided, remedied or mitigated.

#### **Natural landscapes and features**

59. EDS’s preferred policy framework for objectives and policies addressing natural landscapes and features is as follows:

*Objective: Protect or enhance outstanding natural landscapes and features from inappropriate subdivision, use and development and maintain or enhance the amenity of other landscapes and features.*

*Policy: Identify outstanding natural landscapes and features using the criteria in Appendix X.*

---

<sup>4</sup> *EDS v King Salmon* at [102]

*Method: Regional and District Plans will include maps identifying outstanding natural landscapes and features and a schedule describing the values that contribute to the outstandingness of the identified outstanding natural landscapes and features.*

*Policy: Avoid adverse effects of subdivision, use and development on the characteristics and qualities which contribute to the outstanding values of areas of outstanding natural landscapes and features.*

*Policy: Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on the characteristics and qualities which contribute to the amenity of other natural landscapes and features.*

*Policy direction on assessing significance of effects*

*Method: Regional and District Plans will control activities which will have or are likely to have adverse effects on the characteristics and qualities of outstanding natural landscapes and features and likely to have significant adverse effects on the amenity of other landscapes and features.*

*Policy: Promote the enhancement of natural landscapes and features where appropriate.*

*Method: Provide guidance to landowners as to how to protect landscape and feature values.*

*Method: Provide incentives for voluntary action to protect and enhance the values of outstanding natural landscapes and features, such as covenanting, fencing, and planting.*

*Other methods as required*

#### **Policy 1.3.8**

60. Policy 1.3.8 is supported in part. The NZCPS requires the areas of high and outstanding natural character be mapped (Policy 13(1)(c)). It is important that the criteria for the identification of outstanding and high natural character areas are clearly identified in the RPS, to allow consistent identification of these areas in regional plans and district plans. The factors listed are consistent with Policy 13(2) of the NZCPS. However, the matters in (a) to (h) are attributes of natural character, not criteria.

#### **Policy 1.3.9**

61. Policy 1.3.9 is supported. Policy 1.3.9(a) and (b) are consistent with section 6(a) of the RMA which requires the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use, and development and Policy 13 of the NZCPS which requires avoidance of adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and avoidance of significant adverse effects and avoidance, remediation or mitigation of other adverse effects of activities on

natural character in all other areas of the coastal environment. Policy 1.3.9(e) is consistent with Policy 14 of the NZCPS.

#### **Policy 1.3.11**

62. Policy 1.3.11 is opposed in part. Section 6(a) requires the preservation of the natural character of wetlands, lakes and rivers and their margins and their protection from inappropriate subdivision, use, and development. Provision for the natural character of these environments is supported. However, the policy provides only for selected aspects of the natural character of wetlands, lakes and rivers and their margins. Policy 1.3.11(b) and (c) are covered elsewhere and do not need to be repeated – natural character is a different concept from landscape and biodiversity (although related). Natural character of rivers include natural elements, processes and patterns, biophysical, ecological, geological, geomorphological and morphological aspects, and the natural movement of water and sediment including hydrological and fluvial processes. Lakes and wetlands have additional natural character qualities.
63. Section 6(a) of the RMA does not distinguish between the natural character of the coastal environment and the natural character of wetlands, lakes and rivers and their margins. The same management approach should be applied to areas of high and outstanding natural character in these environments: avoidance of adverse effects in outstanding areas and avoidance of significant effects and avoidance, remediation and mitigation of other adverse effects in other areas.

#### **Natural character**

64. EDS's preferred policy framework for objectives and policies addressing natural character is as follows:

*Objective: Identify areas of outstanding or high natural character in the coastal environment and wetlands, lakes and rivers and their margins.*

*Policy: Regional and district plans will map outstanding or high natural character in the coastal environment and wetlands, lakes and rivers and their margins and include a schedule which describes the values of each of these areas.*

*Objective: Avoid adverse effects of subdivision, use and development on the characteristics and qualities which contribute to the outstanding values of outstanding natural character areas in the coastal environment and wetlands, lakes and rivers and their margins.*

*Policy: Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on the characteristics and qualities of other natural character areas in the coastal environment and wetlands, lakes and rivers and their margins.*

*Policy direction on assessing significance of effects*

*Method: Regional and District Plans will control activities which will have or are likely to have adverse effects on the characteristics and qualities of outstanding natural landscapes and features and likely to have significant adverse effects on the amenity of other landscapes and features.*

*Policy: Promote the enhancement of natural character where appropriate.*

*Method: Provide guidance to landowners as to how to protect natural character values.*

*Method: Provide incentives for voluntary action to protect and enhance the values of natural character areas, such as covenanting, fencing, and planting.*

*Other methods as required*

#### **Policy 2.2.1**

65. EDS supports policy direction on adaptive management. It can be a useful management technique when applied correctly. Policy direction on adaptive management is probably more widely applicable than indicated by its current location in the Draft RPS.
66. The Supreme Court has recently given guidance for the assessment of adaptive management approaches in *Sustain our Sounds Incorporated v The New Zealand King Salmon Company Limited* [2014] NZSC 40. The Supreme Court's framework can be summarised as follows:

*(1) Can an adaptive management approach legitimately be considered?*

*In relation to the first question, the Supreme Court said there must be an adequate evidential foundation to have reasonable assurance that the adaptive management approach will achieve its goals of sufficiently reducing uncertainty and adequately managing any remaining risk. The threshold question is an important step and must always be considered.<sup>5</sup>*

*This means that there are some situations where significant uncertainty as to the nature of the receiving environment, how that environment might be affected by a proposed activity, or the extent to which those effects can be managed, means no amount of adaptive management will be sufficient to provide an adequate level of assurance.*

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<sup>5</sup> *SOS v King Salmon*, at [125]



*(2) When can an adaptive management approach be used instead of prohibiting development?*

*In relation to the second question, the Supreme Court stated that this will depend on a combination of factors:*

- the extent of the environmental risk (including the gravity of the consequences if the risk is realised);*
- the importance of the activity (which could in some circumstances be an activity it is hoped will protect the environment);*
- the degree of uncertainty; and*
- the extent to which an adaptive management approach will sufficiently diminish the risk and the uncertainty.*

*The Supreme Court referred to (d) as “[t]he vital part of the test” and accepted the following four factors are appropriate to assess this issue:*

- there will be good baseline monitoring about the receiving environment;*
- the conditions provide for effective monitoring of adverse effects using appropriate indicators;*
- thresholds are set to trigger remedial action before the effects become overly damaging; and*
- effects that might arise can be remedied before they become irreversible.*

67. EDS does not support the use of the terminology underlined: “Use adaptive management techniques as appropriate, or require their use where necessary”. Greater clarity can be provided by setting out criteria for appropriateness or necessity, utilising the Supreme Court’s framework set out above.

#### **Policy 2.4.2**

68. Policy 2.4.2 is opposed in part. EDS supports the application of the mitigation hierarchy set out in Policy 2.4.2. However, in some cases avoidance is required by other policies of the RPS. It should be clear that those more stringent policies take precedence.

**Policy 2.4.3**

69. Policy 2.4.3 is opposed in part. In some locations, avoidance of adverse effects is required (e.g. outstanding natural landscapes and outstanding natural character areas). It is not appropriate to provide for remediation or mitigation of effects in those locations. To do so would be inconsistent with Section 6 of the RMA and Policies 13 and 15 of the NZCPS.

**Policy 2.4.6**

70. Policy 2.4.6 is opposed in part. In some locations, avoidance of adverse effects is required (e.g. outstanding natural landscapes and outstanding natural character areas). It is not appropriate to provide for remediation or mitigation of effects in those locations. To do so would be inconsistent with Section 6 of the RMA and Policies 13 and 15 of the NZCPS.

**Policy 2.4.7**

71. Policy 2.4.7 is supported in part. It recognises that certain effects on certain values must be avoided. It is important (i) to (iii) are accurate and includes outstanding natural landscapes and features, outstanding natural character areas, and significant ecological areas.

**Policies 3.1.1 - 3.1.3**

72. EDS supports the inclusion of provisions addressing effects of subdivision, development, land use change, and discharges. However, the separation of these policies from earlier policies addressing freshwater issues is confusing. In addition Policies 3.1.1. to 3.1.3 could be expressed as methods, along with the other additional matters identified above.

**Policy 3.1.11**

73. EDS supports strong provisions addressing pest plants and animals as they are a significant threat to our indigenous biodiversity and other natural values. The RPS and plans should not allow the intentional introduction or spread of pest plants and animals. It should also contain provisions to minimise the unintentional introduction or spread of pest plants and animals.

**Policy 3.2.8**

74. Policy 3.2.8 is not supported. Offsetting is becoming an increasingly common tool in resource management. It has the potential to ensure net gain/no net loss where development proceeds. However, as it is utilised to 'justify' losses, it must be applied carefully. Measures

should only be considered offsetting if they comply with best practice offsetting principles. While the three parameters in 3.2.8 are relevant (mitigation hierarchy, like-for-like and proximity) they do not fully encapsulate best practice offsetting principles. Criteria are set out in Appendix A to this feedback.

75. In addition, the RPS should specify when offsetting is required. For example, subdivision, use and development which affects significant indigenous biodiversity should be subject to the mitigation hierarchy, including offsetting to achieve no net loss.
76. The RPS should also contain a definition of biodiversity offset:<sup>6</sup> *measurable conservation outcomes resulting from actions which are designed to compensate for more than minor residual adverse effects on biodiversity, where those affects arise from an activity after appropriate prevention and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground with respect to species composition, habitat structure and ecosystem function.*
77. The RPS should also contain a definition of no net loss:<sup>7</sup> *The goal of biodiversity offsetting is to achieve no net loss and, preferably, a net gain of biodiversity on the ground, with respect to:*
- *Species abundance, population structure, and composition (e.g. individual species or species groups)*
  - *Habitat structure (e.g. vegetation tiers, vegetation pattern)*
  - *Ecosystem function (e.g. nutrient cycling rates)*
  - *People's use of and cultural values associated with biodiversity (e.g. particularly valued habitats or species).*

*No net loss, in essence, refers to the point at which biodiversity gains from targeted biodiversity management activities match the losses of biodiversity due to the impacts of a specific development project, so that there is no net reduction in the type, amount and condition (quality) of biodiversity. A net gain means that biodiversity gains exceed a specific set of losses associated with a development."*

### Policy 3.5.3

<sup>6</sup> This definition is from the proposed National Policy Statement for Indigenous Biodiversity.

<sup>7</sup> This definition is based on the NZ Government Good Practice Guidance on Biodiversity Offsetting with minor amendments to clarify meaning (underlined)

78. Policy 3.5.3 is opposed. In some locations, avoidance of adverse effects is required (e.g. outstanding natural landscapes and outstanding natural character areas). It is not appropriate to provide for remediation or mitigation of effects in those locations. To do so would be inconsistent with Section 6 of the RMA and Policies 13 and 15 of the NZCPS.

#### **Policies 3.7.1 and 3.7.2**

79. EDS supports the establishment and implementation of urban limits. Urban limits for Wanaka should also be considered given recent growth patterns. EDS opposes “providing for” expansion of urban activities beyond urban limits. It is important that a comprehensive process is utilised to assess the complex and cumulative effects of expanding urban limits. A plan change is an appropriate process.

#### **Schedule 2**

80. We have not had sufficient time to assess the assessment criteria in detail. We provisionally support the criteria subject to the following comments:

- a. An area may be significant if it meets one or more of the criteria.
- b. Representativeness: Indigenous vegetation or indigenous fauna assemblages that are similar in structure and composition to the characteristic examples formerly present within the relevant ecological district, including mature and successional stages of vegetation, and degraded examples of vegetation or indigenous fauna assemblages where they are some of the best remaining of their type.
- c. Distinctiveness: in addition to (a) (b) and (c) this could include habitats which contain a type locality of a taxon, contain a large specimen or population, or are a large example of a vegetation type.
- d. Ecological context: in addition to (a) (b) and (c) this could include (d) groups of smaller sites that together form an important habitat component in the landscape and (e) sites that cumulatively provide important habitat for an indigenous species. (a) could also refer to stepping stones or ecological corridors.

#### **Schedule 3**

81. Schedule 3 appears to reflect the Department of Conservation’s guidance material on the NZCPS. This is supported.

#### **Schedule 4**

82. Schedule 4 contains very little detail additional to that contained in the policy. The RPS should identify a methodology for the application of the criteria.

## APPENDIX A<sup>8</sup> - CRITERIA FOR BIODIVERSITY OFFSETTING

1. Restoration, enhancement and protection actions will only be considered a biodiversity offset where they are used to offset the anticipated residual effects of activities after appropriate avoidance, minimisation, remediation and mitigation actions have occurred.
2. Restoration, enhancement and protection actions undertaken as a biodiversity offset are demonstrably additional to what otherwise would occur, including that they are additional to any remediation or mitigation undertaken in relation to the adverse effects of the activity
3. Offset actions should be undertaken close to the location of development, where this will result in the best ecological outcome.
4. The values to be lost through the activity to which the offset applies must be counterbalanced by the proposed offsetting activity which is at least commensurate with the adverse effects on indigenous biodiversity, so that the overall result is no net loss, and preferably a net gain in ecological values.
5. The offset is applied so that the ecological values being achieved through the offset are the same or similar to those being lost.
6. As far as practicable, the positive ecological outcomes of the offset last at least as long as the impact of the activity, and preferably in perpetuity. Adaptive management responses should be incorporated into the design of the offset, as required to ensure that the positive ecological outcomes are maintained over time.
7. The biodiversity offset should be designed and implemented in a landscape context – i.e. with an understanding of both the donor and recipient sites role, or potential role in the ecological context of the area.
8. Biodiversity offsetting shall not be applied to biodiversity that is irreplaceable or vulnerable (limits to offsetting).
9. The consent application must identify the intention to utilise an offset, and includes a biodiversity offset management plan that:
  - a. sets out baseline information on indigenous biodiversity that is potentially impacted by the proposal at both the donor and recipient sites
  - b. demonstrates how the requirements set out in this appendix will be addressed,
  - c. identifies the monitoring approach that will be used to demonstrate how the matters set out in this appendix have been addressed, over an appropriate timeframe.

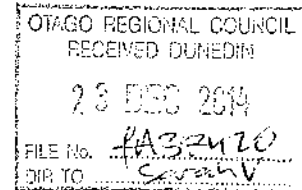
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<sup>8</sup> These criteria are based on the evidence of Dr Marie Brown presented at various hearings, including the Auckland Unitary Plan (Regional Policy Statement).

**James Adams**

**From:** Elizabeth Soal <elizabeth@waitakiirrigators.co.nz>  
**Sent:** Friday, 19 December 2014 4:48 p.m.  
**To:** RPS ORC  
**Subject:** Comments on draft Regional Policy Statement review consultation draft  
**Attachments:** Waitaki Irrigators submission on consultation draft RPS.docx

**Categories:** Email response sent



Good afternoon,

Please find attached comments from the Waitaki Irrigators Collective Limited in relation to the consultation draft of the review of the Regional Policy Statement for Otago.

Kind regards,  
 Elizabeth Soal

Elizabeth Soal  
 Policy Manager  
 WAITAKI IRRIGATORS COLLECTIVE LTD



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# Waitaki Irrigators Collective Limited

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Comment to the  
Otago Regional Council

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Regional Policy Statement  
Review - Consultation Draft

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Representative: Elizabeth Soal, Policy Manager  
Organisation Name: Waitaki Irrigators Collective Limited  
Address: PO Box 159, Oamaru, 9444  
Telephone: 021 454 615  
Email: [elizabeth@waitakiirrigators.co.nz](mailto:elizabeth@waitakiirrigators.co.nz)

Signature:

A handwritten signature in blue ink, appearing to read 'E Soal', written over a horizontal line.

Date: 19 December 2014



## About the Waitaki Irrigators Collective

The Waitaki Irrigators Collective Limited (WIC) is a company made up of shareholders comprised of the five irrigation schemes and a society of individual irrigators that take water from Lake Waitaki, the Waitaki River (or its tributaries or connected groundwater) and use that water to irrigate land downstream of the Waitaki Dam.

WIC was formed in 2010 by the major irrigation schemes in the lower Waitaki River catchment in response to a number of common issues which the schemes were facing at the time. In mid-2011, WIC expanded to include the incorporated society of individual irrigators.

WIC represents over 580 irrigators, with an irrigated area of approximately 80,000 hectares across North Otago and South Canterbury, which is approximately 12 per cent of irrigated land in New Zealand. The irrigators within the Collective contribute approximately \$550 million per annum in gross income to the local and national economies, and represent a capital value of land (with infrastructure) in excess of \$2.5 billion.

The overarching goal of WIC is to ensure the ongoing surety of water for its members. There are various dimensions to water surety, including surety of supply, reliability of supply, resource consent conditions relating to water take and usage, and community support for irrigation. WIC seeks to gain surety of supply within an approach which recognises the need for continuous improvement and environmental protection.

The shareholders of WIC are:

- Kurow-Duntroon Irrigation Company Limited;
- North Otago Irrigation Company Limited;
- Morven, Glenavy, Ikawai Irrigation Company Limited;
- Maerewhenua District Water Resource Company Limited;
- Lower Waitaki Irrigation Company Limited;
- Waitaki Independent Irrigators Incorporated (including the Haka Valley Irrigation Scheme).

These schemes and individuals use irrigation water for production across the primary sector, including the agriculture, horticulture, dairying and viticulture industries. Some of the schemes also provide water to other industries, town supplies and sports clubs. WIC represents a large number of farmers, farming companies and irrigators who create significant wealth for their communities, well beyond the farm gate.

## **General comments on the draft Regional Policy Statement**

The Council should ensure that there is consistency of language throughout the Statement. For instance, in some places, the terms "effects" and "impacts" are used interchangeably - although effects is a defined term, and impacts is not. Another example is the use of the "&" symbol, interchanged with the use of the word "and".

## **Specific comments on the draft Regional Policy Statement**

### **Part B.1: Otago has high quality natural resources and ecosystems**

**Objective 1.1:** Otago natural resources are of high quality, and support healthy ecosystems and a good quality of life

#### **Policy 1.1.1: Managing for freshwater values**

Food production and irrigation values should be specifically included within this Policy. Both are significant to the continued well-being of Otago communities, particularly that of North Otago. WIC acknowledges that the food production value is included within Policy 1.1.8 (managing the values of soil), but feels it is also important it is included within the identified freshwater values.

### **Part B.2: Communities in Otago are resilient**

There needs to be an Objective added stating that 'water supplies are secure and reliable'.

A secure and reliable water supply is of extreme importance for the resilience of numerous Otago communities, particularly those of North Otago, where rural communities and their associated service towns are founded on a secure and reliable water supply. They require an on-going secure and reliable water supply, for domestic, stock and irrigation water purposes, to enable current and future growth and prosperity. Security and reliability of water supply are also cornerstones for allowing continued investment in infrastructure and technology and thus improvement in the efficiency of water use.

The policies of this additional Objective need to -

1. Enable the development, upgrade, maintenance and operation of water supply infrastructure (particularly of multi-purpose water supply activities - both storage and distribution networks), at different scales where it maintains or increases the security and reliability of water supply at the local or regional level.
2. Minimise adverse effects from the development, upgrade, maintenance and operation of water supply infrastructure by avoiding adverse effects (where reasonably practicable) or requiring remediation or mitigation of adverse effects that cannot be avoided.
3. Recognise the importance of existing water supply infrastructure to community resilience.

### **Part B.3: People are able to use and enjoy our natural and built environment**

**Objective 3.1 Positive effects of resource use on the natural environment are maximised and negative effects are avoided or minimised**

#### **Policy 3.1.5 Protecting soil quality**

This Policy should recognise that some practices can enhance soil quality, and these are to be encouraged. Suggested wording could be:

Protect soil quality by:

- a) Minimising the accumulation of chemicals in soil....
- b) Minimising the physical degradation of soil by activities...
- c) *Encouraging activities which improve and enhance soil quality...*

### **Objective 3.5: Good quality infrastructure meets community needs**

WIC strongly supports this objective and associated policies.

### **Part C: Implementation**

#### **Anticipated Environmental Results and Monitoring Programme**

##### **37: Best practices and novel technology are required for new and renewed resource consents.**

Whilst the development and application of 'novel' technologies is to be encouraged and enabled, this should not be a "requirement" of a new or renewed resource consent. Requiring this could mean requiring significant investment in an unproven technology which might not lead to improved environmental outcomes. The sentence should instead read:

*The uptake of proven best practice and novel technologies are encouraged through the conditions attached to new and renewed resource consents.*

### **Part D: Schedules**

#### **Schedule 2 - Criteria for the assessment of the significance indigenous vegetation and habitat of indigenous fauna**

##### **3. Wetlands**

The definition states that this applies to "naturally occurring" wetland areas, but then provides an exclusion for artificial wetlands 'maintained for or in connection with' infrastructure. Artificial wetlands can be created for beneficial purposes which are not directly associated with infrastructure, such as improving water quality . Therefore the exclusion should be broadened to include these, or even removed in its entirety so that the definition only applies to naturally occurring wetlands (as in the first sentence).

### **Discussion with the Council**

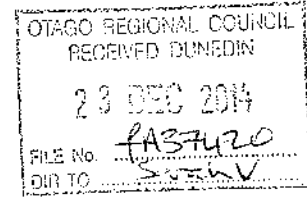
WIC would welcome to discuss the draft RPS, its content, or the content of this submission with representatives from the Council.

**James Adams**

---

**From:** Mark Baxter <Mark.Baxter@op.ac.nz>  
**Sent:** Friday, 19 December 2014 4:45 p.m.  
**To:** RPS ORC  
**Subject:** OPSA - Regional Policy Statement consultation submission  
**Attachments:** OPSA - Regional Policy Statement consultation FINAL.pdf

**Categories:** Email response sent



Hi team,

Please find OPSA's submission to the RPS attached.

Cheers,

Mark Baxter  
Technical Services Manager | Otago Polytechnic Students' Association T&F +64 (03) 477-6974 | M 021-1146-753 E  
[mark.baxter@op.ac.nz](mailto:mark.baxter@op.ac.nz) A S Block, Cnr Harbour Tce & Union St East [www.OPSA.org.nz](http://www.OPSA.org.nz)

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*Submission on*

**ORC 2014**

# **Regional Policy Statement Consultation**

*from*

**Otago Polytechnic  
Students' Association**



**December 2014**

**PO Box 5381, Dunedin**

**[mark.baxter@op.ac.nz](mailto:mark.baxter@op.ac.nz) & [opsa.presidents@op.ac.nz](mailto:opsa.presidents@op.ac.nz)**

**tel/fax (03) 477-6974**

## **Otago Polytechnic Students' Association**

OPSA is the representative body of Otago Polytechnic students. It is overseen by an executive committee who are elected annually to represent and advocate for OP students' interests.

OP students range from workers doing night-classes to full-time professional degree students. The average age is around 30, ranging from 17 to over 60 year-olds. The majority are women.

Courses are mostly vocational and include Automotive, Hospitality, Trades, Sports Institute, Art, and Carpentry.

OP students are a mix of permanent Dunedin residents, and students temporarily living in the Dunedin for study, and live in all areas of the city. OP also has a Cromwell based campus.

# Environmental

## Issue 7: Responding to fuel and energy pressures

*"While rich in renewable electricity generation potential, Otago is an importer of fossil fuels, and constraints on energy and fuel supply could affect the way we live. The finite nature of fossil fuels could lead to more volatile fuel prices, which may result in higher food prices, increase transport costs and reduce mobility.*

*It is possible to design Otago's settlements in a way that decreases our dependency on transport and energy, and therefore increase our resilience to those changes."*

OPSA supports this position.

Properly managed public transport is generally regarded as significantly more energy efficient than other forms of travel thus better utilisation of the region's public transport will help minimise climate change, and facilitate better environmental outcomes for the region (eg air quality and related ecosystems).

As managers of the region's public transport ORC has responsibilities to see that public transport is run in a way that will help achieve ORC's aims.

### **Recommendations:**

#### **Policy 2.3.1 Adapting to climate change (P29)**

Add something to the effect "Help minimise the onset and effects of climate change by providing the public a realistic and accessible alternative to private vehicle use where possible."

#### **Objective 2.4 Energy supplies are secure and sustainable (P30)**

Add something to the effect "Help reduce the region's reliance and consumption of imported fossil fuels by providing the public a realistic and accessible alternative to private vehicle use where possible".

This could be added to Policy 2.4.9 (Reducing reliance on fossil fuels), and/or Policy 2.4.10 (Promote energy efficiency and conservation).

#### **Policy 3.1.7 Discharging to air (P36)**

Add "Help minimise the effect of fossil fuel use on air quality by providing the public a realistic and accessible alternative to private vehicle use where possible."

This could also be added to Policy 3.1.10 (Promoting innovative solutions).

# Community

Public transport helps people who can't drive for one reason or another, to be involved in social and economic activities. This includes people with disabilities, the elderly, young people and people on low and fixed incomes.

## **Objective 3.5 Good quality infrastructure meets community needs.**

Public transport is an important public infrastructure, and is likely to become increasingly so. It also has other benefits, even to those who don't use it (eg less congestion).

### ***Recommendation:***

Objective 3.5 should specifically include a policy stating that the region's public transport should meet the needs of the community. This should include some definitions or guidelines of 'community needs', which include accessibility.

# Economic

Meeting the community's access needs is not just a necessary social service, but it helps grow the economy. Research<sup>1</sup> shows public transport increases productivity between 3% and 23% over other modes such as private cars.

## **Objective 3.7 (Urban areas accommodate needs for economic activity and growth effectively and efficiently)**

### ***Recommendation:***

Objective 3.7 should recognise that public transport contributes directly to economic growth and activity by providing easy, fast access between peoples' homes and where they work, play, study and access community services.

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<sup>1</sup> NZTA – cited in the contribution of public transport to economic productivity, p.8, January 2013, by Tim Hazledine, Stuart Donovan and John Bolland, NZ Transport Agency research report 514. ([www.nzta.govt.nz/resources/research/reports/514/](http://www.nzta.govt.nz/resources/research/reports/514/)).



# Planning

## **Recommendations:**

**Issue 12: Making better urban areas** *"Our towns need to contribute to people's well-being, through a better integration of ecosystems into urban areas, better walking and cycling facilities, and vibrant town centres."* (P11)

Public transport is an important part of urban area's facilities which needs to be as equally well integrated with the above, and hence should be specifically included in Issue 12.

## **Objective 3.6 (Urban Design)**

This Objective should include a policy that future developments need to take into account their implications for public transport, with a view that ORC's aims and social inclusion are not decreased.

### **Policy 3.6.5 Encouraging accessibility**

*"Encourage development in urban areas to be designed to cater for the access needs of people of all ages and abilities."*

OPSA supports this policy.

# Glossary

It is unusual for public service definitions of Infrastructure not to include public transport:

The US National Research Council definition includes: "– highways, streets, roads, and bridges; mass transit; airports and airways..."<sup>2</sup>.

The UK Institute of Civil Engineers defines infrastructure as "the physical assets underpinning the UK's networks for transport, energy generation and distribution, electronic communications, solid waste management, water distribution and waste water treatment"<sup>3</sup>.

## **Recommendation:**

Add "Public transport network" to the Infrastructure definitions.

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<sup>2</sup> Infrastructure for the 21st Century, Washington, D.C.: National Academy Press, 1987.

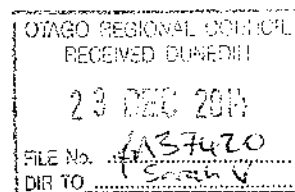
<sup>3</sup> ICE, A National Infrastructure Investment Bank, December 2009

**James Adams**

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**From:** Pat and Dave <pdty@clear.net.nz>  
**Sent:** Friday, 19 December 2014 4:42 p.m.  
**To:** RPS ORC  
**Subject:** re RPS Consultation Draft

**Categories:** Email response sent



From: Dave Tyrrell  
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Clyde

I am satisfied that there is sufficient reference in the draft to cover my concerns about continuing erosion and water quality in the estuary of the Owaka and Catlins Rivers.

My concerns for the future are that there will be insufficient detail in the final plan as to how problems such as those of the Catlin's Estuary will be approached.

Recent history shows that a local group attempted to overcome the problem of one rule being made to fit all situations and and were stymied in their efforts to the detriment of the environment.

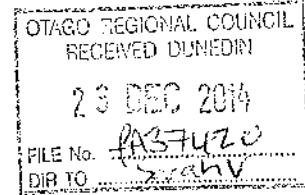
Yours sincerely

Dave Tyrrell

**James Adams**

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**From:** Megan Williams <mswenterprises@kinect.co.nz>  
**Sent:** Friday, 19 December 2014 4:34 p.m.  
**To:** RPS ORC  
**Cc:** a.steven@xtra.co.nz; ptisch@doc.govt.nz; Andrew Penniket; John Darby; john.julie@xtra.co.nz; Don Robertson; calum.macleod@qldc.govt.nz; Rebecca Picard; brucejefferies@xtra.co.nz; natalie\_beep@hotmail.com; Phill Hunt; mswenterprises@kinect.co.nz  
**Subject:** Comments on RPS Consultation Draft  
**Attachments:** ORC RPS submission final.docx  
**Categories:** Email response sent



Hello,

Please find attached a submission from members of the Upper Clutha Conservation Taskforce

Thanks,

Megan Williams  
 Chair  
 027 2291607

## Comments on the Draft ORC RPS

**This submission comes from members of the Upper Clutha Conservation Taskforce. We submit comments at this time as individuals as the recommendations that we are forming are still in draft format.** We have approximately another 6 months of further consultation with the community to undertake before we will approach ORC via Shaping our Future.

<http://www.shapingourfuture.org.nz/>

**We would like to signal our main desire which is to see a Regional Biodiversity Strategy that links in with District biodiversity strategies. This includes alignment with other strategies and at the same time specific targets with measurable outcomes.**

Overall we find the sentiments and intent with the ORC draft RPS are acceptable, but the expressions of what will be done and how things might be achieved, we advocate are inadequate in many places. Unless these are replaced with more operationally focused management plans, supported by a substantially raised level of monitoring of key environmental/biological variables, then the RPS will not effectively serve the communities of Otago.

That said, we suggest that there is a significant mis-match between the scale of action required to significantly raise the standard of resource management in Otago, and the level of funding that are allocated to provide for sustainable management.

Throughout the draft Regional Policy Statement, wherever the term “values” is used (especially in the absence of a definition), it should be removed and replaced with something more meaningful. Alternatively a functional definition should be provided. Many of the comments apply also to the aquatic sections in the Table on pages 57-62, and to the Table in Schedule 4 (which we suggest need more work to be useful).

### RPS Framework

The first Outcome “Otago has high quality natural resources and ecosystems” is weak, and could be said to be already true and therefore has no stretch. It could also be achieved by diminishing existing standards. We suggest a more meaningful aspirational outcome –something like: “Otago’s natural resources and ecosystems are maintained, enhanced and sustainably managed.” A similar comment is suggested in relation to the other two listed outcomes.

#### Policy 1.1.1

Reword the first sentence to say “Manage the biological processes and physical status, allocation...etc”

In c) change or expand “within a sustainable range” to include “without degradation of biodiversity, ecosystem functioning or water quality”.

Use of the term “Values” in items f), h), i) & j) is vague. Should be clear. Maybe define it.  
Change k) to “Avoid the spreading of existing pest species and the incursion of new pest species”

Add: “Ensure a) to k) are achieved by substantially expanding extent of appropriate monitoring and modelling of Otago’s aquatic ecosystems.

### **Policies 1.1.2, 1.1.3 & 1.1.5**

The use of the term “values” in these policies is vague and difficult to interpret operationally in the absence of clear definition. Assuming that these “values” include biodiversity, ecosystem functioning and a range of water quality attributes, there needs to be acknowledgement that none of these things can be managed unless there is **(i) a substantially better monitoring regime, (ii) appropriate ecosystem modelling targeting with agreed environmental outcomes and (iii) consistent enforcement and compliance systems.**

### **Policy 1.1.6 Coastal water**

All of the above comments are applicable also to this policy. We consider that the risks are high for estuarine systems, but also for all of Otago’s waters, the highest risks appear to be for freshwater systems, (lakes, rivers, aquifers, wetlands).

A real concern is that the level of monitoring, underpinning science/research and modelling required appears to be far beyond the capability and resourcing of ORC.

## **Biodiversity**

### **Policy 1.1.11 Recognising ecosystem services**

This policy states “Recognise the range of ecosystem services associated with natural resources in order to maintain or enhance their contribution to Otago regional wellbeing.” It does not directly address biodiversity or its management. It is vague, waffley, and as worded is probably operationally unachievable. Needs to be rewritten. Identify important ecosystems and monitor time-series of major biodiversity attributes and metrics. Monitor ecosystem function and develop strategies to enable avoidance or mitigation of adverse effects.

### **Policy 1.1.12 Managing riparian margins**

Item d) needs to be rewritten to be more operationally meaningful/achievable.

**Policy 1.2.1 a) i):** “Values” needs to be defined.

b): Vague, not clear what this means or how it would be achieved.

**Policy 1.2.2 c):** Vague, not clear what this means or how it would be achieved.

**Policy 1.2.6:** It is unclear what “integrating controls” means or what this will do to make a difference. Also, **a), b), c), & d)** are all vague and probably unachievable – “having regard to...values” is not an effective way of setting meaningful operational action in place. And in **d)** why are only wetlands mentioned and not other freshwater bodies? There needs to be a strong focus on setting clear meaningful operationally achievable objectives supported by appropriate measurement/monitoring that makes a real difference to the understanding, protection, and enhancement of Otago’s terrestrial and aquatic ecosystems, their functioning and biodiversity.

**Objective 1.3:** Talks about protecting “landscapes, natural features and areas of indigenous biodiversity which are nationally or regionally important.” This implies that there are areas that are not nationally or regionally important. How will these distinctions be identified? What are the criteria? Who will decide? What level of adverse effects will be permitted and acceptable?

**Policy 1.3.1:** What will be the organism size cut-off below which ORC ignores a) Representativeness; b) Rarity; d) Diversity; e) Distinctiveness; f) Ecological context? Diversity, biomass, and biogeochemical functionality generally increase with diminishing organism size, especially in aquatic

ecosystems. Is ORC committed to recognising these aspects of biocomplexity in its management of Otago's natural resources?

**Policy 1.3.2:** Again there is use of the vague undefined term "values".

**Policy 1.3.3:** All good concepts – but the success/failure of these proposed actions would all need to be assessable – and supported by monitoring appropriate attributes / measuring appropriate metrics.

**Policy 1.3.4:** In a) i) what does "Natural science factors" mean?? This is a meaningless statement in terms of managing these biophysical attributes. Science is a (the) major tool that will/should be used to manage everything that this RPS sets out to achieve. In b) i) what does "Legibility or expressiveness" mean? We suggest that this is another meaningless item and should be deleted.

**Policy 1.3.6 & 7:** Is "special amenity" defined somewhere?

**Policy 1.3.11:** This will need to include somewhere the avoidance of high nutrient levels, bacterial or protozoan contamination, pesticides etc from catchment run-off.

**Policy 2.4.7:** This section should distinguish between terrestrial based versus ocean based exploration/production of natural gas and/or crude oil. It should also include some reference to the role of the MfE Environmental Protection Authority and the new EEZ Act in the marine context.

**Policy 3.1.11:** Why is this following statement included under the heading of "Air"?? "Give preference to avoiding the introduction or spread of pest plants and animals and otherwise adequately remedy or mitigate their adverse effects".

**Policy 3.1.12:** This also looks out of place under the heading of "Air".

**Policy 3.7.1:** Why only include Queenstown and Dunedin in the restriction of urban limits? There are many other Otago towns where urban limits should be much more sensibly managed – e.g. Wanaka, Lake Hawea, Cromwell, Arrowtown etc.

**Part C Implementation:** The table on pages 53 and 54 does not include any mention of management of aquifers. And on the subject of aquifers, the biodiversity of aquifers contributes to the quality of aquifer water – both positive and negative. Avoiding adverse effects of extraction from and introduction of contaminants into aquifers could do with more attention in the RPS.

Thank you.

Megan Williams, Chair  
Anne Stevens  
Andrew Penniket  
John Wellington  
Natalie Astin  
Don Robertson

Phil Tisch  
Rebecca Picard  
Calum MacLeod  
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**James Adams**

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**From:** Mark Laurensen <MLaurensen@burtonconsultants.co.nz>  
**Sent:** Friday, 19 December 2014 4:33 p.m.  
**To:** RPS ORC  
**Subject:** Otago RPS Consultation Draft  
**Attachments:** RPS Review Consultation draft to ORC 19.12.14.pdf

**Categories:** Email response sent



Dear Fraser

Thank you for the opportunity to comment on the Otago RPS Consultation Draft. Please see the attached response on behalf of the Oil Companies.

Regards  
Mark



Mark Laurensen | Senior Planner

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19 December 2014

**COMMENTS ON THE CONSULTATION DRAFT OF THE  
OTAGO REGIONAL POLICY STATEMENT REVIEW**

**To:**

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BP Oil NZ Limited  
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PO Box 2497  
**WELLINGTON**

Hereafter, collectively referred to as the *Oil Companies*



## **1.0 Introduction:**

Thank you for the opportunity to comment on the Otago RPS Consultation Draft prior to notification. We note that comments were made on behalf of the Oil Companies in July 2014 in relation to the issues and options consultation. These comments should be read in conjunction with those comments, as some of the matters raised at that time continue to be of concern.

The Oil Companies receive, store and distribute refined petroleum products. The Oil Companies have commercial, shore and marine based and aviation and bulk storage facilities and are also owners of retail outlets and suppliers of petroleum products to individually owned retail outlets. The comments on the consultation draft are therefore focused on the key issues to the Oil Companies and in particular on contaminated land, hazardous substances, infrastructure, reverse sensitivity and natural hazards.

## **2.0 Contaminated Land**

The existing RPS includes some policy direction on contaminated land. However since 1998 there have been substantial developments in the management of, and guidance on, contaminated land. Additional MfE guidance has been developed and the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (*NES*) has been introduced. The table on page 55 of the Consultation Draft is still under development but refers to the roles of the Regional Council and City/District Councils. There is a need for the Regional Council to provide further guidance in the RPS on this topic if the overlap of functions is to be managed appropriately. The roles of each council need to be clearly stated and complementary (especially in regulation and information sharing and the generation of information databases/registers and the like). The RPS should be assisting in management of this area in a seamless way. As drafted the provisions are too broad to give useful interpretative direction. The Oil Companies consider that a useful way to view the various functions and responsibilities is to consider that the District responsibilities relate to on site matters (i.e. human health), and the Regional Council matters beyond the site (i.e. discharges). In any case, the specific effects that the district councils will be addressing must be very clear, and those effects should not be a duplication of effects addressed by other parties. The Canterbury RPS provides a reasonable starting point for a more detailed consideration of these matters.

In terms of draft contaminated land policies it is considered that Policy 3.10.10 should be reconsidered. It requires the avoidance of new contaminated land. While the intent is understood such a policy effectively sets a zero tolerance threshold and could be construed as preventing the establishment of any activity involving hazardous substances including, for example, a new service station or other HAIL activity. It would be more appropriate to delete Policy 3.10.10 and to rely on the requirements of Policy 3.10.9 which addresses managing the use of contaminated land and on other policies relating to discharges and soil quality for instance which seek to minimise the risk of land (and water) contamination, and on the complementary hazardous substances policies.

Notwithstanding the above, Policy 3.10.9 creates a number of issues. Policy 3.10.9 reads as follows:

***Policy 3.10.9 Managing the use of contaminated land***

*Manage the use of contaminated land to ensure the protection of people and the environment from actual or potential adverse effects by:*

- a) Requiring a site investigation be undertaken to determine the nature or extent of any contamination where there is a proposal for subdivision, use or development of potentially contaminated land; and*
- b) Requiring an assessment of associated environmental risks from any contamination; and*
- c) Ongoing monitoring of contaminant levels and associated risks; and*
- d) Remediation of contaminated sites to an appropriate level.*

The policy refers to the 'protection of people and the environment'. The use of the term 'protect' is directive and is inappropriate in this context. Contaminated land is the result of an historic discharge(s) i.e. it has already been affected by contaminants, from which the inherent risk is dependent upon nature and level of contaminants and pathways and receptors. It's about making a bad situation better. Therefore, absolute protection of the environment is not an appropriate approach for contaminated land policy as is it not achievable. The focus of the policy should be on ensuring the land is fit for its intended use.

Matter (a) requires a site investigation where there is a proposal for subdivision, use or development of potentially contaminated land. It is not clear when this requirement would be triggered, what a site investigation would require, or to what purpose it should be designed. Further, the NES sets up a framework for managing potentially contaminated land in such circumstances. That framework does not necessarily require a site investigation (and indeed such investigations are neither required nor safe for proposed works at operational service stations). The critical point is that land affected by soil contamination is characterised and managed as required where there is a change in land use. Matter (d) refers to remediation. Referring solely to remediation acts to limit the management approach that is available under the policy. The key emphasis should be on the appropriate management of contaminated land. The type of management required will depend upon an array of factors including level and type of contaminants present, pathways, receptors, future use of the land and various engineering solutions to the management (such as capping, building design, treatment options including remediation). Remediation (i.e. source control) is only one means of managing contaminated land. Other management responses may include monitoring and or management through a site management plan. The intent of the RPS should be to ensure that the broad suite of available options can be considered and applied where appropriate and relevant.

Policy 3.10.9 should be redrafted as follows:

### **Policy 3.10.9 Managing the use of contaminated land**

Manage the use of contaminated land to ensure that it does not pose an unacceptable level of risk to the protection of people and the environment from actual or potential adverse effects by:

- a) Requiring that a site investigation be undertaken to determine the nature or extent of any contamination is characterised where land use change is proposed on where there is a proposal for subdivision, use or development of potentially contaminated land; and
- b) Requiring, having regard to the intended use of the site, an assessment of associated environmental risks from any contamination; and
- c) Requiring ongoing monitoring of contaminant levels and associated risks where the discharge of contaminants is likely to be a risk to human health and the environment; and
- d) Remediation of contaminated sites to an appropriate level

In terms of Policy 3.10.8 relating to the identification of contaminated land, it would be most helpful if there was guidance as to in what circumstances the identification of the existence of contamination was required. This could in turn link to Policy 3.10.9 and provide guidance as to when an assessment of potentially contaminated land would be required.

### **3.0 Hazardous substances**

Hazardous substances are essential to a modern way of life. Their importance needs to be recognised and the need for their bulk storage, transport and use recognised.

It is noted that Part C addressing implementation and the roles and responsibilities of regional, city and district councils is still under development but as yet the RPS does not adequately address the potential for duplication of regulation between the regional and district councils on matters relating to hazardous substances. The Ministry for the Environment has been questioning the need for districts to be regulating activities involving hazardous substances to the extent they currently are, especially given that such provisions are often complicated and effectively and unnecessarily duplicate HSNO requirements or matters that may be otherwise adequately covered by transport regulation.

The RPS needs to promote integrated management by providing clear guidance on how to manage hazardous substances under the RMA. That guidance should focus on identifying and regulating only those gaps in the HSNO framework that are properly dealt with under the RMA, and where duplicated frameworks will not result. Having regard to the role and function of other (higher) authorities and the fact that discharges, odour and water quality are dealt with by the regional councils', the logical outcome is to charge district council's with addressing, to the extent practicable, human health effects (via the NES), to which visual amenity and cultural values could be added if such concerns were triggered in a particular situation. Otherwise, as stated above, hazardous substances management per se is appropriately dealt with by legislation other than the RMA. Promotion of recognised HSNO codes of practice and industry guidelines will also assist in ensuring better and more appropriately targeted regulation.

Notwithstanding the above concerns, the following comments are made regarding particular references to hazardous substances.

Policy 3.10.2, which seeks to manage the use and storage of hazardous substances, requires amendment. Policy 3.10.2 reads as follows:

***Policy 3.10.2 Managing use and storage of hazardous substances***

*Manage the use and storage of hazardous substances to:*

- a) Minimise risks associated with natural hazard events; and*
- b) Require that hazardous facilities are resilient to potential damage caused by natural hazards to avoid unintended discharges; and*
- c) Avoid unintended discharges or other adverse effects, including risks to individuals' physical and cultural health, property, and the contamination of air, land, and water.*

The use of "avoidance" in this policy is problematic. Hazardous substances, by their nature, carry an inherent level of risk. The key issue is managing that risk to a level that is acceptable in the context of the activity and surrounding land uses. Avoid means to prevent or stop. It is difficult to stop something that is unintended. Indeed when you are talking about risk, an avoidance approach generally prevents an activity from occurring. It is not possible to completely avoid the risk of creating new contaminated land and in light of the King Salmon decision, the directive nature of the wording may have unintended consequences over time for the continued ability to store and use hazardous substances in the Region. The promotion of sustainable management requires, on balance, that risks are appropriately managed, but does not extend to avoidance (except in carefully prescribed circumstances). Furthermore, (a) is repetitious of (b), and (b) needs to have the qualifier 'to the extent practicable' added to recognise that the nature and type of facility and/or the nature and type of natural hazard risk may require different degrees of resilience for different facilities. The Policy should be redrafted along the following lines:

***Policy 3.10.2 Managing use and storage of hazardous substances***

*Manage the use and storage of hazardous substances, having regard to the sensitivity of the receiving environment and recognising the social and economic benefits such activities provide, to:*

- a) ~~Minimise risks associated with natural hazard events; and~~*
- b) Require that hazardous facilities are, to the extent practicable, resilient to potential damage caused by natural hazards ~~to avoid that will result in unintended discharges~~; and*
- c) ~~Avoid~~ An acceptable level of risk so as to appropriately manage potential unintended discharges or other adverse effects on property, an-including risks to individuals' physical and cultural health, property, and the potential for contamination of air, land, and water.*

The Policy intent of 3.10.3 is unclear. In what circumstances and to what extent would the council be seeking to reduce the use of hazardous substances? The policy should be deleted.

Policy 3.1.12 is also problematic. That policy reads as follows:

**Policy 3.1.12 Avoiding adverse effects of hazardous substances**

*Avoid actual or potential adverse effects from the discharge, use, storage or disposal of hazardous substances in areas of high risk or sensitivity, including the following locations:*

- a) Community drinking water protection areas, or within proximity to a community drinking water supply such that there is a no risk of contamination of that drinking water source; or*
- b) Identified aquifers, where there is risk of contamination; or*
- c) Within the coastal marine area and in the beds of lakes and rivers; or*
- d) Within any area identified as being sensitive to the potential effects of hazardous substances, including but not limited to, sites of significance to tangata whenua such as wāhi tapu, urupā, or customary food gathering areas, institutions and residential areas; or*
- e) Areas subject to intolerable natural hazard risk.*

The Oil Companies are similarly concerned that the avoidance required by Policy 3.1.12 is an inappropriately high threshold that is not targeted to risk. This is particularly relevant to service station activities which could reasonably and appropriately overlie identified aquifers (matter b) or be located in residential areas (matter d). A number of service stations are, for example, located over aquifers (including in other regions such as Christchurch) and within sensitive areas such as residential areas. As indicated earlier risk can be managed but not avoided. Avoidance of risk would mean no hazardous substances storage or use in the areas identified in (a) – (e) above, which is not an outcome that is consistent with sustainable management. Even the reference to avoiding areas subject to intolerable natural hazard risk (matter e) should be reconsidered. It fails to recognise that some activities involving the use of hazardous substances, such as critical and/or regionally significant infrastructure, service stations and lifeline utilities, may already be located within and/or may be required to locate within, sensitive areas, including within areas subject to intolerable natural hazard risk.

The policy should be redrafted as follows:

**Policy 3.1.12 Avoiding adverse effects of hazardous substances**

*Seek to a-Avoid actual or potential adverse effects from the discharge, use, storage or disposal of hazardous substances in areas of high risk or sensitivity where such activities will pose an unacceptable level of risk to human health or the environment. Areas of high risk or sensitivity include including the following locations:*

- a) Community drinking water protection areas, or within proximity to a community drinking water supply such that there is a no risk of contamination of that drinking water source; or*
- b) Identified aquifers, where there is no risk of contamination; or*
- c) Within the coastal marine area and in the beds of lakes and rivers; or*
- d) Within any area identified as being sensitive to the potential effects of hazardous substances, including but not limited to, sites of significance to tangata whenua such as wāhi tapu, urupā, or customary food gathering areas, institutions and residential areas; or*
- e) Areas subject to intolerable natural hazard risk.*

More generally, it is odd that policy 3.1.12 is not included under Objective 3.10. It would be far simpler if all of the policies relating to hazardous substances were included in one place.

Furthermore, the Oil Companies consider there would be benefit in separating out the policy framework for contaminated land from that for hazardous substances to reflect that fact that the provisions relating to contaminated land respond to historical land use, while hazardous substances provisions address current land use practises.

#### **4.0 Infrastructure**

The Oil Companies bulk fuel storage facilities at the Port and Airport are regionally significant and critical for maintaining energy supplies and transport links in the region.

While there is some recognition of the fact that a slightly different approach is required to the management of some types of infrastructure (refer Policy 3.5.3), it is considered that regionally significant infrastructure should be identified and the specific issues pertaining to it should be addressed in the RPS. Policy 3.5.3 has limited value as it only pertains to areas supporting highly valued or nationally important resources, and fails to consider other situations where regionally significant infrastructure might need to be developed (eg: natural hazards areas and sensitive areas such as residential areas). Furthermore matter (c) inappropriately establishes a hierarchy for effects avoidance, and then remediation or mitigation. The RMA does not establish such a hierarchy and one is not justified in respect of this policy.

Finally, the policy framework fails to recognise reverse sensitivity as a significant issue for infrastructure generally, and specifically for regionally significant infrastructure. While it is accepted that there is a general policy relating to reverse sensitivity effects, the issue is particularly important for regionally significant infrastructure and should be specifically recognised.

New Zealand does not have very strong land use planning directives around bulk hazardous substances storage facilities, unlike Australia and Great Britain. However issues around risk management and encroaching sensitive land uses is becoming a greater focus for planning authorities and Worksafe New Zealand. To ensure that regionally significant infrastructure such as the bulk storage terminals can continue to provide for the fuel needs of the community into the foreseeable future (and notwithstanding any transition to a lower carbon future) it will be increasingly important to ensure sensitive land uses do not encroach around such facilities. This is particularly relevant in Dunedin, should there be a drive for any redevelopment in and around the Port of Otago. At this stage there are few alternatives to getting fuel into the Otago Region other than through the Port. Fuel facilities in the Auckland waterfront have been effectively squeezed out from the Port area thereby leaving the only supply route to Auckland through the Refinery to Auckland pipeline to the Wiri terminal. That situation should not be allowed to occur in Otago. Policy 3.5.3 should be deleted and replaced with policies developed along the following lines:

### **Policy 3.5.x Providing for Infrastructure**

*Provide for a range of infrastructure by recognising:*

- a) operational and technical requirements*
- b) locational, route and design constraints*
- c) the complexity of infrastructure services and that infrastructure is generally managed as a connected network*
- d) the benefits of infrastructure to the wider community, Otago and/or New Zealand*
- e) the need to respond quickly to service disruptions*
- f) the nature and scale of regionally significant and critical infrastructure*

### **Policy 3.5.x Regionally Significant Infrastructure**

*The adverse effects on significant natural and physical resources, and otherwise the significant adverse effects on the environment, resulting from the development and operation of regionally significant infrastructure are avoided, remedied or mitigated.*

### **Policy 3.5.x Protection of Infrastructure**

*Protect infrastructure from new incompatible land uses and activities by requiring subdivision, use and development to occur in a location or form which does not constrain the efficient operation, use, maintenance and development of infrastructure or generate adverse effects, including reverse sensitivity effects, that have the potential to impact upon the effective and efficient operation of such infrastructure.*

Furthermore, Policy 3.5.2 should be amended to recognise the benefits of infrastructure include:

- enabling enhancement of the quality of life/standard of living for people and communities
- enabling economic growth
- protecting the environment
- enabling interaction, integration and communication

For completeness, the inclusion of the following in the definition of infrastructure is supported (footnote added):

- a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy;*
- j) facilities for the loading or unloading of cargo or passengers transported on land by any means;*
- k) an airport as defined in section 2 of the Airport Authorities Act 1966<sup>1</sup>;*

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<sup>1</sup> This is defined as follows: **airport** means any defined area of land or water intended or designed to be used either wholly or partly for the landing, departure, movement, or servicing of aircraft; and includes any other area declared by the Minister to be part of the airport; and also includes any buildings, installations, and equipment on or

*m) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988;*

However it is considered that (m) above should be expanded to include the handling and storage of cargo. Matter (m) should be redrafted as follows:

*m) facilities for the loading or unloading and for the handling and storage of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988;*

Regionally significant infrastructure should also be defined.

## **5.0 Reverse Sensitivity**

The Consultation Draft includes an issue on minimisation of nuisance from incompatible activities and a policy on minimising reverse sensitivity. Issue 9 recognises that locating sensitive activities close to important infrastructure has the potential to limit the operations of that infrastructure. Such recognition is supported. Policy 3.2.6 sets out measures to minimise reverse sensitivity effects. While in principle such an approach is supported, minimising reverse sensitivity effects is not supported. Minimisation is an approach most appropriately applied to risk, where zero tolerance is not in the majority of circumstances, an appropriate outcome. In relation to reverse sensitivity effects, the appropriate approach is to avoid, remedy or mitigate. While matter (a) – separation of activities – is supported, matters (b) and (c) are not. Matter (b) is inherently unclear and imprecise and matter (c) gives no indication as to when adverse effects mitigation may be necessary.

Policy 3.2.6 should be amended as follows:

### ***Policy 3.2.6 Minimising-Managing reverse sensitivity***

~~*Minimise reverse sensitivity effects by:*~~

~~*a) Manage new subdivision, use and development so that incompatible land uses are separated to avoid reverse sensitivity effects, unless such effects can be practicably and effectively mitigated or remedied.*~~

~~*end*~~

~~*b) Setting standards appropriate for the planned land use activities; and*~~

~~*c) Requiring adverse effect mitigation where necessary.*~~

## **6.0 Natural Hazards**

The inclusion of Issue 5 regarding vulnerability to natural hazards is supported. In particular the acknowledgement that regulation can only mitigate effects and that contingency plans

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adjacent to any such area used in connection with the airport or its administration, and would include bulk fuel storage and refuelling facilities at airports, which is supported.



must be in place to address residual risk. There is a need for the policy approach to establish what 'appropriate activities' (that may be acceptable in Otago's most hazard prone areas) are.

Objective 2.1 is opposed. Objective 2.1 requires that the "Risk that natural hazards pose to Otago's communities is reduced". The explanation states that the risk of natural hazards should be reduced as much as possible.

The objective fails to recognise that in some circumstances it may be appropriate for risk to be appropriately managed rather than reduced. That is the case, for example, if a risk is acceptable, such as when a change in land use results in an increased risk exposure, but one which can be appropriately managed and is acceptable. It is also the case, for example, where there is an associated risk, but where that risk is tolerable, for example where there are no practicable alternatives, or where it will take time to implement a practicable alternative or that risk can be minimised (e.g. restricted access to persons operating under special conditions). Risk reduction in isolation lacks context and will likely lead to risk avoidance responses, decisions and/or removal of activities from any sphere of risk. The Council needs to be cognisant that in many situations it can be appropriate to have a managed response to risk; reduction may have a part to play in that but mitigation responses may also be appropriate. It has to be recognised that some levels of risk are acceptable for certain types of activities in certain locations. Indeed an open ended "reduction" target will not help in identifying when a level of risk is acceptable. There is a need to have an objective with sufficient scope to recognise that some risk exposure may be acceptable in some circumstances. An objective that requires reduction in all circumstances and as much as possible (which fails to take into account the practicalities of achieving that outcome) does not do this. Objective 2.1 should be amended as follows:

***Objective 2.1 Risk that natural hazards pose to Otago's communities is reduced appropriately managed.***

The policy approach should then give direction as to what "appropriate management" is considered to be.

With regards to the policy approach, better guidance is required from Policies 2.1.2 and 2.1.3. At present each of these policies simply includes a list of potential considerations when assessing the likelihood and consequences of natural hazards events. While neither is particularly problematic, they do not provide any real assistance to interpretation and application of policy. How, for example, will lifeline utilities and essential services be considered in relation to the consequences of natural hazard events? The intent of the two policies seems to be to input into the risk management approach (to the control of the use, development and protection of land) of managing natural hazards by assessing the level of risk according to the likelihood of natural hazards occurring and their potential consequences, as expressed in Policy 2.1.4. The policy approach in the three policies needs to be better integrated and developed.

Policy 2.1.5 refers to assessing the suitability of zoning, rezoning or activities with regard to particular matters. It needs to be clear within the policy framework that the assessment of

natural hazard risk is to be done at the time of plan development, and not on an ad hoc basis, unless it has been confirmed that the land is not susceptible to that natural hazard or an individual proposal is of a scale and/or a nature that could, if affected by a hazard event, represent a significant consequence.

Policy 2.1.6 requires a reduction in natural hazard risk to “as low as reasonably practicable wherever possible”. As indicated earlier risk reduction is not necessarily an appropriate strategy. In areas where the risk is low and acceptable, the risk associated with a new activity may equally be low and acceptable, although not as low as it was previously. This may well be the case with managed development on greenfield land. Consideration should be given as to whether the matters in Policy 2.1.6 are realistic in all circumstances, or really only apply where the risks (probability and consequences) are unacceptable. Policy 2.1.6 b), could, for example, be reworded along the following lines:

*b) Considering the use of exit strategies where the level of risk is too high for the community consequences and likelihood of natural hazard events are unacceptable.*

That example aside, however, the overall policy framework currently fails to give sufficient guidance as to what are acceptable and unacceptable effects. That is potentially because the focus is on risk reduction, rather than acceptable risk and appropriate management.

Finally, the risk management approach does not provide for exemptions. It must be recognised that there are some activities that must locate in susceptible locations in order to access a natural or physical resource and/or provide a necessary community, social, cultural or economic service. Ports and surf life-saving clubs for example must be located on the coast. Similarly, the efficient and effective provision of certain infrastructure is also limited to particular locations. These activities can be said to have a functional need for the location. The establishment, operation and maintenance of activities that have more than low natural hazard risk should be provided for where the activity has a significant social, economic or cultural benefit to the community it serves, or is a lifeline utility; and /or has a functional need for the location. A new policy could be developed along the following lines:

*Provide for the establishment, operation and/or maintenance of activities that have more than low natural hazard risk or which are located in higher than average natural hazard zones if the activity:*

- (a) Has a significant social, economic or cultural benefit to the community it serves, or is a lifeline utility; and*
- (b) Has a functional need for the location.*

*In the circumstances described in (a) and (b) above, risk management measures (including industry standards, guidelines or procedures) should be applied to manage risk to life and property to be as low as reasonably practicable.*

The Oil Companies are also concerned that many of the phrases used in the policy approach are not defined or the subject of clear policy guidance. This includes the terms and phrases 'tolerance of risk', 'tolerable levels', 'intolerable' and 'community vulnerability'.

In general, the Oil Companies support specific references to and definition of lifeline utilities.

## 7.0 Centres Based Approach

Proposed Policy 3.8.2 addresses expansion of areas of commercial activity beyond the commercial cores of Dunedin and Queenstown in a narrow range of particular circumstances. It states:

### ***Policy 3.8.2 Expanding beyond commercial cores***

*Provide for the expansion of areas of commercial activity beyond the commercial cores of Dunedin and Queenstown, only when:*

- a) No suitable locations are available within the commercial core; and*
- b) Infrastructure services necessary for the activity are available; and*
- c) Reverse sensitivity issues are avoided.*

Service stations are often appropriately located outside commercial areas and provide a valued service, as do other commercial activities which are more appropriately located in local environments, outside of the commercial core, for example where they serve local needs. It is important to not unduly restrict the establishment of areas of commercial activity to two central cores. While a centres based approach may be acceptable, reliance on the centre fails to acknowledge that some activities will locate outside of the commercial core because of their function and nature, not because there is nowhere to locate within the commercial core. Furthermore, a requirement for infrastructure services to be available, fails to consider the need for commercial activity within rural areas, and which may well be successfully serviced on-site. A policy approach along the following lines should be further developed:

*Provide for the expansion of areas of commercial activity beyond the commercial cores of Dunedin and Queenstown, only when:*

- a) ~~No suitable locations are available within the commercial core; and~~ The business activity is distributed in locations and is of a scale and form that will not undermine the viability of the existing commercial cores, and*
- b) Infrastructure ~~services necessary for the activity can be provided are available;~~ and*
- c) Reverse sensitivity issues are avoided and other adverse effects on the environment can be avoided, remedied or mitigated.*

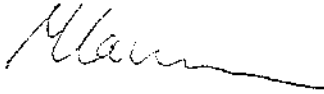
## 8.0 Conclusion

The Oil Companies will be happy to discuss these matters further with the Council prior to notification of the proposed policy statement, or to review and comment on further drafts of the provision. If a meeting would assist in understanding these comments more, please let us know.

Please do not hesitate to contact Mark Laursen in the first instance.

Yours faithfully,

**BURTON PLANNING CONSULTANTS LIMITED**

A handwritten signature in black ink, appearing to read 'Mark Laursen', with a long horizontal flourish extending to the right.

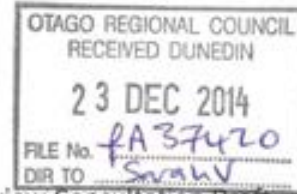
Mark Laursen

**Senior Planner**

**James Adams**

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**From:** Tami Woods <Tami.Woods@dairynz.co.nz>  
**Sent:** Friday, 19 December 2014 4:26 p.m.  
**To:** RPS ORC  
**Subject:** DairyNZ feedback on Draft RPS  
**Attachments:** DairyNZ Feedback - Consultation Draft of the Otago Regional Council Regional Policy Statement (Final).docx  
**Categories:** Email response sent



Please find attached DairyNZ's feedback on the Regional Policy Statement Review Consultation Draft.

**Tami Woods**  
 Policy Manager

**DairyNZ**

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Otago Regional Council  
Private Bag 1954  
Dunedin  
Attn: Policy Team

19 December 2014

**Feedback on Otago Regional Council Regional Policy Statement: Draft RPS 26 November 2014**

DairyNZ is the industry good organisation representing New Zealand's dairy farmers. Funded by a levy on milksolids and through government investment, our purpose is to secure and enhance the profitability, sustainability and competitiveness of New Zealand dairy farming. We deliver value to farmers through leadership, influencing, investing, partnering with other organisations and through our own strategic capability. Our work includes research and development to create practical on-farm tools, leading on-farm adoption of best practice farming, promoting careers in dairying and advocating for farmers with central and regional government.

DairyNZ appreciates the opportunity to provide feedback on the Regional Policy Statement Review: Consultation Draft, 2014 (Draft RPS) prior to formal notification. Regional Policy Statements are important documents as they are the primary planning instrument through which a regional council demonstrates regional leadership.

In general, DairyNZ supports the outcomes sought to be managed and the regionally significant issues that have been identified in the Draft RPS. DairyNZ however has a range of comments which primarily arise as a result of:

- the New Zealand King Salmon Supreme Court decision;
- a lack of recognition as to the benefit from primary production activities in the region,
- limited implementation of the National Policy Statement: Freshwater Management 2014;
- no methods being included in the draft document; and
- the structure of the document and resulting policy duplication and sometime inconsistent policy direction.

If the Council would like to discuss any of the matter raised in further detail we would welcome the opportunity to discuss these with staff.

Yours sincerely

A handwritten signature in black ink that reads "Tami Woods".

**Tami Woods**  
Policy Manager

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## GENERAL COMMENTS

### 1. New Zealand King Salmon Decision

The New Zealand King Salmon decision was released by the Supreme Court in April 2014. A key message ensuing from this decision was the importance of the 'choice of words' in higher level planning statements (in that particular case, the New Zealand Coastal Policy Statement (NZCPS)). The Supreme Court made it very clear that the choice of these words and terms in high-level policy documents matters, as shown in the quote from the decision:

*...it is apparent that the various objectives and policies are expressed in deliberately different ways. Some policies give decision-makers more flexibility or are less prescriptive than others. They identify matters that councils should "take account of" or "take into account", "have (particular) regard to", "consider", "recognise", "promote" or "encourage"; use expressions such as "as far as practicable", "where practicable", and "where practicable and reasonable"; refer to taking "all practicable steps" or to there being "no practicable alternative methods". .... Obviously policies formulated along these lines leave councils with considerable flexibility and scope for choice. By contrast, other policies are expressed in more specific and directive terms ... These differences matter. ...*

The Supreme Court decision reiterated the need for those drafting planning documents to consider very carefully the choice of words used, the form of the objectives and policies adopted, and the manner in which those objectives and policies relate to each other. Particular care is needed as the Supreme Court has held that the content of these higher order documents will determine lower level objectives, policies and rules of regional and district plans, and those in turn will determine how the natural and physical resources of Otago are sustainably managed over the following decades.

In King Salmon, the use of the word "avoid" in the NZCPS was found to mean "not allow" or "prevent the occurrence of." DairyNZ is concerned that the Draft RPS contains a number of very directive terms, including "avoid," "prevent" and "require" throughout the document (as well as numerous other, less specific, terms) which may not have been carefully considered in the context of the King Salmon decision.

DairyNZ seeks that the Council review the choice of such terms, as they may lead to unintended and unwanted constraints.

Planning instruments have been historically read "as a whole". However the Supreme Court's decision has also imposed some restrictions on the orthodox approach of reading all objectives and policies together. Currently the draft RPS does not provide any specific direction as to whether the Council considers the document should be read as a whole. DairyNZ believes there is real benefit to specifying that the document is to be read as a whole, while also providing clarification as to how higher order planning documents and their direction is to be considered.

DairyNZ therefore seeks that the Council include the following paragraph in the "RPS Framework" section of the draft RPS.



The RPS should be read as a whole and when giving effect to the RPS all issues, objectives and policies must be considered together. However, there will be times when, in order to give effect to a higher order planning document in the manner required by the Resource Management Act 1991, an overall judgement approach to giving effect to the RPS in any regional and district plan provisions is not appropriate. This will depend on the nature of the relevant higher order planning document(s), whether there are competing higher order policy documents, the nature and wording of the relevant policies in the RPS and the other documents, the relevant subject matter or aspect of the environment addressed by those policies, and the nature of the particular effects being considered.

## **2. Policy direction around identification and protection of significant indigenous biodiversity, outstanding or significant natural features, historic heritage, etc**

The Draft RPS contains a number of policies which specify restrictions on the use and development of areas that are identified as 'outstanding' or 'special amenity' landscapes, with 'high' or 'outstanding' natural character, contain 'regional or national significance' historic heritage, contain 'significant' indigenous biodiversity or habitat of indigenous fauna; or have 'highly valued' soil resources, etc. The Draft however provides no direction as to how to determine whether an area is actually 'outstanding', 'special', 'high', 'significant' or 'regionally or nationally significant'. It contains criteria, but these are often broad (e.g. presence of water, early 19/20<sup>th</sup> century pastoral sites) and it is not clear whether if you meet one criterion a site would therefore automatically become "significant" or "outstanding". Given the potential restrictions on land use if an area is identified as outstanding, special, significant, etc., DairyNZ seeks that the Council include additional direction in the relevant policies as to how these thresholds are to be determined.

## **3. Recognition of Primary Production**

DairyNZ is concerned that the Draft RPS appears unbalanced, as it contains very few "enabling" provisions or recognition of the benefit to the region. The document focuses on the avoidance of adverse effects with no equivalent focus on providing for the social, economic, and cultural well-being of people, which are also important aspects of sustainable management.

In particular, the Draft RPS does not adequately recognise the importance of primary production in the region. Dairying and its associated processing and servicing industries within the Otago region significantly contribute to the social and economic well-being of the region's communities, thereby enabling other economic, environmental, social and cultural aspirations to be realised within the region.

DairyNZ seeks that the Council review the Draft RPS and include a specific issue, objective, policies and methods that recognises the contribution of primary production to the economic, social and cultural wellbeing of the region and the need for primary production to access and use natural and physical resources in order to provide these regional benefits.

## **4. National Policy Statement for Freshwater Management 2014**





The National Policy Statement for Freshwater Management 2014 (NPSFM 2014) contains national direction on the management of New Zealand's water bodies. The NPSFM 2014 is highly relevant to the Draft RPS. It is also noted that Plan Change 6A will be reviewed, replaced or updated within the lifetime of the RPS. On that basis, the water quality provisions contained in the draft RPS must be closely reviewed and considered to ensure they are in alignment with the NPSFM 2014. The direction in section 62(3) of the RMA is that an RPS "must give effect to National Policy Statements". In King Salmon, the Supreme Court determined that the phrase "give effect to" in section 67(3) means simply to "implement." Accordingly, the RPS is required to implement the NPSFM.

DairyNZ is concerned that the water quality provisions set out in the Draft RPS contain a number of inconsistencies with the NPSFM 2014. While some direction is provided in the Draft RPS as to the identification of water bodies of value, there is no mention about the requirements which flow from the NPSFM, including the identification of values then establishment of freshwater objectives in accordance with the steps set out in section CA of the NPS 2014. The Draft RPS also contains a number of terms which appear to be inconsistent with the NPSFM 2014.

DairyNZ seeks that the Council reviews the water quality provisions and aligns these with the NPSFM 2014 and specifically address the following aspects to ensure consistency:

- a) Amend language from maintaining and improving water quality to maintaining and improving overall water quality. The NPSFM 2014 requires the overall maintenance and improvement of the quality of freshwater; it is up to the councils to set freshwater objectives to achieve this, and those freshwater objectives are to be based on the community values.
- b) Amend language from the use of the term values to the use of the correct term being freshwater objectives. This is because the NPSFM 2014 requires the Council to set freshwater objectives going forward. Values need to be identified through the correct process. Those values will then be taken into account when setting the freshwater objectives. The freshwater objectives then providing the outcomes to which limits and targets are set to achieve.

## 5. No Methods

The Draft RPS states that the 'methods' are still under development. Methods provide the clarification around how objectives and policies are expected to be given effect to by district and regional plans. Without inclusion of the methods it has been difficult to determine the consequence of the objectives and policies in the Draft RPS.

DairyNZ seeks the opportunity to review and provide comments on the methods prior to formal notification in order to fully understand the implications of the reviewed RPS.

## 6. Structure of the Document

The current structure of the document makes it hard to follow, and it is therefore confusing for the reader. The use of three key outcomes followed by the grouping of issues, then objectives and policies by the



outcomes has led to duplication, confusion and sometimes inconsistency in policy direction on the same topic within the document. For example, wetlands are covered by a number of policies with different policy direction. Under Policy 1.1.12 the instruction would be to “protect, maintain or restore a wetland”, under Policy 1.3.2 “protect and enhance the values of any significant indigenous vegetation and habitats of indigenous fauna in a wetland”, Policy 1.3.5 “protect, enhance and restore the values of any natural feature” of a wetland, and Policy 1.3.11 “preserve and enhance the natural character of a wetland”.

DairyNZ seeks that the Council review the structure of the document to avoid duplication and clarify policy direction. It is noted that this process may assist with the Council with recapturing its aim of the RPS being “brief and streamlined” as set out in the Issues and Options Paper. One option would be to list chapters by topic after the issues section (i.e. topics could be coastal, water quality, air, rural, infrastructure, etc.), or alternatively bring all objectives, policies and methods together either in one section or three (each section containing all the objectives, then all the policies, then all the methods).

### **SPECIFIC COMMENTS**

The table below outlines DairyNZ’s comments on specific provisions in the draft RPS and the changes sought in response to these comments.



Our Ref	Pg. No.	Section	Comments	Change Requested
<b>PART A: INTRODUCTION</b>				
1	6	1. Otago has high quality natural resources and ecosystems	<p>While this outcome identifies that agriculture and tourism contribute to the economy, DairyNZ seeks that this section is broadened to identify the value to the region of primary production alongside significant infrastructure and industry.</p> <p>Throughout the document, there are inconsistencies in the terms used. While agriculture is used in this section, DairyNZ seeks that “primary production” be used, as it covers a wider variety of uses, including horticulture and activities (such as processing and storage) associated with agriculture.</p>	<p><b>This chapter addresses our fundamental reliance on natural resources and ecosystem services to sustain us, our way of life, cultural identity and our economy: <u>agriculture and tourism primary production, significant industry, infrastructure and tourism</u>, Otago’s biggest earners, <u>all both</u> rely on having a great the environment.</b></p>
2	6	3. People are able to use and enjoy our natural and built environment.	<p>DairyNZ seeks that this outcome is expanded to include reference to those activities that underpin the region’s economy including primary production alongside commercial and industrial activities, energy, transportation, infrastructure and servicing. DairyNZ notes the Port of Otago is a key requirement for the region’s economic well-being, yet there is no mention of its importance.</p>	<p><b>Include reference to the importance of primary production alongside energy, transportation, infrastructure and servicing (including transport through the Port of Otago) in achieving economic well-being.</b></p>
3	8	Tangata Whenua Perspective	<p>This section is incomplete. DairyNZ seeks an opportunity to review this section prior to the proposed RPS being notified.</p>	<p><b>Circulate this section in draft prior to notification.</b></p>
4	9	Regionally Significant Issues	<p>DairyNZ seeks that recognition is given to providing for and enabling the economic well-</p>	<p><b>Include a new issue:</b></p>



		New issue sought	<p>being of the Otago region, rather than simply focussing on adverse effects of use and development.</p> <p>DairyNZ therefore seeks that the RPS include a specific issue to recognise the value that primary production provides to the economic, social and cultural well-being of the region.</p>	<p><u>Issue x: Providing for economic well-being</u></p> <p><u>Otago's economic, social and cultural well-being relies on the contribution of significant industry, infrastructure and primary production. This includes primary processing and supply chains, including transportation and manufacturing, within the region.</u></p> <p><u>Achieving economic well-being requires coordinated efforts to recognise the contribution of regionally significant industry and primary production to economic, social and cultural wellbeing, and the need for those industries to access natural and physical resources.</u></p>
5	9	1. Otago has high quality natural resources and ecosystems	DairyNZ supports the aspects of this section which recognise the economic impacts of farming, but (as set out a point 1, above) seeks that consistent terms are used throughout the RPS.	Economic prosperity fundamentally relies on wise use of the resources we have. Otago's economic wellbeing is inextricably linked with the quality of its rural environments. Forestry, <u>farming primary production, significant industry and infrastructure</u> , and mining all form significant parts of our Gross Domestic Product.
6	9	Issue 1: Cumulative effects of human activities on natural resources	As set out in the general feedback, terms such as "reduce" should be used carefully, given the Supreme Court's direction that terms in higher-level planning documents must be used carefully. When read literally, the term "reduce" means that there would have to be a reduction in activities that cause effects (even if these effects are not adverse). The term "manage" is more appropriate.	<p>...</p> <p>Those cumulative adverse effects can only be <u>managed reduced</u> to acceptable levels if people take responsibility for their effects on the environment, actively seek to reduce them, and take pride in their environmental stewardship.</p>



7	9	Issue 2: Managing complex interconnections between natural resources	DairyNZ supports this issue and considers that coordination between decision makers is crucial to the successful implementation of the RPS.	Retain as drafted.
8	10	2. Communities in Otago are resilient	This introductory section should be amended to relate it to the issues which have been identified. The issues appear to relate to natural events (i.e. natural hazards, climate change) and therefore the introduction should make this clear.	New Zealand, as a country, has been shaped by powerful geological forces, which are still at play, and have the potential to dramatically affect Otago's communities. <del>Other human-induced changes and shocks can affect the communities.</del>  Individuals and communities need to be prepared to <u>for any future changes.</u>
9	11	3. People are able to use and enjoy the natural environment	As the issues below this heading relate to both the natural and the built environment, DairyNZ seeks that this heading is amended to read "natural and built environment", or the topics are re-arranged.	<b>3. People are able to use and enjoy the natural <u>and built environment</u></b>
10	11	Issue 8: Managing uses and values of natural resources to avoid conflict	As the description under issues 8 relates to both the natural and the physical environment, DairyNZ suggests that this issue is amended to read "natural and physical environment", or the topics are re-arranged.  DairyNZ seeks that the word "all" in the first sentence be removed, as arguably this would encompass all possible values, some which may not be relevant to this section.	<b>Issue 8: Managing uses and values of natural <u>and physical</u> resources to avoid conflict</b>  We need to provide for ways to use our natural and physical resources to the best advantage, while providing for <del>all</del> the values which are important to the community.  ...
11	12	Issue 13: Ensuring access to the natural environment	DairyNZ seeks that this issue be qualified to acknowledge that there are some situations	<b>Access to the natural environment, in particular to mountains, coastal areas, rivers, lakes, or wetlands, is</b>



			where, from a health and safety point of view, access is not always possible or appropriate.	highly valued <del>by—everyone</del> . Subdivision and development can limit access to people’s places of enjoyment, affect the way of life for tangata whenua, or provide opportunities to enhance this access. We need to make all possible efforts, and take advantage of every opportunity, to ensure public access to Otago’s natural environment <u>where appropriate</u> .
<b>PART B.1 OTAGO HAS HIGH QUALITY NATURAL RESOURCES AND ECOSYSTEMS</b>				
12	13	PART B.1 Otago has high quality natural resources and ecosystems	As set out a point 9, above, this Part should be amended to refer to both natural and physical resources in both the heading, and first line of the introduction.	<b>PART B.1 Otago has high quality natural <u>and physical</u> resources and ecosystems</b>  <b>Otago’s economy is reliant on its natural <u>and physical</u> resources.</b>
13	13	Objective 1.1 Otago natural resources are of high quality, and support healthy ecosystems and a good quality of life	This objective is confusing and it is unclear what it is trying to achieve. DairyNZ notes that the NPSFM 2014 requires that it is “overall” water quality which must be maintained and improved.	<b>Revise objective to make it clear what is being sought.</b> <b>Revise objective to align with the NPSFM 2014</b>
14	13	Entire freshwater section (Policies 1.1.1 to 1.1.5)	As set out in the general comments, this section does not implement the NPSFM 2014 and needs to be revised to align with, and give effect to, the NPSFM 2014. Additionally, the Council should review the wording (particularly terms such as “avoid” and “protect”) used in light of the King Salmon decision.	<b>Revise policies to align with the NPSFM 2014</b>  <b>Revise policy directions in light of the King Salmon decision.</b>
15	14	Policies 1.1.2 and 1.1.3 Identifying and Protecting	As set out in the general comments, the use of terms such “protecting” should be reviewed taking into account the King Salmon decision,	<b>Revise Policy 1.1.2 and specify when a water body is to be considered ‘outstanding’ (i.e. is it when a site meets</b>



		outstanding water bodies	<p>as the likely implication of such terms will mean no development is allowed in such areas.</p> <p>DairyNZ also seeks that the Council provide clarification as to the threshold for when a water body is to be considered 'outstanding' after having looked at a site using the criteria in policy 1.1.2.</p>	<p>all the criteria listed in Policy 1.1.2, one criteria, two criteria?).</p> <p>Revise Policy 1.1.3 direction taking into account the King Salmon decision.</p>
16	14	Policy 1.1.6 Managing for important coastal water values	<p>Similar to the concerns outlined above, DairyNZ seeks that the Council reviews the use of directive terminology such as "avoid" and "protect" taking into account the King Salmon decision.</p>	<p>Revise policy direction taking into account the King Salmon decision.</p>
17	15	Policies 1.1.9 & 1.1.10 Identifying and Protecting highly valued soil resources	<p>As set out in the general comments, the use of terms such "protecting" should be reviewed taking into account the King Salmon decision, as the likely implication of such terms will mean no development is allowed in such areas.</p> <p>DairyNZ also seeks that the Council provide clarification as to the threshold for when a soil resource is to be considered 'highly valued' after having looked at the resource using the criteria in Policy 1.1.9.</p> <p>The Council should also provide clarification as to what is meant by the term "environmental buffering".</p>	<p>Revise Policy 1.1.9 and specify when a soil resource is to be considered 'highly valued' (i.e. is it when a soil resource meets all the criteria listed in Policy 1.1.9, one criteria, two criteria?).</p> <p>Revise Policy 1.1.10 direction taking into account the King Salmon decision.</p> <p>Explain what is meant by the term "environmental buffering."</p>
18	16	Policy 1.1.12 Managing riparian margins	<p>DairyNZ suggests that the heading to this policy should include wetlands (consistent with the heading to this section). Alternatively, wetlands should be removed</p>	<p>Policy 1.1.12 Managing <u>wetlands and riparian margins</u></p> <p>Protect, maintain or restore wetlands, and riparian margins along the coastal marine area, rivers and lakes,</p>



			<p>from this section.</p> <p>DairyNZ also seeks that (e), refer to 'overall' water quality, for consistency with the NPSFM 2014.</p>	<p>in order to:</p> <ul style="list-style-type: none"> <li>a) Maintain or enhance ecosystem health, both in-stream and along the margins; and</li> <li>b) Support the maintenance or enhancement of indigenous biodiversity and contribute to ecological corridors; and</li> <li>c) Reduce risks of erosion; and</li> <li>d) Recognise the effects of climate change;</li> <li>e) Maintain or enhance the natural functioning of the adjacent sea, river or lake, including the formation of wetland areas, and estuaries in the coastal environment; and</li> </ul> <p>....</p>
19	17	Objective 1.2 Otago's natural resources are managed in an integrated way	<p>DairyNZ seeks that the wording of this objective be amended to align with the NPSFM 2014, including reference to freshwater management units and freshwater objectives. The explanation notes that "vegetation cover on land impacts on water quality." This does not outline what vegetation cover in particular is being referred to. DairyNZ suggests that this be clarified.</p> <p>Additionally, the explanation does not explain what is meant by "integration." Some clarification around this terminology would be helpful.</p>	<p>Revise wording to align with the NPSFM 2014, and explain what is meant by "vegetation cover" and "integration."</p>
20	17	Policies 1.2.1 & 1.2.2 Applying a relevant spatial scale & Integrating land use management with water management	<p>DairyNZ seeks that the wording of these policies is amended to align with the NPSFM 2014, including reference to freshwater management units and freshwater objectives. Policy 1.2.1 refers to freshwater values, while the correct terminology is <u>freshwater objectives</u>.</p>	<p>Revise wording to align with the NPSFM 2014 and ensure consistency in direction around establishing freshwater objectives with Policy CA2.</p>





			Policy 1.2.2 sets out only two matters to be taken into account when setting freshwater objectives. This policy needs to be amended to ensure consistency with the matters set out in Policy CA2 in the NPS 2014.	
21	18	Policy 1.2.5 Integrating for the management of the coastal environment	The Council should provide clarification as to what is meant by the term “nuisance effects” in Policy 1.2.5(b) or delete.	<b>Explain what is meant by the term “nuisance effects” or delete “nuisance effects” from (b).</b>
22	18	Policy 1.2.6 Integrating for the protection of indigenous biodiversity and maintenance of ecosystem health	DairyNZ seeks that the wording of section be amended to align with the NPSFM 2014, including reference to freshwater management units and freshwater objectives.	<b>Revise wording of policy to align with the NPSFM 2014, including the following changes to (b) &amp; (c):</b> <b>c) Managing land use, having regard to freshwater objectives and coastal water ecosystem values;</b> <b>d) Managing water, having regard land based and freshwater objectives water-ecosystem-values;</b>
23	19	Objective 1.3 Otago’s significant and highly-valued natural resources are identified, and protected or enhanced	Given the directive controls on avoiding effects on these areas (and note that the explanation states that “giving these features a higher level of protection ensures they will be retained”), DairyNZ seeks that the identification criteria in this section, and in Schedule 1 be reviewed, to ensure that these policies will not have unintended consequences.	<b>Review wording of policy taking into account the King Salmon decision.</b>
24	19	Policies 1.3.1 and 1.3.2 Identifying and Protecting significant indigenous vegetation and significant habitats of indigenous fauna	DairyNZ is concerned that the words “protect and enhance” may have unintended consequences. While in some instances, it is important to protect such areas, it is unclear whether this would require new areas which have been planted to then be protected from	<b>Revise Policy 1.3.1 and specify when areas of indigenous vegetation and habitats of indigenous fauna are to be considered significant (i.e. is it when an area meets all the criteria listed in Policy 1.3.1, one criteria, two criteria?).</b>



			<p>use or development.</p> <p>DairyNZ also seeks that the Council provide clarification as to the threshold for when a water bodies is to be considered 'significant' after having looked at a site using listed criteria.</p>	<p>Revise Policy 1.3.2 direction taking into account the King Salmon decision.</p>
25	19	Policy 1.3.2(a) Protecting significant indigenous vegetation and significant habitats of indigenous fauna	<p>It is unclear whether this policy relates simply to the area which contains vegetation, or the wider area. DairyNZ seeks that this policy be clarified.</p>	<p>a) <del>Avoiding adverse effects on the values which contribute to the significance of the area or habitat of</del> <u>significant indigenous vegetation and significant habitats of indigenous fauna ...</u></p>
26	19	Policy 1.3.3 Maintaining or enhancing indigenous biodiversity	<p>DairyNZ suggests that the term "predominantly" is amended to "significant" for consistency with the other provisions in this section (policies 1.3.1 and 1.3.2 use "significant").</p> <p>The use of "minimising" is problematic as it may lead to restrictions on use and development in situations where adverse effects may be minor and / or can be remedied or mitigated. DairyNZ seeks that this term be amended.</p> <p>DairyNZ also does not understand why Policy 1.3.3 is listed as a separate policy. This creates confusion as to what is the policy direction. DairyNZ seeks that the elements in Policy 1.3.3 therefore be incorporated as part of Policy 1.3.2.</p>	<p>Maintain or enhance indigenous biodiversity values by:</p> <p>a) <del>Minimising—</del><u>Avoiding, remedying or mitigating</u> adverse effects of subdivision, use and development on:</p> <p>i. Areas of <del>predominantly</del> <u>significant</u> indigenous vegetation; and</p> <p>Merge Policy 1.3.3 into revised Policy 1.3.2</p>



27	20	Policy 1.3.4 and 1.3.5 Identifying and Protecting outstanding natural features, landscapes and seascapes	<p>The criteria outlined in Policy 1.3.4 are extremely broad, including “presence of water” and does not contain any direction as to what is outstanding.</p> <p>DairyNZ suggests that this section should provide direction as to when a feature is outstanding.</p> <p>DairyNZ seeks that the Council reviews the use of directive controls (i.e. “avoiding” or “minimising” adverse effects) in light of the direction in King Salmon.</p>	<p>Revise Policy 1.3.4 and specify when natural features, landscapes and seascapes will be considered outstanding (i.e. is it when a feature meets all the criteria listed in Policy 1.3.4, one criteria, two criteria?).</p> <p>Review wording of Policy 1.3.5 in light of the King Salmon decision.</p>
28	21	Policy 1.3.6 Identifying special amenity landscapes – Policy 1.3.7 Protecting special amenity landscapes	<p>As worded, there is very little difference between the policies relating to “outstanding landscapes” areas and those identified as “special amenity landscapes.”</p> <p>DairyNZ seeks that the Council gives greater direction of when a site is a “significant amenity” vs “outstanding” landscape.</p>	<p>Review the wording of these policies to make clear the difference between outstanding and special amenity landscapes.</p> <p>Review wording of Policy 1.3.7 in light of the King Salmon decision.</p>
29	21	Policy 1.3.8 Areas of high and outstanding natural character in the coastal environment and Policy 1.3.9 Preserving or enhancing the natural character of the coastal environment	<p>It is difficult to tell the distinction between the what would be “high” vs “outstanding” natural character in Policy 1.3.8.</p> <p>DairyNZ seeks that the Council provide clarification as to the threshold for when a water body is to be considered “outstanding” or “high” after having looked at a site using the criteria in Policy 1.3.8.</p>	<p>Revise Policy 1.3.8 and specify when a water body is to be considered ‘outstanding’ (i.e. is it when a site meets all the criteria listed in Policy 1.3.8, one criteria, two criteria?).</p> <p>Revise Policy 1.3.9 direction taking into account the King Salmon decision.</p>



30	22	Policy 1.3.11 Preserving and enhancing natural character of wetlands, lakes and rivers and their margins	Policies (b) and (c) contain duplication. DairyNZ suggests that these policies are combined to avoid confusion. Additionally, policies 1.1.12 and 1.3.2 contain similar provisions. As discussed in the general section, there are areas of duplication (ie lakes and rivers are covered twice with different policy directions), which DairyNZ suggests is remedied by amending the overall structure of the document.	<p>Amend to remove the duplication between the sections:</p> <p>b) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on those values which contribute to the natural character of other areas of the coastal environment; and</p> <p>c) Assessing the significance of adverse effects on the natural character of the coastal environment in accordance with the criteria in Schedule 3; and</p>
31	23	Policy 1.4.3 Providing for tangata whenua values	<p>Policy 1.4.3(c) is supported in principle, however DairyNZ is concerned that this may be interpreted as to mean that written approval from tangata whenua is required in response to the summary. The application of this depends on the methods, which are not yet formulated.</p> <p>DairyNZ suggests that in the formulation of the methods, it is made clear that the requirement is simply that the tangata whenua are sent a summary of consent applications, without seeking written approval.</p>	The methods accompanying this policy make it clear that the requirement is simply that the tangata whenua are sent copies of consent applications, and that it is not a process in which written approval is being sought.
<b>PART B.2 COMMUNITIES IN OTAGO ARE RESILIENT</b>				
32	25	Policy 2.1.4 and 2.1.5 Managing natural hazard risk in subdivision, use and development decisions	<p>These policies appear to duplicate themselves slightly.</p> <p>DairyNZ recommends splitting the policies into one that identifies and assess natural hazard risk, and a second which seeks to manage the identified risk in subdivision, use and development decisions.</p>	Revise policies to clearly split them so that one identifies and assesses natural hazard risk, and a second seeks to manage the identified risk in subdivision, use and development decisions.



<b>PART B.3 PEOPLE ARE ABLE TO USE AND ENJOY OTAGO'S NATURAL AND BUILT ENVIRONMENT</b>				
33	33	Objective 3.1 Positive effects of resource use on the natural environment are maximised and negative effects are avoided or minimised.	<p>DairyNZ seeks that this section be amended to recognise the positive effects associated with resource use, and the benefits on economic, social and community well-being.</p> <p>Aside from the heading itself, the objective does not adequately recognise positive effects.</p> <p>DairyNZ seeks that a new paragraph be inserted to recognise the positive effects of resource use.</p>	<p><b>Objective 3.1 Positive effects of resource use on the natural environment are maximised and negative effects are avoided or minimised.</b></p> <p><u>Regionally significant industry and primary production play an important role in contributing to the economic, social and cultural wellbeing of people and communities. Activities such as dairying, forestry and horticulture also have a direct relationship with the management and continued viability of rural activities. Significant industries also provide an anchor to support other industries and communities within rural and urban settings. The economic benefits contribute significantly to the vitality of settlements within a region.</u></p> <p>Any use of natural or physical resources has the potential to adversely affect the quality of the environment. It is important to recognise and provide for the use of those resources, while ensuring that their impact on the quality of those resources is acceptable.</p>
34	33	Policy 3.1.1 Managing effect of subdivision and development on water	There is currently confusion between Objective 3.1 and Policy 3.1.1 and it is unclear what they are targeting.	Revise to relate to Objective 3.1 (with suggested amendments above) and to give effect to the NPSFM 2014.



			DairyNZ also seeks that this policy is revised to align with the NPSFM 2014 (i.e. by referring to freshwater objectives).	
35	33	Policy 3.1.2 Managing land use change and catchment yield	DairyNZ seeks that (b) is amended to refer to the adverse effects of tussock grassland conversion.	<b>b) Addressing the <u>adverse</u> effects of tussock grassland conversion on flooding risks and catchment yields.</b>
36	34	Policy 3.1.3 Discharging to water	3.1.3(b) refers to “environmental baseline requirements”. This term is not defined. DairyNZ seeks that this term be explained, or alternative wording used.	<b>Revise to clarify the meaning of “environmental baseline requirements”.</b>
37	34	Policy 3.1.5 Protecting soil quality	This policy is confusing and it is unclear what is being sought. DairyNZ seeks that this policy be revised so that it is targeted at maintaining or improving soil health. DairyNZ also seeks review of the use of the terms “minimise” and “protect” in light of the King Salmon decision.	<b>Revise policy to clarify intended meaning. Review the use of the terms “minimise” and “protect” in light of the King Salmon decision. E.g.</b> <b><del>Protect</del> <u>Maintain or improve</u> soil quality by:</b>
38	35	Policy 3.1.11 Avoiding introduction and spread of pest plants and animals	It appears that a heading is missing between the sections relating to air discharges and policies relating to avoiding introduction and spread of pest plants and animals.	<b>Insert a new heading relating to pest plants and animals before Policy 3.1.11.</b>
39	35	Policy 3.1.12 Avoiding adverse effects of hazardous substances	It appears that a heading is missing between the sections relating to pests and policies relating to hazardous substances.  Some of the terminology used in this policy could be broadly interpreted. For example,	<b>Insert a new heading relating to hazardous substances before Policy 3.1.1.</b>  <b>Provide clarification on terms used.</b>



			terms such as “high risk,” sensitivity,” “at risk” and “appropriate locations” are not defined. It is unclear what the difference between these terms is or how they should be applied.	
40	37	Policy 3.2.1 Maximising benefits	DairyNZ suggests that a new value of “economic well-being” is included in this list.	Include a new (f): <b><u>(f) economic well-being.</u></b>
41	37	Policy 3.2.3 Minimising conflicts between water uses and users	DairyNZ considers this policy is appropriate.	Retain as drafted.
42	37	Policy 3.2.4 Managing cumulative effects	The term “best environmental management practices” is not defined, nor is it explained.  DairyNZ seeks that a more appropriate RMA term, such as “best practicable option” (BPO) is used for industrial activities and “good management practices” (GMP) for primary production land use. These terms are widely used, BPO is defined in the RMA and accepted by the Environment Court. GMP is widely used by farmers and the primary sector.	Revise the use of the term “best environmental management practices” and use Best Practicable Option and Good Management Practice.
43	38	Policy 3.2.5 Providing for activities that generate adverse effects	DairyNZ is unclear what activities and what affects this policy is seeking to manage.  DairyNZ seeks that if managing effects from industrial activities then reference to best practicable option to manage effects would be appropriate here.  The term “adverse impacts” is not defined, nor is it commonly used. DairyNZ therefore also seeks that the more usual “adverse effects” threshold is more appropriate.	Revise to clarify intent of policy  Consider the use of best practicable option management.  Amend (a) as follows:  a) Avoid significant adverse <del>impacts</del> <u>effects</u> on human health or amenity by reducing exposure to activities that may generate adverse effects; and



44	38	Policy 3.2.6 Minimising reverse sensitivity	DairyNZ suggests the term “minimise” should be amended to “avoid” to ensure that adequate direction is given to prevent sensitive activities locating in inappropriate areas. Additionally, it should be made clear that the onus should rest on the new sensitive activity, rather than the existing activity.	<p><b>Minimise <u>Avoid</u> reverse sensitivity effects by:</b></p> <p>a) Managing new subdivision, use and development so that incompatible land uses are separated; and</p> <p>b) Setting standards appropriate for the planned land use activities; and</p> <p>c) Requiring <u>sensitive activities to undertake</u> adverse effect mitigation where necessary</p>
45	38	Policy 3.2.7 Reducing unavoidable adverse effects	It is unclear what this policy is intended to address. The policy appears unnecessary, given the general RMA duty to avoid adverse effects on the environment. DairyNZ suggests the policy is deleted.	Delete policy, or revise to clarify its intended effect.
46	38	Policy 3.2.8 Providing for offsetting	DairyNZ supports this policy in principle, but considers that it needs to be amended to provide greater direction as to when and where off-setting might be appropriate.	Revise policy to give greater direction to circumstances where offsetting might be appropriate.
47	38	Policy 3.2.9 Requiring adoption of best environmental management practices	DairyNZ suggests that the use of best practicable option to manage effects would be appropriate here.	Revise to consider the use of best practicable option management.
48	40	Policy 3.4.1 Maintaining and enhancing public access	While DairyNZ supports this policy in principle, it seeks amendments to this policy to recognise that there are certain situations where access to the natural environment is inappropriate.	<p>Maintain and, where possible, enhance public access to the natural environment, including to the coast, lakes, rivers and their margins <u>where appropriate</u>, unless restricting access is necessary to:</p> <p>...</p> <p>(d) <u>protect existing significant industry and</u></p>





				<u>infrastructure.</u>
49	41	Objective 3.5 Good quality infrastructure meets community needs	DairyNZ supports this Objective, but considers that additional activities should be recognised, including industry, primary production, and infrastructure that enable processing production and trade, giving recognition of supply chains and the importance of the Port of Otago.	Roads, water supply, waste services, electricity transmission and telecommunication networks support our communities, economy, and health and safety. <u>Industry, primary production, and infrastructure that enables processing production and trade supports our economic and social well-being.</u> Although the development of infrastructure can have impacts on the environment it can also help reduce adverse effects. The establishment and operation of infrastructure requires significant investment. Integrating infrastructure with urban growth and development is essential to ensure it occurs in a sustainable and efficient manner.
50		New section proposed	DairyNZ seeks that a new section be included equivalent to Section 3.7 in relation to rural activities and rural industry.	Draft an equivalent section to Section 3.7 in relation to rural activities and rural industry.
51	48-49	Policy 3.9.1 Recognising heritage themes, Policy 3.9.2 Identifying significant historic heritage, Policy 3.9.3 Protecting significant historic heritage and Policy 3.9.4 Managing historic heritage	<p>DairyNZ seeks that the Council provide clarification as to the threshold for when a place or area is to be considered 'nationally or regionally significant' after having looked at an area or place using the criteria in Policy 3.9.2.</p> <p>DairyNZ considers that the criteria in Policy 3.9.2 are too broad. For example, the recognition to "early 19/20th century pastoral sites" does not give any guidance as to whether it is all of these sites that will be protected, or just those that are particularly rare.</p>	<p>Revise Policy 3.9.1 &amp; 2 and specify when a historic heritage area or place is to be considered 'nationally or regionally significant' (i.e. is it when a site meets all the criteria listed in Policy 3.9.2, one criteria, two criteria?).</p> <p>Revise Policy 3.9.3 direction taking into account the King Salmon decision and insert reference as follows to regional and national significance.</p> <p>... historic heritage places and areas <u>of regional and national significance</u> from the adverse effects ...</p> <p>Merge Policy 3.9.4 into revised Policy 3.9.3</p>



			<p>It is noted that the heading to Policy 3.9.3 refers to significant historic heritage but that the policy refers to <u>any</u> historic heritage place and area. DairyNZ seeks that the policy refers to regionally or nationally significant historic heritage places and areas.</p> <p>As set out in the general comments, the use of terms such “protecting” should also be reviewed taking into account the King Salmon decision, as the likely implication of such terms will mean no development is allowed in such areas.</p> <p>DairyNZ does not understand why Policy 3.9.4 is listed as a separate policy. This creates confusion as to what is the policy direction. DairyNZ seeks that the elements in Policy 3.9.4 therefore be incorporated as part of Policy 3.9.3.</p>	
52	51	Policy 3.10.1 Integrating management of hazardous substances and waste	DairyNZ supports this policy, and considers it will avoid duplication of functions between the regional and district councils with the application of the HSNO provisions.	Retain as drafted.
53	51	Policy 3.10.2 Managing use and storage of hazardous substances	DairyNZ supports this policy, but suggests inserting a new (d), which includes recognising appropriate locations for hazardous substances.	<p>Manage the use and storage of hazardous substances to:</p> <ul style="list-style-type: none"><li>a) Minimise risks associated with natural hazard events; and</li><li>b) Require that hazardous facilities are resilient to potential damage caused by natural hazards to avoid unintended discharges; and</li><li>c) Avoid unintended discharges or other adverse</li></ul>



				<p>effects, including risks to individuals' physical and cultural health, property, and the contamination of air, land, and water; and</p> <p><u>d) Recognising that the storage and use of hazardous substances is appropriate in some zones.</u></p>
<b>PART C: IMPLEMENTATION</b>				
54	53	<p>Roles and Responsibilities</p> <p>Air quality in urban airsheds</p> <p>Dust management</p>	<p>In the section relating to dust management, restrictions on solid fuel burners in sensitive airsheds is in the City and District Councils section. Given that this section relates to air discharges, DairyNZ suggests that this is moved into the Regional Council column.</p>	<p>Move "Potential restrictions on solid fuel burners in sensitive airsheds" to the regional council column.</p>
55	55	<p>Roles and Responsibilities</p> <p>Hazardous substances</p> <p>Responsibility for management of different aspects of hazardous substances</p>	<p>In the City and District Councils column, it notes that the primary role for land use controls through the District Plan is land use consent consideration. DairyNZ suggests that this also includes reference to zoning.</p>	<p><u>Primary roles for land use control through District Plan: zoning and land use consent consideration.</u></p>
56	60	<p>Anticipated Environmental Results and Monitoring Programme</p> <p>39. Otago's sites of cultural significance and Otago's environment and coast line are accessible by the public.</p>	<p>DairyNZ suggests that this section is amended to include reference to land that is not held in private ownership.</p>	<p><u>For land that is not held in private ownership:</u></p> <p>1. No reasonable complaints from the public about perceived lack of access to Otago's natural environment.</p> <p>Or</p> <p>At least 80% of Otago's residents are satisfied with the level of access to Otago's natural environment</p> <p>2. Tangata whenua have no reasonable complaints or concerns about the accessibility and management of</p>



				tupuna whenua.
<b>GLOSSARY</b>				
57		New term: Primary Production	DairyNZ seeks that “primary production” should be defined in the RPS.	<b>Primary Production</b> means the commercial production of raw material and basic foods, and which relies on the productive capacity of soil or water resources in the region. This includes the cultivation of land, animal husbandry/farming, horticulture, aquaculture, fishing, forestry, or viticulture. It does not include hobby farms, rural residential blocks, or land used for mineral extraction.
58		New term: Regionally Significant Industry	DairyNZ seeks that “Regionally Significant Industry” should be defined in the RPS.	<b>Regionally Significant Industry</b> means an economic activity based on the use of natural and physical resources in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits.

**James Adams**

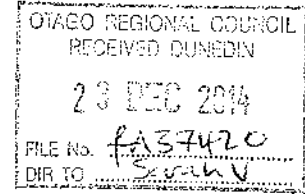
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**From:** Andrew Feierabend <Andrew.Feierabend@MeridianEnergy.co.nz>  
**Sent:** Friday, 19 December 2014 3:41 p.m.  
**To:** RPS ORC  
**Subject:** Meridian Comments RPS Draft December 2014.docx  
**Attachments:** Meridian Comments RPS Draft December 2014.docx

**Categories:** Email response sent

Hi

Please find some preliminary comments on the draft ORC RPS



Kindest regards

Andrew

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**Review of the Regional Policy Statement (Consultation Draft)**

**Meridian Energy**

Section		Comment
<b>Regionally Significant Issues</b>		
Issue 10 Locationally constrained activities	Some developments can only occur in specific places, and some of their adverse effects may be unavoidable. For example, windfarms often need to be located on ridges, and can have significant impact on landscape values. We need to be clear about where such adverse effects can be accommodated, and where they cannot because of other outstanding values.	Support this draft issue.
Part B.1 Otago has high quality natural resources and ecosystems		
Policy 1.1.1 Managing for freshwater values.	Manage the allocation and use of freshwater, and the effects of land use on water, in order to: ... c) Allow for the economic use of freshwater within a sustainable range; and d) Maintain good water quality, or enhance it where it has been degraded; and...	Support this draft policy.
Policy 1.1.4 Protecting important hydrological ecosystem services.	Protect important hydrological services provided by wetlands or tussock grasslands, including: a) The regulation of flows and flood risk mitigation; and b) The positive impact of wetlands on water quality; and c) The role of tussock grasslands for sustaining water yields in Otago's dry areas.	Support this draft policy.
Policy 1.1.5 Recognising the values supported by river morphology	Recognise the importance of river morphology, and associated natural processes, for: a) The habitat values supported by rivers; and b) The rivers' aesthetic and amenity values; and c) The operation and maintenance of structures and infrastructure on, over or on the margins of the beds of rivers.	Support this draft policy. 'Recognise' is not stringent.
Policy 1.1.12 Managing riparian	Protect, maintain or restore wetlands, and riparian margins along the coastal marine area, rivers and lakes, in order to:	Provides variety of options: protect, maintain or restore. Does not state under what circumstances protection rather

Section		Comment
margins	a) Maintain or enhance ecosystem health, both in-stream and along the margins; and b) Support the maintenance or enhancement of indigenous biodiversity and contribute to ecological corridors; and c) Reduce risks of erosion; and d) Recognise the effects of climate change; e) Maintain or enhance the natural functioning of the adjacent sea, river or lake, including the formation of wetland areas, and estuaries in the coastal environment; and f) Maintain or enhance tangata whenua and public access to rivers, lakes, wetlands and the coastal environment; and g) Contribute to the achievement of a good quality urban environment, as detailed in Schedule 1.	than maintenance will be required. Presume this will be stated in regional or district plan policies, which are generally intended to be more directive.
Objective 1.2	Otago's natural resources are managed in an integrated way.	Support this draft objective.
Policy 1.2.1 Applying a spatial scale	Apply a relevant spatial scale for the management of natural resources, which recognises the interconnections and dependencies between natural resources and processes, including by: a) Adopting a catchment-based approach to freshwater management, that: i. Provides for the values of interconnected water bodies and coastal water; and ii. Recognises the linkages between water quality, flows, water levels, and the natural functioning of rivers, lakes, wetlands, and aquifers, and the ecosystems they support; and b) Recognising that the physical form and function of a resource or value may extend beyond the immediate area of interest.	Support catchment-based approach to freshwater management. However, the policy refers to natural resources but is clearly only about freshwater.  Also the wording of part b) is unclear. Suggest rewording as follows: <i>Recognising that the physical form and function of a resource or <u>and its values</u> may extend beyond the immediate area of interest.</i>
Policy 1.2.2 Integrating land use management with water management	Integrate land use management with freshwater management by: a) Setting freshwater objectives that take into account: i The contribution of water in landscapes, seascapes or natural features identified as outstanding or highly valued by tangata whenua or local communities; and	Reference to seascapes should be removed as the policy is about freshwater. Difficult to determine type of objectives that would 'take into account the contribution of water in landscapes, seascapes or natural features'. Also not sure how this relates to the integration of land use and freshwater management.

Section		Comment
	ii The interactions between freshwater and land-based ecosystems; and b) Setting land use controls that are consistent with the achievement of those freshwater objectives; and c) Coordinating the management of rivers' morphology and hydrology; and d) Setting processes between territorial authorities and the regional council, to ensure consistency between land use control and water management.	Recommend that ORC be clearer in this policy.
Objective 1.3	Otago's significant and highly-valued natural resources are identified, and protected or enhanced	Support this draft objective.
Policy 1.3.2 Protecting significant indigenous vegetation and significant habitats of indigenous fauna	Protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by: a) Avoiding adverse effects on the values which contribute to the significance of the area or habitat; and b) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and c) Encouraging the planting of naturally occurring locally sourced indigenous species and the creation of habitats for indigenous species; and d) Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and e) Minimising the adverse effects of pests animal and plants on those values.	The policy only provides for the avoidance of effects which is very strict. We assume that the policy only relates to significant indigenous vegetation and habitats but it is stringent and unclear on this. Also if all adverse effects are to be avoided, what is the purpose of needing to assess their significance?  Suggest that the policy be reworded as follows: <i>Policy 1.3.2</i> <i>Protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</i> <i>a) <u>Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</u></i> <i>a) Avoiding significant adverse effects on the values which contribute to the significance of the area or habitat; and</i> <i>b) <u>Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</u></i> <i>c) <u>Remedying or mitigating all other adverse effects on the values which contribute to the significance of the area or habitat; and</u></i>  <i><u>Recognise offsetting and environmental compensations as appropriate methods in dealing with residual effects.</u></i>



Section		Comment
<p>Policy 1.3.4 Identifying outstanding natural features, landscapes and seascapes</p>	<p>Identify outstanding natural features, landscapes and seascapes, using the following factors:</p> <p>a) Biophysical attributes, including:</p> <ul style="list-style-type: none"> <li>i. Natural science factors;</li> <li>ii. The presence of water;</li> <li>iii. Vegetation (native and exotic); and</li> </ul> <p>b) Sensory attributes, including:</p> <ul style="list-style-type: none"> <li>i. Legibility or expressiveness;</li> <li>ii. Aesthetic values;</li> <li>iii. Transient values, including nature's sounds;</li> <li>iv. Wild or scenic values; and</li> </ul> <p>c) Associative attributes, including:</p> <ul style="list-style-type: none"> <li>i. Whether the values are shared and recognised;</li> <li>ii. Cultural and spiritual values for tangata whenua;</li> <li>iii. Historical and heritage associations.</li> </ul> <p>as detailed in Schedule 4.</p>	<p>Suggest a few changes to ensure the policy is clear, in particularly removing the reference to the 'presence of water' as this could apply to a wide range of scenarios including surface water ponding.</p> <p>Suggested rewording:  <i>Identify outstanding natural features, landscapes and seascapes, using the following factors:</i>  <i>a) Biophysical attributes, including:</i>  <i>i. Natural science factors;</i>  <del><i>ii. The presence of water;</i></del>  <i>iii. Vegetation (native and exotic); and</i>  <i>b) Sensory attributes, including:</i>  <i>i. Legibility or expressiveness;</i>  <i>ii. Aesthetic values;</i>  <i>iii. Transient values, including nature's sounds;</i>  <i>iv. Wild or scenic values; and</i>  <i>c) Associative attributes, including:</i>  <i>i. <u>Whether the values are shared and recognised values;</u></i>  <i>ii. <u>Cultural and spiritual values for tangata whenua;</u></i>  <i>iii. <u>Historical and heritage associations values.</u></i>  <i>as detailed in Schedule 4.</i></p>
<p>Policy 1.3.5 Protecting outstanding natural features, landscapes, and seascapes</p>	<p>Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</p> <ul style="list-style-type: none"> <li>a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</li> <li>b) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</li> <li>c) Minimising the adverse effects of pests animal and plants on those values; and</li> <li>d) Encouraging enhancement or restoration to increase their naturalness.</li> </ul>	<p>The policy only provides for the avoidance of effects (very stringent) and would not enable the establishment of a wind farm and associated transmission infrastructure. We assume that the policy is only intended to relate to outstanding natural landscapes, features and seascapes but it is stringent. Also if all adverse effects are to be avoided, what is the purpose of needing to assess their significance?</p> <p>Suggest that the policy be reworded as follows:  <i>Policy 1.3.5</i>  <i>Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</i>  <del><i>B-a) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</i></del>  <del><i>A-b ) Avoiding significant adverse effects on those values</i></del></p>

Section		Comment
		<p><i>which contribute to the significance of the natural feature, landscape or seascape; and</i>  <i>b) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</i>  <i>c) Remedying or mitigating all other adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and..</i></p>
<p>Policy 1.3.6 Identifying special amenity landscapes</p>	<p>Identify special amenity landscapes or natural features which are valued as matters of national, regional or local importance for their contribution to the amenity or quality of the environment, using criteria in Schedule 4.</p>	<p>This policy is pitched at same level as outstanding landscapes and uses the same criteria. If an assessment is undertaken and clearly a landscape is not outstanding, what then triggers it to become 'special amenity'? Will this be a scoring system? We suggest that it should be subject to different or at least some additional criteria. This appears to pitch two different concepts at the same level and that is not reasonable. Policies relating to amenity landscapes should be less protectionist than higher order landscapes and features.</p>
<p>Policy 1.3.7 Protecting special amenity landscapes</p>	<p>Protect or enhance the values of special amenity landscapes by:</p> <ul style="list-style-type: none"> <li>a) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on those values which contribute to the special amenity of the landscape; and</li> <li>b) Assessing the significance of adverse effects on special amenity landscapes in accordance with the criteria in Schedule 3; and</li> <li>c) Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and</li> <li>d) Minimising the adverse effects of pests animal and plants on those values; and</li> <li>e) Encouraging enhancement to increase their special amenity values.</li> </ul>	<p>The policy should also refer to natural features. Again, the use of the criteria in Schedule 3 pitches any assessment at the same level as an outstanding natural landscape or feature and this is a concern for the same reasons as expressed above.</p> <p>Concerned that this policy is too protectionist. This is particularly important in the context of avoidance given the status of the landscape is not being managed as a section 6 matter. Also need to give consideration to outcome of King Salmon decision and that avoidance means just that. It is expected amenity landscapes have a higher level of resilience to accommodate change and development.</p>

<p>Policy 1.3.9 Preserving or enhancing the natural character of the coastal environment</p>	<p>Preserve or enhance the natural character of the coastal environment, by:</p> <ul style="list-style-type: none"> <li>a) Avoiding adverse effects on those values which contribute to the outstanding natural character of an area; and</li> <li>b) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on those values which contribute to the natural character of other areas of the coastal environment; and</li> <li>c) Assessing the significance of adverse effects on the natural character of the coastal environment in accordance with the criteria in Schedule 3; and</li> <li>d) Recognising the particular contribution of exotic species to the natural character of the coastal environment, and providing for their ongoing contribution; and</li> <li>e) Promoting the restoration or rehabilitation of the natural character of the coastal environment in areas where the environment has been degraded; and</li> <li>f) Encouraging the establishment of indigenous riparian vegetation; and</li> <li>g) Managing pest animals and plants in areas where this will maintain enhance or restore the natural character of the coastal environment.</li> </ul>	<p>This policy has mixed consideration of effects on high, outstanding and 'general' natural character of the coastal environment. It is suggested that the policy should be clearly split to deal with the different areas or divided into two separate policies.</p> <p>Need to take guidance from the NZCPS and King Salmon decision.</p>
<p><b>PART B.2 Communities in Otago are resilient</b></p>		
<p>Policy 2.1.3 Assessing natural hazard consequence</p>	<p>Assess the consequences of natural hazard events including by considering:</p> <ul style="list-style-type: none"> <li>a) Nature of land use and development;</li> <li>b) Impact on individual and community health and safety;</li> <li>c) Impact on social, cultural and economic wellbeing;</li> <li>d) Individual and community vulnerability;</li> <li>e) Infrastructure and property damage, including access and services;</li> <li>f) Risk reduction and mitigation measures;</li> <li>g) Lifeline utilities and essential services;</li> <li>h) Implications for civil defence agencies and emergency services;</li> <li>i) Exacerbating factors;</li> <li>j) Residual risk.</li> </ul>	<p>Suggest that this policy could be reworded to improve its clarity.</p> <p><i>Assess the consequences of natural hazard events including by considering:</i></p> <ul style="list-style-type: none"> <li><i>a) Nature of land use and development;</i></li> <li><i>b) Impact on individual and community health and safety;</i></li> <li><i>c) Impact on social, cultural and economic wellbeing;</i></li> <li><i>d) Individual and community vulnerability;</i></li> <li><i>e) Potential impacts on Infrastructure and property damage, including access and services;</i></li> </ul> <p>....</p>

<p>Policy 2.1.5 Managing natural hazard risk in subdivision, use and development decisions</p>	<p>Assess the suitability of any zoning, rezoning or activity with regard to:</p> <ul style="list-style-type: none"> <li>a) Risk identified; and,</li> <li>b) Any proposed measures to avoid, remedy or mitigate those risks, including relocation and recovery methods; and,</li> <li>c) The long term viability of those measures in b above; and,</li> <li>d) Flow-on effects on the risk of other uses; and,</li> <li>e) The availability of, or ability to provide, services including waste and water infrastructure, lifeline utilities and emergency services, during and after a natural hazard event.</li> </ul>	<p>The generation of electricity is considered to be a 'lifeline utility' and is therefore covered by this policy. Support both policies as providing for generation facilities appropriately.</p>
<p>Policy 2.1.6 Reducing existing natural hazard risk</p>	<p>Reduce natural hazard risk as low as reasonably practicable wherever possible, including by:</p> <ul style="list-style-type: none"> <li>a) Encouraging zoning, activities or changes in land use that reduce risk or community vulnerability; and</li> <li>b) Considering the use of exit strategies where the level of risk is too high for the community; and</li> <li>c) Encouraging designs that enable relocation or recovery from natural hazard events; and</li> <li>d) Relocating lifeline utilities to areas of reduced risk where appropriate and practicable; and</li> <li>e) Enabling development, upgrade, maintenance and operation of lifeline utilities; and</li> <li>f) Re-assessing natural hazard risk, and tolerance of risk following significant natural hazard events</li> </ul>	
<p>Objective 2.2 Otago's communities are prepared for shock events and system disruptions</p>		
<p>Policy 2.2.3 Protecting the level of service of hazard mitigation, lifeline utilities and essential services</p>	<p>Protect the level of service provided by any natural or engineered hazard mitigation measure, lifeline utility or essential service, including by:</p> <ul style="list-style-type: none"> <li>a) Avoiding significant adverse effects, including reverse sensitivity effects, on the level of service of the feature, structure or service; and</li> <li>b) Maintaining the ability to access the feature, structure or service for maintenance and operational purposes; and</li> <li>c) Enabling any other activity that is required to maintain this level of service subject to meeting environmental baselines.</li> </ul>	<p>Suggest that the policy is reworded to include the word 'utility' for clarity as follows:</p> <p><i>Protect the level of service provided by any natural or engineered hazard mitigation measure, lifeline utility or essential service, including by:</i></p> <ul style="list-style-type: none"> <li><i>a) Avoiding significant adverse effects, including reverse sensitivity effects, on the level of service of the feature, <u>utility</u> structure or service; and</i></li> <li><i>b) Maintaining the ability to access the feature, <u>utility</u> structure or service for maintenance and operational purposes; and</i></li> </ul>

		<i>c) Enabling any other activity that is required to maintain this level of service subject to meeting environmental baselines.</i>
Policy 2.4.1 Benefiting from renewable electricity generation and transmission	<p>Enable the development, upgrade, maintenance and operation of renewable electricity generation and transmission activities, at different scales and from different sources, when:</p> <p>a) It maintains or increases the security of electricity supply at a local, regional, or national level; or</p> <p>b) It replaces non-renewable energy sources.</p>	<p>The policy provides for the development of renewable electricity generation <u>when it replaces</u> non-renewable energy sources. Whilst this may occur, the renewable energy generator will generally have no control over this and the proposed renewable generation is often required as an additional energy source. This limitation appears at face value to be unreasonable and unnecessary</p> <p>Suggest the policy should be amended to reflect this:</p> <p>..</p> <p><i>b) It replaces <u>or is additional to</u> non-renewable energy sources.</i></p> <p>Or delete part b.</p>
Policy 2.4.2 Managing adverse effects from renewable electricity generation and transmission	<p>Minimise adverse effects from renewable electricity generation or transmission activities, by:</p> <p>a) Giving preference to the avoidance of adverse effects when reasonably practicable; and</p> <p>b) Requiring adequate remediation or mitigation of the adverse effects that cannot be avoided; and</p> <p>c) Requiring all residual adverse effects to be adequately offset.</p>	<p>Consideration should be given to how this policy fits with the policies on landscape, indigenous vegetation and the natural character of the coastal environment. Given the King Salmon decision, there needs to be clarity over the hierarchy between policies or the pre-eminence of some over others – this is not yet clear in the document.</p> <p>What are 'all residual adverse effects'? Is it all those that could not be avoided, remedied or mitigated? The policy is not clear.</p>
Policy 2.4.3 Managing locationally-constrained renewable electricity generation and transmission activities	<p>Enable the development of renewable electricity generation and transmission activities, in areas supporting resources identified as matters of national importance or highly valued, when those activities:</p> <p>a) Need to locate in the proposed area; and</p> <p>b) Are nationally or regionally significant; or</p> <p>c) Increase the ability of communities to respond and adapt to emergencies; and</p> <p>d) All unavoidable adverse effects from the development, maintenance or operation of the infrastructure are appropriately remedied or mitigated.</p>	<p>Suggest that the policy should also refer to 'district' in part b) – not just limited to nationally or regionally significant?</p>

PART B.3 People are able to use and enjoy Otago's natural and built environment		
		Support this approach.
		Suggest that the policy should take into consideration sustainable development and refer to 'economic' wellbeing as follows:  <i>d) Social and economic wellbeing....</i>
		Support draft policy.
Policy 3.2.3 Minimising conflicts between water uses and users	Minimise conflicts between water uses and users by: a) Requiring the efficient use of water; and b) Encouraging the development of water management groups that maximise the use of water by collectively coordinating the take and use of water; and c) Enabling the development or upgrade of infrastructure that increases efficient use, or reduces cumulative contaminant discharges to water.	Support part b) particularly if the water management groups include renewable energy generators.
Policy 3.2.6 Minimising reverse sensitivity	Minimise reverse sensitivity effects by: a) Managing new subdivision, use and development so that incompatible land uses are separated; and b) Setting standards appropriate for the planned land use activities; and c) Requiring adverse effect mitigation where necessary.	Support the intent of the policy but could be reworded for clarity:  <i>c) Requiring adverse effect mitigation of adverse effects where land uses cannot be separated and/or adverse effects avoided. necessary.</i>
Policy 3.2.8 Providing for offsetting	Provide for the offsetting of adverse effects when those adverse effects cannot be avoided, remedied or mitigated while ensuring that the offsetting measures: a) Are provided onsite where possible; and b) Provide a benefit of the same nature.	Support the intent of the policy but could be reworded for clarity and recognise evolving practice. RPS should also provide for other methods including environmental compensation. Also suggest that the policy could should recognise that offsetting can be appropriate even if it may not be close to the site.
Objective 3.5 Good quality infrastructure meets community needs.	Roads, water supply, waste services, electricity transmission and telecommunication networks support our communities, economy, and health and safety. Although the development of infrastructure can have impacts on the environment it can also help reduce adverse effects. The	Suggest that the objective should include reference to the generation of electricity as this also supports communities, economy and health.  <i>Roads, water supply, waste services, electricity generation and</i>

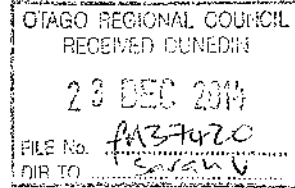
	establishment and operation of infrastructure requires significant investment. Integrating infrastructure with urban growth and development is essential to ensure it occurs in a sustainable and efficient manner.	<i>transmission and telecommunication networks support our communities, economy, and health and safety.</i>
Policy 3.5.3 Providing for locationally-constrained infrastructure	Enable the development of infrastructure in areas supporting resources identified as matters of national importance or highly valued, when: a) The infrastructure needs to locate in the proposed area; or b) The infrastructure: i. Is nationally or regionally significant; or ii. Is essential to the health and safety of the community; or iii. Increases the ability of communities to respond and adapt to emergencies; or c) All unavoidable adverse effects from the development, maintenance or operation of the infrastructure are appropriately remedied or mitigated.	Support the intent of the draft policy in recognising locational constraints. Should also include reference to 'locally' significant infrastructure. How is "enabling" in this policy balanced with the "avoidance" in other policies – hierarchy or pre-eminence issue again. Refer back to outcomes of King Salmon decision.
Glossary		
Infrastructure means	..... d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person— e) uses them in connection with the generation of electricity for the person's use; and f) does not use them to generate any electricity for supply to any other person;	Support as includes generation of electricity.
Lifeline utilities	has the meaning set out in section 4 of the Civil Defence Emergency Act 2002.  An entity that generates electricity for distribution through a network or distributes electricity through a network.	Support as includes generation of electricity.

**James Adams**

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**From:** Phil Murray <philh.murray@xtra.co.nz>  
**Sent:** Friday, 19 December 2014 3:26 p.m.  
**To:** RPS ORC  
**Cc:** Chris Pascoe; Pauline Marshall; Mike Tubbs; Ian Mann; Peter Hore; Graham Sydney  
**Subject:** Submission of Central Otago Wilding Conifer Control Group to RPS Review  
**Attachments:** Submission on RPS Review 19.12.2014.pdf

**Categories:** Email response sent



Please find attached our submission.

Regards,

Phil Murray  
Resource Management Consultant

PO Box 35 Clyde  
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Central Otago Wilding Conifer Control Group.  
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19 December 2014

RPS Review  
Otago Regional Council  
Private Bag 1954  
DUNEDIN

## **SUBMISSION OF COWCCG ON RPS REVIEW**

The uncontrolled spread of wilding conifers is a major potential threat to Otago's natural and physical resources, particularly within Central Otago and Queenstown Lakes Districts. The nature of the threat is to:

### **Landscape and Amenity Values**

Wilding conifers can have significant adverse effects on landscape values, especially on landscapes characterised by indigenous tussock grasslands and other low stature vegetation common in Central Otago. Our unique landscape is a major factor in attracting tourists to the region and is a major factor in Otago's identity.

### **Water Yield**

A reliable supply of good quality water is fundamental to the economic, environmental and social wellbeing of Otago. Studies have shown that a change in vegetation cover from tussock grasslands to forest can result in a significant reduction in water yield from stream catchments. Studies from a number of New Zealand catchments have shown that where pasture has been replaced by Radiata pine forest, there has been a reduction in annual surface water yield of between 30 and 80% with the upper end of the range being observed in dryer South Island sites (Duncan MJ, 2000). Other studies have shown that increased tree cover may reduce the recharge of deep aquifers in some dryer areas and that tall vegetation such as conifers can intercept up to 50% of the rainfall. This has serious implications for streams such as the Manuherikia, Taieri and Kyeburn which are particularly important for irrigation and which have a significant proportion of their catchments having the potential to be dominated by conifers in the absence of control measures.

### **Economic Productive values**

Wilding conifer spread has the potential to have significant adverse effects on productive pastoral farming values in Otago, particularly in Central Otago and Queenstown Lakes districts. While wilding conifer spread does not generally effect more intensively grazed land, on more extensive land wilding conifers have the potential to become the dominant vegetation eventually displacing grazing altogether. These more extensively grazed tussock grasslands comprise over 75% of Central Otago and Queenstown Lakes districts and provides important grazing for many pastoral farming properties.

Because of the low grazing capacity of these areas, the cost of wilding tree control can quickly exceed the economic return from the land, particularly in those areas subjected to an intense and ongoing seed rain. This can rapidly lead to situations where, on the basis of individual farm economics, wilding tree control is unaffordable while, at a district level, it may make economic sense to carry out control. Furthermore, once areas are covered in wilding forest land use options are limited by the cost of tree removal.

Wilding conifers can have a significant adverse effect on tourism in Otago. Important tourist attractions such as the Rail Trail are marketed on the basis of the unique landscape characterised by sweeping vistas of open tussock and thyme covered hills and mountains

with an underlying geology of rock and folded ridges and gullies. The gradual treeing of the landscape changes the visual texture and feeling of scale experienced by the observer.

Wilding conifer control also has the potential to impose significant costs on existing productive systems such as farms and commercial forests by increasing the potential for major wildfires. This cost will be expressed through higher insurance premiums and higher costs of maintaining fire breaks and other fire management tools.

While some will argue that wilding conifers can result in an economically valuable resource, there are a number of factors that suggest otherwise. Forests established from wildings are commonly known to contain highly variable and generally poor quality timber resulting from untended mixed aged stands. Wildings in Otago are generally known to produce poor quality timber due to the harsh growing conditions and the less desirable species present. Also the high cost of harvesting on often inaccessible terrain, the distance from port and the slow growth rates makes wilding conifers in most parts of Otago of limited economic value. The high biomass nature of conifer forests may contribute to carbon sequestration, however this benefit needs to be weighed against the adverse effects of uncontrolled spread.

### **Biodiversity and Nature Conservation Values**

Wilding conifers have the potential to displace indigenous ecosystems over large tracts of predominantly indigenous tussock grassland and shrubland within Otago. They also have the potential to permanently change natural succession processes on conservation land and within extensively grazed tussock grasslands in private ownership. Otago contains a significant proportion of the South Island dryland ecological zone where 70% of the indigenous ecosystems have been lost (Walker et al. 2009) and of which only 1.9% is formally protected (Rogers et al. 2005). Much of what remains exists in isolated remnants. The cost of protecting and restoring these remnants will become prohibitive in the face of uncontrolled wilding conifer spread.

### **Recreation and heritage values**

Many people come to Otago to live and to visit because of the recreation opportunities that exist here. Many of these activities centre round an appreciation of the outstanding landscape and heritage values that exist in Otago. The adverse effect of uncontrolled wilding tree spread on landscape and heritage values therefore has a significant adverse effects on the quality and enjoyment of these recreation pursuits.

### **Natural hazards**

Over 75% of Central Otago and Queenstown Lakes districts has the potential to be dominated by wilding conifers if spread is not actively controlled. Both districts have sufficient rainfall to support full canopy or near full canopy conifer forests. They are also subject to periods of summer dry where such forests would be highly combustible. The uncontrolled spread of conifers within these districts would therefore result in a significant summer fire hazard.

### **Specific comments on the RPS review document are as follows:**

Regionally significant issues - Issue 4: Spreading of pest species

*Comment: Acknowledge and support this as an issue. Submit that increased fire hazard be recognised and wording be applied to recognise the need for an active response required to achieve control rather than simply making future land use decisions to reduce the risk of wilding tree spread.*

Issue 5: Vulnerability to natural hazards

*Comment: Mention should be made of need to avoid and manage where possible natural hazards such as avoiding spread of wilding conifers.*

Objective 1.1 Otago's natural resources are of high quality and support healthy ecosystems and a good quality of life.

*Comments: A good quality resource management framework also identifies threats to the values being protected so it is not simply reacting to predictable issues that result from inaction.*

Policy 1.1.1 Freshwater - k) Avoid the spread of pest species

*Comment: Acknowledge and support.*

1.1.4 Protecting important hydrological ecosystem services

*Comment: Submit add "d) Recognise the threat of wilding tree spread to water yield"*

Biodiversity

Policy 1.1.11 Recognising ecosystem services

*Comment: Submit that the following be added, "... and identify threats to them".*

Policy 1.1.12 Managing riparian margins

*Comment: Submit add "Avoid adverse effects from invasive pest plants".*

Policy 1.2.2 Integrating land use management with water management

b) Setting land use controls that are consistent with these objectives.

*Comment: Acknowledge and support but add that these should also include PMS rules.*

1.2.6 Integrating for the protection of indigenous biodiversity and maintenance of ecosystem health

*Comment: Submit include e) Identify and manage threats to indigenous biodiversity and ecosystem health such as the spread of wilding conifers.*

1.3.2 Protecting significant indigenous vegetation and significant habitats of indigenous fauna

e) Minimising the adverse effects of pest animals and plants on these values.

*Comment: Acknowledge and support but submit the need to identify and avoid future potential threats.*

1.3.3 Maintaining or enhancing indigenous Biodiversity

c) Avoiding, or reducing as far as practicable, the spread of pest species.

*Comment: Acknowledge and support but submit add "particularly wilding conifers" as this is by far the most significant threat to indigenous biodiversity.*

1.3.5 Protecting outstanding natural landscapes and seascapes

c) Minimising the adverse effects of pest animals and plants on these values.

*Comment: Acknowledge and support however submit that the word 'minimising' does not convey a realistic understanding of the degree and nature of the threat of uncontrolled spread*

*of wilding conifers on natural landscapes. Wilding conifers are either controlled or uncontrolled.*

1.3.11 Preserving and enhancing the natural character of wetlands, lakes and rivers and their margins

*Comments: Submit add g) Identifying significant threats*

Objective 2.1 Risk that natural hazards pose to Otago communities is reduced

Policy 2.1.1 Identify natural hazards

*Comment: Acknowledge and support*

2.1.3 Assessing natural hazard consequences

*Comment: Submit insert b) Natural vegetation successional processes and its effect on fire hazard*

2.1.7 Avoiding new intolerable natural hazard risk

*Comment: Submit insert "manage activities and natural successional processes such as wilding conifer spread so that natural hazard risk does not increase beyond tolerable levels including by;*

*c) ensuring the control of spread of wilding conifers particularly in the dry Central Otago*

Part C Anticipated environmental results and monitoring programme

*Comment: Submit that a key indicator for results 1 – 3 is "Otago's people and communities are aware of the nature and potential threat of the uncontrolled spread of invasive exotic pest plants such as wilding conifers to the region's natural and physical resources".*

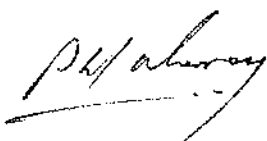
**General Comments on RPS review:**

The emphasis in the document for achieving the desired community outcomes appears to be on monitoring and managing the effects of future land use changes as they occur. It does not appear to address the need to identify potential threats that will reveal themselves in the longer term from land uses that exist now such as commercial forests adjoining extensively grazed land or inaction in controlling existing stands of wilding conifers.

If in future there is a public hearing on the RPS review we wish for the opportunity to be heard.

Should you wish to discuss any points raised in this submission or to explore further views held by COWCCG please do not hesitate to contact myself or the Chairman Chris Pascoe (027 479 4082).

Yours faithfully,



Phil Murray  
For Central Otago Wilding Conifer Control Group Inc

OTAGO REGIONAL COUNCIL  
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23 DEC 2014  
FILE No. 1137120  
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James Adams

**From:** Rosemary Dixon <Rosemary.Dixon@contactenergy.co.nz>  
**Sent:** Friday, 19 December 2014 3:26 p.m.  
**To:** RPS ORC  
**Cc:** Daniel Druce; Chris Drayton  
**Subject:** RPS Review - Contact Energy Ltd  
**Attachments:** Contact Ltr - ORC - RPS feedback - 19 Dec 2014.pdf; Contact - Feedback Table - 19 Dec 2014.pdf

**Categories:** Email response sent

Please find **attached** the comments of Contact Energy Ltd on the RPS Consultation Draft, together with a covering letter.

I look forward to discussing these comments with Council staff.

Regards

Rosemary Dixon  
Special Counsel - Environment  
Governance  
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New Zealand

contactenergy.co.nz

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19 December 2014

The Chief Executive  
Otago Regional Council  
Private Bag 1954  
DUNEDIN 9054

**Attention:** Fraser McRae

Dear Fraser

#### **OTAGO REGIONAL POLICY STATEMENT – CONSULTATION DRAFT**

Thank you for the opportunity to provide feedback on the Consultation Draft of the Otago Regional Plan (Draft RPS). Contact Energy Ltd (Contact) appreciates opportunities to provide input at an early stage in the preparation of policy documents with a view to resolving as many issues as possible prior to notification.

#### **Contact's Activities in Otago**

Contact's primary interest in the Draft RPS relates to the policy provisions that will apply to the existing Clyde Power Station, Roxburgh Power Station, and the Hawea Control Structure.

#### **Feedback on Draft RPS**

There are many aspects of the Draft RPS which are supported by Contact, particularly those parts that recognise the importance of electricity generation activities within the Otago Region. The attached table sets out Contact's feedback on the Draft RPS including the aspects of the document that Contact supports and those which require some amendment (along with the reasons in support of those matters).

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I look forward to discussing the Draft RPS and Contact's comments with you.

With best wishes.

Yours faithfully



**Rosemary Dixon**  
**Special Counsel – Environment**  
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## Contact Energy Ltd

### Feedback on Consultation Draft of the Otago Regional Policy Statement

Section of Draft RPS	Page of Draft RPS	Feedback	Outcome Requested
RPS Framework	6	Contact supports the simplicity and succinctness of the RPS Framework set out in Part A of the Draft RPS.	Retain the RPS Framework as drafted.
Outcome 1	6	Contact supports Outcome 1 but suggests that the explanation be amended to broaden the scope of significant business activities referred to.	Amend the explanation to read:  "This chapter addresses our fundamental reliance on natural resources and ecosystem services to sustain us, our way of life, cultural identity and our economy: agriculture and tourism, Otago's biggest earners, <u>both along with other business activities</u> rely on having a great environment. It 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."
Outcome 3	6	A word is missing from the first line of the first sentence of the explanation.	Amend the explanation to read:  "Our individual and community wellbeing is built on <u>the</u> use and development of resources."
RPS Framework Diagram	7	Contact supports the inclusion of the diagram on Page 7 as it clearly sets out the structure of the document.	Retain the diagram on Page 7.
Issue 7	10	Contact supports the recognition that Otago is rich in renewable electricity generation potential.	Retain the reference to renewable electricity generation potential in Issue 7.
Issue 8	11	Contact supports Issue 8 but considers that it needs to be extended to recognise the value of investment in existing infrastructure when considering the matters raised in Issue	Amend the second sentence of the explanation to Issue 8 as follows:



Section of Draft RPS	Page of Draft RPS	Feedback	Outcome Requested
		8.	"This requires that our use of resources is as efficient as possible, and that we allow as much flexibility as possible to optimise resource allocation at all times, <u>while recognising the value of investment in existing infrastructure.</u> "
Issue 9	11	Contact strongly supports Issue 9. The avoidance of incompatible activities locating in proximity to one another and giving rise to reverse sensitivity issues is an important issue to address.	Retain Issue 9 as drafted.
Issue 10	11	Contact supports Issue 10 which recognises that some developments can only occur in specific locations. Recognising this factor in relation to renewable electricity generation activities gives effect to the NPSREG.	Retain Issue 10 as drafted.
Issue 13	12	Contact seeks a minor amendment to Issue 13 to ensure that public safety is maintained while providing access to the natural environment.	Amend the last sentence of Issue 13 to read:  "We need to make all possible efforts, and take advantage of every opportunity, to ensure public access to Otago's natural environment <u>subject to public safety not being compromised.</u> "
Part B1 Introductory discussion	13	The introductory discussion refers to the quality of natural resources being critical to modern lifestyles and quality of life. While true, exactly the same comment could and should be made regarding the use of natural resources.	Amend the introductory statement to read:  "Otago's economy is reliant on its natural resources. Our modern lifestyles and quality of life depend on the quality <u>and use of our natural resources.</u> Beyond that, our natural resources and our environment define our identity, as individuals and as communities. Some of our natural resources are unique, either to New Zealand or to Otago."
Policy 1.1.1	13	Policy 1.1.1 a) implies that use of freshwater and land are the only factors affecting the health of ecosystems. The	Amend Policy 1.1.1 a) to read:

Section of Draft RPS	Page of Draft RPS	Feedback	Outcome Requested
		<p>reality is that a range of historical and/or natural factors impact on ecosystem health and the policy should be reframed to reflect that ecosystem health can only be ensured through water and land management to the extent those activities adversely affect it.</p> <p>Policy 1.1.1 b), f), h) and j) should be amended to make it clear that only current elements of the environment or values held in respect of the environment as it currently exists can be maintained and/or protected.</p> <p>Contact suggests also that the qualification associated with item c) is clarified. While it is inappropriate to provide that all economic uses will be allowed, the words "a sustainable range" provide little guidance as to what is intended to be allowed.</p>	<p>"a) Ensure those activities do not cause Otago's rivers, lakes, wetlands and aquifers to cease supporting healthy ecosystems"</p> <p>Amend Policy 1.1.1 b), f), h) and j) so that they relate to the environment that currently exists.</p> <p>Amend Policy 1.1.1 c) to clarify what is meant by "within a sustainable range".</p>
Policy 1.1.3	14	Given that the Kawarau and Clutha Rivers will potentially be identified as an Outstanding Water Bodies, notwithstanding the extent of their modification through the construction and operation of renewable electricity generation, Policy 1.1.3 should be amended to recognise that it is the current values of Outstanding Water Bodies that need to be protected.	<p>Insert the word "current" so that it commences:</p> <p>"Protect the current values of outstanding water bodies...."</p>
Policy 1.1.5	14	Contact supports the policy, particularly clause c) which recognises the importance of structures and infrastructure on, over on the margins of the beds of rivers.	Retain Policy 1.1.5.
Policy 1.1.12	16	Contact has a concern about clause e) which focuses on the natural functioning of rivers (amongst other things). There is no recognition of the fact that some rivers, such as the	<p>Amend Policy 1.1.12 e) to read, or to similar effect:</p> <p>"e) Maintain or enhance the natural functioning of the</p>

Section of Draft RPS	Page of Draft RPS	Feedback	Outcome Requested
		Clutha, have been significantly modified meaning that the river does not function in a natural way.	adjacent sea, river or lake, including the formation of wetland areas, and estuaries in the coastal environment <u>except where, and to the extent, such waterbodies have been previously lawfully modified; and</u>
Policy 1.2.1	17	Contact has the same concern with Policy 1.2.1 a) ii) as noted above in relation to Policy 1.1.12.	Amend Policy 1.2.1 a) ii) to read, or to similar effect:  "ii. Recognises the linkages between water quality, flows, water levels, and the natural functioning of rivers, lakes, wetlands, and aquifers, and the ecosystems they support <u>except where, and to the extent, such waterbodies have been previously lawfully modified; and</u> "
Policy 1.3.5	20	Given that the Clutha River will likely be identified as an Outstanding Natural Feature by way of Policy 1.3.4 and Schedule 4, Contact is concerned about the focus on protection in Policy 1.3.5 in a manner which does not recognise that such Outstanding Natural Features may include significant infrastructure such as the Clyde and Roxburgh Dams.	Amend Policy 1.3.5 to include recognition that there are significant values now associated with the use of some Outstanding Natural Features that need to be provided for.
Policy 1.3.6	21	Contact has a similar concern in relation to Policy 1.3.6 as noted directly above.	The existence of significant infrastructure should be recognised as providing amenity in certain circumstances. The flat water resource up stream of a dam is typically highly valued for its recreation and amenity values e.g. Lake Dunstan.
1.3.11	22	Contact is concerned about Policy 1.3.11 seeking various outcomes which are unrealistic in relation to the Clutha River which has been significantly lawfully modified in the past by the construction of two dams. The same concern applies to the Hawea Control Structure.	Amend Policy 1.3.11 to recognise that some of the imperatives, such as clauses c), d) and e), are not realistic in relation to lawfully modified water bodies such as the Clutha River.
Policy 2.1.3	24	Contact supports clauses e) and g) in Policy 2.1.3 which	Retain clause e) and g) in Policy 2.1.3.

Section of Draft RPS	Page of Draft RPS	Feedback	Outcome Requested
		recognise activities undertaken by Contact.	
Objective 2.2	27	Contact questions the use of the term "shock events" in Objective 2.2. and the Policies under that Objective. Contact assumes it refers to natural disasters such as earthquakes, floods, storm events and suchlike.	Use a clearer description for what are currently described as "shock events".
Policy 2.2.3	27	Contact supports Policy 2.2.3 including the reference to lifeline utilities and the policy imperatives related to such activities as set out in clauses a) – c) of the Policy.	Retain Policy 2.2.3.
Policy 2.2.4	27	As above.	Retain Policy 2.2.4.
Objective 2.4	30	Contact strongly supports Objective 2.4, particularly the recognition that the increase in the use of renewable electricity will help Otago have a more secure and sustainable energy supply.	Retain Objective 2.4.
Policy 2.4.1	30	Contact strongly supports Policy 2.4.1 which implements the NPSREG through its recognition of renewable electricity generation activities.	Retain Policy 2.4.1.
Policy 2.4.2	30	Contact considers that this policy is appropriately drafted in terms of managing adverse effects of renewable electricity generation activities.	Retain Policy 2.4.2.
Policy 2.4.3	30	Contact supports the implementation of the NPSREG though Policy 2.4.3.	Retain Policy 2.4.3.
Policy 2.4.4	30	Contact supports Policy 2.4.4 but notes that there may be limited scope to achieve the outcomes sought in the policy.	Retain Policy 2.4.4.
Policy 2.4.5	31	Contact strongly supports the implementation of the NPSREG through Policy 2.4.5 but suggests a minor amendment to clause b) (which is the corollary of clause b) in Policy 2.4.6).	Amend Policy 2.4.5 b) to read:  "b) Avoiding any other adverse effects <u>on renewable electricity generation activities</u> , or remedying or mitigating them adequately where avoidance is not possible; and"
Policy 2.4.6	31	Contact supports Policy 2.4.6.	Retain Policy 2.4.6.

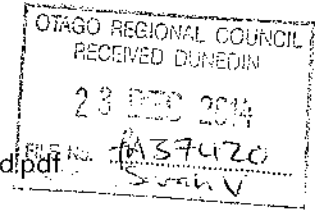
Section of Draft RPS	Page of Draft RPS	Feedback	Outcome Requested
Policy 3.1.2	33	Contact supports Policy 3.1.2 on the basis that activities that reduce water yield will have an adverse effect on renewable electricity generation activities (i.e. hydro).	Retain Policy 3.1.2.
Policy 3.1.6	34	Contact suggests that this policy requires amendment to remove the inconsistency as between clauses a) and b). Presumably the intention is that land-based extraction is preferred except where the extraction of alluvial material or sand may contribute to reducing flood risk.	Amend to make it clear that clause b) is an exception to the general preference for land-based extraction
Policy 3.2.1	37	Contact questions why economic values/wellbeing is not included as one of the positive benefits in this policy.	Include "economic values" as one of the clauses in Policy 3.2.1.
Policy 3.2.2	37	Contact supports Policy 3.2.2 which focuses on the efficient use of resources.	Retain Policy 3.2.2.
Policy 3.2.3	37	Contact supports Policy 3.2.3 requiring that conflicts between water uses and users are minimised.	Retain Policy 3.2.3.
Policy 3.2.6	38	Contact strongly supports Policy 3.2.6 focusing on minimising reverse sensitivity effects.	Retain Policy 3.2.6.
Policy 3.2.8	38	Contact is concerned that Policy 3.2.8 may be unachievable by requiring that offsetting provide benefits of the same nature (presumably as the nature of the effect). Part of the rationale for requiring offsetting is to compensate for effects which cannot be avoided, remedied or mitigated in a like for like manner.	Amend Policy 3.2.8 b) to read:  "b) provide a benefit of the same <u>general character</u> <del>nature</del> <u>where practicable.</u> "
Policy 3.2.9	38	Contact supports Policy 3.2.9, particularly the requirement to minimise adverse effects of subdivision, use and development on the availability of natural resources for other uses.	Retain Policy 3.2.9.
Policy 3.4.1	40	Contact supports the recognition in Policy 3.4.1 that public health and safety needs to be protected in relation to activities occurring in rivers and other water bodies.	Retain Policy 3.4.1.

Section of Draft RPS	Page of Draft RPS	Feedback	Outcome Requested
Objective 3.5	41	Contact supports Objective 3.5 with a slight amendment to the first line of the explanation to make it accurate.	Amend the first sentence of the explanation to Objective 3.5 to read:  "Roads, water supply, waste services, electricity <u>generation</u> , <u>electricity</u> transmission and telecommunication networks support our communities, economy, and health and safety."
Policy 3.5.1 Policy 3.5.2 Policy 3.5.3	41	Contact supports these three policies which focus on the manner in which infrastructure is to be recognised, provided for and managed.	Retain Policies 3.5.1, 3.5.2 and 3.5.3.
Anticipated Environmental Results and Monitoring Programme	57	As a general comment, this section of the Draft RPS needs to be structured in such a way that each of the Anticipated Environmental Results can be clearly linked to the objectives and policies they relate to. This may be achieved by way of some form of consistent numbering or cross-referencing.  Furthermore, many of the AERs use the phrase "are consistent with policy objectives" which adds nothing beyond what the objectives and policies themselves require.	Amend the Anticipated Environmental Results and Monitoring Programme section to create clear linkages with the objectives they relate to.  Delete AERs which do not provide additional guidance as to what is anticipated beyond the wording of the objectives and policies focusing on the same subject matter.
AER 23, 25 and 26	59	AER 23, 25 and 26 erroneously refer to "energy generation". The laws of physics mean that energy can be transformed, but not generated.	Amend AER 23, 25 and 26 to refer to "electricity generation".  Also amend the corresponding Key Indicator (number 4) to refer to "electricity generation" (not "energy generation").
AER 33	60	Contact is concerned that AER 33 requires water allocation in a manner that preserves the natural character of fresh water bodies. This is not realistic in the situation where a water body has been significantly lawfully modified, such as the Clutha River.	Amend AER 33 to read:  "33. Water is allocated in a manner that protects Otago's water dependent ecosystems and preserves the natural character of fresh water bodies <u>except where, and to the extent, such waterbodies have been previously lawfully</u>

Section of Draft RPS	Page of Draft RPS	Feedback	Outcome Requested
			<u>modified.</u> "
Schedule 3	69	Contact considers it helpful to identify matters which need to be considered when determining the extent to which adverse effects may be "significant".	Retain Schedule 3.
Schedule 4	70	The heading and the first sentence of Schedule 4 need to be amending to align with Policy 1.3.4 so that it does not purport to identify every natural feature and landscape irrespective of its significance.	Amend the heading of Schedule 4 to read:  "Criteria for the identification of <u>outstanding</u> natural features and landscapes"  Amend the first sentence of Schedule 4 to read: "The identification of <u>outstanding</u> natural features and landscapes ..."
Glossary	77	Contact considers that where definitions are included in the RPS which are the same as those presented in the RMA they should be identified as such and in the event that the definition of such terms in the RMA are amended the latter shall prevail.	Include a note in the Glossary identifying definitions sourced the RMA and noting that in the event the definition is amended in the RMA that definition shall prevail.

**James Adams**

**From:** Jess Dunn <jessica.dunn@andersonlloyd.co.nz> on behalf of Jackie St John <jackie.stjohn@andersonlloyd.co.nz>  
**Sent:** Friday, 19 December 2014 3:25 p.m.  
**To:** RPS ORC  
**Cc:** Simone Creedy  
**Subject:** RPS Consultation Draft Submission  
**Attachments:** RPS Consultation Draft Submission - Oceana Gold.pdf



**Categories:** Email response sent

Please find attached a submission on behalf of Oceana Gold (New Zealand) Limited on the RPS Consultation Draft.


Regards

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Associate



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*We wish you a Merry Christmas and a happy and prosperous New Year.*

Our office will close at 5.00pm on Tuesday, 23 December 2014  
and reopen at 8.30am on Monday, 12 January 2015

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# OCEANA GOLD (NEW ZEALAND) LIMITED'S SUBMISSION

## Otago Regional Policy Statement Consultation Draft

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

To: RPS Review, Otago Regional Council Private Bag 1954, Dunedin 9054

By email: [rps@orc.govt.nz](mailto:rps@orc.govt.nz)

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

This is a submission on: The Consultation Draft Otago Regional Policy Statement ("RPS")

*19 December 2014*

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## 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 consist of two open pit mines (Reefton and Macraes) and one underground mine (Frasers) in the South Island of New Zealand and an open pit mine in the Northern Philippines.
3. The Macraes Mine is located approximately 30 kilometres ("km") to the northwest of Palmerston in the Otago Region of the South Island, New Zealand. 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 open pit mining methods was constructed and commissioned. 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 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. Mining operations at Macraes Mine continue today using open pit mining methods combined with Frasers underground mine that has been operating since 2006. Annualised gold production is around 250,000 ounces. To date, approximately 4 million ounces of gold have been produced contributing significantly to the local, regional and 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.
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. Oceana Gold intends to participate in the RPS review because the RPS will guide resource management in the Otago Region and influence Oceana Gold's ongoing operations. It is considered critical to have constructive input into the development of regional policy. Oceana Gold appreciates that this RPS consultation draft is a 'work in progress' and will be followed by a notified proposed policy statement in early 2015 that will contain further refinements. Generally Oceana Gold supports the intent of the RPS subject to the following more detailed submission points.

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

Page	Provision	Submission	Decision Sought
General	<i>Natural resources; resources; natural and physical resource;</i>	It appears to Oceana Gold that these terms are used interchangeably throughout the RPS. Some clarification is required to define their differences, or if the intention is that they mean the same thing then the RPS should reflect this by using one term consistently.	Amend by either defining the different terms or using one term consistently throughout the RPS.
General	<i>"avoid, enhance, maintain"</i>	In light of the <i>King Salmon</i> Supreme Court decision Oceana Gold submits particular care should be taken when using these terms. The <i>King Salmon</i> decision establishes that regional policy statements may contain policies that have the air of rule. Careful and deliberate drafting of the various objectives and policies may result in some being prescriptive and others allowing flexibility. "Avoid" is a prescriptive term which has an ordinary meaning of "not allow or prevent the occurrence of". Subordinate plans are required to give effect to the RPS, and in order to comply	Amend and/or ensure that use of prescriptive terms like "avoid" are what is actually intended.

		with the RPS where the term "avoid" is used local authorities will have to promulgate provisions that prohibit activities.	
6	<p><b>1. Otago has high quality natural resources and ecosystems</b></p> <p><i>Society relies heavily on the systems and services of the natural environment.</i></p> <p><i>This chapter addresses our fundamental reliance on natural resources and ecosystem 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. It 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.</i></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.	Retain
6	<p><b>3. People are able to use and enjoy our natural and built environment.</b></p> <p><i>Our individual and community wellbeing is built on use and development of resources.</i></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.	Retain
9	<p><b>1. Otago has high quality natural resources and ecosystems</b></p> <p><i>... Economic prosperity fundamentally relies on wise use of the resources we have. Otago economic wellbeing is inextricably linked with the quality of its rural environments. Forestry, farming and mining all form significant parts of our Gross Domestic Product. However, the quality of those resources, and the many ecosystem services they provide us, are vulnerable to a number of threats.</i></p>	Oceana Gold appreciates and supports inclusion of the reference to mining.	Retain
9	<p><b>Issue 3: Incorporating tangata whenua values in resource management decisions</b></p> <p><i>Tangata whenua have ancestral and contemporary relationships with Otago's landscape and resources, and take responsibility for exercising kaitiakitanga of Otago's natural resources and ecosystems. Those relationships need to be recognised and provided for in the management of Otago's natural and physical resources, so they continue and are passed on to future generations.</i></p>	Oceana Gold supports identification of resource management issues that are of significance to tangata whenua. This will promote effective consultation and support tangata whenua values being reflected in the RPS policies (currently reflected in Objective 1.4, Policies 1.4.1-1.4.3). Oceana Gold is	Retain but may have further comments when section and schedules are notified, and/or objectives/policies modified, and methods introduced.

		interested to see the content of this section of the RPS and in particular schedules 5 and 6, and to follow any consequential changes that may result to the RPS policies and any methods that are introduced.	
11	<p><b>Issue 8: Managing uses and values of natural resources to avoid conflict</b></p> <p><i>We need to provide for ways to use our natural and physical resources to the best advantage, while providing for all the values which are important to the community.</i></p> <p><i>This requires that our use of resources is as efficient as possible, and that we allow as much flexibility as possible to optimise resource allocation at all times.</i></p>	Support, particularly the reference to flexibility.	Retain
11	<p><b>Issue 10: Locationally constrained activities</b></p> <p><i>Some developments can only occur in specific places, and some of their adverse effects may be unavoidable. For example, windfarms often need to be located on ridges, and can have significant impact on landscape values.</i></p> <p><i>We need to be clear about where such adverse effects can be accommodated, and where they cannot because of other outstanding values</i></p>	<p>Support because this recognises that mining operations are locationally constrained by the location of mineral resources. However, Oceana Gold would like to understand what is meant by "where they cannot because of other outstanding values." Will this translate into provisions that say "avoid"? Oceana Gold is curious to see how this develops.</p> <p>Further, Oceana Gold notes that the RPS does not contain objectives or policies which recognise that mining and mineral processing activities are locationally constrained.</p>	<p>Retain but may have further comments when more information is released.</p> <p>Introduce objectives and policies which recognise that mining and mineral processing activities are locationally constrained.</p>
13	<p><b>PART B.1 Otago has high quality natural resources and ecosystems</b></p> <p><i>Otago's economy is reliant on its natural resources. Our modern lifestyles and quality of life depend on the quality of our natural resources. Beyond that, our natural resources and our environment define our identity, as individuals and as communities. Some of our natural resources are unique, either to New</i></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	Retain but consider making it clear that some natural resources, like minerals, by their very nature are consumptively used and cannot be

	<p>Zealand or to Otago.</p> <p><i>It is critical to protect the quality of Otago's natural resources, and to identify resources which we want to preserve for future generations.</i></p>	<p>mineral resources for future generations. Minerals extraction is not an industry where alternatives to extraction such as preservation are practicable.</p>	<p>preserved.</p>
13 – 16	<p><b>Objective 1.1 Otago natural resources are of high quality, and support healthy ecosystems and a good quality of life</b></p> <p><i>Some of the many values of our natural resources may conflict with each other: we depend on water for food production, yet we want water for healthy rivers; our health partly depends on the quality of the air we breathe, but our fireplaces are the main source of air pollution in Otago towns. A good quality resource management framework balances all the values attached to our resources, and identifies those which need protection.</i></p>	<p>Objective 1.1 refers to "a good quality of life" however all of the policies implementing Objective 1.1 are very protectionist oriented with no evidence of the "balancing" of values (i.e. including economics) mentioned in Objective 1.1.</p> <p>Oceana Gold would like to see further policies that provide for economic development and for the balancing mechanism.</p>	<p>Additional policies required.</p>
13	<p><b>Policy 1.1.1 Managing for freshwater values</b></p> <p><i>Manage the allocation and use of freshwater, and the effects of land use on water, in order to:</i></p> <ul style="list-style-type: none"> <li><i>a) Ensure Otago rivers, lakes, wetlands, and aquifers support healthy ecosystems; and</i></li> <li><i>b) Retain the range of habitats provided by freshwater; and</i></li> <li><i>c) Allow for the economic use of freshwater within a sustainable range; and</i></li> <li><i>d) Maintain good water quality, or enhance it where it has been degraded; and</i></li> <li><i>e) Maintain good water quality in the coastal marine area, or enhance it; and</i></li> <li><i>f) Maintain or enhance coastal values; and</i></li> <li><i>g) Retain the quality and reliability of existing drinking water supplies; and</i></li> <li><i>h) Protect tangata whenua values; and</i></li> <li><i>i) Provide for other cultural values; and</i></li> <li><i>j) Protect important recreation values; and</i></li> </ul>	<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>	<p>Amend to explain whether there is a priority ranking or how the factors are meant to be balanced against one another.</p>

	<i>k) Avoid the spreading of pest species.</i>		
14	<p><b>Policy 1.1.2 Identifying outstanding water bodies</b></p> <p><i>Identify outstanding water bodies using the following criteria:</i></p> <p><i>a) A high degree of naturalness;</i></p> <p><i>b) Exceptional aesthetic or landscape values;</i></p> <p><i>c) Significant tangata whenua cultural values;</i></p> <p><i>d) Significant recreational values;</i></p> <p><i>e) Significant ecological values.</i></p>	<p>It is not clear how these criteria are ranked, if at all. Oceana Gold would like to understand whether only meeting one criterion is sufficient to result in a water body being identified as outstanding (i.e. needing protection under policies 1.1.3 and 1.1.4.).</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>Clarify whether there is a priority ranking; how many factors must be met to become an outstanding water body.</p> <p>Clarify how "significance" is determined.</p>
14	<p><b>Policy 1.1.4 Protecting important hydrological ecosystem services</b></p> <p><i>Protect important hydrological services provided by wetlands or tussock grasslands, including:</i></p> <p><i>a) The regulation of flows and flood risk mitigation; and</i></p> <p><i>b) The positive impact of wetlands on water quality; and</i></p> <p><i>c) The role of tussock grasslands for sustaining water yields in Otago's dry areas.</i></p>	<p>Partially support – Oceana Gold recognises the value of wetlands 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 wetlands 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 planting). If this RPS policy was applied to</p>	<p>Consider use of term "promote" rather than "protect".</p>

		that situation, mining activity could have been inconsistent with the policy and the policy would not have supported any pastoral remediation.	
18	<p><b>Policy 1.2.6 Integrating for the protection of indigenous biodiversity and maintenance of ecosystem health</b></p> <p><i>Integrate controls to achieve healthy ecosystems, by:</i></p> <p>a) <i>Having regard to indigenous biodiversity values; and</i></p> <p>b) <i>Managing land use, having regard to freshwater and coastal water ecosystem values; and</i></p> <p>c) <i>Managing water, having regard to land-based and water ecosystem values; and</i></p> <p>d) <i>Setting clear roles and responsibilities for the management of wetlands and indigenous biodiversity.</i></p> <p><i>Methods for this section are under development</i></p>	<p>Partial support – Oceana Gold supports the concept of integrating controls. In Oceana Gold’s experience there are many instances where there is a great deal of overlap and parallel requirements from various organisations.</p> <p>Subsection (d) refers to setting clear roles and responsibilities. Oceana Gold believes the RPS should set out who will hold these roles and responsibilities. The RPS Part C Implementation attempts this, but there is no mention of the role the Department of Conservation (DOC) will play and how local authorities should align with DOC’s role.</p> <p>Oceana Gold awaits the release of the methods section.</p>	<p>Amend RPS to expressly state roles and responsibilities for the management of wetlands and indigenous biodiversity.</p> <p>Oceana Gold may have further comments when methods are notified.</p>
19	<p><b>Objective 1.3 Otago’s significant and highly-valued natural resources are identified, and protected or enhanced</b></p> <p><i>Otago features unique landscapes, natural features and areas of indigenous biodiversity which are nationally or regionally important. Giving these features 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>	<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</p>	<p>Amend to provide for minerals extraction to take place where there are significant and highly valued natural resources.</p> <p>Amend to provide for mitigation, not just protection or enhancement.</p>



		<p>and the extractive industry must access those areas even if they contain highly valued natural resources.</p> <p>Use of the words "protected or enhanced" does not allow for mitigation.</p>	
19	<p><b>Policy 1.3.2 Protecting significant indigenous vegetation and significant habitats of indigenous fauna</b></p> <p><i>Protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</i></p> <p>a) <i>Avoiding adverse effects on the values which contribute to the significance of the area or habitat; and</i></p> <p>b) <i>Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</i></p> <p>c) <i>Encouraging the planting of naturally occurring locally sourced indigenous species and the creation of habitats for indigenous species; and</i></p> <p>d) <i>Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and</i></p> <p>e) <i>Minimising the adverse effects of pests animal and plants on those values.</i></p>	<p>Oceana Gold does not support aspects of this policy. The policy reads like a rule and use of the word "avoiding" means there would be no provision for any activities that have an adverse effect on significant indigenous vegetation/habitats.</p> <p>For example, located around Macraes Mine are populations of a significant indigenous plant, Hookers Mountain Daisy. If this policy had existed when Oceana Gold applied for consents to expand Macraes Mine (Coronation Project, Tipperary Freshwater Dam), and applying the <i>King Salmon</i> case, use of the word "avoid" could have prevented these expansions, because adverse effects on Hookers Mountain Daisy could be mitigated but not avoided, and some populations could not be either protected or enhanced.</p>	<p>Amend to allow for instances where the protection of significant flora and fauna is not possible or where adverse effects may not be 'avoided'.</p>
19	<p><b>Policy 1.3.3 Maintaining or enhancing indigenous biodiversity</b></p> <p><i>Maintain or enhance indigenous biodiversity values by:</i></p> <p>a) <i>Minimising adverse effects of subdivision, use and development on:</i></p>	<p>Partial support - Oceana Gold supports a policy that promotes the values of indigenous biodiversity however this policy does not allow for anything other</p>	<p>Amend to provide for instances where indigenous biodiversity values may not be</p>

	<p><i>i. Areas of predominantly indigenous vegetation; and</i></p> <p><i>ii. Areas that support indigenous biodiversity values by buffering or linking existing ecosystems; and</i></p> <p><i>iii. Natural resources and processes that support indigenous biodiversity; and</i></p> <p><i>iv. Habitats of indigenous species that are important for recreational, commercial, or customary or cultural purposes; and</i></p> <p><i>v. Biodiversity significant to tangata whenua; and</i></p> <p><i>b) Promoting the restoration, rehabilitation or creation of habitats when:</i></p> <p><i>i. It encourages the natural regeneration of indigenous species; or</i></p> <p><i>ii. It buffers or links ecosystems, habitats and areas of significance that contribute to ecological corridors; or</i></p> <p><i>iii. It maintains or enhances the provision of significant indigenous ecosystem services; and</i></p> <p><i>c) Avoiding, or reducing as far as practicable, the spread of pest species.</i></p>	<p>than maintenance or enhancement of indigenous biodiversity.</p> <p>In some instances activities at Macraes Mine may require the destruction of all vegetation in an area (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>maintained or enhanced.</p>
20	<p><b>Policy 1.3.5 Protecting outstanding natural features, landscapes, and seascapes</b></p> <p><i>Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</i></p> <p><i>a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</i></p> <p><i>b) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</i></p> <p><i>c) Minimising the adverse effects of pests animal and plants on those values; and</i></p> <p><i>d) Encouraging enhancement or restoration to increase their naturalness.</i></p>	<p>Partial support – Oceana Gold recognises the values of outstanding natural features, landscapes and seascapes. However, in light of <i>King Salmon</i> use of the term "avoid" is likely to result in activities that cannot avoid adverse effects on those values being prohibited in subordinate plans.</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 them. The activity would have been contrary to this policy.</p>	<p>Amend "avoid" to "minimise".</p>

22	<p><b>Policy 1.3.11 Preserving and enhancing natural character of wetlands, lakes and rivers and their margins</b></p> <p><i>Preserve and enhance the natural character of wetlands, lakes and rivers and their margins by:</i></p> <p><i>a) Maintaining, enhancing or restoring riparian margins; and</i></p> <p><i>b) Identifying and protecting any significant indigenous vegetation and significant habitats of indigenous fauna; and</i></p> <p><i>c) Identifying and protecting any outstanding natural features, landscapes and seascapes, the values of which depend on any river, lake or wetland; and</i></p> <p><i>d) Promoting the restoration or rehabilitation of their natural character; and</i></p> <p><i>e) Maintaining, enhancing or restoring their natural functioning ; and</i></p> <p><i>f) Encouraging the establishment of indigenous riparian vegetation.</i></p> <p><i>Methods for this section are under development</i></p>	<p>Support the value placed on natural character of wetlands.</p> <p>However, use of the terms 'preserve' and 'enhance' do not provide for any situation where preservation or enhancement is not possible.</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 applied, and was reflected in subordinate plans, it could preclude those activities.</p>	<p>Amend, introduce flexibility to provide for instances where preservation or enhancement is not possible.</p> <p>Oceana Gold is interested to see, and potentially comment on, the methods that will be introduced for this section.</p>
23	<p><b>Policy 1.4.2 Protecting sites of cultural significance to tangata whenua</b></p> <p><i>Avoid adverse effects on the values of the sites of cultural significance to tangata whenua.</i></p>	<p>Partial support – Oceana Gold recognises the values that sites of cultural significance hold. However use of the term "avoid" is prescriptive and could be reconsidered. There may be circumstances where tangata whenua are accepting of certain adverse effects.</p>	<p>Amend to provide for instances where adverse effects may take place with appropriate mitigation.</p> <p>Oceana Gold is interested to see, and potentially comment on, the methods that will be introduced for this section.</p>
33	<p><b>Objective 3.1 Positive effects of resource use on the natural environment are maximised and negative effects are avoided or minimised.</b></p> <p><i>Any use of natural or physical resources has the potential to adversely affect the quality of the environment. It is important to recognise and provide for the use of those resources, while ensuring that their impact on the quality of those resources is acceptable.</i></p>	<p>Support in general, particularly the recognition that the use of resources should be provided for. However, Oceana Gold would like to see more defining the term 'acceptable'. Presently the objective reads as if what is acceptable will be that negative effects are "avoided or minimised". In many instances negative effects cannot always be</p>	<p>Amend to further define 'acceptable'.</p> <p>Replace word 'minimised' with 'mitigated'.</p>

		avoided or minimised but they could be mitigated.	
35	<p><b>Policy 3.1.7 Discharging to air</b></p> <p><i>Avoid discharges to air which:</i></p> <p>a) <i>Are objectionable in terms of tangata whenua values; or</i></p> <p>b) <i>Are objectionable in terms of other cultural or amenity values; or</i></p> <p>c) <i>Have significant adverse effects on human health and ecosystems.</i></p>	<p>Partially support.</p> <p>Use of the term "avoid" is prescriptive and could lead to some activities being precluded which are able to be mitigated. Consider use of "minimise" instead.</p>	Amend to make provision for instances where objectionable discharges to air can be mitigated – consider use of "minimise" instead of "avoid".
35	<p><b>Policy 3.1.12 Avoiding adverse effects of hazardous substances</b></p> <p><i>Avoid actual or potential adverse effects from the discharge, use, storage or disposal of hazardous substances in areas of high risk or sensitivity, including the following locations:</i></p> <p>a) <i>Community drinking water protection areas, or within proximity to a community drinking water supply such that there is a no risk of contamination of that drinking water source; or</i></p> <p>b) <i>Identified aquifers, where there is risk of contamination; or</i></p> <p>c) <i>Within the coastal marine area and in the beds of lakes and rivers; or</i></p> <p>d) <i>Within any area identified as being sensitive to the potential effects of hazardous substances, including but not limited to, sites of significance to tangata whenua such as wāhi tapu, urupā, or customary food gathering areas, institutions and residential areas; or</i></p> <p>e) <i>Areas subject to intolerable natural hazard risk.</i></p> <p><i>Methods for this section are under development</i></p>	Support, although Oceana Gold is concerned to avoid duplication with existing HSNO requirements and is interested to see, and comment on, the methods for this section.	
37	<p><b>Policy 3.2.1 Maximising benefits</b></p> <p><i>Give preference to activities and solutions that maximise the positive benefits of resource allocation and use, including those that enhance:</i></p> <p>a) <i>Environmental values; or</i></p> <p>b) <i>Tangata whenua values; or</i></p> <p>c) <i>Other cultural values; or</i></p>	Support – Oceana Gold endeavours to maximise the benefits of its resource use, for instance by enhancing community resilience with establishment of the Macraes Community Development Trust.	Retain

	<p>d) Social wellbeing, including public health and safety; or</p> <p>e) Community resilience.</p>		
38	<p><b>Policy 3.2.5 Providing for activities that generate adverse effects</b></p> <p>Manage the use and development of land and discharges to the environment to:</p> <p>a) Avoid significant adverse impacts on human health or amenity by reducing exposure to activities that may generate adverse effects; and</p> <p>b) Regulate activities that use or discharge noxious or dangerous substances to control off site effects that may be adverse to human health or safety; and</p> <p>c) Recognise and providing for the operation and development of activities that have the potential to generate adverse effects, including industrial and rural productive activities.</p>	Support, although Oceana Gold would like to see express policy support for mining activity.	Amend to include 'mining' after 'industrial' in (c).
38	<p><b>Policy 3.2.6 Minimising reverse sensitivity</b></p> <p>Minimise reverse sensitivity effects by:</p> <p>a) Managing new subdivision, use and development so that incompatible land uses are separated; and</p> <p>b) Setting standards appropriate for the planned land use activities; and</p> <p>c) Requiring adverse effect mitigation where necessary.</p>	Support, although Oceana Gold would be pleased if the RPS contained policy support for appropriate mining activities which should not be compromised by other activities (especially residential and rural residential activities).	Retain  Add policy support for mining activities that could be subject to reverse sensitivity
38	<p><b>Policy 3.2.7 Reducing unavoidable adverse effects</b></p> <p>Reduce unavoidable adverse effects of activities by:</p> <p>a) Staging development for longer term activities; and</p> <p>b) Progressively rehabilitating the site where possible.</p>	Support	Retain
38	<p><b>Policy 3.2.8 Providing for offsetting</b></p> <p>Provide for the offsetting of adverse effects when those adverse effects cannot be avoided, remedied or mitigated while ensuring that the offsetting measures:</p> <p>a) Are provided onsite where possible; and</p> <p>b) Provide a benefit of the same nature.</p>	<p>Support the proposition to allow for flexibility to address adverse effects that cannot be avoided. But would like further clarity on what 'offsetting' is.</p> <p>It is considered that more flexibility could be introduced to (a) "onsite where possible".</p>	<p>Amend either here or elsewhere in RPS to provide for what "offsetting" is.</p> <p>Amend (a) to "onsite or close to the site of adverse effects where</p>

		<p>Consider amending this to indicate a preference for offsetting onsite or close to the site of adverse effect where possible.</p> <p>Oceana Gold is interested to see, and potentially comment on, the methods that will be introduced for this section.</p>	possible".
48	<p><b>Policy 3.9.1 Recognising heritage themes</b></p> <p><i>Recognise the following elements as characteristic or important to Otago's historic heritage:</i></p> <ul style="list-style-type: none"> <li>a) Residential and commercial buildings;</li> <li>b) Māori cultural and heritage values;</li> <li>c) Early 19/20th century pastoral sites;</li> <li>d) Early surveying, communications &amp; transport, including roads, bridges and routes;</li> <li>e) Early industrial heritage, including mills and brickworks;</li> <li>f) Gold mining systems &amp; settlements;</li> <li>g) Dredge &amp; ship wrecks;</li> <li>h) Coastal heritage, particularly tangata whenua occupation sites &amp; those associated with early European activity such as whaling;</li> <li>i) Memorials.</li> </ul> <p><b>Policy 3.9.2 Identifying historic heritage</b></p> <p><i>Identify historic heritage places, areas and landscapes of local, regional and national significance using criteria consistent with the following:</i></p> <ul style="list-style-type: none"> <li>a) Physical values, including: <ul style="list-style-type: none"> <li>i. Archaeological information;</li> <li>ii. Architecture;</li> </ul> </li> </ul>	<p>Support, 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>	<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>

	<ul style="list-style-type: none"> <li>iii. Technology;</li> <li>iv. Scientific;</li> <li>v. Rarity;</li> <li>vi. Representativeness;</li> <li>vii. Integrity;</li> <li>viii. Vulnerability;</li> <li>ix. Context or group</li> <li>b) Historic values, including: <ul style="list-style-type: none"> <li>i. People;</li> <li>ii. Events;</li> <li>iii. Patterns;</li> </ul> </li> <li>c) Cultural values, including: <ul style="list-style-type: none"> <li>iv. Identity;</li> <li>v. Public esteem;</li> <li>vi. Commemorative;</li> <li>vii. Education;</li> <li>viii. Tangata whenua</li> <li>ix. Statutory recognition.</li> </ul> </li> </ul> <p>As detailed in Schedule 7.</p>		
49	<p><b>Policy 3.9.3 Protecting significant historic heritage</b></p> <p><i>Protect historic heritage places and areas from the adverse effects of inappropriate activities including:</i></p> <ul style="list-style-type: none"> <li>a) Historic places and areas that have been identified as nationally, regionally or locally significant; and</li> <li>b) Unidentified archaeological sites or areas, wāhi tapu or wāhi taoka with significant historic heritage values, immediately upon discovery.</li> </ul>	<p>Partial support - Oceana Gold wonders whether an accidental discovery protocol would be sufficient to address policy 3.9.3 (b), where unidentified archaeological sites are discovered. Protocols are standard requirements on Oceana Gold consents and archaeological authorities. Referencing them</p>	<p>Amend (b) to include after "discovery" the words "such as by use of an accidental discovery protocol".</p>

		within the policy would add certainty that Oceana Gold was acting consistently with the RPS.	
49	<p><b>Policy 3.9.4 Managing historic heritage values</b></p> <p>Manage effects on historic heritage values by:</p> <p>a) Ensuring subdivision, use and development is appropriate in terms of maintaining:</p> <p>i. Heritage values of the place or area; and</p> <p>ii. The relationship and historical associations between places within heritage landscapes; and</p> <p>iii. Visual or physical qualities that make the heritage place or area iconic, rare or scarce at the national, regional or district level; and</p> <p>b) Assessing the significance of adverse effect on the heritage place or area in terms of the criteria for significance in Schedule 3; and</p> <p>c) Encouraging the integration of historic heritage values into new activities in both rural and urban areas; and</p> <p>d) Enabling adaptive reuse of historic heritage places and areas where heritage values can be maintained.</p>	<p>Partial support - this is a more onerous policy than the existing RPS policy on managing historic heritage. Oceana Gold wonders if more onerous provisions are necessary to achieve management of effects on historic heritage values.</p> <p>The criteria for significance in Schedule 3 are commented on below.</p>	<p>Reconsider whether more onerous policy is required.</p> <p>Oceana Gold is interested to see, and potentially comment on, the methods that will be introduced for this section.</p>
51	<p><b>Objective 3.10 Hazardous substances and waste materials do not harm human health or the quality of the environment in Otago</b></p> <p>Waste materials are an end product of resource use and must be carefully managed to avoid creating environmental problems. Hazardous substances are dangerous but essential components of some activities. Hazardous substances and waste should be managed to avoid creating environmental problems or adversely affecting human health.</p>	Support, particularly recognition that hazardous substances are essential components of activities such as mining.	Retain
51	<p><b>Policy 3.10.3 Reducing hazardous substances</b></p> <p>Promote management practices to prevent or mitigate adverse effects of the use of hazardous substances on the environment, including reducing their use wherever practicable.</p>	Support	Retain
52	<p><b>Policy 3.10.9 Managing the use of contaminated land</b></p> <p>Manage the use of contaminated land to ensure the protection of people and</p>	Partially support. This policy is conjunctive but it should be	Amend to make the policy partially disjunctive.



	<p><i>the environment from actual or potential adverse effects by:</i></p> <p><i>a) Requiring a site investigation be undertaken to determine the nature or extent of any contamination where there is a proposal for subdivision, use or development of potentially contaminated land; and</i></p> <p><i>b) Requiring an assessment of associated environmental risks from any contamination; and</i></p> <p><i>c) Ongoing monitoring of contaminant levels and associated risks; and</i></p> <p><i>d) Remediation of contaminated sites to an appropriate level.</i></p>	<p>partially disjunctive because if the initial site investigation demonstrates that any contaminants are at or below background concentrations then there is no need to follow up with (b), (c), and (d) according to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.</p> <p>This provision in the RPS does not clearly identify which authority should have jurisdiction over remediation. The RPS could cross reference to Part C Implementation where it is set out.</p> <p>This policy does not provide guidance as to what is an "appropriate level" of remediation.</p>	<p>Include cross reference to Part C Implementation role of local authorities.</p> <p>Provide guidance on what is an "appropriate level" of remediation.</p>
52	<p><b>Policy 3.10.10 Avoiding new contaminated land</b></p> <p><i>Avoid the creation of new contaminated land in Otago.</i></p>	<p>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".</p>	<p>Delete</p>
69	<p><b>Schedule 3 Significance Threshold</b></p>	<p>Partial support – inclusion of this schedule is regarded as constructive and promotes transparency of decision-making. However, Oceana Gold would like</p>	<p>Amend to include methods or guidelines as to how the matters interact and will be weighed. Reduce ambiguity and</p>

		<p>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 interact with reversibility and irreversibility? There is some double up here and users should have some guidance.</p> <p>Some of the matters are subjective. For example matter two 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>	<p>subjectiveness.</p>
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10. Oceana Gold notes that the RPS does not currently contain any provisions that promote:

- a. The responsible use of minerals;
- b. Protection of mineral resources from encroachment by incompatible land uses that could reasonably be located elsewhere;
- c. Recognition that mineral processing activities do, or could, occur in rural areas and must locate there because of the location of the mineral resource, and can be properly managed (i.e. air and water discharges) in the rural environment.

Oceana Gold submits that these matters should be provided for in objectives and policies in the RPS. This will enable the matters to be reflected in subordinate plans and for local authorities to find policy support in the RPS for addressing potential 'reverse sensitivity' issues related to the mining industry in District Plans.

Date: 19 December 2014



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**Oceana Gold (New Zealand) Limited**  
By its solicitors and duly authorised agents  
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**James Adams**

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**From:** Ella Lawton <Ella.Lawton@qldc.govt.nz>  
**Sent:** Friday, 19 December 2014 2:49 p.m.  
**To:** RPS ORC  
**Subject:** RPS feedback attached  
**Attachments:** RPS submission \_Upper Clutha Tracks Network.docx  
  
**Categories:** Email response sent

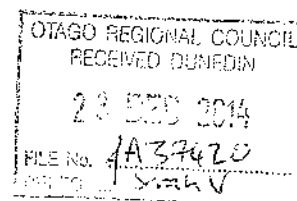
To whom it may concern,

RPS feedback attached.

Regards, Ella on behalf of the Upper Clutha Tracks Coordinator

Councillor Ella Lawton PhD  
Queenstown Lakes District Council  
Wanaka Community Board

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#### Policy 1.1.12 Managing riparian margins

Protect, maintain or restore wetlands, and riparian margins along the coastal marine area, rivers and lakes,

#### Policy 1.2.2 Integrating land use management with water management

Integrate land use management with freshwater management by:

1. a) Setting freshwater objectives that take into account:
  1. The contribution of water in landscapes, seascapes or natural features identified as outstanding or highly valued by tangata whenua or local communities; and
  2. ii The interactions between freshwater and land-based ecosystems; and
2. b) Setting land use controls that are consistent with the achievement of those freshwater objectives; and
3. c) Coordinating the management of rivers' morphology and hydrology; and
4. d) Setting processes between territorial authorities and the regional council, to ensure consistency between land use control and water management.

#### Policy 1.3.4 Identifying outstanding natural features, landscapes and seascapes

Identify outstanding natural features, landscapes and seascapes, using the following factors:

1. a) Biophysical attributes, including:
  - i. Natural science factors;
  - ii. The presence of water;
  - iii. Vegetation (native and exotic); and
2. b) Sensory attributes, including:
  - i. Legibility or expressiveness;
  - ii. Aesthetic values;
  - iii. Transient values, including nature's sounds;
  - iv. Wild or scenic values; and
3. c) Associative attributes, including:
  - i. Whether the values are shared and recognised;
  - ii. Cultural and spiritual values for tangata whenua;
  - iii. Historical and heritage associations.

as detailed in Schedule 4.

#### Policy 1.3.5 Protecting outstanding natural features, landscapes, and seascapes

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

1. a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and
2. b) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and
3. c) Minimising the adverse effects of pests animal and plants on those values; and
4. d) Encouraging enhancement or restoration to increase their naturalness.

#### Other special amenity landscapes

##### Policy 1.3.6 Identifying special amenity landscapes

Identify special amenity landscapes or natural features which are valued as matters of national, regional or local importance for their contribution to the amenity or quality of the environment, using criteria in Schedule 4.

##### Policy 1.3.7 Protecting special amenity landscapes

Protect or enhance the values of special amenity landscapes by:

1. a) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on those values which contribute to the special amenity of the landscape; and
2. b) Assessing the significance of adverse effects on special amenity landscapes in accordance with the criteria in Schedule 3; and
3. c) Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and
4. d) Minimising the adverse effects of pests animal and plants on those values; and
5. e) Encouraging enhancement to increase their special amenity values.

##### Policy 3.2.1 Maximising benefits

Give preference to activities and solutions that maximise the positive benefits of resource allocation and use, including those that enhance:

1. a) Environmental values; or
2. b) Tangata whenua values; or
3. c) Other cultural values; or
4. d) Social wellbeing, including public health and safety; or
5. e) Community resilience.

##### Policy 3.2.2 Requiring efficient resource use

Require that the subdivision, use and development of natural and physical resources are undertaken in a manner, and at a rate, which is efficient with regard to its purpose, so that it:

1. a) Minimises conflict with other resource uses; and
2. b) Minimises the generation of waste and discharges.

##### Policy 3.2.3 Minimising conflicts between water uses and users

Minimise conflicts between water uses and users by:

1. a) Requiring the efficient use of water; and
2. b) Encouraging the development of water management groups that maximise the use of water by collectively coordinating the take and use of water; and
3. c) Enabling the development or upgrade of infrastructure that increases efficient use, or reduces cumulative contaminant discharges to water.

##### Policy 3.2.4 Managing cumulative effects

Manage the cumulative effects of activities on Otago's natural resources by:

1. a) Requiring the efficient use of natural resources; and
2. b) Enabling the development of community solutions, including infrastructure development, where

- this will minimise the community's cumulative impact; and
3. c) Requiring the use of best environmental management practices; and
  4. d) Managing urban growth in a way that minimises/reduces the environmental impact of the whole community.

#### Policy 3.2.6 Minimising reverse sensitivity

Minimise reverse sensitivity effects by:

1. a) Managing new subdivision, use and development so that incompatible land uses are separated;  
and
2. b) Setting standards appropriate for the planned land use activities; and
3. c) Requiring adverse effect mitigation where necessary.

#### Policy 3.2.7 Reducing unavoidable adverse effects

Reduce unavoidable adverse effects of activities by:

1. a) Staging development for longer term activities; and
2. b) Progressively rehabilitating the site where possible.

#### Policy 3.2.8 Providing for offsetting

Provide for the offsetting of adverse effects when those adverse effects cannot be avoided, remedied or mitigated while ensuring that the offsetting measures:

1. a) Are provided onsite where possible; and
2. b) Provide a benefit of the same nature.

#### Policy 3.2.9 Requiring adoption of best environmental management practices

Require the adoption of best environmental management practices and new technologies that minimise the adverse effects of subdivision, use and development on:

1. a) The availability of natural resources for other uses; and
2. b) The ecosystem, tangata whenua, cultural and social values supported by those resources.

## Submission on Draft Regional Policy Statement

Overall the document presents as a well-balanced and thought through piece of policy work.

There are a number of sections the Wanaka Track Network would support but in particular we have taken note of those that are likely to affect the formation and maintenance of tracks in the Wanaka region now and in the future.

The Wanaka region has some outstanding natural features including Lakes Wanaka and Hawea, the Upper Clutha River and Motutapu river to name a few. We also have a well-developed track network connecting our communities and providing options for commuter use as well as recreational activities.

A number of significant tracks follow freshwater routes and we support the inclusion of policies to manage the riparian margins and integrating land use management with water management as essential to the maintenance of freshwater sources and the enjoyment of those resources.

The identification and protection of outstanding natural features is important in the ongoing discussions of land use, particularly for urban development.

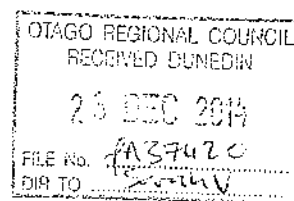
We also strongly support section 3, which relates to subdivision. Community infrastructure including commuter tracks for bikes and walking should be a pre-requisite in considering new subdivision. Linking to existing tracks to maintain the track network is likewise important. Much time is spent trying to advocate for community use infrastructure and this policy statement should help strengthen our work in this regard.

Ruth Harrison  
Upper Clutha Tracks Network Co-coordinator



**James Adams**

**From:** Mandy Tocher <miniwaka@xtra.co.nz>  
**Sent:** Friday, 19 December 2014 2:37 p.m.  
**To:** RPS ORC  
**Subject:** RPS Consultative draft - comments  
**Categories:** Email response sent



To whom it may concern, I read the consultative draft with interest. My comments and questions (for material that seemed unclear) cover a variety of topics/themes but generally relate to the natural environment.

1. The three outcomes on page 6 - I could not tell if these were in a hierarchy - are they??...with the top one the most important outcome to be achieved in the RPS?
2. Under the explanation for number 1. I commend the use of the term "*inherent qualities*" but this theme gets lost through the remainder of the document. Can this please be picked up in the context of the word "protect" rather than the softer term "manage". The environment supports people through use and through it being there for its term "*inherent qualities*"; both are equally important as indicated by the use of the term in explanation the proposed RPS framework.
3. The word "use" in the context of the natural environment should always be "sustainable use".
4. Cumulative effects are mentioned page 9, under the heading Issue 1: *Cumulative effects of human activities on natural resources*". Question: why has "...and ecosystems" been dropped from the issue sub-heading?
5. Cumulative effects - in paragraph 5 page 9 - what does this paragraph mean; it is very unclear but seems to suggest it is up to the community to protect the environment from cumulative effects - is this really the intent of this paragraph? To me this paragraph is extremely alarming given cumulative effects of development (including farming) over Otago is one of the toughest effects to manage, and clearly [given it is an Otago-wide effect] needs clear and consistent policy from the ORC, and quality leadership in decision-making. Take Macraes ecological district, as one such example. When I moved to Otago in 1996 the area was awash with golden tussock, and rocks that provided habitat for special indigenous fauna. In 1996, although development occurred throughout the district that allowed communities to make a living, there seemed to be a balance between use and other values. Now, consent after consent is granted to Oceana Gold, farming has intensified, tractors and other equipment have become more sophisticated - and as a result of these unmanaged cumulative effects - large parts of the ecological district have turned to a green desert. Is this the vision of the ORC? Please, take the time to draft RPS provisions that better manage cumulative effects, ecological district by ecological district. My kids will never see what I saw in 1996 - it is gone. Forever. That is not sustainable management.
6. Issue 6. Adapting to climate change must consider all elements of the environment- including biodiversity. This is an example of where "*inherent qualities*" has been dropped in favour of "use" only considerations. Both are part of the mandate of the RPS.
7. Issue 8. Does to RPS need to consider, and refer to "*Protecting our places*" the joint MfE/DOC statement of national priorities for the protection of biodiversity on private land? If not, why not? I think an explanation of why this document is not captured in the RPS is needed.
8. Policy 1.1.6 (c) can this please include the uncertainty provisions used elsewhere - i.e. use precautionary principle in allowing activities in coastal waters if uncertainty exists on effects of the activity on biodiversity and ecosystems?
9. Policy 1.1.8. I think this policy should include reference to managing/reduce risk of heavy metal/toxin loading of soils e.g. illegal dumping of waste.
10. Objective 1.2. and Policy 1.2.6. It sounds like part of the concept of kaitiakitanga but not the whole thing. I definitely think the natural environment should be managed as a whole (freshwater/oceans and land) and to do this effective collaboration needs sorted between ORC versus district councils. This action alone would help achieve better outcomes for the environment.

11. Policy 3.2.8 (b) makes no sense at all. ORC needs a policy on offsetting/mitigation - how much is appropriate? – no net loss??

Thanks for the chance to comment.  
Mandy Tocher

**James Adams**

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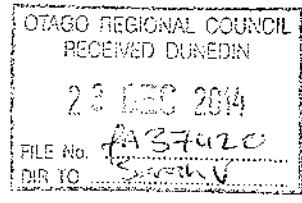
**From:** Tony MacColl <Tony.MacColl@nzta.govt.nz>  
**Sent:** Friday, 19 December 2014 2:28 p.m.  
**To:** RPS ORC  
**Subject:** Regional Policy Statement - Consultation Draft - NZTA comments  
**Attachments:** Otago RPS Consultation Draft - NZTA Comments.pdf  
  
**Categories:** Email response sent

Please find attached the Transport Agency's comments in respect of the consultation draft of the RPS.

Please comment me if you have any questions regarding this information.

Regards

.....  
**Tony MacColl / Senior Planning Advisor**  
 Planning and Investment  
 DDI 64 3 955 2939 / M 64 21 244 3616  
 E [tony.maccoll@nzta.govt.nz](mailto:tony.maccoll@nzta.govt.nz) / W [nzta.govt.nz](http://nzta.govt.nz)  
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Find the latest transport news, information, and advice on our website:  
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.....  
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 .....

19 December 2014

Otago Regional Council  
Private Bag 1954  
**DUNEDIN 9054**

Attention: Policy Team

Dear Sir/madam

### **Otago Regional Policy Statement – Consultation Draft**

Thank you for providing the NZ Transport Agency (Transport Agency) with the opportunity to comment on the Regional Policy Statement (RPS) Consultation Draft.

#### **Integrated Planning**

The Transport Agency's comments are intended to support the Regional Council function under Section 30(1)(gb) of the Resource Management Act to ensure the strategic integration of land use and infrastructure through the RPS. This function aligns with the Land Transport Management Act (LTMA) purpose of achieving an integrated, safe, affordable, responsive and sustainable land transport system.

Integrated planning is important to ensure that decisions made in relation to land use, transport and urban design collectively contribute to the efficient use of public funds and achieve the government's objectives for transport and New Zealand.

#### **Outcomes**

The Transport Agency, through its mandate under the LTMA and the Government Rounding Powers Act, considers the RPS should support the following:

- Reduced need for new infrastructure through integrated land use, planning and urban design.
- Safe and efficient transport networks that assist with economic growth and productivity.
- All transport providers play a positive role in planning for land use and development.
- People are provided with travel choice and flexibility, through provision of different modes of transport.
- The RPS is aligned to its statutory and policy framework, including the Regional Land Transport Plan and One Network Road Classification.

In view of the above, it is from this premise that the Transport Agency offers the following comments on the RPS Consultation Draft.

#### **General Comments**

As a general comment the Transport Agency suggests the RPS may not be entirely balanced in its treatment of natural and physical resources. That is, the RPS seems to be slightly more focussed on the sustainable management of natural resources than the management of physical resources. The

Transport Agency suggests there should be a more balanced approach to the sustainable management of both natural and physical resources given the purpose of the RPS, as defined by Section 59 of the RMA, is to identify the resource management issues of the region and provide policies and methods to achieve integrated management of the natural and physical resources of the region.

The Transport Agency makes the following comments on specific components of the proposed RPS.

## PART A - Introduction

### Regionally Significant Issues

#### **3. People are able to use and enjoy the natural environment**

The Transport Agency suggests this heading is incorrect and should read:

**'3. People are able to enjoy the natural and built environment'**

This would ensure the wording of this issue is consistent throughout the RPS.

The Transport Agency also suggests *Issue 8* should be amended to read:

*'Managing uses and values of natural and physical resources to avoid conflict'* to reflect the varied types of resources that need to be managed as efficiently as possible.

*Issue 9: Minimising nuisance from incompatible activities.*

The Transport Agency supports the recognition of this issue.

*Issue 12: Managing better urban areas.*

The Transport Agency supports this issue but suggests urban design also encompasses integrating transport networks with land use planning. The Transport Agency suggests integrated planning should be incorporated into the explanation of how this can contribute to people's well-being.

## PART B.2 - Communities in Otago are resilient

### **Policy 2.4.9 Reducing reliance on fossil fuels**

The Transport Agency supports this policy as it promotes multi modal forms of transport and the integration of transport networks and adjacent land uses. To ensure a) (iv) encompasses all modes of transport, the Transport Agency suggests it should be amended to read:

*a)(iv) integrates ~~roading, cycling and walking~~ transport networks, and land uses they serve: and*

### **Policy 2.4.10 Promoting energy efficiency**

The Transport Agency supports this policy as it indirectly promotes the sustainable use of transport infrastructure.

## PART B.3 – People are able to use and enjoy Otago's natural and built environment

### **Policy 3.2.2 Requiring efficient resource use**

The Transport Agency suggests an additional item be added to this policy which reads:

c) does not affect the efficiency and functionality of the infrastructure

#### **Policy 3.2.4 Managing cumulative effects**

The Transport Agency suggests this policy is focussed on the cumulative effects of activities on natural resources only. The Transport Agency suggests cumulative effects of activities can also effect physical resources and therefore suggests the following amendment:

*Manage the cumulative effects of activities on Otago's natural and physical resources by:*

*a) Requiring the efficient use of natural and physical resources; and*

#### **Policy 3.2.6 Minimising reverse sensitivity**

The Transport Agency supports this policy.

#### **Objective 3.5 Good quality infrastructure meets community needs – and associated policies**

The Transport Agency supports this objective and its associated policies

#### **Policy 3.6.4 Maximising urban connectivity**

The Transport Agency supports this policy

#### **Policy 3.7.1 Establishing urban limits**

The Transport Agency supports the establishment of urban limits as this promotes the sustainable use of existing infrastructure.

#### **Policy 3.7.2 Expanding beyond urban limits**

The Transport Agency supports this policy but suggests item b) should be amended to recognise that the expansion of urban activities beyond urban limits does not necessarily represent sustainable, efficient use of physical resources just because infrastructure has capacity. The suggested amendment is as follows:

*b) Infrastructure services for the activity are available and providing their efficiency and functionality will not be adversely effected; and*

#### **Policy 3.7.5 Managing fragmentation of rural land**

The Transport Agency supports this policy as land use developments on rural land outside of urban areas can affect the efficiency and functionality of infrastructure. However, this effect is not recognised within the policy. Consequently, the Transport Agency suggests an additional item should be added to this policy that reads:

*c) avoid adverse effects on the efficient operation, use, maintenance and development of infrastructure.*

The Transport Agency suggests that reverse sensitivity effects of land use development of rural land encompass more than just existing rural activities. Infrastructure can also be adversely affected by reverse sensitivity effects when rural land is developed. Accordingly, the Transport Agency suggests item b) should be amended to read:

*b) reverse sensitivity effects on rural productive activities and infrastructure providers can be avoided.*

#### **Policy 3.8.2 Expanding beyond commercial cores**

The Transport Agency supports this policy but suggests item b) should be amended to recognise that the expansion of commercial activity beyond commercial cores does not necessarily represent sustainable, efficient use of physical resources just because infrastructure has capacity. The suggested amendment is as follows:

*b) Infrastructure services for the activity are available and providing their efficiency and functionality will not be adversely effected; and*

Please note, these are the Transport Agency's comments after a quick run through of the RPS consultation draft. We look forward to working closely with Council and providing more definitive comments as the RPS progresses.

Yours sincerely

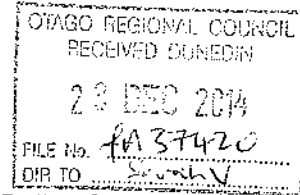
A handwritten signature in black ink, appearing to read 'T MacColl', with a long horizontal line above it.

**Tony MacColl**  
Senior Planning Advisor

**James Adams**

**From:** David Cooper <DCooper@fedfarm.org.nz>  
**Sent:** Friday, 19 December 2014 2:24 p.m.  
**To:** RPS ORC  
**Cc:** Kim Reilly; stephen korteweg (randskorteweg@xtra.co.nz)  
**Subject:** Federated Farmers feedback to the ORC RPS consultation draft  
**Attachments:** 141219 FFNZ ORC RPS Consultation Draft 2014 final.pdf

**Categories:** Email response sent



Hello

Please find attached feedback to the Otago Regional Council's Regional Policy Statement consultation draft.

Thanks, David

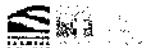
**DAVID COOPER**

FEDERATED FARMERS OF NEW ZEALAND

Federated Farmers of New Zealand  
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# Federated Farmers of New Zealand

## Feedback to the Otago Regional Council on the Regional Policy Statement Consultation Draft 2014

19 December 2014



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## Feedback to the Otago Regional Council on the Regional Policy Statement Consultation Draft 2014

To: Otago Regional Council

Name of submitter: Federated Farmers of New Zealand

Contact: **DAVID COOPER**  
SENIOR POLICY ADVISER  
  
P 03 4777361  
F 03 4790470  
M 0274 755 615  
E [dcooper@fedfarm.org.nz](mailto:dcooper@fedfarm.org.nz)

Address for service: Federated Farmers of New Zealand  
PO Box 5242  
Dunedin 9058  
New Zealand

This is feedback provided to the Otago Regional Council Regional Policy Statement Consultation  
Draft 2014.

## Section 1: General Comments

### 1.1 Introduction

- 1.2 Federated Farmers welcomes the opportunity to provide feedback to the Otago Regional Council on its Regional Policy Statement Consultation Draft 2014 (the consultation draft). We have appreciated the efforts of council staff to engage with us over the development of the RPS.
- 1.3 It should be acknowledged that the consultation draft is significantly different to the Issues and Options Paper put out for consultation in June 2014. The consultation draft indicates the RPS will no longer be “brief and streamlined”, and while we appreciate the additional specificity in some areas, in others there are blurred lines, particularly around the RPS and District Planning approaches to the effects of land use.
- 1.4 Given this change, the Methods for and implementation of the RPS will be critical. As the Methods are still to be fleshed out, they are excluded from the consultation draft. There is an appreciation, but not an expectation, that the perspectives we outline in this submission may be addressed through the Methods. Given this, we ask that council undertake further consultation with key external people before recommendations are made for council to adopt the draft RPS for statutory consultation.
- 1.5 As with our submission to the Issues and Options Paper put out for consultation in June 2014, we have appended a broad discussion of the principles informing this submission in Appendix 1.

### 2.1 Recognising and providing for economic benefit

- 2.2 Federated Farmers appreciates that the RPS is primarily a regulatory document, and that Section 5 of the RMA provides broad recognition of the economic value derived for natural resources. However, the RPS is not just a policy document; it is also an overall narrative of the Otago region, providing important context to the resource management decisions that happen both at the regional and sub-regional levels.
- 2.3 The “Otago Economic Overview 2012”, BERL, released May 2013, outlines the primary sector directly accounted for 11.7% of FTEs, 12.5% of Regional GDP, and 18.4% of business units in 2012 (Summary Table 1 Composition of the Otago Regional economy by sector, 2012). Each of these areas significantly exceed the national average. In addition, given the prevalence of primary production in the region, a significant portion of the economic activity within other categories will be a direct result of primary production.<sup>1</sup>
- 2.4 At present the consultation draft only mentions the economic wellbeing derived from resource use sporadically, and at a very high level. For example, it is provided as an outcome on page 6, and page 9 includes recognition that Otago’s economic wellbeing “is

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<sup>1</sup> For some Districts of the region this reliance is even more dramatic; for instance the BERL report outlines that Central Otago District’s GDP is 30.9% directly derived from primary production.

inextricably linked with the quality of its rural environments”, but even then this latter comment is made within the context of the threats to these resources, and there are no specific objectives or policies to follow on from this otherwise cursory recognition.

- 2.5 Federated Farmers considers there is a need for a more explicit statement of intent to promote economic growth within sustainable limits. We believe this requires both more discussion of the economic benefits derived from resource use in particular sections of the RPS, as well as through specific policies or objectives.
- 2.6 It is important that Council recognise that economic growth and development is not an “either/or” proposition. In many respects one of the key inhibitors to greater resource management outcomes is the ability to afford particular desired outcomes. In short, Federated Farmers considers that economic growth and development within sustainable limits can better ensure good environmental outcomes.

**Recommendation:**

**Further recognition of the Otago region’s economic reliance on primary production in particular and resource use in general needs to be made throughout the document, including specific Objectives and Policies providing for ongoing economic growth.**

**3.1 Providing for water storage**

- 3.2 Council will be aware of the forecast frequency for droughts in the region. This will place additional demand on water resources, as well as putting natural values and rural communities at greater risk. The one key solution to this issue is water storage, and the RPS represents a useful opportunity to provide a positive regional response to the challenges these conditions will represent for the region.
- 3.3 While the consultation draft includes an acknowledgement of the need for Otago’s communities to adapt to climate change (in issue 6), we do not consider this in itself addresses the issue sufficiently. We consider Council must more specifically recognise and provide for water storage as a key means of achieving greater resilience to the economic and natural values of the region.

**Recommendations:**

**Issue 6 should be re-written to acknowledge the broader adverse impacts of climate change (droughts, productivity and natural values), and to recognise the important role that increased water storage may play in providing greater community resilience.**

**Either changes to existing objectives and policies or the addition of further Objectives and Policies are necessary to specifically provide for greater opportunities for water storage.**

#### **4.1 The role of the RPS in managing land use**

- 4.2 The consultation draft includes a number of references to the control of land use, beyond that required to control effects on water and air resources. This raises a question around the roles and responsibilities in this area that the Regional Council should have within the RPS, vis-à-vis those of Otago's territorial authorities.
- 4.3 Clearly there are linkages between these responsibilities, and a need for the RPS as the overriding document to provide some direction to the various district planning approaches. However, it is also important that roles and responsibilities are properly and clearly defined, particularly in relation to water quality and land use; and that there is sufficient scope for each district planning approach to adapt the direction provided in the RPS to the local context, without unnecessary duplication.
- 4.4 The methods for these areas will be critical, and as these are still in development it is difficult to assess how clear these responsibilities are, and what the impacts will be for land users. At this point, Federated Farmers is simply seeking to reinforce the need for clarity in this area, although we do have a significant interest in how the methods will manage these tensions.

#### **Recommendation:**

**Federated Farmers seeks clarity in respect to areas within the RPS that seek to control land use, beyond that required to control effects on water and air resources. We ask that due consideration is given to the need for local flexibility in land use controls in the Methods and we express caution around the potential for unnecessary duplication in roles and responsibilities.**

#### **5.1 Guidance on interaction between objectives, policies and methods**

- 5.2 Federated Farmers considers it pertinent to include comments outlining how the various objectives, policies and methods interact, and how these should be considered both together and as separate provisions, particularly where the objectives or policies are relatively direct. While the RPS should be read as a whole, with the objectives and policies considered together, there are examples where an overall judgement approach may not be appropriate (for example, in giving effect to higher order planning documents).
- 5.3 We consider an explanation of this sort should be included either in Part A (in the "RPS Framework" section) or in the explanation of Objective 1.1.

#### **Recommendation:**

**Council outline how the various objectives, policies and methods should be considered both together and as separate provisions, in Part A of the RPS.**

## 6.0 The NPSFW 2014

- 6.1 Plan Change 6A will be reviewed, replaced or updated within the lifetime of the RPS. On that basis, the water quality provisions contained in the draft RPS must be closely reviewed and considered to ensure they are in alignment with the NPSFW 2014. Currently, the focus within the RPS draft policies that relate to freshwater is around values instead of freshwater objectives.
- 6.2 In addition, there is no policy about the identification of freshwater objectives moving forward, despite policies proposed around the identification of objectives for other areas within the RPS, including landscapes, natural character, and indigenous ecosystems.

### **Recommendation:**

**Council needs to review the relevant water quality provisions within the draft RPS to ascertain whether these align with the NPSFW 2014. Council must consider how freshwater objectives will be developed over the operative life of the RPS.**

## Section 2: Comments on specific aspects of the consultation draft

### 7.0 Regionally Significant Issues

- 7.1 Otago has high quality natural resources and ecosystems – Federated Farmers agrees with this objective. As stated in section 1 of this feedback, we feel there could be additional context added in the introduction to the issues that follow, emphasising the economic benefits derived from resource use.
- 7.2 *Issue 1: Cumulative effects of human activities on natural resources* - We support the recognition that most threats to natural resources in Otago relate to cumulative effects, and explicit recognition of the role of the landowner/manager and the importance of good stewardship in achieving good environmental outcomes, a point we expand upon in Appendix 1.
- 7.3 *Issue 2: Managing complex interconnections between natural resources* – We support recognition of the complexity of interconnections between natural resources and the need for coordinated responses; this underlines our focus on collaborative, non-regulatory methods for achieving the objectives set out in the RPS.
- 7.4 *Issue 3: Incorporating tangata whenua values in resource management decisions* – We agree that Tangata Whenua have a significant relationship with and responsibility for Otago's landscape and resources. We consider the RPS is an important document for translating these into relevant and reasonable provisions that provide direction to resource users on these matters.
- 7.5 *Issue 4: Spreading of pest species* – Federated Farmers agrees this is a key issue for the region; and we support recognition of both the impacts and the need for a multi-faceted approach to address these issues. There is room within this section for an acknowledgement of the economic reliance of pest species.
- 7.6 Communities in Otago are resilient – Federated Farmers supports this objective. However, we consider it would also be appropriate to indicate that the resilience of communities is often intrinsically connected to the region's economic reliance on resource use, as discussed earlier in this feedback.
- 7.7 *Issue 5: Vulnerability to natural hazards* – Federated Farmers supports this issue, and the intention to allow for appropriate activities in hazard prone areas. In terms of the methods aimed at addressing this issue, we ask that Council continue to treat farming, farm structures and ancillary activities as low risk activities in hazard prone areas (particularly those areas subject to flooding).
- 7.8 *Issue 6: Adapting to climate change* – We agree this is a relevant issue, and that the regional council should take a leading role in identifying and planning for potential adverse impacts.
- 7.9 *Issue 7: Responding to fuel and energy pressures* – Federated Farmers has some concerns with what methods may be deemed appropriate for addressing this issue. While

current projections are for significant cost increases and price volatility for fuel and energy, we consider it is more efficient and effective to allow these factors to act as market signals for individual behaviour, rather than attempting to forecast and plan for the issues at a regional level. Further, Otago's communities are generally dispersed in location for a very good reason; we rely on agricultural production and this has given rise to smaller rural communities to support this. We do not want to see a planning approach which cuts across the natural distribution of rural settlements, particularly as these settlements play a large part in supporting primary production and primary producers.

- 7.10 People are able to use and enjoy the natural environment – Federated Farmers supports this objective. Again, however, it would be useful if there was additional context provided around the economic benefits derived from resource use, both in the introduction to the RPS, under this objective and within relevant provisions. The objective currently includes a brief discussion around the support natural resources offer to primary production in the region, but this is largely off-hand and cursory, particularly when taken in the context of an absence of a more robust discussion in the introductory section to the RPS. The consequence is that the economic benefits derived from both resource use and primary production are not sufficiently recognised, in balance to the recreational and amenity values, heritage and cultural values, and aesthetic values discussed under this objective.
- 7.11 *Managing uses and values of natural resources to avoid conflict* - Federated Farmers agrees with this issue, and we support the statement that addressing this issue “requires that our use of resources is as efficient as possible, and that we allow as much flexibility as possible to optimise resource allocation at all times”. We ask this wording be retained as stated.
- 7.12 *Minimising nuisance from incompatible activities* - Federated Farmers supports this issue, as well as the recognition that sound planning requires some strategic consideration of what types of activities may be deemed sensitive and how incompatibilities can be addressed.
- 7.13 *Locationally constrained activities* – Federated Farmers is cautious about how this issue may be treated. The wording of this issue appears to indicate an intention to define where locationally constrained activities may or may not take place due to potential impacts on outstanding values. While we agree that some developments are locationally dependent, local communities and residents should be provided sufficient opportunity to have input into the siting of and mitigation of effects from activities of a significant scale.
- 7.14 While it is appropriate to define areas where values indicate activities should not proceed, it is also important that for those other areas not defined as inappropriate, there remains an ability to sufficiently weigh the benefits and costs, including community views, of such activities proceeding.
- 7.15 *Adapting urban form to the carrying capacity of the environment* – While Federated Farmers agrees with this issue, there is potential for plan-user confusion regarding the reference to 'adapting urban form' in the issue title, followed by a discussion on how urban communities may mitigate adverse effects through community infrastructure. This raises a question around whether the overall objective is to develop urban form to reduce the potential for adverse impacts, or whether urban communities will be required to put in place sufficient infrastructure to better mitigate adverse impacts (or both).



7.16 *Making better urban areas* – Federated Farmers agrees with this issue.

7.17 *Ensuring access to the natural environment* – Federated Farmers agrees this is a relevant issue. However, access to the natural environment often occurs across or on private land. Federated Farmers considers that the methods relating to this issue need to emphasise that the retention or enhancement of public access to the natural environment across private land is at the discretion of the landowner. Therefore, Council should negotiate directly with landowners adjacent to these areas to maintain and enhance public access.

**Recommendations:**

**Federated Farmers broadly supports the objectives and issues proposed. We have outlined above the areas where changes within this section is appropriate.**

**Particularly, we feel the objectives and issues should have additional context, provided through a more robust discussion on the region's reliance on primary production and the important roles natural resources play in enabling this production.**

**8.0 Objective 1.1 Otago natural resources are of high quality, and support healthy ecosystems and a good quality of life**

8.1 As discussed throughout this submission, the introduction to this section could use some additional discussion around the Otago economy's reliance on natural resources for the purposes of primary production and economic wellbeing. We agree that it is "*critical to protect the quality of Otago's natural resources, and to identify resources which we want to preserve for future generations*"; however, protection of natural resources is only half the equation; it is also critical to make effective and efficient use of our natural resources, and to recognise the importance of the benefits derived from resource use.

8.2 *Policy 1.1.1 Managing for freshwater values* – Federated Farmers largely agrees with this policy. The one area of potential confusion is in relation to *g) Retain the quality and reliability of existing drinking water supplies*. It may be entirely appropriate to provide additional protection to drinking water supplies on a case by case basis, given the vital importance of drinking water. However, it is unclear where regional council's responsibilities begin and end in this area, compared to those of the relevant territorial authority. This is not to say the regional council does not have some role to play in this area; it is the extent to which this role goes beyond the region's overall approach to maintaining or improving water quality which is questioned.

8.3 *Policy 1.1.2 Identifying outstanding water bodies and Policy 1.1.3 Protecting outstanding water bodies* – We agree, broadly, that it is useful to have evaluative processes which identify and clarify what is to be considered 'outstanding'. However, without the draft RPS including the relevant methods, it is unclear what impact these policies will have on resources users. This is however an area of importance and we seek to ensure the methods that are adopted are reasonable and cognisant of the need for balance between protection and use.

- 8.4 *Policy 1.1.8 Managing the values of soil* – Federated Farmers supports the intent of this policy, in particular we support *e) Provide for food production* given the significance of the soil resource to the region's economic wellbeing. Once again the methods for this policy will be critical; particularly whether and to what extent land use decisions are controlled, what may be considered a threat to the soil resource (subdivision or urban expansion?) and the division of responsibilities between the regional council and territorial authorities.
- 8.5 *Policy 1.1.9 Identifying highly valued soil resources* and *Policy 1.1.10 Protecting highly valued soil resources* – similarly, while we support the intention to identify and protect the underlying soil resource, the methods yet to be included within the RPS to give effect to these policies, will enable us to ascertain the likely impacts on the primary industry.
- 8.6 *Policy 1.1.12 Managing riparian margins* – we ask that this policy specifically allow for ongoing primary production in these areas, where this activity will have no significant adverse impact.

## **9.0 Objective 1.2 Otago's natural resources are managed in an integrated way**

- 9.1 *Policy 1.2.1 Applying a relevant spatial scale* – Federated Farmers supports this policy, particularly the catchment focussed and integrated approach outlined.
- 9.2 *Policy 1.2.2 Integrating land use management with water management* – The one key area of concern in this policy is *b) Setting land use controls that are consistent with the achievement of those freshwater objectives*. Again, without the inclusion of methods within this draft RPS, it is difficult to ascertain the impact of this policy. However, overall we would rather the RPS maintain a similar philosophy to the water plan, in terms of focussing on managing the effects of land-use, and placing the responsibility on landholders for deciding how to best manage land while meeting environmental obligations. This policy defines a philosophical shift in this approach, and there is potential for both confusion between the water plan and the RPS if there is now an intention to manage land use. We encourage Council to consider the implications of this policy on land users, particularly in light of the philosophy informing the overall approach taken within Plan Change 6A. We would favour deletion of this policy or at the very least, reducing its potential impact through the selection of methods that work alongside the Water Plan rather than at cross-purposes to it.
- 9.3 *Policy 1.2.4 Identifying the extent of the coastal environment* and *Policy 1.2.5 Integrating for the management of the coastal environment* – our concern in respect to the coastal environment and coastal landscapes relates to the potential controls placed on reasonable land use in these areas. Again, much will depend on the methods, but overall we ask that the RPS allow for low impact structures and smaller forestry plantations as permitted activities in these areas.

## **10.0 Objective 1.3 Otago's significant and highly-valued natural resources are identified, and protected or enhanced**

- 10.1 *Policy 1.3.1 Identifying areas of significant indigenous vegetation and significant habitats of indigenous fauna* - two key considerations around significant indigenous vegetation and significant habitats of indigenous fauna at the regional level are, how much is there, and how much do we need to protect. We believe that the first requirement is for council to take stock of what is already protected, on both public and private land, before developing methods.
- 10.2 Further, while we agree it is useful to develop specific criteria for these issues, there is an absence of guidance as to how to determine what may be deemed “significant” or “outstanding” etc.; this reduces the certainty to plan users. This again underlines the importance of the methods, particularly the extent to which territorial authorities will be required to amend their district plans as a result. As a rule of thumb, we note that most of the current district plans have developed approaches that have been through local processes, and although it would be a stretch to say these have resulted in good outcomes for farmers overall, they are at least liveable and certain.
- 10.3 *Policy 1.3.4 Identifying outstanding natural features, landscapes and seascapes* – as with Policy 1.3.1, our concern is the criteria used to distinguish between “significant” or “outstanding”, and how the methods may treat this issue.
- 10.4 *Policy 1.3.6 Identifying special amenity landscapes and Policy 1.3.7 Protecting special amenity landscapes* – our primary concern in respect to these policies is whether this will be read by territorial authorities as a driver for broadening their current focus to include ‘second tier’ landscapes, with subsequent protections (restrictions) put in place. Again, the methods for these policies will be important to establishing the reasonableness of the policies.

## **11.0 Objective 2.1 Risk that natural hazards pose to Otago’s communities is reduced**

- 11.1 *Policy 2.1.4 Assessing and managing natural hazard risk, Policy 2.1.5 Managing natural hazard risk in subdivision, use and development decisions and Policy 2.1.6 Reducing existing natural hazard risk* - Federated Farmers supports these policies, though we ask that the subsequent methods appropriately reflect the risk relative to different land use types, ‘structures’ and practices. In short, we expect that the majority of activities related to farming (excluding residencies) will be considered low risk both to and from the majority of natural hazards.
- 11.2 *Policy 2.1.8 Applying a precautionary Approach* – for the reasons outlined above, we consider that any precautionary approach should be applied largely to areas where the threat is to human life.
- 11.3 *Policy 2.1.10 Mitigating natural hazards* – Federated Farmers seeks an additional criteria, applying to cost/benefit. We expect that in some instances the benefits of hard mitigation structures may outweigh the costs, particularly over time, and additional criteria to this effect would allow this to be considered.

**12.0 Objective 2.3 Otago's communities are prepared for and able to adapt to the effects of climate change**

- 12.1 As we outline earlier in this feedback, the forecast frequency for droughts in the region will place additional demand on water resources, as well as putting natural values and rural communities at greater risk. The one key solution to this issue is water storage, and the RPS represents a useful opportunity to provide a positive regional response to the challenges these conditions will represent for the region.
- 12.2 We ask that Council develop a specific additional policy within this section to both recognise the benefits of and provide for water storage as a key means of achieving greater resilience to the economic and natural values of the region.

**13.0 Objective 2.4 Energy supplies are secure and sustainable**

- 13.1 *Policy 2.4.1 Benefiting from renewable electricity generation and transmission, Policy 2.4.2 Managing adverse effects from renewable electricity generation and transmission and Policy 2.4.3 Managing locationally-constrained renewable electricity generation and transmission activities* – Federated Farmers agrees generally that electricity generation should be recognised and provided for. However, we question the extent to which electricity transmission should be 'bundled' with generation in these policies.
- 13.2 While generation activities may be to a large extent locationally constrained, transmission of electricity is less constrained. Transmission requires routes from generation to end user, but there is greater flexibility over siting of assets than there is in respect to generation activities.
- 13.3 The treatment of electricity transmission infrastructure is a particular concern for farmers as large landowners, given a large proportion of electricity transmission infrastructure is situated on private land. The National Policy Statement for Electricity Transmission (NPSET) sets out the requirements for territorial authorities to provide for electricity transmission specifically, and the implementation of the NPSET already imposes significant real and opportunity costs to landowners. We would not want to see any inclusion of transmission as a similar matter to generation in the RPS result in restrictions which go beyond the implementation of the NPSET at the territorial level.
- 13.4 *Policy 2.4.6 Protecting electricity transmission activities* - we consider this policy goes beyond the obligations placed on regional councils in the NPSET, and we have some concerns at the implications for the methods, as outlined above. The NPSET simply requires (under Policy 14) that "Regional councils must include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses". As currently worded, the policy incorrectly intimates that it is the responsibility of other land users to accommodate electricity transmission, rather than electricity transmission being integrated with existing and legitimate land uses.

**14.0 Objective 3.1 Positive effects of resource use on the natural environment are maximised and negative effects are avoided or minimised.**

14.1 *Policy 3.1.2 Managing land use change and catchment yield* – Federated Farmers understands the available yield data (on water) modelling indicates there is little real difference in catchment yield until at least 20% of a catchment is afforested. It is unclear what this will mean in practice to landowners and catchment groups until the accompanying methods are developed. Overall, we consider the RPS should identify tools to make available to catchment groups and landowners, rather than attempting to impose rules on catchments.

14.2 *Policy 3.1.5 Protecting soil quality* – Again, Federated Farmers supports the broad intentions of the policy, but we are keen to see how the methods are developed. As a rule we would favour managing effects, rather than inputs; this relates to the 'inappropriate application of fertiliser' where there are already considerable market drivers not to over-fertilise. In this area, non-regulatory methods, including guidance to land users, would be appropriate. Similarly, it is unclear what role the inclusion of 'overwatering' will play in this policy. We would favour this being deleted from the policy, or addressed through non-regulatory methods.

14.3 *Policy 3.1.12 Avoiding adverse effects of hazardous substances* - as fertilisers are covered under the definition of hazardous substances, we ask that the methods giving effect to this policy sufficiently reflect the relative risk of each substance, to the high risk or sensitive areas. We consider that reasonable storage and use of fertiliser within appropriate guidelines would generally be low risk, and again we would favour non-regulatory methods for this type of activity.

**15.0 Objective 3.2 Resources are used efficiently and in a way that minimises conflict**

15.1 *Policy 3.2.1 Maximising benefits* – We support this policy, although we believe an additional criteria of 'economic benefit' or 'economic wellbeing' should be included. While it is understood that this is implicit within the policy, specifically listing it as a criteria would make this consideration explicit for the layman without unbalancing the importance of the other considerations.

15.2 *Policy 3.2.3 Minimising conflicts between water uses and users* – Federated Farmers supports this policy in its entirety.

15.3 *Policy 3.2.4 Managing cumulative effects* – Federated Farmers supports the intent of this policy, however the wording of "c) *Requiring the use of best environmental management practices*" is potentially problematic from an implementation viewpoint. This gives rise to a number of questions: What is best practice in every set of circumstances? Can best practice differ significantly and evolve over time? How is best practice measured? For these reasons there are issues with enshrining 'best practice' in the RPS. We recommend the word 'requiring' is amended to 'encouraging' or 'promoting' with the methods outlining how this will occur in greater detail.

15.4 *Policy 3.2.6 Minimising reverse sensitivity* – Federated Farmers supports this policy.

15.5 *Policy 3.2.9 Requiring adoption of best environmental management practices* – we have similar concerns with this policy to those outlined in respect to Policy 3.2.4. The same questions, particularly how best practice will be identified and the certainty/innovation trade-off are relevant here. Another relevant consideration is the level of the RPS; in many respects the policy is too directive for a document of this level. We again favour amending the word ‘require’ to ‘encourage’ or ‘promote’ with appropriate methods developed accordingly.

**16.0 Objective 3.3 Tangata whenua values are able to be expressed in the use and development of ancestral lands**

16.1 *Policy 3.3.2 Enabling access to sites of cultural importance for tangata whenua* – we support this policy, particularly b) *Facilitating access of tangata whenua to sites of cultural importance, in negotiation with owners of private land where necessary.*

**17.0 Objective 3.4 Public access to areas of value to the community is maintained or enhanced**

17.1 Federated Farmers seeks recognition within this objective that in some instances access to areas of value occurs over, or has the potential to impact on, private land. Our experience has been that many landowners are more than happy to provide access to areas of value, but this should not be taken as a right, and there should be a degree of respect for private property and an understanding of the fact access often occurs over an operating farm unit with inherent dangers and risks.

**18.0 Objective 3.7 Urban areas accommodate needs for economic activity and growth effectively and efficiently**

18.1 *Policy 3.7.5 Managing fragmentation of rural land* – Federated Farmers supports this policy, although we ask that the methods largely leave the responsibility for balancing the protection of rural land with the need for housing development and legitimate land use decisions to the relevant territorial authority.

**19.0 Objective 3.10 Hazardous substances and waste materials do not harm human health or the quality of the environment in Otago**

19.1 *Policy 3.10.8 Identifying contaminated land* and *Policy 3.10.9 Managing the use of contaminated land* – Federated Farmers has concerns about the potential costs and obligations for landowners in the identification of potentially contaminated land, and in the management of contaminated land. As a rule of thumb we believe that if there are no identified issues, the most appropriate approach is to make any assessment at the time of a change of land use where the newer land use represents a greater risk to human health (for instance, a change in land use from primary production to residential use).

19.2 However, there is an opportunity within the RPS to provide some high level implementation of the NES, if the RPS makes reference to the importance of dealing with hazardous substances and appropriately cross references other plans (for example, the regional waste plan) and HAIL sites. These approaches would be important in determining methods about how the various plans, methods and approaches are integrated into land use rules on sites.

## **20.0 About Federated Farmers**

20.1 Federated Farmers of New Zealand welcomes the opportunity to provide feedback on the Otago Regional Policy Statement Consultation Draft 2014.

20.2 Federated Farmers is a primary sector organisation that represents over 17,000 farming and other rural businesses. Federated Farmers has a long and proud history of representing the needs and interests of New Zealand farmers.

20.3 The Federation aims to add value to its members' farming business. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices

## **Appendix 1: Principles informing this submission**

### **1. Public good**

Land ownership and resource use entails both a responsibility to ensure that the land/resources are conserved for future generations, and significant incentives to do so. This does not mean untouched, but with a realisation of the importance that proper maintenance and appropriate farming techniques have on the land to enable for sustainable production capacity for generations.

Federated Farmers believes that land should therefore be managed in a way that is sustainable, prevents erosion and the degradation of waterways and does not result in damage to other property. Further, we recognise that this entails a responsibility for the impact of private actions on private or public goods.

However, when restrictions are imposed that go beyond the minimum threshold of the duty of care (for example, to provide a public benefit in the form of protecting landscape values), or to address adverse effects from resource or land use, there is an obligation for the public to recognise the impact on landowners. This impact on landowners can either be in the form of increased on-farm costs or the opportunity costs arising from economic capacity foregone in order to achieve the protection of a public good value.

### **2. Education versus regulation**

Federated Farmers believes that the socialisation of solutions, increasing knowledge of the underlying drivers for change and individual empowerment to achieve this change have a greater and more sustained influence on behavioural change than regulation.

Regulation, where unreasonable and/or where the underlying reasoning behind the regulation is not fully imparted to change agents, can not only have the effect of entrenching existing beliefs but can in fact create perverse incentives to act against environmental outcomes, when landowners perceive that removing landscape and environmental features now could deter unwelcome third party interest and unreasonable restrictions on land use decisions.

Environmental outcomes sought under the Act are best achieved by a co-operative regime which fosters voluntary action by landowners. Regulatory methods should be balanced, effects-based and should not arbitrarily restrict activities and stifle innovation. Furthermore, if any restrictions are placed on land use to control adverse environmental outcomes they must be able to be justified and supported by real scientific data and developed on a site-by-site basis and adaptable to differing individual and complex farming systems.

It is appropriate for Regional Councils to acknowledge and to have underpinning the Regional Policy Statement, the enabling intent of the RMA in the objectives, policies and methods which are developed to achieve integrated management of the natural and physical resources. Given the right approach, Federated Farmers believes environmental values can be maintained and enhanced with a minimum of restrictions. Indeed, for the reasons outlined in this introduction the Federation believes that it is this approach that will lead to the best outcomes.

### **3. Regulation versus Industry good practice**

*Federated Farmers Feedback to the Otago Regional Council on the Regional Policy Statement Consultation Draft 2014*



Federated Farmers is supportive of non-regulatory approaches to meeting the outcomes desired in the draft RPS. A non-regulatory approach will generally encourage community involvement and foster responsibility towards managing environmental resources in a more cooperative, efficient and sustainable manner than a regulatory approach will.

Further, non-regulatory approaches can be more readily changed to meet shifting community expectations, changing challenges and can better encompass further technological development. They also encourage self responsibility and adaptation of on farm innovation to address community or market-based expectations and recognise the significant existing incentives for landowners to take due care of natural resources. There are also significant opportunities for councils to develop long term and enduring partnerships with landowners or groups of landowners or their industry representatives to implement partnership goals to meet industry good practice.

#### 4. Consultation and Landowner Buy-in

Landowners are the key player when it comes to the protection of the region's biodiversity, landscapes and natural features on private land, because without landowner acknowledgement and "buy-in", positive management is unlikely to occur. Explaining why an outcome is desired, how it can be best achieved and allowing the landowner to take responsibility for both the outcome and the process for achieving the outcome is too readily underestimated by local government authorities.

We believe that an obligation to consult with affected landowners prior to the identification and or public notification of any property specific sites does not give them greater status under the Act, than any other party to the process, but rather recognises that landowner input is integral to achieving successful environmental outcomes. Gaining the trust of landowners is critical to achieve outcomes in any resource management process and it is entirely appropriate that this is recognised in requirements and processes undertaken in consultation.

Resolution of potential conflicts can best be achieved by communities and interested parties working informally together, as well as through the formal submission/hearing process. This inherently recognises not only that the goals of landowners and councils can be and often are aligned, but also that in order to achieve the best outcome councils often have to listen as well as guide.

The early engagement of landowners in the formation of objectives, policies and rules that impact on the management of their land is critical to any successful outcomes of regional and district environmental objectives.

Without early engagement, including the use of farmer reference groups, one on one consultation where a plan directly relates to a property or field testing rules before they are applied, it is highly likely any proposed changes will result in an adversarial process. Otago Regional Council's significant recent efforts to engage with affected communities and reflect these perspectives in the planning response have been greatly appreciated.

#### 5. Effects based, allowing for innovation, flexibility and technological development

Federated Farmers seeks a regional planning framework that acknowledges landowners are primarily responsible for managing any effects of their activities on the environment, while at the same time ensuring that the region's land managers and primary producers are not burdened with unnecessary compliance.

Federated Farmers also seeks to ensure that both ORC and the region's TLAs do not impose or implement plans that aim to prescribe farming or land use methods and manage activities by default. Instead, we support a regulatory planning framework that seeks to manage the potential effects of activities while providing sufficient scope for on-farm innovation, flexibility in land use. We believe a stewardship ethic will lead to increasingly better outcomes.

Federated Farmers also considers the RPS itself, with sufficient direction provided to TLA planning responses, should permit or provide for new technologies as these are developed. We seek a regional planning framework that is specific enough to be effective while not relating to specific technologies, as this will limit councils and land managers from being able to use or provide for the use of other, newer, possibly more effective technology developed over the next ten years. To be restricted by a certain method could mean that positive environmental outcomes are also limited.

#### 6. Appropriate recognition for the positive effects of primary production

More broadly, Federated Farmers seeks to ensure that the Regional Policy Statement provides a framework that appropriately recognises the vital role primary production activities play in contributing to the overall wellbeing (particularly economic) of those within the Otago region, and beyond. We do not believe it is sufficient for the RPS to simply avoid the imposition of unnecessary restraints on primary production, though this is in itself important; we believe the positive aspects of primary production should also be specifically provided for, where reasonable and appropriate.

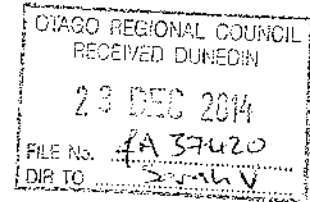
Therefore, while we support the intention for the RPS to be a broadly enabling, effects based and high level strategic document, it is our view that the regional discussion on resource use needs to sufficiently recognise the Otago Region's reliance on primary production (both directly, and in terms of downstream economic benefits for the region).

To this end, we would strongly encourage the RPS to specifically recognise the positive contributions of primary production and resource use to the Otago region's wellbeing. The current RPS does this, in Chapter 3: Regional Description, and particularly in section 3.3: Regional Economy.

**James Adams**

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**From:** Geoff Deavoll <gdeavoll@doc.govt.nz>  
**Sent:** Friday, 19 December 2014 1:55 p.m.  
**To:** RPS ORC  
**Subject:** DOC comments on draft RPS for Otago  
**Attachments:** ORC RPS DOC response Dec 2014.pdf  
  
**Categories:** Email response sent



Hi,

Attached are some comments on behalf of Department of Conservation on the draft RPS for Otago.

I will be in touch in the new year about meeting to discuss some of these points and the RPS in general.

Regards

Geoff

Geoff Deavoll  
Resource Management Planner - *Kai Whakamaherehere Penapena Rawa*  
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19 December 2014

Attn: Policy Team  
Otago Regional Council  
Private Bag 1954  
DUNEDIN 9054

Dear Sir/ Madam

**Pre-Consultation on the draft Regional Policy Statement for Otago**

Thank you very much for the opportunity to comment on the draft Regional Policy Statement (DRPS). The comments the Department provides below are a starting point for further discussion on how the DRPS might develop from this point. In that regard, we are keen to work with you on further developing some of the issues raised below. Given the time available to comment on the draft, some of the responses we have provided are general in nature and will require further work with you to develop tools or methods to address them.

As you are aware the Department of Conservation (the Department) has a number of functions in Otago. These include, but are not limited to:

- land manager of a significant land area as Public Conservation Land;
- an advocate for the protection of natural resources including freshwater habitats; and
- Contributor to the development of policy statements and plans, including the implementation of the New Zealand Coastal Policy Statement 2010 (NZCPS).

In its current draft form it is difficult to provide specific comments other than to comment on the content covered by the proposed policies. It is difficult to understand the intent of some parts of the policies given that there are currently no explanations to the policies included as required in section 62(1)(d) of the Resource Management Act. Likewise there are no methods provided in the draft other than the brief statements on the roles to be assigned to the regulators in Part C. Below I have commented on some of the potential methods to implement the policies.

## Specific comments on the DRPS

### Regionally significant issues

#### 1. Otago has high quality natural resources and ecosystems

Comment: It is considered necessary to include a further issue to this section to address the ongoing loss and degradation of ecosystems and indigenous biodiversity as a result of land use change and development activities. Objective 1.3 and following policies 1.3.1 to 1.3.2 among other relevant policies address this issue sufficiently.

#### Issue 1: Cumulative effects of human activities on natural resources

Comment: the way this issue is worded it would seem that human activities only have a cumulative effect on air quality and water quality. Adverse cumulative effects of human activities contributing to the loss of indigenous biodiversity are also a relevant concern in the region to be specifically discussed as part of this issue.

#### Issue 4: Spreading of pest species

Within this issue, there are a number of pest management issues regionally that are of interest to DOC. Of current concern is the spread of wilding conifers in a number of areas in Otago which requires a large amount of effort and resource from multiple agencies to control. Regulation of planting of tree species of wilding potential is required also to prevent new problems being created.

There are a number of policies in the DRPS relevant to wilding conifers and the methods will need to consider the response to the existing problem in the region and the responsibilities of the various parties involved, as well as methods to limit the potential for further problems to be created.

DOC also has responsibilities to control mammalian pests on public conservation land to limit the impact that these pests have on indigenous biodiversity values. Regional policy should promote enabling these pest control activities where the risk of adverse effects of these activities is low. For example in other regions the discharge of 1080 baits to water and land are provided for as permitted activities. Reduced regulation of these activities carried out by the DOC allows for resources to be concentrated on providing maximum benefit to the environment.

Pest weeds also invade gravel river beds disrupting natural processes and affecting significant habitats of indigenous fish and birds.

#### Issue 10: Locationally constrained activities

Development of ski fields which is also important to Otago, is relevant to this issue. The locations of these activities have the potential to adversely affect outstanding landscape values. There is likely to be some changes to these activities driven by changing weather patterns in decades to come.

#### Issue 13: Ensuring access to the natural environment

Access to natural areas, and to and along in the case of rivers, lakes and the coast is of particular interest to DOC. It is an important issue to limit the effect that land use development has on access to these environments. In the coastal environment context this is an issue of national importance addressed in policies 18, 19 and 20 of NZCPS.

#### Policy 1.1.1 Managing for freshwater values

Otago's rivers maintain habitat for a large number of threatened and at risk native fish species. A combination of biogeography and effects of land use change has caused small fragmented and isolated galaxid fish populations to remain. Management of economic uses of water on flows and land use changes on water quality within sustainable limits are essential to ensure the survival of these fish populations.

Implementation of the operative regional water plan including plan change 6A is important for the maintenance of water quality in Otago's lakes and rivers. This is also complemented by the process of progressive setting of flow and allocation limits for various catchments across the region. The DOC is interested in seeing these processes continue, to give effect to the National Policy Statement for Freshwater Management (2014).

#### Policy 1.1.7 Managing for air values

Comment: the heading for this policy should be clarified to make clear that the intent is to manage discharges affecting air quality. Cultural and tangata whenua values are covered in separate parts of the policy and I suggest that cultural values in part c) be replaced by ecosystem values as these values are not currently addressed by this policy.

#### Policy 1.1.11 Recognising ecosystem services

Comment: this policy could be more detailed and describe some of the common ecosystem services relevant to the Otago context. Examples of ecosystem services could be detailed such as drinking water sources, flow retention and flood alleviation, improved water quality, erosion mitigation, pollination, recreation and tourism, and wild food sources.

A particular issue where ecosystem services can have a significant contribution is in the mitigation of coastal erosion which is having a significant effect on coastal settlements. Landward movement of the coastal interface is squeezing a number of natural coastal features such as estuaries, lagoons and dune systems. Protecting these natural buffers and allowing their retention will have a significant benefit in protecting communities and infrastructure from coastal erosion. Recognition of these ecosystem services is important to implementation of a number of other policies in the DRPS and important for regional wellbeing.

#### Policy 1.1.12 Managing riparian margins

Comment: included in the methods for achieving protection and maintenance of these features should be pest and weed control to assist in achieving a) and b) of this policy.

#### Policy 1.2.4 Identifying the extent of the coastal environment

This policy should describe the integration between agencies required to consistently identify the extent of the coastal environment.

#### Policy 1.2.6 Integrating for the protection of indigenous biodiversity and maintenance of ecosystem health

Comment: it is considered very important that indigenous biodiversity and the effect of activities on indigenous biodiversity in the Otago region is managed through integration of controls. This can be

achieved by applying common criteria for identifying section 6(a) and section 6(c) matters and managing effects of land use activities consistently across the region.

**Policy 1.3.1 Identifying areas of significant indigenous vegetation and significant habitats of indigenous fauna**

Comment: The criteria for identification of significant indigenous vegetation and significant habitats of indigenous fauna are considered to be appropriate, although the representativeness should also cover examples of indigenous biodiversity that are degraded but are considered to be the best remaining examples of their type.

Implementation of this policy could consist of undertaking an ecological study to identify the significant vegetation and habitats at a district level, or a collaborative approach to a regional process. While having significant natural areas identified in district plans provides certainty to landowners and the community identified significant natural areas should not be treated in district plans as being definitive. There is a danger that in relying on schedules of significance to protect biodiversity, areas that are not surveyed or develop over time will not have the appropriate protection. It is preferred that rules in district plans also provide for case by case assessments of significance using the same criteria where development proposals may affect biodiversity in areas not identified as being of significance.

**Policy 1.3.2 Protecting significant indigenous vegetation and significant habitats of indigenous fauna**

Comment: It is not clear what is intended by d) of this policy regarding positive contributions of exotic species to indigenous biodiversity, some examples may be needed to explain this.

Minimising the adverse effects of pest animals and plants on biodiversity values is supported as an important issue in this region. A key example of this being the location of plantations of conifers with wilding potential and the effect that spread of wilding conifers can have on Otago's dry land habitats.

An additional point is considered to be appropriate to ensure protection of significant indigenous biodiversity is achieved, being to ensure 'no net loss' of indigenous biodiversity values as a result of land use activities and development. This can also link to the principles of biodiversity offsetting under policy 3.2.8.

**Policy 1.3.3 Maintaining or enhancing indigenous biodiversity**

Comment: I assume that the term 'commercial' in point a)iv. is a reference to commercial tourism activities associated with Otago's indigenous biodiversity resources. There may be other commercial purposes for maintaining biodiversity and this is likely to be something that needs clarifying in any explanation to follow this policy.

**Policy 1.3.8 Identifying areas of high and outstanding natural character in the coastal environment**

Comment: I note this policy repeats the matters listed in policy 13(2) of the NZCPS. Guidance on Policy 13 states that preservation of natural character, and protection of it from inappropriate subdivision, use and development is easier to achieve where the attributes and processes that make up natural character are known and thresholds for change identified.

Identification of areas of high to outstanding natural character of the coastal environment can be via natural character studies at a regional or district level and subsequent scheduling in district plans, and by developing and implementing robust criteria for the assessment of natural character.

Similar to the identification of significant indigenous biodiversity, natural character values may change in time and gaps may occur in the survey of natural character. Therefore methods that provide for the regional or district survey as well as provision for case by case assessments using criteria in relation to development proposals would be advisable.

#### Policy 1.3.11 Preserving and enhancing natural character of wetlands, lakes and rivers and their margins

Comment: Water quantity and quality are inherent in the natural character wetlands, lakes and rivers and their margins. This policy needs to provide for the control of activities that may adversely affect flows and levels and the quality of water in water bodies.

#### Objective 2.1 Risk that natural hazards pose to Otago's communities is reduced

A large proportion of risk from natural hazards in Otago occurs in the coastal environment and are likely to be related to coastal processes. Objective 5 and policies 24 to 27 of the NZCPS address issues of coastal hazards. To give effect to the hazard policies of NZCPS it is suggested that the RPS addresses coastal hazards separately from other hazards to be managed.

I suggest policies 2.1.1 and 2.1.2 should be combined as one policy as assessing the likelihood of a natural hazard occurring is part of identifying natural hazards in the region generally. There is also an amount of cross-over between assessing the likelihood and assessing the consequences of natural hazards.

Policy 2.1.4 seems unnecessary given that the preceding policies determine the likelihood and consequences of natural hazards, and the following policies manage natural hazard risk.

Policies 2.1.5 to 2.1.7 seem to overlap somewhat and could be combined to manage the natural hazard risk to both existing and proposed development. In the coastal environment the hazard risk from tsunami, sea level rise and accelerated coastal erosion at a number of locations will require difficult decisions to be made regarding the location of existing development. Managed retreat is discussed in Policy 25 of the NZCPS as a real option in the future to reduce risk to some areas. Preference would be that hard protection structures were avoided in future as a means of addressing coastal erosion. There are a number of coastal roads and associated utilities in the Otago region that are or will be affected by coastal erosion. A strategy needs to be developed to relocate these if possible to areas of reduced risk from coastal hazards. This is as discussed in Policy 27 of the NZCPS.

Policy 2.1.9 should emphasise the need to provide for protection and enhancement of natural defences that protect coastal land uses as per Policy 26 of the NZCPS. This should be promoted ahead of implementing or enhancing hard engineered solutions. There are a number of situations on the Otago coast where areas of high biodiversity and natural character value are being reduced by development and coastal erosion. The hazard mitigation service provided by these natural areas is undervalued and should be promoted as protection from coastal hazards and protection of biodiversity values of the coastal environment.

#### Policy 2.3.1 Adapting to climate change

Comment: Current indications of likely sea level rise are that at least 1m of rise is likely in a 100 year period. It is likely that more information on sea level rise will become available in future. The most up



to date information on this issue should be used to plan for sea level rise and a precautionary approach implemented now to allow for changes in understanding in future.

#### **Policy 3.1.2 Managing land use change and catchment yield**

Comment: Also relevant to this policy is the effect on water quantity and quality resulting from conversion of tussock grasslands. This is particularly of interest where there community or individual drinking water supplies in the downstream catchment. While this may be addressed in part by the preceding policy it is also relevant to this policy and needs to be covered.

#### **Policy 3.1.6 Extracting alluvial materials and sand**

Comment: in b) of this policy, this statement needs to be balanced with the potential for these activities, if not managed effectively, to increase the potential for erosion and risk of flooding neighbouring land.

#### **Policy 3.2.8 Providing for offsetting**

Comment: This policy is not specific to biodiversity offsetting so will cover offsetting for residual adverse effects on other resources. It would be preferable to have a policy that specifically covers biodiversity offsetting to address residual adverse effects.

DOC is a contributor to the New Zealand Governments recently published *Guidance on Good Practice Biodiversity Offsetting in New Zealand* (August 2014). This guidance should assist in providing for biodiversity offsetting in the RPS. It is important that the principles of biodiversity offsets and especially some of the limitations on offsetting are used to develop regional policy. It is important to note that not all adverse effects on indigenous biodiversity can be offset, and there will be instances where the offsetting proposals involve unacceptable risk to significant biodiversity. Draft policy 3.2.8 is not comprehensive enough and needs to be expanded to ensure true offsetting is implemented and no net loss of biodiversity values can be achieved.

The following links provide information on the biodiversity offsetting guidance on the DOC website:

<http://www.doc.govt.nz/documents/our-work/biodiversity-offsets/the-guidance.pdf>

<http://www.doc.govt.nz/Documents/our-work/biodiversity-offsets/limits-to-offsetting-in-New%20Zealand.pdf>

#### **Part C: Anticipated Environmental Results**

In key indicator 4. against points 1 to 3, which measures the increase of healthy riparian margins against a baseline other measures such as composition and stature may also be relevant measures that could be considered against the baseline cover.

Key indicator 2. against point 7. should read as "Five year monitoring shows that the quality, value, and extent of items in this inventory are better or no worse than at the time this policy statement became operational."

## Conclusion

Overall the DRPS covers most issues of interest to the DOC in some way. Some of the policies included in the DRPS currently are brief statements that require further explanation to make clear what exactly is intended and how higher order documents such as the NZCPS and the NPSFM are to be given effect to. Without detailed methods in the DRPS, which are to be developed, it is difficult to see exactly how regional policy will be implemented.

The DOC is open to further discussion on some of the matters raised in the comments above and discussion on matters of interest to the DOC prior to notification of the proposed RPS in 2015.

I look forward to discussing these issues further with you.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mike Morrison', written over a large, light blue oval shape.

Mike Morrison  
Conservation Partnerships Manager  
Coastal Otago District

**James Adams**

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**From:** Joanne Dowd <joanne.dowd@mitchellpartnerships.co.nz>  
**Sent:** Friday, 19 December 2014 1:32 p.m.  
**To:** RPS ORC  
**Subject:** OtagoNet - Comments on Draft Otago Regional Policy Statement  
**Attachments:** Cvr ltr OtagoNet ORC PRPS Comments 19.12.14.pdf

**Categories:** Email response sent

Hi There

Pease find attached a copy of some comments made on behalf of my client OtagoNet Joint Venture Limited on the draft Otago Regional Policy Statement.

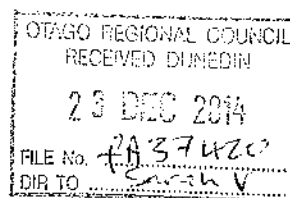
I would be grateful if you could please confirm receipt.

Kind Regards  
Joanne

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**By Email**

19 December 2014

Ref: 4655

RPS Review  
Otago Regional Council  
Private Bag 1954  
**DUNEDIN**

**Attention:** Policy Team

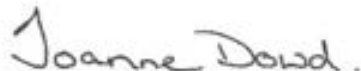
Dear Sir / Madam

**RE: REGIONAL POLICY STATEMENT REVIEW – OTAGONET JOINT VENTURE LIMITED**

The Otago Regional Council ("ORC") has recently released for preliminary consultation a draft Proposed Regional Policy Statement ("PRPS") for the Otago Region. OtagoNet Joint Venture Limited ("OtagoNet") has been invited to provide feedback prior to the formal notification of the document.

OtagoNet appreciates the opportunity to review the draft PRPS and provides specific feedback attached as **Annexure 1**. OtagoNet trusts that you will take these comments into consideration and would welcome discussions with you as part of the PRPS review on how regionally significant infrastructure would be best provided for in the future RPS for Otago.

Yours sincerely,  
**MITCHELL PARTNERSHIPS LIMITED**



**JOANNE DOWD**

Email: [Joanne.dowd@mitchellpartnerships.co.nz](mailto:Joanne.dowd@mitchellpartnerships.co.nz)

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Provision Issues	Comments	Recommendation
<p>Issue 8: Managing uses and values of natural resources to avoid conflict</p> <p>We need to provide for ways to use our natural and physical resources to the best advantage, while providing for all the values which are important to the community</p> <p>This requires that our use of resources is as efficient as possible, and that we allow as much flexibility as possible to optimise resource allocation at all times</p>	<p>It is not clear what is trying to be achieved by the inclusion of this issue statement. OtagoNet is of the view that this statement should be clear that there are benefits to be derived from the use of natural and physical resources, however in doing so this can create conflicts with a range of biophysical and community values which need to be managed appropriately.</p>	<p>Amend the issue as follows:</p> <p>Issue 8: Managing uses and values of natural <u>and physical</u> resources to avoid <u>manage</u> conflict</p> <p><del>We need to provide for ways to use our natural and physical resources to the best advantage, while providing for all the values which are important to the community.</del></p> <p><u>There are benefits to be derived from the use and development of our natural and physical resources, however this can create conflicts with a range of biophysical and community held values that need to be managed appropriately.</u></p> <p><del>This requires that our use of resources is as efficient as possible, and that we allow as much flexibility as possible to optimise resource allocation at all times.</del></p>
<p>Issue 9: Minimising nuisance from incompatible activities</p> <p>The acceptability of adverse effects can depend on the surrounding activities; for example industrial activities often cause nuisance which makes them incompatible with residential developments. In some contexts, locating sensitive activities close to important infrastructure has the potential to limit the ability to operate or develop that infrastructure as expected.</p> <p>Sound planning often requires separation of those activities, so all the activities on which our communities depend on can be carried out in appropriate environments.</p>	<p>OtagoNet supports the intent of this issue statement but thinks that it should be amended to refer to "adverse reverse sensitivity effects" rather than nuisance effects. It is the nature of the activity rather than the creation of "nuisance effects" which makes it inappropriate to locate incompatible activities close to one another.</p>	<p>Amend the issue as follows:</p> <p>Issue 9: Minimising <del>nuisance</del> <u>adverse reverse sensitivity effects</u> from incompatible activities</p> <p>The acceptability of adverse effects can depend on the surrounding activities <u>within the receiving environment</u>, for example industrial activities often <u>cause nuisance undertake activities</u> which makes them incompatible with residential developments. In some contexts, locating sensitive activities close to important infrastructure has the potential to limit the ability to operate or develop that infrastructure as expected.</p> <p>Sound planning often requires separation of those activities, so all the activities on which our communities depend on can be carried out in appropriate environments.</p>
<p>Issue 10: Locationally constrained activities</p> <p>Some developments can only occur in specific places, and some of their adverse effects may be unavoidable. For example, windfarms often need to be located on ridges, and can have significant impact on landscape values.</p> <p>We need to be clear about where such adverse effects can be accommodated, and where they cannot because of other outstanding values</p>	<p>OtagoNet supports the intent of this issue statement in recognising that for certain activities there may be technical or locational constraints that influence and/or determine where they will be located. However OtagoNet is concerned that this issue overemphasises that such activities will give rise to adverse effects. It would be preferable that this issue identified that such activities often provide significant benefits for the health, safety and economic wellbeing of the community and they should be provided for, subject to the appropriate management of adverse effects.</p>	<p>Amend the issue as follows:</p> <p>Issue 10: Locationally constrained activities</p> <p>Some developments <u>due to technical or locational constraints</u> can only occur in specific places. <u>These activities often create significant benefits for the health, safety and economic wellbeing of the community and it is necessary to enable the development, maintenance and operation of such activities while also appropriately managing adverse effects.</u> <del>and some of their adverse effects may be unavoidable. For example, windfarms often need to be located on ridges, and can have significant impact on landscape values.</del></p> <p><del>We need to be clear about where such adverse effects can be accommodated, and where they cannot because of other outstanding values</del></p>
<p><b>Part B.1 Otago has high quality natural resources and ecosystems</b></p>		
<p>Policy 1.1.1 Managing for freshwater values</p> <p>Manage allocation and use of freshwater, and the effects of land use on water, in order to:</p> <p>a) Ensure Otago rivers, lakes, wetlands, and aquifers support healthy ecosystems; and</p> <p>b) Retain the range of habitats provided by freshwater, and</p> <p>c) Allow for the economic use of freshwater within a sustainable range; and</p>	<p>OtagoNet supports this policy in that it appropriately recognises the full range of matters that need to be considered when managing allocation and use of freshwater and assessing the effects of land use</p>	<p>Retain the policy.</p>

<p>d) Maintain good water quality, or enhance it where it has been degraded; and</p> <p>e) Maintain good water quality in the coastal marine area, or enhance it; and</p> <p>f) Maintain or enhance coastal values; and</p> <p>g) Retain the quality and reliability of existing drinking water supplies, and</p> <p>h) Protect tangata whenua values; and</p> <p>i) Provide for other cultural values; and</p> <p>j) Protect important recreation values; and</p> <p>k) Avoid the spreading of pest species.</p>		
<p>Policy 1.1.3 Protecting outstanding water bodies</p> <p>Protect the values of outstanding water bodies, by:</p> <p>a) Avoiding significant adverse effects on those values, including cumulative effects; and</p> <p>b) Avoiding, remedying or mitigating other adverse effects on those values.</p>	<p>OtagoNet is of the view that there should be scope within the policy to allow for the remediation or mitigation of adverse effects including significant adverse effects.</p> <p>The absolute wording of the Policy "to avoid significant adverse effects" is of concern in light of the <i>King Salmon</i> Supreme Court decision<sup>1</sup> in <i>King Salmon</i> "avoid" was held (by the majority) to have a greater weight<sup>2</sup> if the "environmental bottom line" approach is adopted.</p>	<p>Amend the policy as follows:</p> <p><u>Significant adverse effects on the values of outstanding water bodies shall be managed by:</u></p> <p>(a) <u>Avoiding significant adverse effects where it is practicable to do so, and</u></p> <p>(b) <u>Where significant adverse effects cannot be avoided, remedying them, and</u></p> <p>(c) <u>Where significant adverse effects cannot be remedied, mitigating them.</u></p>
<p>Policy 1.1.12 Managing riparian margins</p> <p>Protect, maintain or restore wetlands, and riparian margins along the coastal marine area, rivers and lakes, in order to:</p> <p>a) Maintain or enhance ecosystem health, both in stream and along the margins; and</p> <p>b) Support the maintenance or enhancement of indigenous biodiversity and contribute to ecological corridors; and</p> <p>c) Reduce risks of erosion; and</p> <p>d) Recognise the effects of climate change;</p> <p>e) Maintain or enhance the natural functioning of the adjacent sea, river or lakes, including the formation of wetland areas, and estuaries in the coastal environment; and</p> <p>f) Maintain or enhance tangata whenua and public access to rivers, lakes, wetlands and the coastal environment; and</p> <p>g) Contribute to the achievement of a good quality urban environment, as detailed in Schedule 1.</p>	<p>This policy effectively seeks to protect maintain or restore all environmental values associated with wetlands and riparian margins. OtagoNet consider such an approach to be overly restrictive and too generic. In this respect, while it is acknowledged that the RMA identifies the protection of natural character and outstanding landscape values from inappropriate development as a matter of national importance, not all values associated with the wetlands and riparian margins are afforded a "protective" regime under the RMA. Given this, OtagoNet consider that the focus of the policy should be on enabling and managing development while also sustaining the environmental values that exist within wetlands and riparian margins.</p>	<p>Amend the policy as follows:</p> <p>Policy 1.1.12 Managing riparian margins</p> <p><del>Protect, maintain or restore</del> <u>Manage the use and development of wetlands, and riparian margins along the coastal marine area, rivers and lakes, in order to:</u></p> <p>...</p>
<p>Policy 1.2.4 Identifying the extent of the coastal environment</p> <p>Identify the landward extent of the coastal environment using the following criteria:</p> <p>a) Area or landform dominated by coastal vegetation or habitat of indigenous coastal species; and</p> <p>b) Landforms and the margins of landforms where active coastal processes, influences or qualities are significant ; and</p> <p>c) Any landscapes or features, including coastal escarpments, which contribute to the natural character, visual quality or amenity values of the coast; and</p> <p>d) Any physical resource or built form, including infrastructure, that has modified the coastal environment and retain a connection to or derive character from connection to the coast; and</p> <p>e) The relationship of tangata whenua with the coastal environment</p>	<p>OtagoNet notes that this policy is generally consistent with that of Policy 1 of the NZCPS, and while this is generally appropriate OtagoNet considers that the Otago RPS should be more definitive in identifying the extent of the coastal environment in Otago. OtagoNet is of the view that the Regional Council should prepare a map to accompany the RPS delineating the extent of the coastal environment.</p>	<p>Insert a map defining the extent of the coastal environment</p>

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

<sup>2</sup> in the sense of "not allow" or "prevent the occurrence of".

<p>Objective 1.3</p> <p>Otago's significant and highly valued natural resources are identified, and protected or enhanced.</p>	<p>OtagoNet is concerned that this objective is too restrictive and generic in that it seeks to "protect" all of Otago's significant and highly valued natural resources. It could be construed that by seeking to protect such resources no development or use would be deemed to be acceptable in such an environment. Given this OtagoNet consider that the focus of the objective should be to identify such resources and to maintain and where appropriate enhance the values that contribute to the significance of that resource.</p>	<p>Amend the objective as follows:</p> <p>Objective 1.3</p> <p>Otago's significant and highly valued natural resources are identified, and protected <u>maintained</u> or where appropriate enhanced.</p> <p>Otago features unique landscapes, natural features and areas of indigenous biodiversity which are nationally or regionally important. <u>These resources should be maintained and where appropriate enhanced. Giving these features a high level of protection ensure they will be retained, while consumptive use of resources will be directed to areas where adverse effects are more acceptable.</u></p>
<p>Policy 1.3.2 Protecting significant indigenous vegetation and significant habitats of indigenous fauna</p> <p>Protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</p> <ol style="list-style-type: none"> <li>Avoiding adverse effects on the values which contribute to the significance of the area or habitat; and</li> <li>Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</li> <li>Encouraging the planting of naturally occurring locally sourced indigenous species and the creation of habitats for indigenous species; and</li> <li>Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and</li> <li>Minimising the adverse effects of pests animal and plants on those values</li> </ol>	<p>The policy seeks to "protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna by avoiding adverse effects". This is of concern in light of the <i>King Salmon</i> Supreme Court decision<sup>3</sup>. In <i>King Salmon</i> "avoid" was held (by the majority) to have a greater weight<sup>4</sup> if the "environmental bottom line" approach is adopted.</p> <p>While OtagoNet acknowledge that it is a necessary requirement under the RMA to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna, it is considered that this can be achieved with the appropriate management of adverse effects rather than the outright avoidance of all adverse effects, particularly where there is no regard had to the scale or significance of that adverse effect.</p>	<p>Amend the policy as follows:</p> <p>Policy 1.3.2 Protecting significant indigenous vegetation and significant habitats of indigenous fauna</p> <p>Protect and <u>where appropriate</u> enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</p> <ol style="list-style-type: none"> <li>Avoiding, <u>remedying or mitigating</u> adverse effects on the values which contribute to the significance of the area or habitat; and</li> <li>Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</li> <li>Encouraging the planting of naturally occurring locally sourced indigenous species and the creation of habitats for indigenous species; and</li> <li>Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and</li> <li>Minimising the adverse effects of pests animal and plants on those values</li> </ol>
<p>Policy 1.3.4 Identifying outstanding natural features, landscapes and seascapes</p> <p>Identify outstanding natural features, landscapes and seascapes, using the following factors:</p> <ol style="list-style-type: none"> <li>Biophysical attributes, including: <ol style="list-style-type: none"> <li>Natural science factors;</li> <li>The presence of water;</li> <li>Vegetation (native and exotic); and</li> </ol> </li> <li>Sensory attributes, including <ol style="list-style-type: none"> <li>Legibility or expressiveness;</li> <li>Aesthetic values;</li> <li>Transient values, including nature's sounds;</li> <li>Wild or scenic values; and</li> </ol> </li> <li>Associative attributes, including: <ol style="list-style-type: none"> <li>Whether the values are shared and recognised;</li> <li>Cultural and spiritual values for tangata whenua;</li> <li>Historical and heritage associations</li> </ol> </li> </ol> <p>as detailed in Schedule 4.</p>	<p>While OtagoNet generally supports the criteria identified in Policy 1.3.4 and Schedule 4 in that it is consistent with case law, OtagoNet considers that better guidance is needed from the regional authority to ensure local authorities apply the criteria consistently. Within the Otago context, landscape values differ remarkably, for example Queenstown Lakes has a number of truly outstanding and remarkable landscapes, whereas the city of Dunedin has comparatively less and a landscape which has deemed to be of outstanding value in the Dunedin City context might not be awarded such a status elsewhere in Otago e.g. Queenstown Lakes.</p> <p>As such, OtagoNet consider that areas of outstanding landscapes and features should be identified at the regional level and across District Council boundaries</p>	<p>Undertake a regional landscape assessment and use this to identify outstanding landscapes and features in the RPS.</p>

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

<sup>4</sup> in the sense of "not allow" or "prevent the occurrence of"

<p>Policy 1.3.5 Protecting outstanding natural features, landscapes, and seascapes</p> <p>Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</p> <ol style="list-style-type: none"> <li>Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</li> <li>Assessing the significance of adverse effects in accordance with the criteria in Schedule 3, and</li> <li>Minimising the adverse effects of pests animal and plants on those values; and</li> <li>Encouraging enhancement or restoration to increase their naturalness.</li> </ol>	<p>This policy also seeks to "protect, enhance and restore the values of outstanding natural features, landscapes and seascapes by avoiding adverse effects". This is of concern in light of the <i>King Salmon</i> Supreme Court decision<sup>5</sup>. In <i>King Salmon</i> "avoid" was held (by the majority) to have a greater weight<sup>6</sup> if the "environmental bottom line" approach is adopted.</p> <p>While OtagoNet acknowledge that it is a necessary requirement under the RMA to protect areas of outstanding natural landscapes and features from inappropriate use, subdivision and development it is considered that this can be achieved with the appropriate management of adverse effects rather than the outright avoidance of all adverse effects, particularly where there is no regard had to the scale or significance of that adverse effect.</p>	<p>Amend the policy as follows:</p> <p>Policy 1.3.5 Protecting outstanding natural features, landscapes, and seascapes</p> <p>Protect, <u>where appropriate</u> enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</p> <ol style="list-style-type: none"> <li>Avoiding, <u>remediating or mitigating</u> adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</li> <li>Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</li> <li>Minimising the adverse effects of pests animal and plants on those values; and</li> <li>Encouraging enhancement or restoration to increase their naturalness.</li> </ol>
<p>Policy 1.3.7 Protecting special amenity landscapes</p> <p>Protect or enhance the values of special amenity landscapes by:</p> <ol style="list-style-type: none"> <li>Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on those values which contribute to the special amenity of the landscape; and</li> <li>Assessing the significance of adverse effects on special amenity landscapes in accordance with the criteria in Schedule 3; and</li> <li>Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and</li> <li>Minimising the adverse effects of pests animal and plants on those values; and</li> <li>Encouraging enhancement to increase their special amenity values</li> </ol>	<p>This policy is opposed by OtagoNet as it seeks to protect landscapes and features that are not deemed to be "outstanding" in accordance with section 6(b) of the RMA. While OtagoNet accepts that it is appropriate to manage the adverse effects on amenity values, it does not agree that the focus of this policy should be to "protect" such landscapes. OtagoNet is also concerned that the policy seeks to avoid significant adverse effects which as set out above establishes a very high threshold test which is not considered to be appropriate.</p>	<p>Amend the policy as follows:</p> <p>Policy 1.3.7 <del>Protecting</del> <u>Maintenance of</u> special amenity landscapes</p> <p><del>Protect</del> <u>Maintain or where appropriate enhance</u> the values of special amenity landscapes by:</p> <ol style="list-style-type: none"> <li><del>Avoiding significant adverse effects and</del> avoiding, remedying or mitigating other adverse effects on those values which contribute to the special amenity of the landscape; and</li> <li>Assessing the significance of adverse effects on special amenity landscapes in accordance with the criteria in Schedule 3; and</li> <li>Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and</li> <li>Minimising the adverse effects of pests animal and plants on those values; and</li> <li>Encouraging enhancement to increase their special amenity values.</li> </ol>
<p>Policy 1.3.9 Preserving or enhancing the natural character of the coastal environment</p> <p>Preserve or enhance the natural character of the coastal environment, by:</p> <ol style="list-style-type: none"> <li>Avoiding adverse effects on those values which contribute to the outstanding natural character of an area; and</li> <li>Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on those values which contribute to the natural character of other areas of the coastal environment; and</li> <li>Assessing the significance of adverse effects on the natural character of the coastal environment in accordance with the criteria in Schedule 3; and</li> <li>Recognising the particular contribution of exotic species to the natural character of the coastal environment, and providing for their ongoing contribution; and</li> <li>Promoting the restoration or rehabilitation of the natural character of the coastal environment in areas where the environment has been degraded; and</li> </ol>	<p>This policy seeks to "preserve or enhance the natural character of the coastal environment by avoiding adverse effects". As set out above this is of concern in light of the <i>King Salmon</i> Supreme Court decision<sup>7</sup>. In <i>King Salmon</i> "avoid" was held (by the majority) to have a greater weight<sup>8</sup> if the "environmental bottom line" approach is adopted.</p> <p>While OtagoNet acknowledge that it is a necessary requirement under the RMA to preserve natural character values of the coastal environment and to protect these from inappropriate use, subdivision and development it is considered that this can be achieved with the appropriate management of adverse effects rather than the outright avoidance of all adverse effects, particularly where there is no regard had to the scale or significance of that adverse effect.</p>	<p>Amend the policy as follows:</p> <p>Policy 1.3.9 Preserving or enhancing the natural character of the coastal environment</p> <p>Preserve or <u>where appropriate</u> enhance the natural character of the coastal environment, by:</p> <ol style="list-style-type: none"> <li><del>Avoiding adverse effects on those values which contribute to the outstanding natural character of an area; and</del></li> <li><del>Avoiding significant adverse effects and</del> avoiding, remedying or mitigating other adverse effects on those values which contribute to the natural character of other areas of the coastal environment; and</li> <li>Assessing the significance of adverse effects on the natural character of the coastal environment in accordance with the criteria in Schedule 3; and</li> <li>Recognising the particular contribution of exotic species to the natural character of the coastal environment, and providing for their ongoing contribution; and</li> <li>Promoting the restoration or rehabilitation of the natural character of the coastal environment in areas where the environment has been degraded; and</li> </ol>

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

<sup>6</sup> in the sense of "not allow" or "prevent the occurrence of".

<sup>7</sup> *Environmental Defence Society Inc. v The New Zealand King Salmon Co Ltd* [2014] NZSC 38.

<sup>8</sup> in the sense of "not allow" or "prevent the occurrence of".



<p>f) Encouraging the establishment of indigenous riparian vegetation, and</p> <p>g) Managing pest animals and plants in areas where this will maintain enhance or restore the natural character of the coastal environment</p>		<p>f) Encouraging the establishment of indigenous riparian vegetation; and</p> <p>g) Managing pest animals and plants in areas where this will maintain enhance or restore the natural character of the coastal environment.</p>
<p>Policy 1.4.2 Protecting sites of cultural significance to tangata whenua</p> <p>Avoid adverse effects on the values of the sites of cultural significance to tangata whenua.</p>	<p>This policy seeks to protect sites of cultural significance by avoiding adverse effects. As set out above this is of concern in light of the <i>King Salmon</i> Supreme Court decision<sup>9</sup>. In <i>King Salmon</i> "avoid" was held (by the majority) to have a greater weight<sup>10</sup> if the "environmental bottom line" approach is adopted.</p> <p>While it is acknowledged that as a matter of national importance the relationship of Maori and their culture and traditions with their ancestral lands, water, site, waahi tapu and other taonga is to be recognised and provided for, this can be achieved by enabling the appropriate management of adverse effects including avoiding, mitigating or remedying adverse effects. Mitigating adverse effects can often result in "win-win" situations for example a development within a significant cultural area can be required to preserve certain features and enhance public understanding and appreciation of cultural sites</p>	<p>Amend the policy as follows:</p> <p>Policy 1.4.2 Protecting sites of cultural significance to tangata whenua</p> <p>Avoid, <u>remedy or mitigate</u> adverse effects on the values of the sites of cultural significance to tangata whenua.</p>
<b>PART B.2 Communities In Otago are resilient</b>		
<p>Objective 2.4 Energy supplies are secure and sustainable</p>	<p>While this objective is supported by OtagoNet, there is some concern that the associated explanatory text is inappropriately focussed on the needs of Otago. In doing this the objective fails to recognise that electricity generation is nationally significant and that the use of the region's renewable resources are currently used, and likely to be used in the future, for the benefit of Otago and the rest of New Zealand.</p>	<p>Amend the explanatory text to include reference to the importance of renewable energy generation in particular on a national scale.</p>
<p>Policy 2.4.1 Benefiting from renewable electricity generation and transmission</p> <p>Enable the development, upgrade, maintenance and operation of renewable electricity generation and transmission activities, at different scales and from different sources, when:</p> <p>a) It maintains or increases the security of electricity supply at a local, regional, or national level; or</p> <p>b) It replaces non-renewable energy sources</p>	<p>OtagoNet supports this policy.</p>	<p>Retain the policy.</p>
<p>Policy 2.4.2 Managing adverse effects from renewable electricity generation and transmission</p> <p>Minimise adverse effects from renewable electricity generation or transmission activities, by</p> <p>a) Giving preference to the avoidance of adverse effects when reasonably practicable; and</p> <p>b) Requiring adequate remediation or mitigation of the adverse effects that cannot be avoided; and</p> <p>c) Requiring all residual adverse effects to be adequately offset.</p>	<p>OtagoNet opposes this policy. Clause (a) refers to the avoidance of adverse effect when it is reasonably practicable. OtagoNet is of the view that this is unduly onerous and should be redrafted to focus on avoiding, mitigation or remedying significant adverse effects as the utilisation of mitigation measures can often result in "win-win" circumstances and projects achieving the sustainable management purpose of the RMA. In addition, it is noted that this policy requires all residual adverse effects to be adequately offset. This goes beyond what is required under the RMA and the NPSREG and is not considered appropriate by OtagoNet. The NPSREG requires decision makers to have regard to offsetting measures or environmental compensation when evaluating whether a proposal achieves the purposes and principles of the RMA overall</p>	<p>Amend the policy as follows:</p> <p>Policy 2.4.2 Managing adverse effects from renewable electricity generation and transmission</p> <p><del>Minimise</del> <u>Manage</u> adverse effects from renewable electricity generation or transmission activities, by:</p> <p>a) <del>Avoiding, remedying or mitigating</del> <u>Giving preference to the avoidance of adverse effects to the extent that is practicable when reasonably practicable;</u> and</p> <p>b) <del>To have regard to any offsetting or environmental compensation when determining whether the proposal is consistent with sustainable management. Requiring adequate remediation or mitigation of the adverse effects that cannot be avoided; and</del></p> <p>c) <del>Requiring all residual adverse effects to be adequately offset.</del></p>
<p>Policy 2.4.3 Managing locationally-constrained renewable electricity generation and transmission activities</p> <p>Enable the development of renewable electricity generation and transmission activities, in areas supporting resources identified as matters of national importance or highly valued, when those activities:</p>	<p>OtagoNet generally supports this policy in that it is appropriate to recognise that the development of renewable electricity generation may conflict with values of natural resources and it is appropriate to recognise that this may be inevitable due to locational or technical constraints and that there significant benefits to be derived from the proposed activity</p>	<p>Amend clause (d) as follows:</p> <p>d) All unavoidable adverse effects from the development, maintenance or operation of the infrastructure are appropriately remedied or mitigated <u>to the extent that is practicable</u></p>

<sup>9</sup> *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38.

<sup>10</sup> in the sense of 'not allow' or 'prevent the occurrence of'.

<p>a) Need to locate in the proposed area; and  b) Are nationally or regionally significant; or  c) Increase the ability of communities to respond and adapt to emergencies; and  d) All unavoidable adverse effects from the development, maintenance or operation of the infrastructure are appropriately remedied or mitigated.</p>	<p>Clause (d) requires that all adverse effects are appropriately remedied or mitigated, as recognised elsewhere in the draft RPS not all adverse effects associated with the development of renewable energy generation facilities may be able to be avoided, remedied or mitigated and that this might be acceptable on the basis that the project overall achieves the purpose of sustainable management. Given this clause (d) should be amended to seek to remedy or mitigate adverse effects to the extent practicable.</p>	
<p>Policy 2.4.6 Protecting electricity transmission activities  Protect electricity transmission activities by:  a) Avoiding significant adverse effects, including reverse sensitivity effects, on electricity transmission activities; and  b) Avoiding any other adverse effects on electricity transmission activities, or remedying or mitigating them appropriately where avoidance is not possible</p>	<p>OtagoNet supports this policy.</p>	<p>Retain the policy.</p>
<p><b>Part B.3 People are able to use and enjoy Otago's natural and built environment</b></p>		
<p>Objective 3.1 Positive effects of resource use on the natural environment are maximised and negative effects are avoided or minimised</p>	<p>OtagoNet supports the intent of this objective but is concerned that it could be interpreted as only recognising positive effects where these relate to the natural environment, and not recognising those positive effects which contribute to people or the community's social and economic, or cultural wellbeing. OtagoNet is also concerned with the use of the term "minimise" and would prefer that this objective sought to manage the negative effects.</p>	<p>Amend the objective as follows:   Objective 3.1 Positive effects of resource use are recognised on the natural environment are maximised and negative effects are suitably managed avoided or minimised</p>
<p>Policy 3.1.3 Discharging to water  Manage the adverse effects of discharges to water, by:  a) Avoiding discharges that are objectionable or offensive; and  b) Enabling discharges which meet environmental baseline requirements; and  c) Giving preference to discharges to land.</p>	<p>Clause (a) seeks to avoid discharges that are objectionable or offensive. OtagoNet has a number of concerns with this policy.   It is not clear how the "objectionable or offensive" test would be applied. For example this rule appears to have been derived from the restrictions imposed by section 107 of the RMA, but it is not entirely consistent with this. For example section 107 refers to an objectionable odour which is more certain than the drafting of this policy. In addition section 107 includes a number of provisos that have not been included in the drafting of this policy. For example no provision has been made for assessment after reasonable mixing has occurred, nor it is consistent with section 107(2) which provides for discharges associated with exceptional circumstances, temporary discharges or discharges associated with maintenance activities.   Given the direction of the National Policy Statement on Freshwater and RMA OtagoNet is of the opinion that this policy should seek to ensure discharges meet environmental baseline requirements (referred in clause (b)) which are definitive measures of water quality, rather than the subjective reference to whether or not the discharge is objectionable or offensive.</p>	<p>Amend the policy as follows:   Policy 3.1.3 Discharging to water  Manage the adverse effects of discharges to water, by:  a) <del>Avoiding discharges that are objectionable or offensive; and</del>  b) Enabling discharges which meet environmental baseline requirements; and  c) Giving preference to discharges to land <u>where appropriate</u></p>
<p>Policy 3.1.5 Protecting soil quality  Protect soil quality by:  a) Minimising the accumulation of chemicals in soil, including through inappropriate application of fertiliser or other discharge to land, that:  i. May reduce the suitability of the soil resource for food production; or  ii. Have potential adverse effects on human or animal health; or  iii. May reduce the range of future uses of the soil resource; or  iv. Soil ecology; or  b) Minimising the physical degradation of soil by activities, including:  i. Disturbance; and  ii. Compaction; and</p>	<p>The RMA requires that the life supporting capacity of soil is sustained, this is different to its "protection" as is required by this policy.</p>	<p>Amend the policy as follows:   Policy 3.1.5 Protecting soil quality  Protect <u>Sustain the life supporting capacity of</u> soil quality by:  a) Minimising the accumulation of chemicals in soil, including through inappropriate application of fertiliser or other discharge to land, that:  i. May reduce the suitability of the soil resource for food production; or  ii. Have potential adverse effects on human or animal health; or  iii. May reduce the range of future uses of the soil resource; or  iv. Soil ecology; or  b) <del>Minimising</del> <u>Avoiding, remedying or mitigating</u> the physical degradation of soil by activities, including:  i. Disturbance; and  ii. Compaction; and  iii. Destruction; and  iv. Removal or translocation of topsoil; and</p>

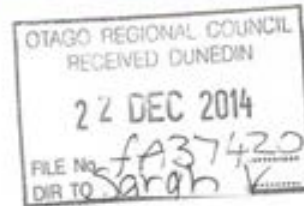
<p>iii. Destruction; and iv. Removal or translocation of topsoil; and v. Over-watering.</p>		v. Over-watering
<p>Policy 3.1.12 Avoiding adverse effects of hazardous substances</p> <p>Avoid actual or potential adverse effects from the discharge, use, storage or disposal of hazardous substances in areas of high risk or sensitivity, including the following locations:</p> <p>a) Community drinking water protection areas, or within proximity to a community drinking water supply such that there is a no risk of contamination of that drinking water source; or b) Identified aquifers, where there is risk of contamination; or c) Within the coastal marine area and in the beds of lakes and rivers; or d) Within any area identified as being sensitive to the potential effects of hazardous substances, including but not limited to, sites of significance to tangata whenua such as wāhi tapu, urupā, or customary food gathering areas, institutions and residential areas; or e) Areas subject to intolerable natural hazard risk.</p>	<p>OtagoNet supports the intent of this policy in that it seeks to manage the effects of hazardous substances in the more sensitive receiving environment. However there is concern about the use of the term "avoid". Mitigation measures can also be adopted to ensure any actual or potential effects arising from the discharge, use, storage or disposal of hazardous substances are suitably managed.</p>	<p>Amend the policy as follows:</p> <p>Policy 3.1.12 Avoiding <u>or mitigating</u> adverse effects of hazardous substances</p> <p>Avoid <u>or mitigate</u> actual or potential adverse effects from the discharge, use, storage or disposal of hazardous substances in areas of high risk or sensitivity, including the following locations:</p> <p>a) Community drinking water protection areas, or within proximity to a community drinking water supply such that there is a no risk of contamination of that drinking water source; or b) Identified aquifers, where there is risk of contamination; or c) Within the coastal marine area and in the beds of lakes and rivers; or d) Within any area identified as being sensitive to the potential effects of hazardous substances, including but not limited to, sites of significance to tangata whenua such as wāhi tapu, urupā, or customary food gathering areas, institutions and residential areas; or e) Areas subject to intolerable natural hazard risk.</p>
<p>Policy 3.2.1 Maximising benefits</p> <p>Give preference to activities and solutions that maximise the positive benefits of resource allocation and use, including those that enhance:</p> <p>a) Environmental values; or b) Tangata whenua values; or c) Other cultural values; or d) Social wellbeing, including public health and safety; or e) Community resilience.</p>	<p>It is not clear how this policy is intended to be applied. The policy refers to maximising benefits and giving preference to activities, this appears to be picking winners and is not consistent with the RMA's effects based assessment requirements. The policy also does not include explicit consideration of economic benefits.</p>	<p>Amend the policy as follows:</p> <p>Policy 3.2.1 Maximising <u>Recognising</u> benefits</p> <p><del>Give preference to activities and solutions that maximise the</del> <u>Recognise the</u> positive benefits of resource allocation and use, including those that enhance:</p> <p>a) Environmental values; or b) Tangata whenua values; or c) Other cultural values; or d) <u>Social and economic</u> wellbeing, including public health and safety; or e) Community resilience.</p>
<p>Policy 3.2.2 Requiring efficient resource use</p> <p>Require that the subdivision, use and development of natural and physical resources are undertaken in a manner, and at a rate, which is efficient with regard to its purpose, so that it:</p> <p>a) Minimises conflict with other resource uses; and b) Minimises the generation of waste and discharges.</p>	<p>OtagoNet consider that the intention of this policy is uncertain. It is not clear how requiring a development to be "efficient with regard to its purpose" will minimise conflict with other resource uses. The management of conflict arise in the management of effects ie avoiding, remedying or mitigating these, and are not related to the efficiency of which a development is undertaken per se.</p>	Delete this policy or rework it so that it is clear
<p>Policy 3.2.4 Managing cumulative effects</p> <p>Manage the cumulative effects of activities on Otago's natural resources by:</p> <p>a) Requiring the efficient use of natural resources; and b) Enabling the development of community solutions, including infrastructure development, where this will minimise the community's cumulative impact; and c) Requiring the use of best environmental management practices; and d) Managing urban growth in a way that minimises/reduces the environmental impact of the whole community</p>	<p>OtagoNet consider that this policy is also uncertain and should be deleted or substantially reworked.</p> <p>Clause (b) refers to the development of community solutions including infrastructure development – it is not clear what this is referring to or what would be required here.</p> <p>Clause (c) is of concern as it requires the use of best environmental management practices. It is not clear what this is referring to. It is not clear if this relates to the best practicable option which is used in the RMA, or whether this is something different</p>	Delete this policy or rework it so that it is clear

<p>Policy 3.2.5 Providing for activities that generate adverse effects</p> <p>Manage the use and development of land and discharges to the environment to:</p> <p>a) Avoid significant adverse impacts on human health or amenity by reducing exposure to activities that may generate adverse effects; and</p> <p>b) Regulate activities that use or discharge noxious or dangerous substances to control off site effects that may be adverse to human health or safety; and</p> <p>c) Recognise and providing for the operation and development of activities that have the potential to generate adverse effects, including industrial and rural productive activities.</p>	<p>This policy refers to "providing for activities that generate adverse effects", however clause (a) refers to avoiding significant adverse impacts which implies that such activities will be restricted or prevented rather than provided for. OtagoNet consider that given the intention of the policy it would be preferable that the policy sought to enable activities that create discharges for example, provided appropriate controls or regulations are adhered to and adverse effects are appropriately managed</p>	<p>Amend the policy as follows:</p> <p>Policy 3.2.5 Providing for activities that generate adverse effects</p> <p>Manage the use and development of land and discharges to the environment to:</p> <p>a) <del>Avoid significant adverse impacts on human health or amenity by reducing exposure to activities that may generate adverse effects; and</del></p> <p>b) <del>Regulate</del> <u>Impose appropriate controls on</u> activities that use or discharge noxious or dangerous substances to control off site effects that may be adverse to human health or safety; and</p> <p>c) Recognise and providing for the operation and development of activities that have the potential to generate adverse effects, including industrial and rural productive activities.</p>
<p>Policy 3.2.7 Reducing unavoidable adverse effects</p> <p>Reduce unavoidable adverse effects of activities by:</p> <p>a) Staging development for longer term activities; and</p> <p>b) Progressively rehabilitating the site where possible</p>	<p>While the intent this policy is generally appropriate, OtagoNet consider that it might not suit all situations and developments therefore some flexibility needs to be established to recognise that not all activities can be undertaken in a staged manner or that progressive rehabilitation can occur.</p>	<p>Amend the policy as follows:</p> <p>Policy 3.2.7 Reducing unavoidable adverse effects</p> <p><u>Where appropriate and necessary</u> Reduce unavoidable adverse effects of activities by:</p> <p>a) Staging development for longer term activities; and</p> <p>b) Progressively rehabilitating the site where possible.</p>
<p>Policy 3.2.9 Requiring adoption of best environmental management practices</p> <p>Require the adoption of best environmental management practices and new technologies that minimise the adverse effects of subdivision, use and development on</p> <p>a) The availability of natural resources for other uses; and</p> <p>b) The ecosystem, tangata whenua, cultural and social values supported by those resources.</p>	<p>It is not clear if the reference to "adoption of best environmental management practices and new technologies" is intended to be consistent with the definition of best practicable option as set out in the RMA. The RMA sets out the circumstances when the best practicable option is to be considered and OtagoNet is of the view that these same provisions should be applied here. It is important that in having regard to "best practices" and "new technologies" that financial implications and overall cost-benefit of doing so is appropriately considered</p>	<p>Amend the policy as follows:</p> <p>Policy 3.2.9 <del>Requiring</del> <u>Promote the</u> adoption of best <u>practicable</u> environmental management practices</p> <p><u>Require</u> <u>Promote</u> the adoption of best <u>practicable</u> environmental management <u>options</u> <del>practices and new technologies</del> that minimise the adverse effects of subdivision, use and development on:</p> <p>a) The availability of natural resources for other uses; and</p> <p>b) The ecosystem, tangata whenua, cultural and social values supported by those resources.</p>
<p>Objective 3.5 Good quality infrastructure meets community needs.</p>	<p>This is supported however it is necessary to recognise specifically within this objective that infrastructure might be required in order to support the wider needs of New Zealand, rather than the needs of Otago as a region or local area solely</p>	<p>Amend the objective as follows:</p> <p>Objective 3.5 Good quality infrastructure meets community needs <u>on a local, regional and national scale.</u></p>
<p>Policy 3.5.1 Integrating infrastructure with land use</p> <p>Achieve the strategic integration of infrastructure with land use by:</p> <p>a) Ensuring infrastructure supports the long term needs of the community, taking into account:</p> <ol style="list-style-type: none"> <li>i. The actual and foreseeable land use changes in the region; and</li> <li>ii. Demographic changes to the local or regional community; and</li> <li>iii. The effects of climate change on the foreseeable needs of the community; and</li> </ol> <p>b) Managing land use in a way that maximises the use of existing infrastructure, and minimises the costs to ratepayers of infrastructure expansion, where possible.</p>	<p>OtagoNet supports this policy</p>	<p>Retain the policy.</p>

<p>Policy 3.5.2 Recognising benefits of infrastructure</p> <p>Recognise the benefits of infrastructure development, upgrade, maintenance and operation in:</p> <ul style="list-style-type: none"> <li>a) Ensuring the health and safety of the community; and</li> <li>b) Increasing the ability of communities to respond and adapt to emergencies, and</li> <li>c) Improving access to markets, and creating significant trading and economic opportunities; and</li> <li>d) Improving efficiency of the use of natural resources</li> </ul>	<p>OtagoNet supports this policy.</p>	<p>Retain the policy.</p>
<p>Policy 3.5.3 Providing for locationally-constrained infrastructure</p> <p>Enable the development of infrastructure in areas supporting resources identified as matters of national importance or highly valued, when:</p> <ul style="list-style-type: none"> <li>a) The infrastructure needs to locate in the proposed area, or</li> <li>b) The infrastructure: <ul style="list-style-type: none"> <li>i. Is nationally or regionally significant; or</li> <li>ii. Is essential to the health and safety of the community; or</li> <li>iii. Increases the ability of communities to respond and adapt to emergencies; or</li> </ul> </li> <li>c) All unavoidable adverse effects from the development, maintenance or operation of the infrastructure are appropriately remedied or mitigated.</li> </ul>	<p>This policy is generally supported</p> <p>Clause (c) however requires that all adverse effects are appropriately remedied or mitigated, as recognised elsewhere in the draft RPS not all adverse effects associated with the development of infrastructure may be able to be avoided, remedied or mitigated and that this might be acceptable on the basis that the project overall achieves the purpose of sustainable management. Given this clause (c) should be amended to seek to remedy or mitigate adverse effects to the extent practicable.</p>	<p>Amend clause (c) as follows:</p> <ul style="list-style-type: none"> <li>c) All unavoidable adverse effects from the development, maintenance or operation of the infrastructure are appropriately remedied or mitigated to <u>the extent that is practicable</u>.</li> </ul>
<p>Policy 3.5.4 Managing urban growth and infrastructure services</p> <p>Manage the growth and development of urban areas in order to achieve a sustainable supply of land for urban purposes:</p> <ul style="list-style-type: none"> <li>a) Plan for sustainable rates of land uptake, and</li> <li>b) Provide a choice of brownfield and greenfield development options for the development and/or redevelopment of existing urban areas in preference to only greenfield development; and</li> <li>c) Ensure the quantity of land being released at any one time has satisfactory access to infrastructure services, and</li> <li>d) Promote urban growth and development within areas that have existing infrastructure capacity or where infrastructure can be efficiently upgraded; and</li> <li>e) Require provision or upgrading of significant infrastructure to be coordinated with the structure and sequencing of growth and development.</li> </ul>	<p>It is generally appropriate to ensure that infrastructure is developed and able to be developed in response to urban growth and development. It is however also noted that there are circumstances which require the development of infrastructure in other areas (ie rural areas) where a change in land use (for example dairy conversion) places greater pressure on current infrastructure supply and that upgrades are also necessary in rural areas. It is therefore considered necessary to amend this policy to refer to the growth and development of land in general, to ensure infrastructure can adequately respond to any growth and/or changes in current land use and demands. With this in mind the policy should also be amended to seek to provide for the development of infrastructure rather than the sustainable supply of land for urban purposes. Urban development is addressed elsewhere in the RPS.</p>	<p>Amend the policy as follows:</p> <p><b>Policy 3.5.4 Managing urban growth demand and infrastructure services</b></p> <p>Manage the growth and development of urban areas in order to achieve a secure supply of infrastructure services by: <u>ensuring a sustainable supply of land for urban purposes</u>.</p> <ul style="list-style-type: none"> <li>a) Planning for sustainable rates of land uptake; and</li> <li>b) <del>Provide a choice of brownfield and greenfield development options for the development and/or redevelopment of existing urban areas in preference to only greenfield development; and</del></li> <li>c) Ensure the quantity of land being released at any one time has satisfactory access to infrastructure services; and</li> <li>d) Promote urban growth and development within areas that have existing infrastructure capacity or where infrastructure can be efficiently upgraded, and</li> <li>e) Require provision or upgrading of significant infrastructure to be coordinated with the structure and sequencing of growth and development</li> </ul>

15 December 2014

Dale Meredith  
Manager Policy  
Otago Regional Council  
Private Bag 1954  
DUNEDIN 9054



C44

Dear Dale

### FEEDBACK ON DRAFT OTAGO REGIONAL POLICY STATEMENT

Thank you for continuing to involve QLDC in the development of the ORC's Proposed Regional Policy Statement (RPS). We note that the feedback we have provided to date has been considered and has been reflected in some changes in the latest version. These changes include amendments that relate to general policy, but also the inclusion of policy specific to QLDC.

Overall, it is considered that the Draft RPS is evolving in the right direction in terms of its overall philosophy and structure. However, QLDC has some concerns and questions as outlined below.

#### **Part B.2 Communities in Otago are resilient**

The QLDC agrees that it is important that Otago's communities are resilient, particularly to the threat natural hazards pose, but also to shock events and system disruptions.

Objective 2.1 of the Consultation Draft states:

*"Risk that natural hazards pose to Otago's communities is reduced."*

This is further developed by Policy 2.1.6 *Reducing Natural Hazard Risk*:

*"Reduce natural hazard risk as low as reasonably practicable wherever possible including by: .."*

The QLDC considers that Objective 2.1 and Policy 2.1.6 would be difficult to give effect to, and are in conflict with a number of other draft policies for reasons discussed below.

The QLDC consider the approach set out in Policies 2.1.1 to 2.1.5 is a logical approach to dealing with natural hazards. It can be summarised as:

1. Identify the hazard;
2. Assess likelihood;
3. Assess consequence; and
4. Assess and manage the risk.

The QLDC supports this approach. It recognises natural hazards pose a risk to communities and property in Otago including existing settlements, and the need to identify, assess and manage the risk. The QLDC considers the direction set out in Policies 2.1.1 to 2.1.15 does not align with Objective 2.1. In particular QLDC considers that in some parts of the district, natural hazards are already being appropriately managed and that further risk reduction is not practicable.

The QLDC also notes that Objective 3.7 and related policies seek the establishment of urban limits and growth is encouraged within these. QLDC is cognisant of the fact that Queenstown is subject to natural hazard risks but also has a finite area of land suitable for urban development. QLDC would prefer an approach that recognises within these urban limits there are natural hazard risks and these need to be appropriately managed and mitigated, as opposed to reducing the risk.

QLDC also notes *Policy 2.1.7: Avoid new intolerable natural hazard risk*. This policy seeks to avoid zoning, activities or changes in land use which increase risk above tolerable levels. As such this policy recognises that in some instances activities may increase risk, providing the risk is tolerable. QLDC is supportive of such approach as it recognises that in some instances (such as the Queenstown example mentioned above) there are other reasons (land availability, zoning restrictions) that necessitate development on land potentially prone to some form of hazards, subject to appropriate management of that hazard. As such QLDC considers that Policy 2.1.7 is in direct conflict with Objective 2.1 which seeks a reduction in risk.

As a more general comment, it is also submitted that the wording throughout Part B.2 is overly negative manner, and as such, in our view, fails to balance the recognised and respected need to appropriately manage natural hazard risk with the need to facilitate urban development. This is especially the case in Queenstown Lakes which needs to balance strong population growth and a desire to avoid urban sprawl. Objectives 3.7 and 3.8 of the draft RPS promote a compact urban form. QLDC supports this but in a high growth district this will ultimately mean that development may occur in areas subject to natural hazard risk. Such risks therefore need to be managed rather than avoided or reduced, except in the case of extreme risk intolerability.

### **PART B.3 People are able to use and enjoy Otago's natural and built environment**

QLDC supports the explicit reference to Queenstown in Objectives 3.7 and 3.8 around urban form and growth boundaries. These are consistent with the philosophy of Council's District Plan review around urban growth and development, as expressed in QLDC's draft Strategic Directions chapter.

## **Anticipated Environmental Results and Monitoring Programme**

QLDC is concerned with the following Anticipated Environmental Results and targets:

47. *Urban sprawl in Otago's towns is contained and future sprawl is avoided.*
48. *Productive rural land is protected from fragmentation. There is no soil erosion and Otago's soils retain their quality.*  
Associated targets:
  1. *Otago's urban areas only grow once existing redevelopment opportunities have been exhausted.*
  2. *Urban areas grow in a compact manner and 100% of subdivision and building consents are issued for sites located within urban growth boundaries.*

Or

*Urban areas grow in a compact manner and, where urban growth boundaries exist, 100% of subdivision and building consents are issued for sites located within these boundaries.*

QLDC has several concerns with these targets.

Whilst QLDC seeks to impose urban growth boundaries in its District Plan review, and supports the Draft RPS's reinforcement of this, it is flawed to seek that Otago's urban areas only grow once existing redevelopment opportunities have been exhausted.

The use of the term 'exhausted' is problematic in its absolutism. In QLDC's experience, even with significant theoretical development capacity the supply of land or housing within existing urban areas can be withheld, often for justifiable economic reasons. It is likely that significant theoretical capacity over and above 'exhaustion' of redevelopment opportunities will always be required to respond adequately to population growth.

Similarly, the second target as currently worded is also problematic. The QLDC District Plan has a number of rural living zones, and also has a discretionary design-focussed subdivision regime in the Rural General Zone. As the policy is currently worded, development in the Queenstown Lakes District would fall well short of this target.

### **General Comments**

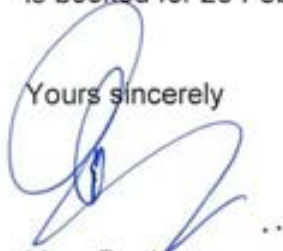
It is not always clear in the draft RPS where resource management responsibilities fall. An example of this is the reference to identifying mapping cultural sites and heritage items, including those of a regional importance (Policy 3.9.2). Better definition of responsibilities is required. Importantly, the cost and resource implications of undertaking such work needs to be understood.

I would also again draw your attention to the draft Strategic Direction Chapter of the proposed District Plan. This chapter sets the framework for the District Plan and acts as a set of guiding principles for policy development. The draft chapter is attached to this letter and we urge the ORC to be cognisant of its content in further developing the RPS.



Thank you for considering this feedback and continuing to involve us in the development of the RPS. We understand a workshop on a further refined draft RPS with QLDC's Councillors is booked for 26 February 2015.

Yours sincerely



Marc Bretherton  
General Manager Planning & Development

## 3 Strategic Direction

### 3.1 Purpose

This chapter sets out the over-arching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the Queenstown Lakes district's special qualities:

- Dramatic alpine landscapes free of inappropriate development
- Clean air and pristine water
- Vibrant and compact town centres
- Compact and connected settlements that encourage public transport, biking and walking
- Diverse, resilient, inclusive and connected communities
- A district providing a variety of lifestyle choices
- An innovative and diversifying economy based around a strong tourism industry
- A unique and distinctive heritage

This direction is provided through a set of Strategic Goals, Objectives and Policies which provide the direction for the more detailed provisions related to zones and specific topics contained elsewhere in the District Plan.

### 3.2 Strategic Direction Goals, Objectives and Policies

#### 3.2.1 Goal 1: To develop a prosperous, resilient and equitable economy.

**Objective 1 To recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand's premier alpine resorts and the District's economy.**

Policy 1.1 Provide a planning framework for the Queenstown and Wanaka central business areas that enables quality development and enhancement of the centres as the key commercial hubs of the District, building on their existing functions and strengths.

Policy 1.2 Avoid commercial rezoning that could fundamentally undermine the role of the Queenstown and Wanaka central business areas as the primary focus for the district's economic activity.

Policy 1.3 Promote growth in the visitor industry and encourage investment in lifting the scope and quality of attractions, facilities and services within the Queenstown and Wanaka central business areas.

**Objective 2 To recognise, develop and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka central business areas in the District.**

Policy 2.1 Avoid commercial rezoning that would fundamentally undermine the key local service and employment function role that the larger urban centres outside of the Queenstown and Wanaka central business areas fulfil.

# STRATEGIC DIRECTION 3

Policy 2.2 To reinforce and support the role that township commercial precincts, and corner shopping centres, fulfil in serving local needs.

Policy 2.3 To avoid non-industrial activities occurring within areas zoned for Industrial activities.

**Objective 3 To enable the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities.**

Policy 3.1 Provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification.

Policy 3.2 Encourage economic activity to adapt to and recognise opportunities and risks associated with climate change and energy and fuel pressures.

**Objective 4 To recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character and healthy ecosystems.**

**Objective 5 To maintain and promote the efficient operation of the District's infrastructure, including designated Airports, key roading and communication technology networks.**

## **3.2.2 Goal 2: The strategic and integrated management of urban growth**

**Objective 1 To ensure urban development occurs in a logical manner:**

- to promote a compact, well designed and integrated urban form;
- to manage the cost of Council infrastructure; and
- to protect the District's rural landscapes from sporadic and sprawling development.

Policy 1.1 Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jack's Point) and Wanaka.

Policy 1.2 Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs.

Policy 1.3 Manage the form of urban development within the UGBs ensuring:  
a. Connectivity and integration with existing urban development;  
b. Sustainable provision of Council infrastructure; and  
c. Facilitation of a sustainable public transport network

Policy 1.4 Encourage a higher density of residential development in locations that have good access to public transport and centres.

Policy 1.5 Ensure Urban Growth Boundaries contain sufficient land, when measured district-wide, to accommodate 10 years of urban growth and prioritise areas to be developed within the boundary

Policy 1.6 Manage development within UGBs so that future urban growth opportunities are not compromised.

Policy 1.7 That further urban development of the District's small rural settlements be located within and immediately adjoining those settlements.

**Objective 2 To manage development in areas affected by natural hazards.**

# STRATEGIC DIRECTION 3

## **3.2.3 Goal 3: A quality built environment taking into account the character of individual communities**

**Objective 1 To achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.**

Policy 1.1 Ensure development responds to the character of its site, the street, open space and surrounding area, whilst acknowledging the necessity of increased densities and some change in character in certain locations.

Policy 1.2 That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.

Policy 1.3 Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.

**Objective 2 To protect the District's cultural heritage values and ensure development is sympathetic to them.**

Policy 2.1 Identify heritage items and ensure they are protected from inappropriate development

## **3.2.4 Goal 4: The protection of our natural environment and ecosystems**

**Objective 1 To promote development and activities that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems.**

**Objective 2 To protect areas with significant Nature Conservation Values.**

Policy 2.1 Identify areas of significant indigenous vegetation on the District Plan maps and ensure their protection.

Policy 2.2 Where adverse effects on nature conservation values cannot be avoided, remedied or mitigated, consider environmental compensation as an alternative.

**Objective 3 To maintain or enhance the survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities.**

Policy 3.1 That development does not adversely affect the survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities

**Objective 4 To avoid Exotic vegetation with the potential to spread and naturalise.**

Policy 4.1 That the planting of exotic vegetation with the potential to spread and naturalise is banned.

**Objective 5 To preserve or enhance the natural character of the beds and margins of the District's lakes, rivers and wetlands.**

Policy 5.1 That subdivision and / or development which may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins be carefully managed so that life-supporting capacity and natural character is maintained or enhanced.

**Objective 6 To maintain or enhance the water quality of our lakes and rivers.**

Policy 6.1 That subdivision and / or development be designed so as to avoid adverse effects on the water quality of lakes and rivers in the District.

**Objective 7 To facilitate public access to the natural environment.**

# STRATEGIC DIRECTION 3

Policy 7.1 That opportunities to provide public access to the natural environment are sought at the time of plan change, subdivision or development.

## **Objective 8 To respond positively to Climate Change.**

Policy 8.1 To concentrate development within existing urban areas, promoting higher density development that is more energy efficient and supports public transport, to limit increases in greenhouse gas emissions in the District.

## **3.2.5 Goal 5: Our distinctive landscapes are protected from inappropriate development.**

### **Objective 1 To protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.**

Policy 1.1 Identify the district's Outstanding Natural Landscapes and Outstanding Natural Features on the district plan maps, and protect them from the adverse effects of subdivision and development.

### **Objective 2 To minimise the adverse landscape effects of subdivision, use or development in specified Visual Amenity Landscapes and Other Rural Landscapes.**

Policy 2.1 Identify the district's Visual Amenity Landscapes and Other Rural Landscapes on the district plan maps, and minimise the effects of subdivision, use and development on these landscapes.

### **Objective 3 To direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.**

Policy 3.1 Direct urban development to be within the UGBs of The Wakatipu Basin or Wanaka, or within the existing rural townships.

### **Objective 4 To recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.**

Policy 4.1 Give careful consideration to cumulative effects in terms of character and environmental impact when considering residential activity in rural areas.

Policy 4.2 Provide for rural living opportunities in appropriate locations

### **Objective 5 To recognise that agricultural land use is fundamental to the character of our landscapes.**

Policy 5.1 Give preference to farming activity in rural areas except where it conflicts with significant nature conservation values.

Policy 5.2 Recognise that the retention of the character of rural areas is often dependent on the ongoing viability of farming and that evolving forms of agricultural land use which may change the landscape are anticipated.

## **3.2.6 Goal 6: To enable a safe and healthy community that is strong, diverse and inclusive for all people.**

### **Objective 1 To provide access to housing that is more affordable.**

Policy 1.1 Provide opportunities for low and moderate income Households to live in the District in a range of accommodation appropriate for their needs

# STRATEGIC DIRECTION 3

Policy 1.2 In applying plan provisions, have regard to the extent to which minimum site size, density, height, building coverage and other controls influence Residential Activity affordability

**Objective 2 To ensure a mix of housing opportunities.**

Policy 2.1 Promote mixed densities of housing in new and existing urban communities. .

Policy 2.2 Enable high density housing adjacent or close to the larger commercial centres in the District.

Policy 2.3 Explore and encourage innovative approaches to design to provide access to affordable housing.

**Objective 3 To provide a high quality network of open spaces and community facilities.**

Policy 3.1 Ensure that open spaces and community facilities are accessible for all people

Policy 3.2 That open spaces and community facilities are located and designed to be desirable, safe, accessible places.

**Objective 4 To ensure planning and development maximises opportunities to create safe and healthy communities through subdivision and building design.**

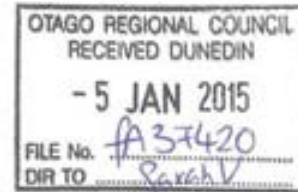
Policy 4.1 Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting "Crime Prevention Through Environmental Design".

Policy 4.2 Ensure Council-led and private design and development of public spaces and built development maximises the opportunity for recreational and commuting walking and cycling.

**3.2.7 Goal 7: Council will recognise the significance of the principles of the Treaty of Waitangi and the importance of its relationship with Ngai Tahu.**

**Objective 1 To protect Ngai Tahu values, taonga and cultural sites and enable Ngai Tahu to express kaitiakitanga.**

AGRESEARCH LTD COMMENTS ON  
DRAFT OTAGO REGIONAL POLICY STATEMENT



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EMS REF	PLAN PROVISION	DETAILS OF PROVISION	COMMENTS
<b>PART A : Introduction – Regionally Significant Issues</b>			
1	General comment	The Draft Otago RPS includes various Regionally Significant Issues none of which focus on encouraging future economic growth and development within the Otago Region.	The policy framework does not specifically cover providing for and enabling the future economic growth and development of key industries and businesses within the Region (e.g. farming, forestry, industries and other businesses). It is considered that this should be identified as a Regionally Significant Issue with a supporting policy framework.
2	Issue 9 (minimising nuisance from incompatible activities)	<p>Issue 9 refers to minimising nuisance from incompatible activities and includes examples of:</p> <ul style="list-style-type: none"> <li>• industrial activities causing nuisance which makes them incompatible with residential developments, and</li> <li>• locating sensitive activities close to important infrastructure restricting the ability to operate or develop that infrastructure.</li> </ul>	<p>AgResearch considers that Issue 9 should be broadened so that it is entitled “Reverse Sensitivity” and should also include examples of sensitive activities (e.g. housing) restricting activities such as industries and “rural production activities” through reverse sensitivity effects. Accordingly, the following changes are sought for Issue 9:</p> <p><b><i>Issue 9 (minimising nuisance from incompatible activities reverse sensitivity)</i></b>  <i>The acceptability of adverse effects can depend on the surrounding activities. For example, industrial activities often can cause nuisance which makes them incompatible with sensitive activities (such as houses) residential developments. In some contexts Alternatively, locating sensitive activities (such as houses) close to activities such as rural production activities, industrial activities and important infrastructure has the potential to cause reverse sensitivity effects including limiting the ability to operate or develop those activities at infrastructure as expected.</i></p> <p><i>Sound planning often requires separation of those incompatible activities, so all the activities on which our communities depend on can be carried out in appropriate environments and are not unduly constrained.</i></p> <p>It is noted that there is no definition for “rural production activities”. Accordingly, a definition is proposed within AgResearch’s subsequent comments on the Glossary section of the Draft Otago RPS.</p>
<b>PART B.1 : Otago has high quality natural resources and ecosystems</b>			
3	Policy 1.1.9 (Identifying highly valued soil resources)	<p>Policy 1.1.9 states:  <i>Identify highly valued soil resources by using the following criteria:</i>  <i>a) Degree of versatility for primary production; or</i></p>	AgResearch supports Policy 1.1.9 on the basis that it is prudent to protect high quality soils in terms of sustaining the significant farming industry in the Otago Region.



EMS REF	PLAN PROVISION	DETAILS OF PROVISION	COMMENTS
	Policy 1.1.10 (Protecting highly valued soil resources)	<p><i>b) Significance in providing environmental buffering services; or</i></p> <p><i>c) Degree of rarity.</i></p> <p>Policy 1.1.10 states: <i>Protect soils which are highly valued for their rarity or for any significant environmental buffering services they provide.</i></p>	<p>However, the following changes are sought for Policy 1.1.10 to ensure it is consistent with Policy 1.1.9, in particular that there is provision for ensuring soils are protected for primary production:</p> <p><i>Protect soils which are highly valued for their rarity, <u>degree of versatility for primary production</u> or for any significant environmental buffering services they provide.</i></p>
<b>PART B.3 : People are able to use and enjoy Otago's natural and built environment</b>			
4	Policy 3.1.3 (Discharging to water)	<p>Policy 3.1.1 states: <i>Manage the adverse effects of discharges to water, by:...</i></p> <p><i>...(c) Giving preference to discharges to land.</i></p>	<p>It is considered that there needs to be greater recognition that discharge to land is not always feasible. Constraints can include unsuitable and wet soils, steep topography, lack of access to sufficient land and climatic conditions, which combined or separately present an unsustainable position. Accordingly, the following changes are suggested in relation to Policy 3.1.1:</p> <p><i>Manage the adverse effects of discharges to water, by:...</i></p> <p><i>...(c) Giving preference to discharges to land where <u>cost-effective and practicable</u>.</i></p>
5	Policy 3.2.5 (Providing for activities that generate adverse effects)	<p>Policy 3.2.5 states: <i>Manage the use and development of land and discharges to the environment to:...</i></p> <p><i>...(c) Recognise and provide for the operation and development of activities that have the potential to generate adverse effects, including industrial and rural production activities.</i></p>	<p>AgResearch supports that Policy 3.2.5 recognises and provides for the operation and development of industrial activities and rural production activities. In this regard, AgResearch is also seeking changes to other provisions in the Draft Otago RPS so that there is greater provision for and protection of "rural production activities".</p> <p>It is noted that there is no definition for "rural production activities". Accordingly, a definition is proposed within AgResearch's subsequent comments on the Glossary section of the Draft Otago RPS.</p>
6	Policy 3.2.6 (Minimising reverse sensitivity)	<p>Policy 3.2.6 states: <i>Minimise reverse sensitivity effects by:</i></p> <p><i>a) Managing new subdivision, use and development so that incompatible land uses are separated; and</i></p> <p><i>b) Setting standards appropriate for the planned land use activities; and</i></p> <p><i>c) Requiring adverse effect mitigation where necessary.</i></p>	<p>Policy 3.2.6 refers to "minimising" reverse sensitivity which is inconsistent with Policies 2.2.3, 2.4.5, 2.4.6, 3.7.2, 3.7.4, 3.7.5, 3.8.2 which all refer to "avoiding" reverse sensitivity.</p> <p>It is considered that the use of the term "minimise" in the context of reverse sensitivity effects significantly weakens the policy framework and creates false expectations. Similarly, in terms of Policy 3.2.6(c) "requiring adverse effect mitigation where necessary", the concern is that this could be applied to</p>

EMS REF	PLAN PROVISION	DETAILS OF PROVISION	COMMENTS
			<p>incompatible activities (e.g. residential, rural residential) establishing in the vicinity of established “<i>rural production activities</i>” (and other incompatible activities). It is considered that the Draft Otago RPS needs to take a hard line and seek to avoid such effects occurring in the first place (or avoid them getting worse where they may already exist). Once you allow the land use pattern and character to change (perhaps in the misplaced belief that reverse sensitivity effects can be remedied or mitigated) the situation becomes irreversible.</p> <p>Accordingly, the following changes are suggested for Policy 3.2.6:</p> <p><i>Minimise Avoid reverse sensitivity effects by:</i></p> <p><i>a) Managing new subdivision, use and development so that incompatible land uses are adequately separated; and</i></p> <p><i>b) Setting standards appropriate for the planned land use activities; and</i></p> <p><i>c) Requiring adverse effect mitigation where necessary.</i></p>
7	Policy 3.2.7 (Reducing unavoidable adverse effects)	<p>Policy 3.2.7 states:</p> <p><i>Reduce unavoidable adverse effects of activities by:</i></p> <p><i>a) Staging development for longer term activities; and</i></p> <p><i>b) Progressively rehabilitating the site where possible.</i></p>	<p>It is considered that it is inappropriate for Councils to require that development of long-term activities be staged in the interests of reducing unavoidable adverse effects, any staging should be driven by economic factors not by Councils. The viability of a project could be put at risk unnecessarily.</p> <p>It is considered that Councils focus should be on avoiding, remedying or mitigating adverse environmental effects in accordance with the requirements of the RMA but this should not extend to dictating the staging of development.</p> <p>Accordingly, it is considered that Policy 3.2.7 should be deleted.</p>
8	Policy 3.2.8 (providing for offsetting)	<p>Policy 3.2.8 states:</p> <p><i>Provide for the offsetting of adverse effects when those adverse effects cannot be avoided, remedied or mitigated while ensuring that the offsetting measures:</i></p> <p><i>a) Are provided onsite where possible; and</i></p> <p><i>b) Provide a benefit of the same nature.</i></p>	<p>While the concept of environmental offsetting is supported as a potential mitigation option, it may not always be possible to provide an offsetting benefit of exactly the same nature, accordingly it is suggested that Policy 3.2.8 be reworded as follows:</p> <p><i>Provide for the offsetting of adverse effects when those adverse effects cannot be avoided, remedied or mitigated while ensuring that the offsetting measures:</i></p> <p><i>a) Are provided onsite where possible; and</i></p> <p><i>b) Provide a benefit of the same or similar nature where practicable.</i></p>

EMS REF	PLAN PROVISION	DETAILS OF PROVISION	COMMENTS
9	Policy 3.2.9 (Requiring adoption of best environmental management practices)	<p>Policy 3.2.9 states:</p> <p><i>Require the adoption of best management practices and new technologies that minimise the adverse effects of subdivision, use and development on:</i></p> <p>a) <i>The availability of natural resources for other uses; and</i></p> <p>b) <i>The ecosystem, tangata whenua, cultural and social values supported by those resources.</i></p>	<p>It may not always be practicable or cost effective to adopt the best management practices and new technologies available, accordingly it is recommended that Policy 3.2.9 be reworded as follows:</p> <p><i>Where practicable and economically viable, Require the adoption of best management practices and new technologies that minimise the adverse effects of subdivision, use and development on:</i></p> <p>a) <i>The availability of natural resources for other uses; and</i></p> <p>b) <i>The ecosystem, tangata whenua, cultural and social values supported by those resources.</i></p> <p>It is also noted that “best management practices” is not defined. AgResearch considers a definition for “best management practices” should be defined through consultation and consensus with key stakeholders, and any such definition needs to be practical and relevant within a farm context and must consider a wide range of different scenarios (e.g. you may not need to take animals off pastures in winter if you have resilient soils). In this regard, it is noted that the Canterbury Regional Council is developing a Matrix of Good Management in consultation with key stakeholders which considers different scenarios within a farming context.</p>
10	Policy 3.7.5 (Managing fragmentation of rural land)	<p>Policy 3.7.5 states:</p> <p><i>Manage subdivision, use and development of rural land, in order to:</i></p> <p>a) <i>avoid development or fragmentation of land which undermines or forecloses the potential of rural land for primary production or future comprehensive residential development near urban areas.</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>where highly versatile soils are needed for</i></p>	<p>Policy 3.7.5 potentially restricts appropriate rural based activities that do not utilise soils for food production but have a close association with rural resources (such as agricultural research facilities, rural industries and mineral extraction activities). These sort of activities are commonly collectively known as “rural production activities” (n.b. a definition is proposed within AgResearch’s subsequent comments on the Glossary section of the Draft Otago RPS).</p> <p>Reference is also made to “highly versatile soils” in Policy 3.7.5(b)(ii) but only “versatile soils” are defined in the Draft RPS, specifically:</p> <p><i>“that part of the soil resource that will support the widest range of productive uses with the least inputs (Classes I and II under the Land-use Capability Classification System).”</i></p> <p>Accordingly, AgResearch seeks that Policy 3.7.5 be reworded as follows:</p>

EMS REF	PLAN PROVISION	DETAILS OF PROVISION	COMMENTS
		<p>urban expansion, any change of land use from rural activities achieves an appropriate and highly efficient form of urban development</p> <p>iii. reverse sensitivity effects on rural productive activities can be avoided.</p>	<p>Manage subdivision, use and development of rural land, in order to:</p> <p>a) avoid development or fragmentation of land which undermines or forecloses the potential of rural land for <del>primary</del> <u>rural production activities</u> or future comprehensive residential development near urban areas.</p> <p>b) Have particular regard to whether the proposal will result in a loss of the productive potential of <u>highly versatile soils</u>, unless:</p> <p>i. <u>the land is required for rural production activities;</u></p> <p>ii. <u>the land adjoins an existing urban area and there is no other land suitable for urban expansion; and</u></p> <p>iii. <u>where 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</u></p> <p>iv. <u>reverse sensitivity effects on rural <del>productive</del> <u>production</u> activities can be avoided.</u></p>
<b>PART C : Implementation</b>			
11	<p>Anticipated Environmental Result 48 and associated Key Indicator 4</p> <p>Anticipated Environmental Result 30 and associated Key Indicator 4</p>	<p>Anticipated Environmental Result 48 states:</p> <p><i>Productive rural land is protected from fragmentation. There is no soil erosion and Otago's soils retain their quality.</i></p> <p>Associated Key Indicator 4 states:</p> <p><i>There is no (net) loss of productive rural land, and the number of parcels of productive land has not increased.</i></p> <p>Anticipated Environmental Result 30 states:</p> <p><i>Adverse effects of land use, development and subdivision on soil erosion and soil quality are minimised.</i></p>	<p>Anticipated Environmental Result 48 refers to protection of "productive rural land" from fragmentation but as noted previously in Policy 3.7.5 there is reference to protecting "highly versatile soils" (but only "versatile soils" is defined in the Glossary). The associated Key Indicator 4 states "there is no (net) loss of productive rural land, and the number of parcels of productive land has not increased." which is unrealistic as it does not have any allowance for subdivision, and does not recognise and provide for "rural production activities (n.b. appropriate rural based activities that do not utilise soils for food production but have a close association with rural resources (such as agricultural research facilities, rural industries and mineral extraction activities)).</p> <p>Accordingly it is considered that Key Indicator 4 associated with Anticipated Environmental Result 48 should be amended as follows:</p> <p><u>"There is no (net) significant loss of versatile soils <del>productive rural land</del>, and the number of parcels of productive rural land has not increased significantly (except where the productive rural land it is required for rural production activities)."</u></p>

EMS REF	PLAN PROVISION	DETAILS OF PROVISION	COMMENTS
		<p>Associated Key Indicator 4 states:</p> <p><i>Soil monitoring reveals no loss of soil due to erosion.</i></p>	<p>Anticipated Environmental Result 48 also refers to there being “no soil erosion”. Similarly the corresponding Key Indicator 4 to Anticipated Environmental Result 30 requires that “Soil monitoring reveals no loss of soil due to erosion”. A requirement of no soil erosion is unrealistic given that soil erosion occurs naturally and cannot be completely avoided. This position is also inconsistent with Policy 3.1.4 (avoiding of soil erosion) which states:</p> <p><i>“Avoid significant soil erosion resulting from the use of land, and as far as practicable remedy or mitigate significant soil erosion where it has occurred, having particular regard to maintaining the vegetative cover of erosion prone land.”</i></p> <p>Accordingly AgResearch seeks the following changes:</p> <p><b>Anticipated Environmental Result 48:</b>  <i>Productive rural land is protected from fragmentation <u>except where required for rural production activities</u>. <del>There is no</del> <u>Significant soil erosion is minimised</u> and Otago’s soils retain their quality.</i></p> <p><b>Associated Key Indicator 4:</b>  <i>“Soil monitoring reveals <del>no</del> loss of soil <u>is minimised</u> due to erosion”.</i></p>
<b>GLOSSARY</b>			
12	New definition for “rural production activities”	NA	<p>AgResearch supported that Policy 3.2.5 recognises and provides for the operation and development of industrial activities and rural production activities. AgResearch has also sought changes to other provisions in the Draft Otago RPS so that there is greater provision for and protection of “rural production activities”. However it is noted that there is no definition for “rural production activities”. Accordingly, the following definition is proposed (definition sourced from a recent Consent Order issued in relation to Appeals on the Proposed Bay of Plenty Regional Policy Statement):</p> <p><i>Rural land use activities that rely on the productive capacity of land or have a functional need for a rural location such as agriculture, pastoral farming, dairying, poultry farming, pig farming, horticulture, forestry, quarrying and mining. Also</i></p>

EMS REF	PLAN PROVISION	DETAILS OF PROVISION	COMMENTS
			<i>included in this definition are processing and research facilities that directly service or support those rural land use activities."</i>

Signature: **AGRESEARCH LTD**  
by its authorised agents Environmental Management Services Ltd



\_\_\_\_\_  
G.J. Mathieson

Date: 5<sup>th</sup> January 2015



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18 December 2014

RPS Review  
Otago Regional Council  
Private Bag 1954  
Dunedin, 9054



By Email: rps@orc.govt.co.nz

To Whom It May Concern,

#### Comments on the Otago Regional Policy Statement Consultation Draft

Ryder Consulting Limited ('Ryder') acts for Ballance Agri-Nutrients Ltd ('Ballance', or 'the Company') and their shareholders who have interests in the Otago Region.

Ballance is a farmer-owned co-operative with over 18,000 shareholders and approximately 800 staff throughout New Zealand. They 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 the agricultural aviation company 'SuperAir', 'SealesWinslow' (a high-performance compound feed manufacturer), and the farm technology company 'AgHub' (which was previously called Farmworks Systems Limited). 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 asked that we provide the comments below in response to the Consultation Draft of the Otago Regional Policy Statement Review ('RPS Review'). These comments aim to highlight the interests of the Company and provide feedback that may assist Otago Regional Council ('Council') in the RPS Review process. We note, for completeness, that Ryder also prepared the Company submission on the Issues and Options Consultation Document to the RPS Review in June 2014. In addition to, assisting the Company in its response to proposed Plan Change 6A to the Otago Regional Water Plan.

As part of Ballance's comments to the Regional Policy Statement (hereafter referred to as 'the RPS'), Ryder has considered how the Council has responded to the Company's comments on the Issues and Options Consultation Document, and has provided additional feedback, where necessary.

#### 1.0 GENERAL

In accordance with section 62 of the Act, Council must distil and convey the significant resource management issues for Otago. To achieve this, Council has outlined three inter-related outcomes to

manage the region's resources, and from that identified thirteen regionally significant issues in the proposed RPS.

These outcomes are given effect to in three broad 'sections' by the relevant objectives and policies. While accepting that other Regional Authorities have developed and applied a similar structure to their regional policy statements, that does not, in the Company's opinion, suggest that the Council needs to. Rather, the Council is required to develop and apply a structure that enables the RPS to be readily applied and 'digested' by its users. The Company questions, based on its experience with other regional policy statements, if the adopted layout achieves this requirement. In that regard, the RPS appears disjointed and there is no clear link as to which issues relate to each 'topic' or natural resource of the region.

Furthermore, Ballance sought an assurance from the Council in their submission on the Issues and Options Consultation Document that the following key issues of significance be provided for in the RPS Review:

**"Section - Land**

Maintaining the productive capacity of rural land resources and sustaining the agricultural and primary sector activities dependent on them within the Otago region."

"Incompatible land use activities located within Otago's rural productive areas may give rise to reverse sensitivity issues on activities that are valued for existing or foreseeable future primary production."

**"Section – Freshwater**

"The quality or quantity of water can be affected indirectly through the development or intensification of land uses and the associated discharge or run-off of contaminants."

**"Section – Air Quality**

"Manage the adverse effects of discharges to air, while recognising the important socio-economic benefits derived from existing industry that are reliant upon operational air discharges."

**"Section - Hazardous Substances**

Manage adverse effects on the environment and human health and safety that may arise from the storage, use, disposal and transportation of hazardous substances through adoption of industry best practice and compliance with the HSNO Act and supporting regulations."

The Company notes that the aforementioned issues above were not specifically provided for as issues within the RPS, but accepts that the issues have been adequately captured within the objectives and policies in the RPS, subject to the amendments as outlined in latter sections of this letter being made. In particular, Policies 1.1.8, 1.1.9 and 1.1.10 provide for the primary production by protecting soil resources. Policy 3.2.5 provides direction to minimise reverse sensitivity effects from incompatible land uses. Water quality, discharges and intensification of land are guided by Policies 1.1.1, 3.1.1, 3.1.3 and 3.2.3. Air discharges are managed by Policies 1.1.7 and 3.1.7. While Objective 3.10, and the supporting Policies 3.10.1, 3.10.2, 3.10.3 and 3.10, address the use, storage and management of Hazardous Substances.

Finally, while the Company appreciates that the glossary is still under development, Ballance is concerned with the uncertainty that currently exists within the proposed RPS around the interpretation of issues, objectives and policies. We return to this in latter sections of this letter.



## RELIEF SOUGHT

- That the Council revisits its structure and provides clear linkages between each issue and the subsequent response to the same. The most effective means of doing this, in the Company's opinion, would be to restructure the RPS so that its chapters (or sections) address to 'topics' (such as natural hazards, hazardous substances and so forth) and natural resources (freshwater, air, soil / land, coast and so forth), and that the relevant regionally significant issue be set out within each section. Ballance is particularly interested in the sections relating to land, freshwater, air and hazardous substances.

## 2.0 LAND & WATER

Ballance agrees with the Council that Otago's economy is reliant on its natural resources. Therefore, the Company supports the contention conveyed in the RPS that these natural resources must be managed in a sustainable manner to ensure their efficient use now, and in the future.

In particular, the Company is supportive of any approach that seeks to enhance water quality where it has been degraded in a sensible and robust manner within a given timeframe. Importantly, this approach is supported by the National Policy Statement for Freshwater Management ('NPSFM'). In summary, Objective A1 of the NPSFM requires that, the life supporting capacity, ecosystem processes and indigenous species (including their associated ecosystems) be safeguarded so as to sustainably manage both the use and development of land, and the discharges of contaminants. Further, Policy A1 of the NPSFM requires that every regional council establish freshwater objectives and water quality limits for all bodies of fresh water within their regions by having regard to (amongst other matters) the connection between water bodies. Policy A2 of the NPSFM advances this by stating that, where the freshwater management units do not meet the objectives and water quality limits set in Policy A1, then every regional council is to specify targets and implement methods in a way that considers the sources of relevant contaminants, to assist the improvement of water quality in the freshwater management units, to meet those targets, and within a defined timeframe.

Ballance accepts that regional plans should specify rules to manage and meet those targets, and notes that Council is seeking to give effect to the NPSFM through Plan Change 6A. However, the Company suggests that appropriate policy guidance (including issues, objectives, policies and supporting methods) should be set within the higher order planning instruments, such as the proposed RPS.

To address this, Ballance suggested two issues to incorporate within a Land & Water 'section' in its submission to the Issues and Options Consultation Document, which were:

*"Maintain Otago's generally high standard of water quality and improve degraded areas by adopting an integrated management approach to land and water resources."*

*"To improve degraded water quality within those catchments that are over-allocated and/or are high risk catchments by adopting an integrated catchment management approach for these catchments."*

Ballance considers that these suggested issues have not been appropriately or clearly encapsulated within the RPS. For example, the Company proposes that without methods, which Ballance understands are still under development, Policy 1.1.1(d) provides uncertainty, as it does not specify the level of degradation that determines when a water resource should be enhanced.

In this respect, Ballance suggests that the proposed RPS include issues, objectives and policies that

reflect the importance of setting water quality and quantity limits for all water bodies, along with methods that promote extensive consultation, including with industry stakeholders such as Ballance, to reflect community aspirations and values for various catchments. In achieving this outcome, it is also imperative that these limits are assessed as being socially, culturally, environmentally and economically achievable. To achieve this, a robust and comprehensive consultation process will be required.

This will assist in guiding Council to identify freshwater management units where over-allocation has occurred within the region, set water quality targets, and specify robust methods to achieve those targets within a given timeline for each.

Additionally, to achieve the sustainable management of Otago's rural land resource and fresh water bodies, Ballance agrees with the promotion of industry best practices in guiding future management outcomes within the proposed RPS as per Policy 3.2.9. The Company suggests that, to give effect to this Policy, Council should undertake consultation with industry stakeholders, including Ballance, to establish the industry best practices framework.

Finally, it is important to note that, as per above, the policy direction of the RPS should not result in inconsistencies to operative regional plans and rules. In particular, Ballance was closely involved in Plan Change 6A (Water Quality) to the 'Regional Plan: Water for Otago', and submits that the RPS should not be inconsistent with the direction that is currently being implemented in Otago for water quality.

#### RELIEF SOUGHT

- That Policy 1.1.1(d) be amended to read:
  - d) Maintain good water quality, or enhance it where it has been degraded below a freshwater management unit target; and
- That the proposed RPS includes the integration of industry best practices within the objectives and policies to specifically support land and freshwater management such as:
  - "Minimise effects on the environment through the promotion of industry best practice that seeks to manage the discharges of contaminants into Otago's fresh water bodies."
- The methods under development for "land and water", should, in the Company's opinion, include, but not be limited to, the following:
  - "That Council undertake extensive consultation with industry stakeholders, including Ballance, tangata whenua and the community to identify water quality standards and targets for each freshwater management unit in the Otago region."
  - "That Council undertake extensive consultation with industry stakeholders, including Ballance, tangata whenua and the community to deem which discharges to water are deemed objectionable or offensive."
  - "Support the development, implementation and periodic review of industry-led guidelines, codes of practice and environmental accords where these would lead to the achievement of objectives and policies in the Regional Policy Statement."

"Provide for the adoption of management practices and techniques (including the use of incentives) which manage the effects of land-uses on fresh water in both urban and rural environments."

"Recognise the actions, including landholder, community- based, or industry initiatives (for example audited self- management), which could be undertaken to reduce the effects of land uses on water bodies."

- That the RPS provides a policy direction that is consistent with the rules and methods implemented by Plan Change 6A for water quality in the Otago Region.

### 3.0 AIR

Ballance manufactures, distributes and sells a number of nutrient based products, which causes it to focus on considerations such as discharges to air. As a consequence, the Company presently acts in accordance with the existing direction provided by section 7 (Air) of the Operative RPS. Having considered the approach advanced in the RPS, Ballance generally supports the recognition given to managing discharges to air, and the effects of land use and air, in the proposed RPS.

Ballance considers that, in accordance with industry best practices, the siting of existing (lawfully established) industries that result in air discharges must be protected and provided for within the region. This also requires that thought must be given to the siting of incompatible land use activities where this occurs to ensure the minimisation of conflict and reverse sensitivity. Ballance therefore supports the recognition given to avoiding incompatible land use activities, as set out under Issue 9 of the RPS. The Company suggests that appropriate methods must be developed to give effect to the objectives and policies in relation to reverse sensitivity.

Ballance also believes that extensive consultation needs to occur between industry stakeholders, including Ballance, tangata whenua and the community when setting "emissions standards" in accordance with Policy 1.2.3, or what discharges to air are deemed "objectionable" as per Policy 3.1.7. Without such consultation, the Council risks promoting standards that cannot be substantiated, or which could induce a range of significant adverse social and economic effects.

#### RELIEF SOUGHT:

- That the proposed RPS includes the integration of industry best practices within the objectives, policies and methods to support air quality. This would include making provision for the following objective, and implementing a series of policies and methods to give effect to the same within the RPS:

"Minimise effects on the environment through the promotion of industry best practice that seeks to manage the discharges of contaminants into Otago's fresh water bodies."

- The methods under development for "air", should, in the Company's opinion, include, but not be limited to, the following:

"That Council undertake extensive consultation with industry stakeholders, including Ballance, tangata whenua and the community to set emissions standards and establish which discharges to air are deemed objectionable above a set limit."

*"That Council undertake extensive consultation with industry stakeholders, including Ballance, to establish industry best practices and rules within regional and district plans for the management of air quality to give effect to this policy direction."*

*"That Council establish rules and regulations in the regional plan that limits land use activities, such as extensive urban development, in proximity to lawfully established industries that result in air discharges to avoid incompatibility and reverse sensitivity effects."*

#### 4.0 HAZAROUS SUBSTANCES

In its submission to the Issues & Options Consultation Document, Ballance sought that the following issues be incorporated into the proposed RPS within the Hazardous Substances 'section'.

1. *"Minimise risks to Otago's communities through the appropriate separation of incompatible land use activities from existing hazardous substances facilities."*
2. *"Manage the adverse effects on Otago's communities and environment relating to the use and storage of hazardous substances through the adoption of industry best practice in managing these effects."*

Ballance commends the Council on addressing submission point one above, as the Company supports the separation of incompatible land use activities, as set out within Issue 9 of the proposed RPS.

However, Ballance suggests that to give effect to Issue 9, Council further develops specific objectives, policies and methods to avoid reverse sensitivity effects from the siting of incompatible land uses in close proximity to existing hazardous storage facilities, as there is no provision for it within Objective 3.10, or the related Policies within the proposed RPS that would achieve this outcome.

Further, Ballance considers that the management of hazardous substances should also reflect that the fertiliser industry is already heavily regulated through its own industry standards. On the 1<sup>st</sup> of July 2006 the Environmental Risk Management Authority (now the Environmental Protection Authority) announced the introduction of Fertilisers Group Standards ('Fertilisers Group Standards'). These standards outline conditions for managing risks associated with the manufacture, importation and disposal of fertilisers, as part of the Hazardous Substances and New Organisms ('HSNO') Act. Ballance's fertilisers mainly have their approval number assigned under the Fertilisers (Subsidiary Hazard) Group Standards and, importantly the Company seeks to undertake its operations in accordance with these standards. Additionally, the Fertiliser Industry Code of Practice for Nutrient Management 2007, which provides a framework for the overall management of nutrients on arable and pastoral farms, horticulture and viticulture blocks, market gardens and forest plantations, and places special emphasis on the use of manufactured fertilisers. In particular, the Code aims to ensure that such fertilisers are used safely, responsibly and effectively, while avoiding or minimising adverse environmental effects.

Finally, Ballance recognises the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ('NES for Contaminated Soil'). Thus, the Company supports the recognition given to identifying, managing and avoiding sites of known or potentially contaminated land within Policies 3.10.8, 3.10.9 and 3.10.10 of the proposed RPS. To implement and give effect to these policies, the Company suggests that Council undertake consultation with industry stakeholders, including Ballance, the community and District Councils, to establish a database of known and potentially contaminated sites.

## RELIEF SOUGHT

- To support the integration of industry best practices for the use and storage of hazardous substances, Ballance asks that Policy 3.10.3 be amended to read:

***"Policy 3.10.3 Reducing hazardous substances***

*Promote 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."*

- The methods under development for "hazardous substances" should, in the Company's opinion, include, but not be limited to, the following:

*"Undertake extensive consultation with industry stakeholders, including Ballance, to establish industry best practices and rules within regional and district plans for the management of hazardous substances to give effect to this policy direction."*

*"Undertake extensive consultation with industry stakeholders, including Ballance, to establish a database of known, or potentially, contaminated sites to give effect to this policy direction."*

*"Prepare sensible and robust regulations around site investigations, assessments, monitoring and remediation, for land use activities occurring on any contaminated or potentially contaminated land."*

Thank you for the opportunity to review and comment on the RPS. Ballance would appreciate being involved in further discussions and consultation on the proposed RPS and looks forward to working with Council on the matters of importance.

Yours faithfully,  
Ryder Consulting Limited

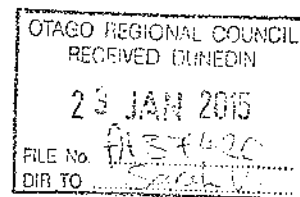


Cole Burmester  
Environmental Planner

C47

## Royal Forest and Bird Protection Society Comments on Consultation Draft Otago Regional Policy Statement

January 2015



### Introduction

Thank you for the opportunity to comment on the Regional Policy Statement Review Document. Due to time commitments this paper focuses on biodiversity, however many of our general comments apply equally to the other sections.

### RPS Framework

1. The first statement on page 6 should reflect the Purpose of the RM Act and refer to managing the regions resources sustainably.
2. There is a nice simplicity to the three high level outcomes, but the downside is that they are overly general. For example; *Otago has high quality natural resources and ecosystems* is a truism for some resources and some ecosystems, but many are not in a high quality state now. This outcome gives no indication of the extent of high quality natural resources and ecosystems that management aims to achieve. Will the outcome be reached if only a few remain high quality? This would not meet the environmental bottom line requirements of the RM Act, the NZ Coastal Policy or the NPS Freshwater.
3. The Objective is not measurable as the term "high quality" is nebulous and subjective.
4. This outcome refers to natural resources which by definition includes all plants and animals. "Ecosystems" should refer to indigenous ecosystems. The Objective needs to incorporate resilient and healthy functioning indigenous ecosystems.
5. There is a problem in linking natural resources and natural ecosystems in one overall outcome as natural resources include minerals and it is not possible to retain high quality minerals if they are mined. It also makes the definition of issues difficult.
6. The ORC is one of the few Regional Councils that neither have nor intend to have a land plan. This means that the RPS needs to provide more certainty and greater direction to decision makers for the integrated sustainable management of natural resources and biodiversity than is provided for in the high level framework that is set out in the consultation document. This framework fails to facilitate a level of detail otherwise achievable by having separate sections for eg., Land, Water, Coast, Indigenous Biodiversity, Landscapes, Energy and Infrastructure, etc.

7. The structure results in lack of specificity, some confusion and duplication. For example Biodiversity is included in Part B 1 “*Otago has high quality natural resources and ecosystems*” and generally covered under issue 8, which broadly applies to all natural resources, (including all plants and animals whether introduced or indigenous including pests and weeds) and is then split under three objectives. Under the first objective – Otago natural resources are of high quality and support healthy ecosystems and a good quality of life – the only policy relating to biodiversity concerns ecosystem services, whereas policies relating to freshwater, air, soil and the coast are about their values, retaining the range of habitats, soil biodiversity and identifying and protecting outstanding water bodies. For Biodiversity these matters are split under Objectives 1.2 and 1.3. Consideration should be given to restructuring this section. It may ultimately be more efficient to have one section covering all biodiversity Issues, Objectives and Policies, which also recognises that biodiversity contributes to freshwater quality, natural character and amenity values across the whole region.
8. Forest and Bird is concerned that the draft proposed RPS does not properly give effect to RMA requirements for biodiversity across the region.
9. The third Outcome attempts to include future generations, but this could be more obviously stated by slight rewording; “People now and in the future are able to sustainably use and enjoy Otago’s natural and built environment”( or something similar).

#### Issues

10. Generally the issues are very broad, often so broad that they become meaningless and fail to describe in sufficient detail the problem and causes that need to be addressed – this makes it harder to ensure that the Objectives and Policies address all the matters that required for the span of matters that the RPS must provide for.

For example:

***Issue 1: Cumulative effects of human activities on natural resources***

*Most threats to Otago’s natural resources result from the cumulative effect of human activities.*

11. This is a sweeping generalisation applying to exotic plants and animals as well as indigenous species and does not sufficiently address indigenous biodiversity. There is no other issue that addresses biodiversity.
12. The issues for biodiversity need to address the ongoing loss, degradation and fragmentation of natural ecosystems, habitats and indigenous biodiversity, both in

extent and in diversity; largely due to agricultural intensification, forestry, subdivision, and introduced invasive species; the need for restoration, the lack of identification of Otago's significant indigenous vegetation and habitats and their lack of protection.

13. While Forest and Bird endorses recognition of cumulative effects, it is important not to lose sight of the fact that threats to indigenous biodiversity also result from individual actions. These individual actions may result in the extirpation of a species, loss of a naturally-rare ecosystem, or ongoing processes of degradation without further human intervention.
14. Insufficient remaining habitats and fragmentation are also threats to biodiversity through damaging ecological processes. While some of this is a consequence of past cumulative actions, it is helpful to acknowledge specific threats that need specific management.
15. Issue 1 suggests a solution, based on individual responsibility which does not encompass solving all the threats, (nor will it solve them).
16. *Those cumulative effects can only be reduced to acceptable levels if people take responsibility for their effects on the environment, actively seek to reduce them, and take pride in their environmental stewardship.*
17. The wording here poses both legal and interpretation related problems. What is an *acceptable level*. The RM Act and the Coastal Policy Statement place duties on decision makers and individuals to not only seek to reduce, but to actually avoid, (significant adverse effects in the case of significant landscapes and habitats) minimise or mitigate adverse effects. Halting the decline in Otago's Biodiversity for example will only be achieved by Regional and District Councils adopting an integrated and coordinated approach using regulation, incentives and awareness raising methods.

#### **Issue 4 Spreading of pest species**

18. This issue is narrowed to reducing the risk of pest spread and doesn't deal with eliminating pests, preventing new pest species invading or avoiding the spread of pests.
19. Forest and Bird is concerned that there is no detail in any of the Policies about pests other than general ones for freshwater, coastal and biodiversity, and 3.1.11. There are no Policies describing the actions that will be taken to avoid remedy or mitigate the adverse effects of pests. There is inadequate recognition of the impact of wilding trees on landscape values. The current RPS deals in more depth with wildings and pests than is proposed for the new RPS.



20. Council has an opportunity to take a much greater leadership role especially in relation to wilding trees, as has been recognised in the New Zealand Wilding Conifer Management Strategy, including facilitating the development of control plans, co-ordinating control operations with multi parties, contributing to the management of legacy infestations and importantly establish rules in regional pest management plans.
21. Forest and Bird seek that the RPS include specific methods about the management and prevention of wilding trees, as well as other plant and animal pests – including those that have a severe adverse effect on the regions biodiversity; –broom, gorse, rats, stoats, cats, possums, wild dogs, deer, goats and pigs

#### Missing Issue

22. Climate change is an issue that affects the quality of natural resources and ecosystems, not only through sea level rise, but also through an increase in the quantity and severity of droughts, flooding, and wildfires. The draft proposed RPS slots climate change into the Chapter on Communities, which only deals with human communities There is no reference to the effects of climate change on natural ecosystems. The NPS Freshwater requires Regional Councils to have regard to the reasonably foreseeable impacts of climate change. Exploration for fossil fuel and any extraction of fossil fuel will also exacerbate climate change.
23. The issues under section 3 – *People are able to use and enjoy the natural environment (p11)* focus on natural resources and fail to recognise the environmental bottom line of safeguarding the life-supporting capacity of air, water, soil, and ecosystems, in section 5 of the RMA.
24. The section focuses on managing natural resources, whereas the RMA refers to managing and protection of natural and physical resources.
25. Issue 8 is particularly problematic as it sets up an inherent conflict, providing for ways to use natural and physical resources to best advantage – while providing for all of the values which are important to the community and gives primacy to optimising resource allocation at all times. What is best advantage and what is optimal resource allocation. All values include economic, social, cultural, inherent values, recreational values, ecosystem services etc. The RMA sets environmental bottom lines and promotes sustainable management.
26. Forest and Bird supports Issues 11, 12 and 13.

## Part B.1 Otago has high quality natural resources and ecosystems

27. The introduction and description of Objective 1.1 focus on natural resources with less emphasis on healthy ecosystems. Under the RMA environmental preservation and protection is an element of natural and physical resources and the RMA requires decision makers to take steps to implement the protective element of management. The RMA does not require a resource management frame work to balance all the values attached to our resources.

### Policy 1.1.1 Managing for freshwater values

28. Forest and Bird supports most of this policy with a couple of additions as set out in underlined bold below.

*Manage the allocation and use of freshwater, and the effects of land use on water, in order to:*

- a) *Ensure **all** Otago rivers, lakes, wetlands and aquifers support healthy ecosystems; and*
- b) *Retain the **full** range of habitats and **indigenous species** ~~provided~~ **supported** by freshwater; and*
- c) *Allow for the economic use of freshwater within a sustainable range; and*
- d) *Maintain **or enhance** good water quality, or enhance it **to good or better** where it has been degraded; and*
- e) *Maintain good water quality in the coastal marine area, or enhance it; and*
- f) *Maintain or enhance coastal values; and*
- g) *Retain the quality and reliability of existing drinking water supplies; and*
- h) *Protect tangata whenua values; and*
- i) *Provide for other cultural values; and*
- j) *~~Protect important recreation values;~~ **Ensure all water bodies are safe for human health and contact recreation;** and*
- k) *Avoid the **spreading and introduction** of pest species; and* (this only deals with spread, management of existing pests also needs to be included)
- l) ***Eliminate where feasible or reduce pests***
- m) ***Avoid over allocation of water quality and quantity; and***
- n) ***Halt the decline of indigenous species.***

29. Otago has the most threatened species of native freshwater fish in New Zealand. Three species found only in Otago have the highest threat category – “nationally critical”, five are “nationally endangered”, two are “nationally vulnerable”, and one is “declining”.

30. This review of the RPS provides an opportunity for the Council to take a strong leadership role through regulation to contribute to halting the decline of Otago’s native fish.

31. Forest and Bird supports Policies 1.1.2, 1.1.3, and 1.1.4.

## Coastal water

### 32. Policy 1.1.6 Managing for ~~important~~ coastal water values

What does the word 'important mean and where are these defined?

33. Manage the use of coastal water, in order to:

- a) *Ensure the coast supports healthy ecosystems; and (Is this all coastal ecosystems?)*
- b) *Retain the **full range of indigenous habitats and indigenous species provided supported** by the coastal marine area; and*
- c) *Allow for the economic use of coastal water within a sustainable range; and*
- d) *Maintain water quality, or enhance it **to good or better** where it has been degraded; and*
- e) *Maintain or enhance coastal values; and (It is not clear what values this refers to as there is no policy to identify coastal values, although some may be covered in Policies 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.8, 1.3.10 and policies under Objective 1.4.)*
- f) *Protect tangata whenua values; and*
- g) *Provide for other cultural values; and*
- h) *Protect ~~important~~ recreation values; and - (there is no proposed process to identify important recreational values).*
- i) *Avoid the spreading and introduction of pest species.*
- j) **Eliminate where feasible or reduce pests**
- k) **Halt the decline of indigenous species.** - may be covered by b above.

### 34. ~~Biodiversity~~ Ecosystem Services

#### **Policy 1.1.11 Recognising ecosystem services**

*Recognise **and protect** the range of ecosystem services associated with natural resources, **including biodiversity** in order to maintain or enhance their contribution to Otago regional wellbeing.*

35. The heading for this policy creates confusion as it does not address biodiversity.

Biodiversity has its own definition in the RM Act separate from natural resources, and is often considered an ecosystem service – see Wikipedia

<http://en.wikipedia.org/wiki/Biodiversity>. It would be more appropriate to title the Policy "Ecosystem Services". The Council has particular obligations for maintaining indigenous biodiversity - Section 31 – which Policy 1.3.3 addresses in part.

36. Without seeing the methods it is hard to judge how well Policy 1.1.11 will meet Objective 1.1. As it stands it offers little guidance to decision makers. This Policy would be improved by making it consistent with Policy 1.1.4 which refers to protecting important hydrological ecosystem services. We recommend deleting "important" as there is no definition of what these might be.
37. A description of the range of ecosystem services could be added in the Preamble under main heading Part B1.

**Interface between land, rivers, lakes, wetlands, and coast**

**Policy 1.1.12 Managing riparian margins**

*Protect, maintain or restore wetlands, and riparian margins along the coastal marine area, rivers and lakes, in order to:*

- a) Maintain or enhance ecosystem health, both in-stream and along the margins of the coastal marine area and water bodies; and*

**Objective 1.2 Otago's natural resources are managed in an integrated way**

38. Forest and Bird is pleased to see recognition that river quality has an impact on coastal ecosystems.

**Policy 1.2.2 Integrating land use management with water management**

*Integrate land use management with freshwater management by:*

- a) Setting freshwater objectives and standards/limits? that take into account:*
- i The contribution of water in landscapes, seascapes or natural features identified as outstanding or highly valued by tangata whenua or local communities; and*
  - ii The interactions between freshwater and land-based ecosystems; and*
- b) Setting land use controls that are consistent with the achievement of those freshwater objectives and standards/limits; and*

**Policy 1.2.6 Integrating for the protection of indigenous biodiversity and maintenance of ecosystem health**

*Integrate controls to halt the decline of indigenous biodiversity and achieve healthy ecosystems, by:*

- b) Managing land uses to ensure no net loss and preferably net gain of biodiversity ~~Having regard to indigenous biodiversity values;~~ and*
- c) Managing land use, having regard to freshwater and coastal water ecosystem values; and*
- d) Managing water, having regard to land-based and water ecosystem values; and*
- e) Setting clear roles and responsibilities for the ~~management~~ protection of wetlands and indigenous biodiversity*

- f) ensuring that the objectives and policies of this chapter are given effect when developing objectives, policies and methods in district plans and are taken into account when making decisions on subdivision and land use consent applications.

39. This policy does not entirely reflect its heading as having regard to indigenous biodiversity values does not create any certainty that indigenous biodiversity will be protected as is the outcome suggested by the Policy title.

40. Integrating for the protection of significant indigenous vegetation and habitats, and wetlands and the maintenance of indigenous biodiversity to halt the decline of indigenous biodiversity across the region will require collaborative processes between all Councils to ensure consistency in approaches and achievement of outcomes.

41. Forest and Bird would like to see the RPS give specific direction as to how District plans should provide for the RMA Biodiversity and protection of significant indigenous vegetation and habitats responsibilities. This would resolve considerable conflicts that arise in every district plan, resulting in court case after court case that could be avoided if all districts within the Otago Region adopted consistent, objectives, policies and methods for addressing biodiversity and protection of significant indigenous vegetation and habitats. This would also reduce differing rules for properties that cross districts and would ensure all Otago landowners have the same management controls. Forest and Bird supports specific direction to District Plans to control land use activities to protect significant indigenous vegetation and habitats and to halt the decline in indigenous biodiversity.

**Objective 1.3 Otago's significant and highly-valued natural resources are identified, and protected or enhanced**

42. The preamble to this section could be enhanced by a paragraph about the dramatic loss of indigenous vegetation in the region that has accelerated in the last decade due to land use intensification, introduced pests and the numbers of rare species and habitats.

**Policy 1.3.1 Identifying areas of significant indigenous vegetation and significant habitats of indigenous fauna**

43. Forest and Bird endorses the need to identify the above areas across the region using the same criteria for every district that have now been well established

through the Environment Court. The RPS should contain a statement directing District Plans to adopt these criteria upon review and for those not being reviewed a statement that they shall be deemed to be consistent with the significant criteria set out in the RPS.

44. It would be helpful if b) refers to distinctiveness as well as rarity to capture what makes Otago distinctive, and criteria d) should include pattern to capture ecological sequences and communities reflecting the existence of diverse natural features or ecological gradients. - See Wildland Consultants 2013 Contract Report 2289I available on the ECAN website.

### **Policy 1.3.2 Protecting significant indigenous vegetation and significant habitats of indigenous fauna**

45. *Protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna **to ensure no net loss of biodiversity**, by:*
- a) Avoiding adverse effects on the values **and ecological functions** which contribute to the significance of the area or habitat; and*
  - b) Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and*
  - c) Encouraging the planting of naturally occurring locally sourced indigenous species and the creation of habitats for indigenous species; and*
  - d) Recognising particular positive contributions of exotic species to those values, and providing for their ongoing contribution; and (Not sure what species you have in mind here – what examples are there to justify this?? – We suggest it be deleted.)*
  - e) **Avoiding where practical or Minimising the adverse effects of pests animal and plants on those values.** (*

### **Policy 1.3.3 Maintaining ~~or~~ and enhancing indigenous biodiversity**

46. This policy is more akin to Policies 1.1.1 and 1.1.6 in Part B1 and seems out of place here, although if there was a separate section on biodiversity it would fit along-side the policies dealing with identifying and protecting areas of significant habitats.

- a) **Avoiding or Minimising adverse effects of subdivision, use and development on:***

*i.....*

- c) Avoiding, or reducing as far as practicable, ~~the spread~~ **the adverse effects** of pest species.*

## **Methods for protecting significant sites and maintaining biodiversity**

47. We note that methods for implementing this section are not developed and we wish to suggest consideration of the following.
48. The Quality Planning website provides a useful overview of methods that are being used, which includes schedules with and without rules, district wide rules, regional rules, standards, various economic instruments and incentives.
49. Forest and Bird cautions against relying on a schedule to protect significant sites, as these have proved difficult to establish due to landowner resistance, and a comprehensive schedule is difficult to achieve due to the difficulties of carrying out region or district wide surveys and even well executed surveys miss significant sites and what is significant can change over the life time of a plan – witness the significance of dry land shrublands and spring annuals in Otago, many of which are now rare and threatened. Case law indicates that a schedule without rules does not address the RMA requirements for biodiversity. Due to the likelihood that sites will be left off the schedule Forest and Bird supports the use of regional and district wide rules about vegetation clearance, with non complying rules for areas of significant indigenous habitats both those that are scheduled if one exists and for those that meet the criteria for significance and full discretionary rules for indigenous vegetation and habitats. These should be supported by incentives such as rate relief, Councils providing free ecological assessments, waiving resource consent fees for other activities on the property if significant areas of indigenous habitats and wetlands are protected in a schedule or adequate covenant.
50. Horizon One has tried a different approach which has some merits, and may be applicable in Otago. This does not rely on a schedule but identifies habitats by type for terrestrial environments using LENZ and combines this with a regulatory approach. The Council also includes methods of financial assistance to landowners to carry out enhancement and protection measures directed to the most significant sites. The RC will also formally submit on resource consent application for land use activities where there is potential for effects on outstanding natural features, landscapes or indigenous biodiversity.
51. Subdivisions can provide opportunities to protect indigenous vegetation and habitats and exclude pest plants and animals.

**Objective 2.4 Energy supplies are secure and sustainable**

52. Forest and Bird endorses the approach to increase our use of renewable energy and reduce reliance on fossil fuels provided that the development of renewable energy avoids outstanding landscapes and significant indigenous habitats. This needs to be reflected in Policy 2.4.1.

**Part B.3 People are able to use and enjoy Otago's natural and built environment**

53. The description of Objective 3.1 needs to refer to the bottom line of protecting the life supporting capacity of ecosystems, rather than whatever is "acceptable" p33.

### Policy 3.1.1

#### Water

#### **Policy 3.1.1 Managing effect of subdivision and development on water**

Manage subdivisions and developments in a way that:

- a) Ensures the reasonable foreseeable needs of the community and existing water users for drinking water, and recreation can be satisfactorily met; and
- b) Minimises the adverse effects of an increase in impervious areas; and
- c) Minimises adverse effects on:
  - i. Freshwater ecosystem values, species and habitats; and
  - ii. The natural character of the coastal environment, wetlands, and lakes and rivers and their margins.
- d) Avoids adverse effects of activities on indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare<sup>6</sup>; NZ Coastal Policy 11.

#### **Policy 3.1.2 Managing land use change and catchment yield**

54. Forest and Bird is pleased to see the issue of land use change and impacts on catchment yield being addressed.

55. Manage the adverse effects of land use change on water yield by:

- a) Avoiding any significant reduction in water yield in dry catchments by:
  - i. Identifying dry catchments that are vulnerable to water yield changes; and
  - ii. Avoiding any extension, replanting of forestry in such catchments; and
  - iii. ~~Controlling~~ Eliminating wilding trees; and
- b) ~~Addressing~~ Avoiding the effects of tussock grassland conversion on flooding risks and catchment yields.

#### **Policy 3.1.3 Discharging to water**

56. Manage the adverse effects of discharges to water, by:

- a) Avoiding discharges that are objectionable or offensive; and
- b) Enabling discharges which meet environmental baseline and contact recreation requirements; and
- c) Giving preference to discharges to land.

### **Objective 3.2 Policy 3.2.8 Providing for Offsetting**

This policy needs to incorporate criteria that directs decision makers how to use and apply biodiversity offsets – see appendix 1 for the list of criteria based on those developed by BBOP - Business and Biodiversity Offsets Programme.



Forest and Bird looks forward to further discussions around methods and involvement in the final proposed RPS. Please note I am away from 26 January to 10 March 2015

Yours sincerely  
Sue Maturin  
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## Appendix One

### Principles to be applied when considering a biodiversity offset/environmental compensation

1. **No net loss:** A biodiversity offset should be designed and implemented to achieve in situ, measurable conservation outcomes which can reasonably be expected to result in no net loss and preferably a net gain of biodiversity.

The offset design will demonstrate that:

- a. the key biodiversity components (as identified by the criteria for significance in Policy HER 2B) affected by the activity are identified, and an explanation provided as to how this was done, the basis for doing so, and how the key biodiversity components have been included in the offset design
- b. the anticipated losses of biodiversity at the site of the activity and the anticipated gains at the offset site have been calculated to determine "no net loss" and preferably "net gain" and documented
- c. appropriate measures/metrics that address the quality and quantity, type and nature of biodiversity have been identified and used in the loss-gain calculations
- d. a suitable basis for assessing a 'like-for-like-or-better' approach to equivalence has been identified and used for the offset design
- e. any temporal loss of biodiversity between the time of the project's impact and the time the offset will mature has been considered and addressed
- f. intended conservation outcomes for biodiversity components within the offset are explicitly described
- g. uncertainty and risk is explicitly built into the loss-gain calculations.

2. **Additional conservation outcomes:** A biodiversity offset should achieve conservation outcomes above and beyond results that would have occurred if the offset had not taken place. Offset design and implementation should avoid displacing activities harmful to biodiversity to other locations.

The offset design will demonstrate that:

- a. conservation gains have been predicted without the offset project ("without-offset") and with the offset, and on this basis, evidence is provided to show that the anticipated conservation outcomes would not have occurred without the offset.

3. **Adherence to the mitigation hierarchy:** A biodiversity offset is a commitment to compensate for significant residual adverse impacts on biodiversity identified after appropriate avoidance, minimisation and on-site rehabilitation measures have been taken according to the mitigation hierarchy.

The offset design must demonstrate:

- a. how the activity addresses direct and indirect effects on specific components of biodiversity by:
  - i. avoidance measures
  - ii. minimisation measures

iii. on-site rehabilitation measures

b. that the biodiversity offset only addresses the residual effects of the activity, namely those effects left after all the appropriate avoidance, minimisation and rehabilitation actions have been taken.

**4. Limits to what can be offset:** There are situations where residual effects cannot be fully compensated for by a biodiversity offset because the biodiversity affected is vulnerable or irreplaceable.

These situations will be demonstrated when:

a. a comprehensive assessment has been undertaken to determine whether, and if so which, highly vulnerable and irreplaceable biodiversity components are present and are affected by the activity. In determining when offsetting is not appropriate local authorities should have regard to whether the vegetation or habitat:

i. represents a non-negligible proportion of what remains of its type

ii. is now so rare or reduced that there are few options or opportunities for delivering the offset

iii. is securely protected and in good condition so there is little opportunity to offset the biodiversity components in a reciprocal manner

iv. is threatened by factors that cannot be addressed by the available expertise.

(v) when there would be a risk of residual irreversible impacts and/or irreplaceable loss of ecosystem services that support biodiversity.

(vi) when residual negative impacts could jeopardise ecosystem integrity.

b. Offsets need to have regard to ecosystems as well as vegetation and or habitat. There is a need to make it a priority to have offsets applying to the activity site.

b. Off site offsets should only apply when appropriate offsets cannot be secured on or near the site.

If there are residual effects on biodiversity that are not, or seem likely not, to be capable of being offset, any measures taken to address them, by way of environmental compensation or otherwise, should not be considered to be a biodiversity offset.

**5. Landscape context:** A biodiversity offset should be designed and implemented in a landscape context to achieve the expected measurable conservation outcomes taking into account available information on the full range of biological, social and cultural values of biodiversity and supporting an ecosystem approach.

The offset design will demonstrate that:

a. it contributes to and complements biodiversity conservation priorities/goals at the landscape and national level.

b. It does not contribute to a loss of connectivity across the landscape or isolation of important habitats.

**6. Long-term outcomes:** The design and implementation of a biodiversity offset should be based on an adaptive management approach, incorporating monitoring and evaluation, with the objective of securing outcomes that last at least as long as the project's impacts and preferably in perpetuity.

The offset design will demonstrate that:

a. management arrangements, legal arrangements (e.g., covenants) and financial arrangements (e.g., bonds) are in place that allow the offset to endure as long as the effects of the activity, and preferably in perpetuity

b. a biodiversity offset management plan is prepared and implemented which:

i. contains specific, measurable and time-bound targets for the biodiversity offset

ii. predicts when no net loss/net gain will be achieved

iii. provides mechanisms for adaptive management of the offset, using the results of periodic monitoring and evaluation against identified milestones to determine whether the offset is on track and rectify if necessary

iv. establishes roles and responsibilities for managing, governing, monitoring and enforcing the offset

c. where milestones are not achieved, an analysis is undertaken to identify the causes of non-achievement and to revise the offset management plan to make good any failures and avoid similar occurrences

d. a decision-making process has been established to correct problems that arise and enable adaptive management of the biodiversity offset for the timeframe over which the offset's measurable conservation outcomes will be achieved and maintained.

**7. Transparency:** The design and implementation of a biodiversity offset, and communication of its results to the public, should be undertaken in a transparent and timely manner.

C48

Otago Regional Council  
Regional Policy Statement review Draft 26 Nov 2014



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20<sup>th</sup> Jan 2015

The Otago Peninsula Biodiversity Group (OPBG) would like to thank the Otago Regional Council (ORC) for this further opportunity to influence the future management of the indigenous biodiversity of Otago.

The extensive possum control undertaken to date on the Otago Peninsula indicates the high level of community support for animal pest control that has benefits for native plants and animals, as well as farmers, life style block owners and other local residents. The OPBG appreciates the ORC contribution to our possum pest control and recent monitoring. (Note report dated 22 Dec 2014 from Cathy Rufaut, Project Co-ordinator to Scott Mclean, ORC). We trust that community groups such as ours will continue to work alongside ORC in the future, in order to tackle the pest problems that threaten our biodiversity. It is going to take several agencies working together halt the present decline in biodiversity and then hopefully to reverse the current trend.

Although the Objectives and Policies for those parts of the Draft of relevance to the OPBG, management and protection of indigenous biodiversity, are framed at a high general (non-specific) level, they are philosophically in agreement with the OPBG's objectives and desires for the future protection and enhancement of the Peninsula. The draft clearly sets out Otago's environmental problems, and the proposed solutions (objectives) are easily understood. The intention of the ORC to identify "...areas of significant indigenous vegetation and significant habitats of indigenous

fauna" (Policy 1.3.1) and then to implement policies (1.3.2, 1.3.3) to protect, maintain and enhance vegetation and biodiversity we particularly commend.

However, we remain very concerned that the most critical aspects of the RPS, the implementation and enforcement of policies, are still a long way off. We noted in our previous submission that,

*A major issue for the ORC, therefore, is to ensure that the provisions and policies in the RPS actually translate into action, enforcement where necessary, and also into consistent application of Regional and DCC rules, policies and bylaws. (OPBG Submission to ORC, June 2014)*

We look forward to seeing Part C of the RPS review, in which the actual actions to be undertaken are stated. We would appreciate being involved in further consultation on this section of the Draft in due course.

Yours sincerely

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Chair, Otago Peninsula Biodiversity Group