

Section 32 Evaluation Report for the Proposed Otago Land and Water Regional Plan

Chapter 5: Policy Context

**This Section 32 Evaluation Report should be read together with the Proposed
Otago Land and Water Regional Plan**



**Otago
Regional
Council**

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Abbreviations

| | |
|-------|---|
| CMA | Coastal marine area |
| FMU | Freshwater Management Unit |
| NESAQ | National Environmental Standards for Air Quality 2004 |
| NESCS | National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 |

| | |
|--------|---|
| NESCF | National Environmental Standards for Commercial Forestry 2017 |
| NESETA | National Environmental Standards for Electricity Transmission Activities 2009 |
| NESF | National Environmental Standards for Freshwater 2020 |
| NESMA | National Environmental Standards for Marine Aquaculture 2020 |
| NESHDW | National Environmental Standard for Sources of Human Drinking Water 2007 |
| NESTF | National Environmental Standards for Telecommunication Facilities 2008 |
| NOF | National Objectives Framework |
| NPS | National Policy Statement |
| NPSET | National Policy Statement on Electricity Transmission 2008 |
| NPSFM | National Policy Statement for Freshwater Management 2020 |
| NPSREG | National Policy Statement for Renewable Electricity Generation 2011 |
| NPSUD | National Policy Statement on Urban Development 2020 |
| NTCSA | Ngāi Tahu Claims Settlement Act 1998 |
| NZCPS | New Zealand Coastal Policy Statement 2010 |
| ORC | Otago Regional Council |
| ORPS | Otago Regional Policy Statement 2019 |
| pORPS | Proposed Otago Regional Policy Statement 2021 |
| pLWRP | Proposed Otago Land and Water Regional Plan 2024 |
| RPS | Regional Policy Statement |
| RMA | Resource Management Act 1991 |

1. Policy Context

1.1. Introduction

1. The purpose of a regional plan is to assist the Council to carry out any of its functions in order to achieve the purpose of the RMA.¹
2. Under the RMA, regional plans are required to take into consideration (in different ways) particular sections of the RMA, as well as a range of other documents. The tests in the RMA for preparing regional plans set out how regional plans must consider:²
 - a. Part 2 of the RMA;
 - b. ORC's functions under section 30;
 - c. Any national planning standard;
 - d. A New Zealand Coastal Policy Statement;
 - e. Any national policy statement;
 - f. Any regulations, including National Environmental Standards;
 - g. Any water conservation order;
 - h. Lake Wānaka Preservation Act 1973;
 - i. Any relevant planning document recognised by an iwi authority;
 - j. Any relevant planning document prepared by a customary marine title group;
 - k. Management plans and strategies prepared under other Acts;
 - l. Relevant entry on the New Zealand Heritage List/Rārangi Kōrero;
 - m. Regulations relating to fisheries resources;
 - n. Any operative or proposed regional policy statement for the region;
 - o. Other regional plans for the region;
 - p. The Crown's interests in the coastal marine area;
 - q. Any relevant project area and project objectives in accordance with the Urban Development Act 2020;
 - r. The extent to which the regional plan needs to be consistent with the operative or proposed policy statements and plans of adjacent regional councils;
 - s. The extent to which the regional policy statement needs to be consistent with regulations made under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012; and

¹ Section 63, RMA

² Sections 66 and 67, RMA; and section 8, Lake Wanaka Preservation Act 1973

- t. Any emissions reduction plan or any national adaption plan made in accordance with the Climate Change Response Act 2002.
- 3. Section 68 of the RMA authorises regional councils to make rules in a regional plan for carrying out certain functions, and for achieving the objectives and policies of the plan; and prescribes that in making a rule, a regional council is to have regard to the actual or potential effect (particularly an adverse effect) on the environment of activities; and, relevantly, contains specific directions for rules relating to levels or flows or rates of use of water, and minimum standards of water quality.
- 4. Section 69 prescribes contents for regional plan provisions on water quality, including prohibiting standards that may result in a reduction of the quality of water unless it is consistent with the purpose of the Act to do so.
- 5. Section 70 applies to regional rules about discharges of contaminants. Section 70(1) states conditions for making rules that allow discharges as a permitted activity, and requires that before such rules are included in a regional plan, the Council is satisfied that none of the effects listed in ss 70(1)(c)-(g) are likely to arise in receiving waters after reasonable mixing; and section 70(2) applies to rules that require adoption of a best practicable option.
- 6. The following sections set out the various tests in the RMA relating to the consideration of these documents and how the pLWRP meets them.

1.2. Resource Management Act 1991: Part 2 (Purpose and Principles)

- 7. Regional plans must be prepared in accordance with the provisions of Part 2 of the RMA.³ The purpose of the RMA is set out in Part 2, section 5 of the RMA:
 - (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
 - (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
- 8. The RMA also sets out the following matters of national importance (in section 6), which all persons exercising functions and powers under the RMA must recognise and provide for:
 - (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
 - (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*

³ Section 66(1)(b), RMA

- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights:*
- (h) *the management of significant risks from natural hazards.*

9. Section 7 of the RMA sets out other matters to which all persons exercising functions and powers under the RMA are directed to have particular regard to:

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*
- (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

10. Section 8 of the RMA requires persons exercising functions and powers under it to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The Treaty principles are used in a number of statutes but are not defined in legislation. The principles relate to the obligations of the Crown under the Treaty of Waitangi and have been derived predominantly from Court of Appeal decisions in relation to cases under the State-Owned Enterprises Act 1986.⁴ The principles are:

- (a) *The two parties to the Treaty must act reasonably towards each other and in utmost faith;*
- (b) *The Crown must make informed decisions (which will require consultation, but not invariably so);*
- (c) *The Crown must not unreasonably impede its capacity to provide redress for proven grievances; and*
- (d) *The Crown must actively protect Māori interests.*

11. Sections 6-8 establish matters for consideration in decision-making under the RMA that contribute to the overall evaluation under section 5. There is a hierarchy across these sections, giving priority to matters of national importance under section 6 over the matters set out for consideration in sections 7 and 8.

12. Protection of the natural character of the coastal environment, wetlands, lakes, and rivers is addressed in IP-P9 of the pLWRP. These provisions require the protection of the natural character, including form and function, of water bodies (including rivers, lakes, and

⁴ *New Zealand Maori Council v Attorney General* [1987] 1 NZLR 641 (**Lands (CA)**) and *New Zealand Maori Council v Attorney General* [1992] 2 NZLR 576 (CA).

wetlands) from inappropriate use and development. IP-P11 requires the protection of the significant and outstanding values of Otago's outstanding water bodies. SCHED1 – Outstanding water bodies outlines the outstanding natural features of waterbodies which are then provided for by various provisions in the pLWRP, mainly in the BED - Beds of lakes and rivers and DAM - Damming and diversion chapters. The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is provided for in IO-O7 – Freshwater species, BED-R19 – Vegetation clearance, and APP8 – Mana whenua environmental indicators. The protection of public access to and along the coastal marine area, river and lakes is addressed in DAM-P4 – Managing in-stream damming and diversion activities, BED-P3 – Management of activities in the bed, BED-P4 – Use, maintenance, alteration, replacement and placement of structures, and their associated rules. The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga is woven throughout the pLWRP. IO-O2 – Relationship of Kāi Tahu to freshwater seeks to sustain the relationship of mana whenua with freshwater and IP-P3 – Kā honoka ki te wai provides that land and freshwater are managed to support the Kāi Tahu relationship with freshwater. While historic heritage is largely a matter for territorial authorities to manage, many of the provisions require that if an activity disturbs an archaeological site, the accidental discovery protocol set out in APP15 – Accidental discovery protocol must be applied. The management of significant risks from natural hazards is recognised in IO-O5 – Manahau āhuarangi/climate change, IP-P18 – Natural hazard risk, CL-O1 – Natural hazard risks, FLOOD-O1 – River function in relation to natural hazards, and WASTE-O1 – Location of waste deposition and processing sites.

13. The matters in section 7 are generally less resource-specific and instead inform the policy framework more broadly through objectives and policies within the IM chapters of the pLWRP. IO-O2 – Relationship of Kāi Tahu to freshwater and IP-P2 – Rakatirataka and kaitiakitaka enable and support the exercise of kaitiakitaka by mana whenua through mechanisms like partnership, active involvement of Kāi Tahu in decision-making, facilitating engagement with Kāi Tahu in consenting processes, iwi management plans, the incorporation of mātauraka, and support of mana whenua initiatives.
14. The IO – Integrated Management provisions and the environmental outcomes in the FMU chapters provide a foundation for many of the matters listed in section 7, which are then recognised and provided for throughout the pLWRP. IO-O1 – Te Mana o te Wai and IO-O4 – Ki uta ki tai/integrated management seek to ensure that resources are managed in a way that recognises the interconnectedness of land, freshwater, and coastal water, and the intrinsic values and health of the natural environment. IO-O5 Manahau āhuarangi/climate change seeks that land and water in the region support national measures to respond to climate change through the national adaptation plan and achievement of national targets for emissions reductions, including that renewable energy generation in Otago supports the overall reduction in New Zealand's gas emissions.
15. IO-O8 – Land and soil resources seeks to ensure that land and soil resources support healthy habitats for indigenous species and ecosystems, and that their use and development ensures their life supporting capacity and productive capacity is not permanently reduced. The objective also states the importance of the role these resources play in providing for the social, economic, and cultural well-being of communities. Similarly, IO-O9 – Community well-being provides for the need to adopt sustainable land and water management practices to enable community wellbeing both now and in the future. IO-O7 – Freshwater species sets

out that the habitats of trout and salmon are to be protected to support a healthy sports fishery (insofar as this is consistent with protecting the habitats of indigenous freshwater fish species). IO-O6 – Fish passage and IP-P14 – Fish passage, IP-P15 – Remediation of existing structures and IP-P16 – Decision-making on instream structures set out a framework for providing for fish passage and identifying desired and undesirable fish species.

16. Section 8 requires local authorities to take into account the principles of Te Tiriti o Waitangi. The application of this section is fact-specific, but Courts have identified specific obligations to:
 - a. Enable active participation by Māori in resource management decision-making, including in respect of plan-making (*Mason-Riseborough v Matamata-Piako District Council*, 1997);
 - b. Engage with tangata whenua in good faith (*Te Pairi v Gisborne District Council EnvC*, 2004);
 - c. Seek mutual reciprocity and benefit, where possible (*Waikanae Christian Holiday Park v Kapiti Coast District Council*, 2004);
 - d. Endeavour to protect resources of importance to Māori from adverse effects (*Mahuta v Waikato Regional Council*, 1998); and
 - e. Take positive action to protect tangata whenua interests, which will at time oblige councils to initiate, facilitate and monitor consultation (*Sea-Tow Ltd v Auckland Regional Council*, 1993).
17. The pLWRP has been developed in partnership with Kāi Tahu, the takata whenua of Otago, taking into account the principles of Te Tiriti. Mana whenua values and the content of the relevant iwi management plans have informed the provisions of the plan. There are also specific provisions in the IM – Integrated management chapter outlining how mana whenua are to be involved in resource management under the pLWRP.

1.3. Resource Management Act 1991: Functions of regional councils

18. Regional plans must be prepared in accordance with the regional council functions set out in section 30 of the RMA.⁵ It contains a wide range of matters that include the control of the coastal marine area, water take and use, and discharges to air, water and land.⁶ The functions which are relevant to the pLWRP are:
 - a. establishing, implementing and reviewing objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region (section 30(1)(a));
 - b. preparing objectives and policies in relation to any actual or potential effects of the use, development or protection of land which are of regional significance (section 30(1)(b));
 - c. controlling the use of land for the purpose of:

⁵ Section 66(1)(a), RMA

⁶ section 30(1), RMA

- i. soil conservation (section 30(1)(c)(i));
 - ii. maintaining and enhancing the quality of water in water bodies (section 30(1)(c)(ii));
 - iii. maintaining the quantity of water in water bodies (section 30(1)(c)(iii));
 - iv. maintaining and enhancing ecosystems in water bodies (section 30(1)(c)(iiia));
 - v. avoiding or mitigating natural hazards (section 30(1)(c)(iv));
 - d. investigating land for the purposes of identifying and monitoring contaminated land (section 30(1)(ca));
 - e. controlling the taking, use, damming, and diversion of water, and controlling the quantity, level, and flow of water in any water body (section 30(1)(e));
 - f. controlling discharges of contaminants into or onto land or water, and discharges of water into water (section 30(1)(f));
 - g. if appropriate, establishing rules to allocate the taking or use of water, and the capacity of water to assimilate discharges (subject to the restrictions set out in section 30(4)) (section 30(1)(fa));
 - h. in relation to any bed of a water body, controlling the introduction or planting of any plant in, on, or under that land, for the purpose of:
 - i. soil conservation (section 30(1)(g)(i));
 - ii. maintaining and enhancing the quality of water in that water body (section 30(1)(g)(ii));
 - iii. maintaining the quantity of water in that water body (section 30(1)(g)(iii));
 - iv. avoiding or mitigating natural hazards (section 30(1)(g)(iv));
 - i. establishing, implementing and reviewing objectives, policies and methods for maintaining indigenous biodiversity (section 30(1)(ga)); and
 - j. strategic integration of infrastructure with land use through objectives, policies and methods (section 30(1)(gb)).
19. The provisions of the pLWRP are within the scope of the Council's functions as set out in section 30.

1.4. National planning standards

20. The purpose of national planning standards is to improve consistency in plan and policy statement structure, format and content. The first set of national planning standards came into force in May 2019. The pLWRP must comply with the national planning standards.⁷
21. Table 1 below provides an assessment of the pLWRP against the relevant parts of the national planning standards.

⁷ Section 67(3)(ba), RMA and Standard 17, Direction 3(b) of the National Planning Standards.

Table 1: Assessment against national planning standards

| Standard | Assessment |
|---|--|
| 1 – Foundation | The plan has been prepared in accordance with these standards and is therefore fully compliant. |
| 3 – Regional plan structure | |
| 6 – Introduction and general provisions | |
| 10 – Format | |
| 11 – Regional spatial layers | This standard sets out the functions of certain regional spatial layers and where associated provisions must be located in a plan. Only one is relevant for the pLWRP: freshwater management units. In accordance with this standard, provisions applying to each FMU as defined on the FMU spatial layer have been included in the relevant FMU chapter of the plan. The pLWRP is therefore fully compliant. |
| 13 – Mapping | The plan has been prepared in accordance with these standards and is therefore fully compliant. |
| 14 – Definitions | The pLWRP has used the definitions provided in Standard 14 and has included other definitions in accordance with the directives in the standard. |
| 16 – Electronic accessibility and functionality | This standard has staged requirements. ORC must comply with the mandatory directions of 16A – Electronic accessibility and functionality by May 2020. ORC must comply with the mandatory directions of 16B – Online interactive plan by May 2029. ⁸ There is a longer timeframe for implementing Part B due to the significant work required by councils, including ORC, to develop the necessary information technology systems to support e-planning. The pLWRP complies with the first step (Part A of Standard 16). It does not yet comply with the Part B of Standard 16 requirements for an ‘e-plan’. |

22. Overall, the pLWRP complies with the standards it is required to comply with at this time and gives effect to the National Planning Standards.

1.5. New Zealand Coastal Policy Statement 2010 (NZCPS)

23. Under sections 66(1)(ea) and 67(3)(b) of the RMA, regional plans must be prepared in accordance with, and give effect to, a New Zealand Coastal Policy Statement. The relevant version for the pLWRP is the New Zealand Coastal Policy Statement 2010 (NZCPS). The NZCPS sets out how the purpose of the RMA will be achieved in relation to the coastal environment and contains a range of policies, including some that are highly directive. The implementation of the NZCPS and in particular how it is to be implemented by local authorities has been the subject of a large body of case law.

⁸ Standard 17, Directions 11 and 15 of the National Planning Standards.

24. Table 2 below provides an assessment of the pLWRP against the NZCPS provisions that are relevant.

Table 2: Assessment against NZCPS

| Provision(s) | Assessment |
|--------------|--|
| Objective 1 | Objective 1 seeks to safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems. This objective is given effect to by a suite of provisions in the pLWRP, including IO-O1, IO-O3, IO-O4, IP-P3, IP-P4, IP-P5, IP-P7, IP-P9, DAM-P4, FF-P1, FF-P7, FF-P10, OTH-P3, OTH-P5, WASTE-P1, WASTE-P2, WW-P4, WET-P3, and WET-P5. These provisions seek to recognise and provide for ki uta ki tai/integrated management of resources and manage adverse effects on coastal water and ecosystems. They also include direction to manage adverse effects on receiving environments, which includes estuaries and the wider CMA. Several FMU objectives (FMU1-O7, FMU2-O7, FMU3-O7, FMU4-O7 and FMU5-O7) seek that the natural form and character of receiving environments is supported. |
| Objective 2 | Objective 2 seeks to preserve the natural character of the coastal environment and protect natural features and landscape values. IO-O3, IP-P3, IP-P9, IP-P11, BED-P7, FF-P10, FF-P11, FLOOD-P2, OTH-P5, WET-O1, WET-P2 and WET-P5 give effect to this objective. Several FMU objectives (FMU1-O10, FMU2-O10, FMU3-O10, FMU4-O10 and FMU5-10) also seek that the cultural associations with wāhi tūpuna are maintained, visible, and whānau are able to access, use and relate to wāhi tūpuna now and in the future. FMU1-O7, FMU2-O7, FMU3-O7, FMU4-O7 and FMU5-O7 also seek that freshwater bodies and their riparian margins behave in a way that reflects their natural form and character to the extent reasonably practicable and supports the natural form and character of connected receiving environments. |
| Objective 3 | Objective 3 requires that the principles of Te Tiriti o Waitangi are taken into account, the role of tangata whenua as kaitiaki is recognised, and tangata whenua involvement in management of the coastal environment is provided for. This objective is given effect to by IO-O1, IO-O2, IO-O4, IP-P2 and IP-P3. These provisions provide outcomes and direction regarding giving effect to Te Mana o te Wai, sustaining the relationship of mana whenua with freshwater in Otago, recognising Kāi Tahu rakatirataka and enable the exercise of kaitiakitaka and managing land and freshwater to support the support the Kāi Tahu relationship with fresh water (including by recognising ki uta ki tai). |
| Objective 4 | Objective 4 seeks to maintain and enhance the public open space qualities and recreation opportunities of the coastal environment. This objective is primarily focused on the CMA and, therefore, is more relevant to the regional coastal plan. However, several provisions in the pLWRP, including BED-P3 and DAM-P4, seek to maintain or improve existing legal access to or along lakes and rivers, some of which may be located within or adjacent to the coastal environment and CMA. Objective 4 also seeks recognition of the potential for coastal processes, including those likely affected by climate change, to restrict access to the coastal environment. IO-O5 seeks to ensure that land and water are managed as part of an integrated response to climate change and IP-P6 directs that all decision-making on resource consent applications must have particular regard to the effects of climate change. |
| Objective 5 | Objective 5 seeks to ensure that coastal hazard risks take into account climate change and are managed appropriately. IO-O5 seeks to ensure that land and water are managed as part of an integrated response to climate change and IP-P6 directs that all decision-making on resource consent applications must have particular regard to the effects of climate change. Several other provisions require consideration of the effects, or adaptation to, climate change, including BED-P3, CL-O1, CL-P3, FLOOD-O1, WASTE-O1, and WET-O1. |

| Provision(s) | Assessment |
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| Objective 6 | Objective 6 seeks to enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety through subdivision, use and development. IO-O9 gives effect to this objective. It seeks that Otago's people and communities adopt sustainable land and water management practices that enable them to provide for their social, economic, and cultural well-being and for their health and safety now and in the future. |
| Objective 7 | Objective 7 seeks to ensure that management of the coastal environment recognises and provides for New Zealand's international obligations. This objective is not relevant to the pLWRP. |
| Policy 1 | Policy 1 establishes the extent and characteristics of the coastal environment. The landward extent and characteristics of the coastal environment are required to be identified and mapped in regional and district plans by local authorities in accordance with CE-P2 and CE-M1 of the PORPS 2021. This mapping will be contained in the regional coastal plan. Where the term 'coastal environment' is used in the pLWRP, it is intended to relate to the area identified under CE-P2 and CE-M1 of the PORPS 2021. |
| Policy 2 | Policy 2 requires that the principles of Te Tiriti o Waitangi and kaitiakitanga are taken into account in relation to the coastal environment. This policy is given effect to by IO-O1, IO-O2, IO-O4, IP-P2 and IP-P3. |
| Policy 3 | Policy 3 establishes when a precautionary approach is to be adopted. IP-P22 gives effect to this policy. It directs how decision-making under the plan will manage uncertainties, including by adopting a precautionary approach for activities whose effects are uncertain, unknown, or little understood but potentially significant adverse. |
| Policy 4 | Policy 4 relates to providing for integrated management of natural and physical resources in the coastal environment. This includes particular consideration of situations where land use activities affect, or are likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation. IO-O1, IO-O4, IP-P3 and IP-P4 give effect to this policy, including by giving effect to Te Mana o te Wai, and recognising and providing for the connections and interactions between water bodies, as well as between land, fresh water and coastal water across the whole of a catchment. |
| Policy 5 | Policy 5 requires the consideration of effects on land or waters in the coastal environment held or managed under other acts and requires regard to be given to publicly notified proposals for statutory protection of land or waters in the coastal environment and the adverse effects of activities on the purposes of that proposed statutory protection. IP-P23 sets out how cross-boundary matters are to be addressed, including by co-ordinating the management of natural and physical resources and the environment between overlapping or related agency responsibilities. An assessment of the alignment between the pLWRP and relevant legislation is provided in this section of the report. In accordance with those assessments, it is considered that the pLWRP is consistent with all relevant statutory documents. |
| Policy 6 | Policy 6 directs consideration of certain matters in relation to activities affecting the coastal environment and the CMA. Many of the matters addressed by Policy 6 are not relevant to the pLWRP. However, IP-P4 broadly gives effect to this policy, particularly by requiring decision-making to recognise and provide for the interactions between land, fresh water and coastal water, and integrated management. IO-O10 and IO-O5 seek outcomes relating to nationally significant infrastructure and regionally significant infrastructure, and renewable electricity generation. These provisions are relevant to Policy 6(1)(a) and 6(1)(g) of the NZCPS. |

| Provision(s) | Assessment |
|--------------|---|
| Policy 7 | Policy 7 relates to strategic planning matters in the coastal environment. IP-P4 broadly gives effect to this policy, particularly through requiring decision-making to recognise and provide for the interactions between land, fresh water and coastal water, and integrated management. |
| Policy 8 | Policy 8 is an activity specific policy relevant to aquaculture recognising the contribution of aquaculture to the social, economic and cultural well-being of people and communities. This policy directs regional policy statements and regional coastal plans to provide for aquaculture activities in appropriate places. It also requires ensuring that development in the coastal environment does not make water quality unfit for aquaculture activities in areas approved for aquaculture. Provisions in the pLWRP regarding ki uta ki tai/integrated management and managing effects on receiving environments and coastal waters, will contribute to giving effect to Policy 8. These provisions include IO-O1, IO-O3, IO-O4, IP-P3, IP-P4, IP-P5, IP-P7, IP-P9, DAM-P4, FF-P1, FF-P7, FF-P10, OTH-P3, OTH-P5, SW-P3, WASTE-P1, WASTE-P2, WASTE-P4, WW-P4, and WET-P5. |
| Policy 9 | Policy 9 recognises the importance of a network of safe ports as part of New Zealand's national transport system. Given the subject matter, this policy is not relevant to the pLWRP. |
| Policy 10 | Policy 10 relates to reclamation activities in the CMA. The pLWRP does not manage activities in the CMA and, therefore, is not relevant. |
| Policy 11 | Policy 11 relates to the protection of indigenous biodiversity in the coastal environment and provides prescriptive direction for how adverse effects of activities are to be managed. This policy is given effect to by a range of provisions in the pLWRP, including IO-O1, IO-O2, IO-O3, IO-O4, IO-O6, IO-O7, IP-P3, IP-P9, IP-P11, IP-P13, IP-P14, BED-P2, BED-P3, DAM-P2, DAM-P9, WET-O1, WET-P2, WET-P3, WET-P4, and WET-P5. Additionally, a range of FMU outcomes (for example, FMU1-O1, FMU1-O3, FMU1-O4, FMU1-O5, and FMU1-O11) are relevant to the protection of indigenous biodiversity in the coastal environment. |
| Policy 12 | Policy 12 directs councils to control activities in or near the CMA that could have adverse effects on the coastal environment by causing harmful aquatic organisms to be released or otherwise spread. Several provisions in the pLWRP seek to avoid the introduction or spread of pests, pest agents, unwanted organisms or organisms of interest in lakes, rivers and riparian margins. Specific policy direction is contained in BED-P3, BED-P6, and BED-P7. These provisions contribute to giving effect to Policy 12 by controlling releases of harmful organisms into water bodies and receiving environments. |
| Policy 13 | Policy 13 relates to the preservation of the natural character of the coastal environment. While the pLWRP is primarily focused on the preservation of the natural character of wetlands, lakes and rivers, some of these water bodies will extend into the coastal environment. Therefore, IO-O1, IO-O3, IO-O4, IP-P3, IP-P9, IP-P11, BED-P7, FLOOD-P2, FF-P2, FF-P10, FF-P11, WET-O1, WET-P2 and WET-P5 support giving effect to this policy. FMU1-O7, FMU2-O7, FMU3-O7, FMU4-O7 and FMU5-O7 also seek that freshwater bodies and their riparian margins behave in a way that reflects their natural form and character to the extent reasonably practicable and supports the natural form and character of connected receiving environments. |
| Policy 14 | Policy 14 directs that restoration or rehabilitation of natural character in the coastal environment be promoted. Several provisions in the pLWRP encourage restoration of values, including IO-O2, IP-P9, IP-P11, IP-P13, BED-P6, BED-P7, FLOOD-P2, WET-O1, WET-P1, WET-P2, WET-P3, WET-P5, FMU1-O3, FMU1-O11, FMU2-O3, FMU2-O11, FMU3-O3, FMU3-O11, FMU4-O3, FMU4-O11, and FMU5-O3, and FMU5-O11. |

| Provision(s) | Assessment |
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| Policy 15 | Policy 15 requires that natural features and landscapes (including seascapes) of the coastal environment are protected from inappropriate subdivision, use and development. IO-O1, IO-O3, IO-O4, IP-P3, IP-P9, IP-P11, BED-P7, FLOOD-P2, WET-P2 and WET-P5 give effect to this policy. |
| Policy 16 | Policy 16 requires the protection of surf breaks of national significance. This policy is not relevant to the pLWRP. However, provisions in the pLWRP seeking to protect water quality in coastal waters (including those identified above in the assessment of Objective 1 of the NZCPS) will contribute to avoiding adverse effects on the use and enjoyment of surf breaks. |
| Policy 17 | Policy 17 requires that historic heritage in the coastal environment is protected from inappropriate subdivision, use, and development. Several FMU objectives (FMU1-O10, FMU2-O10, FMU3-O10, FMU4-O10 and FMU5-10) also seek that the cultural associations with wāhi tūpuna are maintained, visible, and whānau are able to access, use and relate to wāhi tūpuna now and in the future. Permitted activity rules across the pLWRP contain conditions requiring that where an archaeological site may be disturbed, the accidental discovery protocol set out in APP16 – Accidental discovery protocol is applied. If this condition is not met, resource consent is required. |
| Policy 18 | Policy 18 recognises the need for public open space within and adjacent to the coastal marine area. This policy is primarily focused on the CMA and, therefore, is more relevant to the regional coastal plan. However, several provisions in the pLWRP, including BED-P3 and DAM-P4, seek to maintain or improve existing legal access to or along lakes and rivers, some of which may be located within or adjacent to the coastal environment and CMA. Objective 4 also seeks recognition of the potential for coastal processes, including those likely affected by climate change, to restrict access to the coastal environment. IO-O5 seeks to ensure that land and water are managed as part of an integrated response to climate change and IP-P6 directs that all decision-making on resource consent applications must have particular regard to the effects of climate change. |
| Policy 19 | Policy 19 requires that public walking access to, along and adjacent to the CMA is maintained and enhanced and restricted only where necessary. This policy is primarily focused on the CMA and, therefore, is more relevant to the regional coastal plan. However, several provisions in the pLWRP, including BED-P3 and DAM-P4, seek to maintain or improve existing legal access to or along lakes and rivers, some of which may be located within or adjacent to the coastal environment and CMA. Objective 4 also seeks recognition of the potential for coastal processes, including those likely affected by climate change, to restrict access to the coastal environment. IO-O5 seeks to ensure that land and water are managed as part of an integrated response to climate change and IP-P6 directs that all decision-making on resource consent applications must have particular regard to the effects of climate change. |
| Policy 20 | Policy 20 relates to vehicle access within the coastal environment. This policy is focused on beaches, foreshore, seabed and adjacent public land. While these matters are primarily addressed by the regional coastal plan, BED-R11 and WET-R2 manage vehicle access within the beds of lakes and rivers and natural inland wetlands, respectively. Parts of these water bodies may be located within or adjacent to beaches and public land outside of the CMA. |
| Policy 21 | Policy 21 requires priority be given to improving the quality of water in the coastal environment that has deteriorated so that it is having a significant adverse effects or is restricting existing uses. Provisions in the pLWRP seeking to achieve interim and longer-term target attribute states and improve water quality will contribute to improving the quality of water in receiving environments (including estuaries and the |

| Provision(s) | Assessment |
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| | CMA). These provisions include IO-O1, IO-O4, IP-P3, IP-P4, IP-P9, FF-P1, CAT1-P1, CAT2-P1, CAT3-P1, CAT4-P1, CAT5-P1, FMU2-P1, FMU3-P1, FMU4-P1, and FMU5-P1. |
| Policy 22 | Policy 22 requires sedimentation levels and impacts on the coastal environment to be assessed and monitored, and activities which contribute to sedimentation to be appropriately managed. Several provisions in the pLWRP give effect to this policy. FF-P1 directs that adverse effects from primary production activities are avoided on the quality of coastal water, where reasonably practicable, or otherwise minimised through a range of actions. These actions include requiring the implementation of good management practices to reduce phosphorus and sediment discharges. FF-P10 assists with controlling the impacts of vegetation removal on sedimentation, including the impacts of forestry activities. The SW chapter provides policy direction for managing the adverse effects of stormwater systems. IO-O1, IO-O4, IP-P3, IP-P4, IP-P9, CAT1-P1, CAT2-P1, CAT3-P1, CAT4-P1, CAT5-P1, FMU2-P1, FMU3-P1, FMU4-P1, and FMU5-P1 also seek to improve water quality. |
| Policy 23 | Policy 23 requires discharges to water in the coastal environment to be managed to avoid adverse effects and having particular regard to the sensitivity of the receiving environment. Several provisions in the pLWRP manage discharges of contaminants into water or into or onto land in circumstances where a contaminant may enter water. IP-P19 contains direction for considering resource applications for discharging contaminants. IP-P20 sets out how the mixing zones are to be determined, including direction to ensure that site-specific mixing zones use the smallest zone necessary to achieve the required water quality in the receiving waters. CAT1-P1, CAT2-P1, CAT3-P1, CAT4-P1, CAT5-P1, FMU2-P1, FMU3-P1, FMU4-P1, and FMU5-P1 require the achievement of interim and longer-term target attribute states. With regard to human sewage, the WW-O1 seeks to ensure that the adverse impacts of wastewater discharges are managed to protect human health and sustain the health and quality of fresh water, soil, and Kāi Tahu values. The SW chapter contains a range of provisions to manage adverse effects arising from the discharge of stormwater beyond the zone of reasonable mixing, including direction that addresses the matters outlined in Policy 23(4) of the NZCPS. |
| Policy 24 | Policy 24 requires the identification of coastal hazards. A region-wide natural hazard risk identification and assessment is yet to be completed in accordance with HAZ-NH-M1 and HAZ-NH-M2 of the PORPS 2021. IP-P18 sets out the framework for managing natural hazard risks in the pLWRP. |
| Policy 25 | Policy 25 is the overarching policy for managing the risk of social, environmental, and economic harm from coastal hazards. This policy is given effect to by IO-O5, IP-P18 and FLOOD-P3. IP-P18 sets out the framework for managing natural hazard risk in the pLWRP. FLOOD-P3 seeks to avoid the placement of new or replacement hard protection structures. |
| Policy 26 | Policy 26 directs that, where appropriate, the protection, restoration or enhancement of natural defences is provided for. This policy is given effect to by IO-O5, IP-P18, BED-P5, BED-P6 and FLOOD-P2. These provisions seek to support adaptation to climate change and protect or enhance the ability of natural or modified features and systems to mitigate the effects of natural hazards. |
| Policy 27 | Policy 27 sets out strategies to reduce the coastal hazard risk in areas with significant existing development. This policy is given effect to by IO-O5, IP-P18, BED-P5, BED-P6 and FLOOD-P2. |
| Policy 28 | This policy relates to monitoring and reviewing the effectiveness of the NZCPS and is not relevant for the pLWRP. |
| Policy 29 | This policy relates to restricted coastal activities which are a matter for regional coastal plans. |

1.6. National policy statements

25. In accordance with section 67(3)(a) of the RMA, a regional plan must give effect to any national policy statement. There are seven national policy statements in force:
- a. National Policy Statement on Electricity Transmission 2008 (NPSET);
 - b. National Policy Statement for Freshwater Management 2020 (NPSFM);
 - c. National Policy Statement for Greenhouse Gases from Industrial Process Heat 2023;
 - d. National Policy Statement for Highly Productive Land 2022 (NPSHPL);
 - e. National Policy Statement for Indigenous Biodiversity 2023 (NPSIB);
 - f. National Policy Statement for Renewable Electricity Generation 2011 (NPSREG); and
 - g. National Policy Statement on Urban Development 2020 (NPSUD).
26. The following sections outline which of these are relevant to the pLWRP and how the pLWRP gives effect to their content.

1.7. National Policy Statement on Electricity Transmission 2008 (NPSET)

27. The NPSET sets out the objective and policies to enable the management of the effects of the electricity transmission network under the RMA. Electricity transmission network means part of the national grid of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand.
28. This section assesses the plan provisions against the NPSET and must be read alongside the NPSET, which is available from the Ministry for the Environment's website.⁹ Many of the activities are more relevant for territorial authority functions and city/district plans, and there is limited policy direction in the NPSET on the management of electricity transmission activities that is relevant to the pLWRP. An assessment of the pLWRP against the NPSET is set out in Table 3 below.

Table 3: Assessment against NPSET

| Provision(s) | Assessment |
|--------------|---|
| Objective | This objective seeks to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and establishment of new transmission, while managing the adverse effects of the network, and managing adverse effects of other activities on the network. The pLWRP definition of 'nationally significant infrastructure' includes the national grid electricity transmission network. The pLWRP definition of 'regionally significant infrastructure' includes electricity sub-transmission infrastructure and significant electricity distribution infrastructure. IO-O10, IP-P11(4), BED-P1, BED-P2 and BED-P3 give effect to this objective. |
| Policy 1 | This policy seeks to recognise the benefits of sustainable, secure and efficient electricity transmission. IO-O10 and BED-P1 give effect to this policy. |

⁹ See <https://environment.govt.nz/assets/Publications/Files/nps-electricity-transmission-mar08.pdf>

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| Policy 2 | Policy 2 requires that decision-makers recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network. IO-O10 gives effect to this policy. BED-R1 and BED-R2 provide permitted activity rules for structures in the bed of a lake or river provided several conditions are met. |
| Policy 3 | Policy 3 requires decision-makers to consider constraints imposed by technical and operational requirements of the network. IP-P11(4) and BED-P3 give effect to this policy. |
| Policy 4 | Policy 4 requires decisionmakers, when considering the environmental effects of a new transmission infrastructure or major upgrades, to have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection. IP-P7 gives effect to this policy, along with BED-P3 for network assets in the beds of lakes or rivers. |
| Policy 5 | Policy 5 seeks to enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission networks. IO-O10, BED-P1, BED-P2 and BED-P4 give effect to this policy. |
| Policy 6 | Policy 6 provides for the opportunity to reduce adverse effects where substantial upgrades of the transmission network take place. IP-P7 gives effect to this policy. BED-P3 gives effect to this policy, for network assets in the beds of lakes or rivers. |
| Policy 7 | Policy 7 seeks to minimise adverse effects on urban amenity and avoid adverse effects on town centres, areas of high recreational or amenity value, and existing sensitive activities. These matters are largely outside the jurisdiction of the regional plan and are matters for city or district plans. |
| Policy 8 | Policy 8 provides that in rural areas, development of the transmission network should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character, and areas of high recreation value and amenity, and existing sensitive activities. IP-P11 gives effect to this policy and seeks to manage nationally significant infrastructure and regionally significant infrastructure locating in an outstanding water body in a way that protects the outstanding or significant values of the water body. The pLWRP does not identify outstanding natural landscapes or areas of high natural character or amenity and this is a matter for city or district plans. |
| Policy 9 | This policy applies to territorial authorities only and is not relevant for the pLWRP. |
| Policy 10 | Policy 10 addresses reverse sensitivity effects on the electricity transmission network. IO-O10 enables the consideration of reverse sensitivity effects on the electricity transmission network as part of ensuring its efficient and effective operation. BED-P3 also partially gives effect to this policy. A number of rules in the pLWRP include a condition that the activity does not frustrate the use of any nationally significant infrastructure, regionally significant infrastructure or other lawfully established structure, including in the BED, DAM, FLOOD, WET chapters. |
| Policy 11 | Policy 11 requires local authorities to identify appropriate buffer corridors within which it can be expected that sensitive activities will generally not be provided for. The pLWRP does not identify buffer corridors for the national grid. However, this is partially implemented by a number of rules in the pLWRP that include a condition that an activity does not frustrate the use of any nationally significant infrastructure, regionally significant infrastructure or other lawfully established structure, including in the BED, DAM, FLOOD, WET chapters. |
| Policy 12 | This policy applies to territorial authorities only and is not relevant for the pLWRP. |
| Policy 13 and 14 | These policies seek a long-term strategic planning approach for transmission assets, recognising the designation process is available and to facilitate long term |

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| | planning for investment in transmission infrastructure. Designations do not apply to regional councils. |
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1.8. National Policy Statement for Freshwater Management 2020 (NPSFM)

29. The NPSFM came into force on 3 September 2020, replacing the National Policy Statement for Freshwater Management 2014 (as amended 2017). Broadly, the NPSFM sets the direction for freshwater quality and quantity management in New Zealand through the framework of Te Mana o te Wai. Te Mana o te Wai is described as the fundamental concept for the NPSFM, recognising that protecting the health of fresh water protects the health and wellbeing of the wider environment. There are four parts to the NPSFM:
- a. Part 1: Preliminary provisions;
 - b. Part 2: Objective and policies;
 - c. Part 3: Implementation:
 - i. Subpart 1: Approaches to implementing the NPS;
 - ii. Subpart 2: National Objectives Framework; and
 - iii. Subpart 3: Specific requirements; and
 - d. Part 4: Timing and transitions.
30. Councils must notify regional plans or policy statements to implement the NPSFM by 31 December 2027.¹⁰ The following sections provide assessments of the pLWRP 2024 against the relevant parts of the NPSFM.

1.8.1. Part 1

31. Part 1 of the NPSFM largely contains introductory material, such as the title, commencement, application of s55(2A) of the RMA, and documents incorporated by reference. There are three clauses in Part 1 which are important context for interpreting and applying the rest of the NPSFM:
- a. Clause 1.3 sets out the fundamental concept underpinning the NPS: Te Mana o te Wai. This clause describes the concept as well as its framework, incorporating both the hierarchy of obligations as well as six principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater.
 - b. Clause 1.4 sets out most of the definitions relevant to the provisions in the NPSFM. Additional definitions are also included in subpart 3 of Part 3.
 - c. Clause 1.6 requires local authorities to use the best information available at the time when giving effect to the NPSFM. This clause outlines what is meant by 'best information available' and provides direction on how decision-making should occur in the absence of certainty about the quality or quantity of information available.
32. These clauses have been considered in the development of the pLWRP, particularly when interpreting and applying the remaining provisions in the NPSFM.

¹⁰ Section 80A(4)(2)(b) of the RMA.

1.8.2. Part 2: Objective and policies

33. Table 44 below provides an assessment of the pLWRP against the objective and policies of the NPSFM. This assessment is at a high level and is supported by more specific assessments in relevant topic chapters.

Table 4: Assessment of NPSFM

| Provision(s) | Assessment |
|--------------|---|
| Objective | This objective sets out priorities for the management of natural and physical resources, reflecting the concept of Te Mana o te Wai as set out in clause 1.3(5) of the NPSFM. IO-O1 of the pLWRP seeks that the management of land and water gives effect to Te Mana o te Wai and recognises that it is a fundamental concept underpinning the Plan. IP-P7 requires all activities managed under the pLWRP to be carried out in a way that is consistent with Te Mana o te Wai. IP-P5 directs how the effective and efficient implementation of Te Mana o te Wai is to be facilitated in the region. |
| Policy 1 | Policy 1 requires that freshwater is managed in a way that gives effect to Te Mana o te Wai. IO-O1 of the pLWRP seeks that the management of land and water gives effect to Te Mana o te Wai and recognises that it is a fundamental concept underpinning the Plan. IP-P7 requires all activities managed under the pLWRP to be carried out in a way that is consistent with Te Mana o te Wai. IP-P5 directs how the effective and efficient implementation of Te Mana o te Wai is to be facilitated in the region. |
| Policy 2 | Policy 2 requires actively involving takata whenua in freshwater management. This policy is given effect to by IO-O2, IP-P2 and IP-P3. In particular, IP-P2 provides direction for facilitating partnership with mana whenua in freshwater management, providing opportunities for the active involvement of Kāi Tahu in policy and resource consent decision-making processes and facilitating engagement. It also requires that opportunities for delegation or transfer of functions to Kāi Tahu and partnership arrangements or iwi participation agreements are actively pursued, iwi management plans are taken into account, and mātauraka is incorporated in decision-making processes and monitoring programmes. Section 5 (Iwi involvement) of Chapter 4 of the Section 32 report provides a summary of the processes and initiatives that were undertaken with respect to the involvement of Kāi Tahu in the development of the pLWRP. |
| Policy 3 | Policy 3 requires integrated management of land and freshwater considering the effects of the use and development of land on a whole of catchment basis, including effects on receiving environments. This policy is given effect to by a range of provisions in the pLWRP, including IO-O4, IP-P3, IP-P4 and IP-P23. IO-O4 seeks that the connections and interactions between water bodies (including between surface water and groundwater) as well as between land, fresh water, and coastal water across the whole of a catchment are recognised and provided for through integrated management of land and water. IP-P3 outlines how land and freshwater are to be managed in order to support the Kāi Tahu relationship with fresh water, including by recognising the interconnectivity of whenua, wai, ecosystems and takata, ki uta ki tai, and managing catchments. IP-P4 directs how an integrated approach to decision-making is to be recognised and provided for. IP-P23 requires a consistent and integrated approach to managing cross-boundary matters. |
| Policy 4 | Policy 4 requires freshwater to be managed as part of New Zealand's integrated response to climate change. IO-O5 seeks that land and water are managed as part of New Zealand's integrated response to climate change and in a way that supports a range of outcomes. IP-P6 requires that particular regard is given to the effects of climate change as part of decision-making on resource consent applications. IO- |

| Provision(s) | Assessment |
|--------------|--|
| | O10 and IP-P17 provide direction regarding renewable electricity generation and its contribution to supporting the overall reduction in New Zealand's greenhouse gas emissions and regional and district targets for emissions reductions. Other provisions also require consideration of the effects of climate change (for example, BED-P3, CL-O2) and encouraging activities that support adaptation to or mitigation of the effects of climate change (for example; BED-P6, FLOOD-O1, WET-O1). |
| Policy 5 | Policy 5 requires implementation of the NOF. A summary of how the pLWRP has been developed to implement the various steps in the NOF is provided in Chapter 21 of the Section 32 report. |
| Policy 6 | Policy 6 requires no further loss of the extent of natural inland wetlands, protection of their values and promotion of their restoration. This policy is primarily implemented in the WET chapter. WET-O1 seeks that Otago's wetlands are protected, and their restoration is provided for and promoted to achieve a range of outcomes, including to ensure there is no reduction in the extent of wetlands and, where degraded, over time there is an improvement in wetland ecosystem health, water quality, and the extent of wetlands. WET-P2 directs how natural wetlands are to be restored and protected. WET-P3 directs how the loss of extent of wetlands is avoided, their values are protected, and their restoration is promoted. |
| Policy 7 | Policy 7 requires avoiding the loss of river extent and values to the extent practicable. IP-P9 directs that the natural character, including form and function, and instream values of water bodies are protected from inappropriate use and development, including by avoiding the loss of values of a river or natural lake. IP-P10 directs that resource consent must not be granted for activities undertaken in accordance with IP-P9 unless the applicant has demonstrated how each step in the effects management will be applied, including particular requirements for aquatic offsetting and compensation. |
| Policy 8 | Policy 8 requires protecting the significant values of outstanding water bodies. A list of Otago's outstanding water bodies and their values is contained in SCHED1 of the pLWRP. IP-P11 sets out the framework for giving effect to this Policy 8, by directing how the significant and outstanding values of Otago's outstanding water bodies are to be protected from inappropriate use and development. IP-P12 directs how site-specific information is to be taken into account when determining an application for resource consent for an activity that would affect an outstanding water body. Several permitted activity rules include locational restrictions for activities in outstanding water bodies to protect their values and ensure that any adverse effects are appropriately managed through a resource consent process. |
| Policy 9 | Policy 9 requires protecting the habitats of indigenous freshwater species. This policy is given effect to by IO-O6, IO-O7, IP-P14, IP-P15, and IP-P16 which recognise the connectedness between protecting habitats and providing/preventing passage. |
| Policy 10 | Policy 10 requires protecting the habitat of trout and salmon insofar as this is consistent with Policy 9. This policy is given effect to by IO-O6, IO-O7, IP-P14, IP-P15, and IP-P16 which recognise the connectedness between protecting habitats and providing/preventing passage. |
| Policy 11 | Policy 11 requires freshwater to be allocated and used efficiently, over-allocation phased out and future over-allocation avoided. This policy is given effect to by IP-P8 which requires any future over-allocation of fresh water to be avoided and existing over-allocation to be phased out in a way that recognises present and future generations and investment, and supports efficient allocation and use of resources, including providing for re-allocation where necessary. To give effect to Te Mana o te Wai, IP-P8 also requires, when considering reductions in actual |

| Provision(s) | Assessment |
|--------------|---|
| | resource use, reductions to be prioritised for uses that are within the third priority in the hierarchy of obligations. EFL-P15 requires identification of over-allocated water bodies and EFL-P16 contains detailed direction for how these water bodies are to be managed. Specific FMU provisions also include direction for reducing over-allocation, such as CAT3-P2 for the Manuherekia River. |
| Policy 12 | Policy 12 requires the national target for water quality improvement to be achieved. This national target relates to primary contact and is contained in Appendix 3 of the NPSFM. This policy is given effect to by a range of FMU objectives for the human contact value (for example, FMU1-O2) which require that water bodies are clean and safe for human contact activities and support the health of people and their connections with water bodies. These environmental outcomes are implemented by policies directing interim and longer-term target attribute states to be achieved. |
| Policy 13 | Policy 13 requires systematic monitoring and action in response to degradation to reverse deteriorating trends. Monitoring sits outside of the pLWRP, and will be given effect to by ORC through other processes, including where in accordance with the Council's duties under section 35 of the RMA. IP-P2 requires partnership with mana whenua and incorporation of mātauraka in monitoring programmes. |
| Policy 14 | Policy 14 requires reporting on and publishing information about the state of water bodies and freshwater ecosystems. Reporting and publishing requirements sit outside of the pLWRP, and will be given effect to by ORC through other processes, including where in accordance with the Council's duties under section 35 of the RMA. |
| Policy 15 | Policy 15 requires communities to be enabled to provide for their social, economic and cultural wellbeing in a way that is consistent with the NPSFM. This policy is given effect to by IO-O9 which seeks that Otago's people and communities adopt sustainable land and water management practices that enable them to provide for their social, economic, and cultural well-being and for their health and safety now and in the future. |

1.8.3. Part 3: Implementation

34. Part 3 of the NPSFM sets out implementation requirements which are also relevant to regional plans. Table 55 below identifies those requirements relevant to the pLWRP and assesses how they are implemented in the plan.

Table 5: Assessment of Part 3, NPSFM

| Provision(s) | Assessment |
|--|--|
| Subpart 1: Approaches to implementing the NPS | |
| CI 3.2 – Te Mana o te Wai | <p>This clause requires regional councils to include an objective in their RPSs that describes how the management of freshwater in the region will give effect to Te Mana o te Wai. This requirement has been included in the PORPS 2021. The definition of Te Mana o te Wai in the pLWRP refers to clauses 1.3 and 3.2 of the NPSFM, which are implemented by the pORPS.</p> <p>Clause 3.2 also requires regional councils to give effect to Te Mana o te Wai, including through actively involving tangata whenua in freshwater management (including decision-making processes), applying the hierarchy of obligations when implementing the NOF and developing specific provisions for</p> |

| Provision(s) | Assessment |
|---|--|
| | <p>natural inland wetlands, rivers, fish passage, primary contact sites, and water allocation, enabling the application of a diversity of systems of values and knowledge, and adopting an integrated approach, ki uta ki tai.</p> <p>IO-O1 requires the management of land and water to give effect to Te Mana o te Wai and recognises it as a fundamental concept underpinning the pLWRP.</p> |
| CI 3.3 – Long-term visions for freshwater | <p>This clause requires regional councils to develop long-term visions for freshwater in their regions and include them as objectives in their RPS. It also sets out how long-term visions are to be developed and what they must contain. The definition of long-term visions in the pLWRP refers to clause 3.3 of the NPSFM, and notes that they are included in the PORPS 2021. The provisions of the pLWRP seek to achieve the long-term visions by achieving the environmental outcomes and target attribute states in chapters FMU1 to FMU5.</p> |
| CI 3.4 – Tangata whenua involvement | <p>This clause sets out how tangata whenua must be involved in freshwater management. This clause is given effect to by IO-O2, IP-P2 and IP-P3. In particular, IP-P2 provides direction for facilitating partnership with mana whenua in freshwater management, providing opportunities for the active involvement of Kāi Tahu in policy and resource consent decision-making processes and facilitating engagement. It also requires that opportunities for delegation or transfer of functions to Kāi Tahu and partnership arrangements or iwi participation agreements are actively pursued, iwi management plans are taken into account, and mātauraka is incorporated in decision-making processes and monitoring programmes. Section 5 (Iwi involvement) of Chapter 4 of the Section 32 report provides a summary of the processes and initiatives that were undertaken with respect to the involvement of Kāi Tahu in the development of the pLWRP.</p> |
| CI 3.5 – Integrated management | <p>This clause sets out what adopting an integrated approach, ki uta ki tai, requires including recognising the interconnectedness of the whole environment and interactions, managing freshwater and land use and development in catchments in an integrated and sustainable way, and encouraging the co-ordination and sequencing of regional or urban growth. This clause is given effect to by a range of provisions in the pLWRP, including IO-O4, IP-P3, IP-P4 and IP-P7. IO-O4 seeks that the connections and interactions between water bodies (including between surface water and groundwater) as well as between land, fresh water, and coastal water across the whole of a catchment are recognised and provided for through integrated management of land and water. IP-P3 outlines how land and freshwater are to be managed in order to support the Kāi Tahu relationship with fresh water, including by recognising the interconnectivity of whenua, wai, ecosystems and takata, ki uta ki tai, and managing catchments. IP-P4 directs how an integrated approach to decision-making is to be recognised and provided for. IP-P7 requires a consistent and integrated approach to managing cross-boundary matters.</p> |

| Provision(s) | Assessment |
|--|---|
| CI 3.6 – Transparent decision-making | <p>This clause sets out requirements for regional councils with regard to decision-making, including to record matters considered and all decisions reached, specify the reasons for each decision reached, and publish this information as soon as practicable after the decision is reached, unless it would be contrary to any other legal obligation. This clause is given effect to by IP-P6 and IP-P22 which contain specific direction for decision-making under the pLWRP. This section 32 report and supporting technical references contain the rationale and evidence for decisions reached with regard to implementing the NOF and giving effect to the NPSFM through the pLWRP provisions.</p> |
| Subpart 2: National Objectives Framework | |
| CI 3.7 – NOF process | <p>This clause provides an overview of the NOF process set out in subsequent clauses, and requires that the council must engage with communities and tangata whenua, and apply the hierarchy of obligations at each step of the NOF process.</p> <p>The assessment of the pLWRP and clauses 3.8 to 3.17 provide further detail on how the NOF process has been implemented. Sections 5 and 6 of chapter 4 of the Section 32 report describe the iwi involvement and community engagement in the development of the pLWRP, including engagement on specific aspect of the NOF process, including FMUs and long-term visions, freshwater values, environmental outcomes and target attribute states, as well as the draft provisions.</p> |
| CI 3.8 – Identifying FMUs and special sites and features | <p>This clause directs regional councils to identify FMUs and special sites and features within FMUs. FMUs (and rohe) were identified and mapped by ORC under the PORPS 2021.</p> <p>Special sites and features include sites to be used for monitoring, primary contact sites, the location of habitats of threatened species, outstanding water bodies and natural inland wetlands. These special sites and features (with the exception of natural inland wetlands) are listed (or cross-referenced to relevant schedules and appendices) in tables within the overview of chapters FMU1 to FMU5. Locations of habitats of threatened freshwater-dependent species are listed in APP6 and mapped in MAP[TS], and outstanding water bodies and their values are contained in SCHED1.</p> <p>Mapping of natural inland wetlands in accordance with the NPSFM is ongoing. Provisions managing natural inland wetlands are primarily contained in the WET chapter.</p> |
| CI 3.9 – Identifying values and setting environmental outcomes as objectives | <p>This clause requires regional councils to identify values within each FMU. These must include the four compulsory values (in Appendix 1A), any other applicable national value (in Appendix 1B) and any other values identified. All of the values in Appendices 1A and 1B apply to each FMU in Otago.</p> <p>This clause also requires environmental outcomes to be identified for every value that applies to an FMU or part of an FMU and included in regional plans as objectives. It also sets out how environmental outcomes are to be developed to enable assessment of the effectiveness of the plan in achieving them.</p> |

| Provision(s) | Assessment |
|---|---|
| | Clause 3.9 is implemented through the provisions in chapters FMU1 to FMU5 of the pLWRP. |
| CI 3.10 – Identifying attributes and their baseline states, or other criteria for assessing achievement of environmental outcomes | This clause requires regional councils to identify attributes or alternative criteria and their baseline states for each value that applies to an FMU or part of an FMU. This clause is implemented through the provisions in chapters FMU1 to FMU5 of the pLWRP, including Tables 5 and 6 and the relevant target attribute state and alternative criteria tables. |
| CI 3.11 – Setting target attribute states | This clause requires regional councils to set target attribute states at or above the baseline state of that attribute for every attribute identified for a value and identify the site or sites to which they apply. Target attribute states must be set in a way that will achieve the environmental outcomes for the relevant values and the relevant long-term vision. Other specific requirements for target attribute states are outlined in the clause. Chapters FMU1 to FMU5 contain the target attribute states identified within each FMU. |
| CI 3.12 – How to achieve target attribute states and environmental outcomes | This clause sets out the requirements for regional councils to implement rules relating to identified limits on resource use that will achieve target attribute states and any nutrient outcomes needed to achieve such states. The package of provisions in pLWRP is intended to achieve the target attribute states and environmental outcomes, including through rules containing limits on resource use (such as land-use, input and output controls). |
| CI 3.13 – Special provisions for attributes affected by nutrients | This clause requires regional councils to set appropriate instream concentrations and exceedance criteria, or instream loads, for nitrogen and phosphorus in order to achieve a target attribute state for any nutrient attribute and any attribute affected by nutrients. This clause is implemented by the provisions in chapters FMU1 to FMU5. |
| CI 3.14 – Setting limits on resource use | This clause sets out direction regarding limits on resource use, including how they are expressed and applied, and the matters that regional councils must have regard to when setting limits. As above, the package of provisions contains rules which include various limits on resource use. ORC has had regard to the long-term visions and the foreseeable impacts of climate change and taken into account freshwater accounting information when setting limits in the pLWRP, which implements clause 3.14(2). |
| CI 3.15 – Preparing action plans | This clause sets out requirements for preparing action plans. Action plans are non-regulatory tools that sit outside of the pLWRP and will be developed in future. However, several provisions in the pLWRP reference action plans. IP-P15 requires remediation of existing structures that have been identified in an action plan. IP-P22 directs decision-makers to take into account the extent to which activities will implement actions identified in action plans when determining resource consent durations. CAT2-M1 requires ORC to prepare an action plan for the Lake Hayes catchment that outlines actions to be taken to reduce key contaminants, including phosphorus. This action plan will be prepared in accordance with clause 3.15 of the NPSFM. |

| Provision(s) | Assessment |
|--|--|
| Cl 3.16 – Setting environmental flows and levels | <p>This clause requires regional councils to include rules in regional plans that set environmental flows and levels for each FMU. Different flows and levels may be set for different parts of an FMU. The clause directs how environmental flows and levels must be expressed, and the matters that regional councils must consider when setting them.</p> <p>This clause is primarily implemented through the provisions in the EFL chapter (including by EFL-P1) and SCHED3 – SCHED6 which set out the relevant environmental flows and levels for water bodies in the region. IP-P7 also requires that all activities managed under the Plan are carried out in accordance with any relevant environmental flows and levels.</p> |
| Cl 3.17 – Identifying take limits | <p>This clause sets out the requirements for regional councils to meet environmental flows and levels, including by identifying and including take limits as rules for each FMU and stating whether existing water permits will be reviewed to comply with environmental flows and levels. The EFL chapter contains policies and rules which reference the take limits identified in SCHED3 – SCHED6 of the pLWRP. The take limits in SCHED3 – SCHED6 implement the requirements of clause 3.17. The DAM chapter also includes reference to take limits in relation to in-stream damming activities. IP-P7 requires that all activities managed under the Plan are carried out in accordance with any relevant environmental flows and levels.</p> |
| Subpart 3: Specific requirements | |
| Cl 3.22 – Natural inland wetlands | <p>This clause sets out a mandatory regional plan policy and direction for avoiding the loss of extent, protecting values, and promoting restoration of natural inland wetlands. This clause is implemented through the WET chapter.</p> |
| Cl 3.24 – Rivers | <p>This clause sets out a mandatory regional plan policy and direction for avoiding the loss of river extent and values. This clause is implemented through IP-P9 and IP-P10.</p> |
| Cl 3.26 – Fish passage | <p>This clause sets out a mandatory regional plan objective and mandatory regional plan policies for providing passage for desired fish species and preventing passage for undesirable fish species. This clause also sets out requirements with regard to decision-making for consent applications related to instream structures, and requirements to promote the remediation of existing structures to provide fish passage. This clause also relates to Policy 9 and 10 of the NPSFM which require the protection of habitats of indigenous aquatic species, and the protection of the habitats of trout and salmon (insofar as this is consistent with the protection of the habitats of indigenous aquatic species). This clause and related NPSFM policies are implemented through objectives (IO-O6 and IO-O7) and policies (IP-P14, IP-P15, IP-P16) which recognise the connectedness between protecting habitats and providing/preventing passage.</p> |
| Cl 3.28 – Water allocation | <p>This clause sets out the requirements of regional councils to include criteria and methods that encourage the efficient use of water in a regional plan. EFL-O1 seeks that the amount of water which may be taken is reasonable for its intended use and any</p> |

| Provision(s) | Assessment |
|---|---|
| | <p>water that is taken is used efficiently. EFL-P14 outlines a number of requirements to achieve EFL-O1. These include ensuring that the rate and volume of water taken is no greater than that determined as reasonable and efficient (including for uses captured under APP18).</p> <p>Clause 3.28 also directs regional councils to include criteria for deciding applications to approve transfers of water take permits. This is implemented by EFL-P28 which directs how site-to-site transfers of resource consents to take and use water are to be provided for.</p> |
| Cl 3.31 – Large hydro-electric generation schemes | <p>This clause applies to five hydro-electricity schemes in New Zealand, including the Clutha Scheme in the Otago region. It requires regional councils to have regard to the importance of the Scheme's contribution to meeting New Zealand's greenhouse gas emission targets and maintaining the security of New Zealand's electricity supply, and its' generation capacity, storage, and operational flexibility. Regional councils may set target attribute states below the national bottom line (but must still achieve an improved attribute state to the extent practicable without having a significant adverse effect on the Scheme) in certain circumstances outlined in the clause.</p> <p>The pLWRP contains direction recognising and providing for renewable electricity generation activities (IO-O10 and IP-P17). FMU objectives (including in FMU1 where the Clutha Scheme is situated) also seek that hydro-electricity generation contributes to achieving the national target for renewable electricity while supporting the health and well-being of water bodies and freshwater ecosystems and human health needs outcomes. A specific controlled activity rule for the maintenance of the Clutha hydro-electric generation scheme (FMU-R1-CON1) supports the implementation of this clause.</p> |
| Subpart 4: Timing and transitionals | |
| Cl 4.1 - Timing | This clause requires local authorities to give effect to the NPSFM, including by notifying any necessary changes to their regional plans as soon as reasonably practicable. |
| Cl 4.2 – Keeping Policy statements and plans up to date | This clause requires local authorities to continue to make changes to policy statements and plans as necessary to respond to changes over time in the state of water bodies and freshwater ecosystems in its region or district. ORC will implement this clause as part of its ongoing policy work programme. |

1.9. National Policy Statement for Greenhouse Gases from Industrial Process Heat 2023 (NPSGGE)

35. The objective of this national policy statement is to reduce emissions of greenhouse gases by managing the discharges to air of greenhouse gases from the production of industrial process heat. Discharges to air are not within the scope of the pLWRP which only manages discharges to land and to water. This national policy statement is therefore not relevant to the pLWRP.

1.10. National Policy Statement for Highly Productive Land 2022 (NPSHPL)

36. The NPSHPL was gazetted on 19 September 2022 and came into effect on 17 October 2022. The NPSHPL provides direction to improve the way highly productive land is managed under the RMA. This is achieved through guidance to councils on how to map and zone highly productive land, and manage the subdivision, use and development of this non-renewable resource. There are four parts to the NPSHPL:
- Part 1: Preliminary provisions;
 - Part 2: Objective and policies;
 - Part 3: Implementation; and
 - Part 4: Timing.

1.10.1. Part 1: Preliminary Provisions

37. Part 1 of the NPSHPL contains introductory material, such as the title, commencement, and documents incorporated by reference. There are definitions included in clause 1.3 that inform the interpretation and application of the rest of the NPS. Where relevant, these definitions have been adopted in the pLWRP for consistency.

1.10.2. Part 2: Objective and policies

38. Part 2 contains one objective and nine policies which must be given effect to in the pLWRP. Some of the policies in Part 2 are supported by more specific direction in the clauses in Part 3.
39. Table 6 below provides an assessment of the pLWRP against the NPSHPL Part 2 provisions.

Table 6: Assessment against NPSHPL

| Provision(s) | Assessment |
|--------------|---|
| Objective | The objective seeks that highly productive land is protected for use in land-based primary production, both now and for future generations. IO-O8 seeks that land and soil support biological diversity and healthy habitats for indigenous species and ecosystems and their use and development ensure that, to the extent reasonably practicable, their life-supporting capacity and productive capacity is not permanently reduced, and the role of these resources in providing for the social, economic, and cultural well-being of Otago's people and communities and for their health and safety is recognised. IP-P7 directs that activities are carried out using practices that, to the extent reasonably practicable, safeguard the life-supporting capacity of the region's land and soils. IO-O8 and IP-P7 will contribute to implementing the objective of the NPS-HPL. |
| Policy 1 | Policy 1 requires that highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production. Broadly, IO-O8 and IP-P7 implement this policy by seeking to protect the life-supporting capacity of the region's land and soils, which will also support primary production values. |
| Policy 2 | Policy 2 requires the identification and management of highly productive land in an integrated way that considers the interactions with freshwater |

| Provision(s) | Assessment |
|--------------|--|
| | management and urban development. This policy is not particularly relevant to the pLWRP. However, the FF chapter contains policies and rules for managing the adverse effects of farming and forestry activities on fresh water. IO-O4 and IP-P4 also require an integrated management approach, including by recognising the interactions between land, fresh water and coastal water. |
| Policy 3 | Policy 3 requires highly productive land to be mapped and included in RPS and district plans. This policy is not relevant to the pLWRP. |
| Policy 4 | Policy 4 requires that the use of highly productive land for land-based primary production is prioritised and supported. This policy is not particularly relevant to the pLWRP, however; IO-O8 and IP-P7 will contribute to implementing this policy. |
| Policy 5 | These policies contain specific direction for managing rezoning and development of highly productive land, inappropriate use and development. Policies 5, 6 and 7 are not relevant to the pLWRP. In relation to protecting highly productive land from inappropriate use and development, IO-O8 and IP-P7 implement this policy by seeking to protect the life-supporting capacity of the region's land and soils and not permanently reducing productive capacity. |
| Policy 6 | |
| Policy 7 | |
| Policy 8 | |
| Policy 9 | Policy 9 requires reverse sensitivity effects to be managed so as not to constrain land-based primary production activities on highly productive land. This policy is not directly relevant to the pLWRP. |

1.10.3. Part 3: Implementation

40. Part 3 of the NPSHPL sets out implementation requirements, most of which are primarily relevant to district plans rather than regional plans.
41. Table 77 below provides an assessment of the pLWRP against the NPSHPL Part 3 provisions.

Table 7: Assessment of Part 3, NPSHPL

| Provision(s) | Assessment |
|---|---|
| CI 3.2 – Integrated management | This clause requires regional councils and territorial authorities to identify highly productive land and manage the effects of subdivision, use, and development in an integrated way. IO-O4 and IP-P4 require an integrated management approach, including by recognising the interactions between land, fresh water and coastal water. |
| CI 3.3 – Tangata whenua involvement | This clause sets out how tangata whenua must be actively involved in giving effect to the NPSHPL. It is relevant for the development of the pLWRP rather than specific content. Section 5 (Iwi involvement) of Chapter 4 of the Section 32 report provides a summary of the processes and initiatives that were undertaken with respect to the involvement of Kāi Tahu in the development of the pLWRP. |
| CI 3.4 – Mapping highly productive land | This clause requires regional councils to map highly productive land and sets out the criteria to be used. LF-LS-M11A of the PORPS 2021 requires ORC to include maps of highly productive land in the RPS. As such, this clause is not directly relevant to the pLWRP. |

| Provision(s) | Assessment |
|--|--|
| CI 3.5 – Identifying highly productive land in regional policy statements and district plans | This clause requires the mapping described above to be included in regional policy statements no later than three years after the commence date of the NPSHPL. This clause is not relevant to the pLWRP. |
| CI 3.6 – Restricting urban rezoning of highly productive land | These clauses provide more specific direction on how Policies 5 to 8 are to be implemented. All of these clauses direct territorial authorities and are therefore not directly relevant to the pLWRP. |
| CI 3.7 – Avoiding rezoning of highly productive land for rural lifestyle | |
| CI 3.8 – Avoiding subdivision of highly productive land | |
| CI 3.9 – Protecting highly productive land from inappropriate use and development | |
| CI 3.10 – Exemption for highly productive land subject to permanent or long-term constraints | |
| CI 3.11 – Continuation of existing activities | These clauses contain direction for district plans and are therefore not directly relevant to the pLWRP. |
| CI 3.12 – Supporting appropriate productive use of highly productive land | |
| CI 3.13 – Managing reverse sensitivity and cumulative effects | |

1.11. National Policy Statement for Indigenous Biodiversity 2023 (NPSIB)

42. The National Policy Statement for Indigenous Biodiversity (NPSIB) came into force on 4 August 2023. It provides national direction on how to identify and protect significant indigenous biodiversity. The NPSIB applies to indigenous biodiversity in the terrestrial environment.¹¹ This means it applies to all indigenous biodiversity, except:¹²

- a. Indigenous biodiversity in the coastal marine area, and
- b. Indigenous biodiversity in land covered by water, waterbodies and freshwater ecosystems (as those terms are defined in the NPSFM).

43. However, there are exceptions listed in clause 1.3(2):

¹¹ Clause 1.3(1), NPSIB

¹² Clause 1.6, NPSIB

- a. Geothermal ecosystems, whether or not they are in the terrestrial environment (but excluding any within the coastal marine area);
 - b. Specified highly mobile fauna, whether or not they use areas outside the terrestrial environment (such as the coastal marine area or water bodies) for part of their life cycle;
 - c. Provisions relating to promoting restoration and increasing indigenous vegetation cover include natural inland wetlands;
 - d. Regional biodiversity strategies may include areas outside the terrestrial environment, including the coastal marine area and water bodies; and
44. The NPSIB does not apply to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities, and these are not “specified infrastructure” for the purpose of the NPSIB.¹³
45. The NPSIB contains one objective and 17 policies that outline the outcomes sought for biodiversity and the actions required to achieve those outcomes. Part 3 sets out how councils are to implement the NPSIB. The NPSIB mandates the use of an effects management hierarchy for some activities, which requires avoiding, minimising, then remedying adverse effects before considering offsetting and finally, compensation.¹⁴
46. Clause 4.1 requires local authorities to give effect to the NPSIB as soon as reasonably practicable, and local authorities must publicly notify any changes to policy statements and plans within eight years after the commencement date (i.e., by 4 August 2031). Clause 4.2 requires that local authorities must publicly notify any policy statement or plan or changes necessary to give effect to subpart 2 of Part 3 (significant natural areas) and clause 3.24 (Information requirements) within five years after the commencement date (i.e., by 4 August 2028).
47. At this point in time, the pLWRP does not give full effect to the NPSIB. This is largely due to the date on which the NPSIB came into effect, at which time the pLWRP and its supporting technical information were well under development to meet the pLWRP’s notification date. Implementing the NPSIB’s requirements by the notification date of the pLWRP was not reasonably practicable, and will take time and will have significant implications on ORC’s existing budgets, training needs, and work programmes.
48. Despite not fully implementing the requirements of the NPSIB, the pLWRP does contain provisions that seek to protect and maintain terrestrial indigenous biodiversity. IO-O8 seeks that land and soil support biological diversity and healthy habitats for indigenous species and ecosystems. Further discussion on the NPSIB and the pLWRP’s approach to the management of indigenous biodiversity is set out in section 11 of chapter 8 of the Section 32 report.
49. ORC will be required to give full effect to the NPSIB in accordance with the timeframes set out in clauses 4.1 to 4.4 of the NPSIB.

¹³ Clause 1.3(3), NPSIB

¹⁴ Clauses 1.6 and 3.10(3), NPSIB

1.12. National Policy Statement for Renewable Electricity Generation 2011 (NPSREG)

50. The NPSREG sets out an objective and policies to enable the sustainable management of renewable electricity generation under the RMA. Otago is home to a range of renewable electricity generation activities, including nationally significant and community scale hydro-electricity generation and wind energy generation.
51. Table 88 assesses the pLWRP provisions against the NPSREG and must be read alongside the NPSREG, which is available from the Ministry for the Environment's website.¹⁵

Table 8: Assessment against NPSREG

| Provision(s) | Assessment |
|--------------|---|
| Objective | The objective seeks that the national significance of renewable electricity generation activities are recognised by providing for the development, operation, maintenance and upgrading of new and existing activities, such that the proportion of renewable electricity generation is increased to a level that meets or exceeds the government's national target for renewable electricity generation. For each FMU, a specific objective (FMU1-O15, FMU2-O15, FMU3-O15, FMU4-O15, and FMU5-O15) recognises that hydroelectricity generation contributes to achieving the national target for renewable energy. The Objective of the NPSREG is also implemented by IO-O10, which recognises the benefits of nationally and regionally significant infrastructure (which includes renewable electricity generation facilities) and provides for its effective and efficient development, operation, maintenance and upgrading. IP-P17 recognises and provides for the national and regional benefits of renewable electricity generation. DAM-P2 also requires consideration of the positive effects of new dams or weirs for renewable electricity generation. |
| Policy A | Policy A recognises the benefits of renewable electricity generation activities, including displacement of greenhouse gas emissions, maintenance of security of supply, use of renewable rather than finite resources, reversibility of effects, and avoidance of reliance on imported fuels. IO-O10, FMU1-O15, FMU2-O15, FMU3-O15, FMU4-O15, FMU5-O15, IP-P17 and DAM-P2 give effect to this policy. |
| Policy B | This policy acknowledges some of the practical implications of achieving New Zealand's target for renewable electricity generation, including protection of assets and operational capacity, recognition that minor reductions in output can have significant effects, and that significant development of renewable energy sources is required. IO-O10 and IP-P17 give effect to this policy. |
| Policy C1 | Policy C1 contains a number of matters to which decision-makers are to have regard to, including the need to locate where renewable resources are available, the logistical and technical practicalities of developing renewable electricity generation activities, the location of existing activities associated with them, including the National Grid, designing measures which allow for operational requirements, and adaptive management measures. IP-P10(4) provides for some of these considerations in relation to locating in outstanding water bodies. EFL-P6 and EFL-P8 recognise that some renewable electricity generation activities are reliant on the taking of water and controlled lakes and their connected rivers. |
| Policy C2 | Policy C2 requires decision-makers to have regard to offsetting or compensation measures when considering residual adverse effects from renewable electricity |

¹⁵ See <https://environment.govt.nz/publications/national-policy-statement-for-renewable-electricity-generation-2011/>

| Provision(s) | Assessment |
|--------------------------|--|
| | generation activities. IP-P10 gives effect to this policy, through the implementation of the effects management hierarchy for applications relating to values and extent of rivers and natural lakes. |
| Policy D | Policy D requires decision-makers to avoid, to the extent reasonably possible, reverse sensitivity effects on consented and existing renewable electricity generation activities. IP-P17 gives effect to this policy by requiring that activities are managed to minimise adverse reverse sensitivity effects on renewable electricity generation activities. A number of rules in the pLWRP include a condition that the activity does not frustrate the use of any nationally significant infrastructure, regionally significant infrastructure or other lawfully established structure, including in the BED, DAM, FLOOD, WET chapters. |
| Policy E1, E2, E3 and E4 | These policies require regional plans to provide for new and existing renewable electricity generation activities using different specified energy sources to the extent relevant to the region. IO-O10 and IP-P17 give effect to this policy in a general manner, along with FMU1-O15, FMU2-O15, FMU3-O15, FMU4-O15, FMU5-O15 and FMU1-P2 which are specific to hydroelectricity generation. |
| Policy F | This policy requires regional plans to include provisions to provide for small and community scale renewable electricity generation activities (being renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network). The pLWRP does not differentiate renewable electricity generation activities based on scale. IP-P17 gives effect to this policy in a general manner, along with FMU1-O15, FMU2-O15, FMU3-O15, FMU4-O15, FMU5-O15 which are specific to hydroelectricity generation. DAM-P2 partially provides for this as it requires regard to be had to the positive effects of new dams or weirs that are for renewable electricity generation that connect with the local distribution network. DAM-P2 does not extend to recognising the positive benefits of facilities designed and operated principally for supplying a single premise or facility. However, the pLWRP does not explicitly limit other small and community scale renewable electricity generation activities. |
| Policy G | This policy requires regional plans to include provisions to provide for activities associated with identifying new potential sites for renewable energy generation activities. IP-P17, EFL-P24, DAM-P2, DAM-P9, EARTH-P1, BED-P1, BED-P2 and BED-P3 provide for these types of activities. |
| Policy H1 | These policies relate to the timeframe for implementation following the NPS taking effect. This is not relevant for the pLWRP. |
| Policy H2 | |

1.13. National Policy Statement on Urban Development 2020 (NPSUD)

52. The NPSUD sets out objectives and policies for planning for well-functioning urban environments. It came into effect on 20 August 2020, replacing the provisions of the NPS Urban Development Capacity 2016.
53. The NPSUD divides local authorities into four tiers. Tier 1 and 2 local authorities are listed in Tables 1 and 2 of the NPSUD. Tier 3 local authorities are unlisted, but contain all or part of an urban environment within their jurisdiction.¹⁶ All other local authorities (those which do not contain any part of an urban environment) fall into another implied 'tier'.

¹⁶ See Clause 1.4 Interpretation of tier 1 2 and 3 local authorities

54. The NPSUD provides a suite of objectives, policies, and requirements that apply to specific tier/s of local authorities. If an urban environment is classified as a 'Tier 1' or 'Tier 2', all local authorities with part or whole jurisdiction over it are also assigned that same classification. This classification determines the specific set of standards and regulations that these local authorities must adhere to. While Tier 3 territories are not required to follow the requirements of Tier 1 or Tier 2 areas, the NPSUD strongly recommends that these lower-tier authorities voluntarily align with the higher-tier standards, adapting them as necessary to fit their specific context.¹⁷
55. There are no urban environments identified as Tier 1 in the Otago Region. Queenstown and Dunedin are identified as Tier 2 and the remainder of Otago's urban environments are Tier 3. Table 99 below identifies all the potential urban environments within the Otago region.

Table 9: NPSUD tiers and urban environments in Otago

| Territorial Authority | NPSUD TA Tier | Urban Environment(s) |
|------------------------------|-----------------------|---|
| Queenstown-Lakes District | Tier 2 | Queenstown Wānaka (Tier 3) |
| Dunedin City | Tier 2 | Dunedin Mosgiel (Tier 3) |
| Central Otago District | Tier 3* ¹⁸ | Cromwell (Tier 3)* Alexandra/Clyde (Tier 3)* |
| Waitaki District | Tier 3 | Ōamaru (Tier 3) |
| Clutha District | n/a ("Tier 4") | No urban environments fall partly or wholly within CDC. |

56. While Clutha District does not contain part or all of an urban environment, planning decisions by Clutha District Council (or any territorial authority or regional council) that 'affect an urban environment' are subject to the NPSUD (see clause 1.3(1)(b)), including impacts on any urban environment outside of their jurisdiction.
57. ORC's obligations are to provide a broader and longer-term view for planning and infrastructure integration; establish working relationships with each territorial authority, iwi and other key stakeholders in each urban environment and across urban areas generally; as well as working with adjoining regions on cross regional issue of common concern and with central government. Managing the development of land and ensuring that planning documents provide sufficient development capacity in respect of housing and business land to meet the expected needs of a district is a function of territorial authorities under the RMA.¹⁹ Given this, policy direction provided by the NPSUD generally applies to regional policy statements and district plans, however there are some aspects NPSUD that can be implemented in part or supported by provisions in a regional plan.

¹⁷ See Clause 1.5 Implementation by tier 3 local authorities

¹⁸ Note: * = Indicative only. Central Otago District Council has yet to formally identify Cromwell and/or Alexandra/Clyde as urban environments, this list identifies that they could arguably meet one or both limbs, but further discussions are required.

¹⁹ As per A31(1)(a) and (ab).

58. Table 10 assesses the pLWRP provisions against the NPSUD.

Table 10: Assessment against NPSUD

| Provision(s) | Assessment |
|--------------|--|
| Objective 1 | Objective 1 sets out the purpose of the NPSUD, which is to have well-functioning urban environments. It is considered this direction will be primarily implemented by regional policy statements and district plans. However, there are provisions of the pLWRP that will support the achievement of this outcome. These include IO-O4 that seeks land and water are managed in an integrated manner and IO-O5 that seeks land and water are managed as part of New Zealand's integrated response to climate change. |
| Objective 2 | Objective 2 requires planning decisions to improve housing affordability by supporting competitive land and development markets. It is considered the achievement of this objective is within the functions of the territorial authority and is not relevant to the pLWRP. |
| Objective 3 | This objective provides direction for regional policy statements and district plans. Given this, it is not relevant to the pLWRP. |
| Objective 4 | Objective 4 recognises that urban environments develop and change over time in response to the diverse and changing needs of people, communities and future generations. While consideration of amenity values on land are not within the functions of the regional council, there are other aspects of urban environments which are relevant to the pLWRP. It is considered that achievement of Objective 4 will be supported by IO-O3, IO-O8 and IO-O9. |
| Objective 5 | Objective 5 requires planning decisions relating to urban environments and Future Development Strategies (FDS) take into account the principles of Te Tiriti o Waitangi. This objective is given effect to by IO-O1, IO-O2, IO-O4, IP-P2 and IP-P3. These provisions provide outcomes and direction regarding giving effect to Te Mana o te Wai, sustaining the relationship of mana whenua with freshwater in Otago, recognising Kāi Tahu rakatirataka and enable the exercise of kaitiakitaka and managing land and freshwater to support the support the Kāi Tahu relationship with fresh water (including by recognising ki uta ki tai). |
| Objective 6 | Objective 6 requires integrated and strategic planning but also responsive decision-making on urban development. Achievement of this objective is supported in the pLWRP by IP-P4, IP-P24 and IP-P19. |
| Objective 7 | Objective 7 requires local authorities to have robust and current information about urban environments to inform decision-making. This provision is not considered to be relevant to the pLWRP. |
| Objective 8 | Objective 8 requires urban environments to support reductions in greenhouse gas emissions and be resilient to the current and future effects of climate change. Achievement of this objective is supported by IO-O5. |
| Policy 1 | Policy 1 sets out criteria for well-functioning urban environments. While not directly relevant to the matters set out in Policy 1, the pLWRP includes policies and rules that are within the functions of the regional council and would apply to activities associated with the construction, operation and ongoing servicing and maintenance of buildings, structures and supporting infrastructure (including stormwater, wastewater and drinking water). These provisions include IP-P24, IP-P19, IP-P21, EARTH-P1, EARTH-R1, EFL-P23, EFL-R8, SW-P4, SW-R1, WW-P2 and WW-R1. |

| Provision(s) | Assessment |
|--------------|---|
| Policy 2 | Policy 2 requires at least sufficient development capacity to meet expected demand. This provision is not considered to be relevant to the pLWRP. |
| Policy 3 | This policy is not relevant to the pLWRP as it applies to Tier 1 urban environments. |
| Policy 4 | This policy is not relevant to the pLWRP as it applies to Tier 1 urban environments. |
| Policy 5 | This policy is not relevant to the pLWRP as it provides directives for regional policy statements and district plans. |
| Policy 6 | Policy 6 sets out matters that decision-makers must have particular regard to when making decisions about urban environments. The matters that decision makers must consider are not directly relevant to the functions of the regional council. Given this, it is not considered to be relevant to the pLWRP. |
| Policy 7 | This policy is not relevant to the pLWRP as it provides directives for regional policy statements and district plans. |
| Policy 8 | Policy 8 requires decision-making to be responsive to plan changes that would add significant development capacity. While not directly relevant to the matters set out in Policy 8, the pLWRP includes policies and rules that would apply to a development that would add significantly to development capacity. Such activities are within the functions of the regional council and include activities associated with the construction, operation and ongoing servicing or maintenance of buildings, structures and supporting infrastructure (including stormwater, wastewater and drinking water). These provisions include IP-P24, IP-P19, IP-P21, EARTH-P1, EARTH-R1, EFL-P23, EFL-R8, SW-P4, SW-R1, WW-P2 and WW-R1. |
| Policy 9 | Policy 9 expands on the requirements for local authorities in taking account of the principles of Te Tiriti o Waitangi. The pLWRP does not directly manage land use in urban environments separately to land use in general. However, achievement of this objective will be supported by IO-O1, IO-O2, IO-O4, IP-P2 and IP-P3. These provisions provide outcomes and direction regarding giving effect to Te Mana o te Wai, sustaining the relationship of mana whenua with freshwater in Otago, recognising Kāi Tahu rakatirataka and enable the exercise of kaitiakitaka and managing land and freshwater to support the support the Kāi Tahu relationship with fresh water (including by recognising ki uta ki tai). |
| Policy 10 | Policy 10 requires local authorities to work together, engage with infrastructure providers and the development sector. This provision is not considered to be directly relevant to the pLWRP, however its achievement is supported by IP-P7. |
| Policy 11 | This policy is not relevant to the pLWRP as it concerns car parking requirements, which are not managed by regional councils. |

1.13.1. Part 3: Implementation

59. Part 3 of the NPSUD sets out implementation requirements, most of which are primarily relevant to district plans rather than regional plans. Table 1111 below identifies those relevant to regional plans and assesses how they are implemented in the pLWRP.

Table 11: Assessment against NPSUD - Part 3

| Provision(s) | Assessment |
|---|---|
| Cl 3.1 – Outline of part | n/a – describes how this part applies. |
| Subpart 1: Providing sufficient development capacity | |
| Cl 3.2 – Sufficient development capacity for housing | This clause requires every tier 1, 2 or 3 local authorities to provide at least sufficient development capacity in the region to meet expected demand for housing. It also sets out the procedural matters for determining how development capacity is considered 'sufficient'. The matters set out in Clause 3.2 are considered to be within the functions of the territorial authority and are not relevant to the pLWRP. |
| Cl 3.3 – Sufficient development capacity for business land | Similar to Clause 3.2, this clause requires every tier 1, 2 and 3 local authorities to provide at least sufficient development capacity in the region to meet the expected demand for business land. It also sets out the procedures for determining how development capacity is considered 'sufficient'. The matters set out in Clause 3.3 are considered to be within the functions of the territorial authority and are not relevant to the pLWRP. |
| Cl 3.4 – Meaning of plan-enabled and infrastructure-ready | This clause provides more specific direction on how the terms used Clauses 3.2 and 3.3 apply. Similar to the assessments undertaken above, it is considered clause 3.4 is within the functions of the territorial authority and are not relevant to the pLWRP. |
| Cl 3.5 – Availability of additional infrastructure | This clause requires local authorities to satisfy themselves that additional infrastructure to service the development capacity is likely to be available. The pLWRP contains provisions that enable the construction, installation, operation and maintenance of infrastructure (including wastewater, stormwater and drinking water). These include EARTH-P1, EARTH-R1, EFL-P23, EFL-R8, SW-P4, SW-R1, WW-P2 and WW-R1. |
| Cl 3.6 – Housing bottom lines for tier 1 and 2 urban environments | This clause sets out the methodology for determining housing bottom lines and procedural requirements for inserting them into the regional policy statement. This clause is not relevant to the pLWRP. |
| Cl 3.7 – When there is insufficient development capacity | Clause 3.7 sets out the procedure in the event a local authority determines there is insufficient development capacity. This clause is not relevant to the pLWRP. |
| Subpart 2 – Responsive planning | |
| Cl 3.8 – Unanticipated or out-of-sequence developments | Clause 3.8 applies to a plan change that provides sufficient development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release. Clause 3.8 sets out the procedural support for implementing Policy 8. Sub-clause (3) requires regional councils to include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity. As set out in the assessment of Policy 8, the pLWRP includes policies and rules that would apply to a development that would add significantly to development capacity. Such activities are within the functions of the regional council and include activities |

| Provision(s) | Assessment |
|--|---|
| | associated with the construction, operation and ongoing servicing or maintenance of buildings, structures and supporting infrastructure (including stormwater, wastewater and drinking water). These provisions include IP-P24, IP-P19, IP-P21, EARTH-P1, EARTH-R1, EFL-P23, EFL-R8, SW-P4, SW-R1, WW-P2 and WW-R1. |
| Subpart 3 – Evidence-based decision-making | |
| CI 3.9 – Monitoring requirements | This clause sets out a range of monitoring requirements that tier 1, 2 and 3 local authorities must comply with. This clause is not relevant to the pLWRP. |
| CI 3.10 – Assessing demand and development capacity | This clause requires local authorities to assess demand for housing and business land in urban environments and to prepare and publish an HBA. This clause is not relevant to the pLWRP. |
| CI 3.11 – Using analysis and evidence | Clause 3.11 sets out matters that local authorities must address when making or changing plans that affect development of urban environments. This clause is not relevant to the pLWRP. |
| Subpart 4 – Future Development Strategy (FDS) | |
| CI 3.12 – Preparation of FDS | The clauses of this subpart set out the process for FDSs and are not relevant to the pLWRP. |
| CI 3.13 – Purpose and content of FDS | |
| CI 3.14 – What FDSs are informed by | |
| CI 3.15 – Consultation and engagement | |
| CI 3.16 – Review of FDS | |
| CI 3.17 – Effect of FDS | ORC is defined as a Tier 2 local authority on the basis of both Queenstown and Dunedin being defined as Tier 2 urban environments in the NPSUD (Table 2 of the NPSUD). This means that ORC and QLDC, and ORC and DCC are jointly required to produce an FDS for these environments. ORC must have regard to the relevant FDS when preparing or changing RMA planning documents (which includes the pLWRP). The Future Development Strategy for Ōtepoti Dunedin 2024-2054 outlines strategic directions for the city's growth and development for the next 30 years (Dunedin City Council and Otago Regional Council, 2024). It plans for the long-term by setting out a vision for how Ōtepoti Dunedin will achieve well-functioning urban environments in its current and future urban areas; provide enough development capacity for housing and business land needs to meet expected demand over the next 30 years; and help planning decisions made under the RMA work well with infrastructure planning and funding decisions. The strategic directions in the Otago FDS build on the concept of well-functioning environments in the NPSUD. The outcomes sought by the FDS that are relevant for the pLWRP include that Ōtepoti has a resilient natural environment; protects and prioritises the mauri and health of water, with mana whenua exercising their role as kaitiaki; a diverse, sustainable and thriving urban economy; a thriving rural economy and local food production; high-quality, safe, sustainable, efficient infrastructure |

| Provision(s) | Assessment |
|---|---|
| | <p>and supports renewable energy; resilient to the risk from hazards and is prepared for and able to adapt quickly to the effects of climate change. These strategic directions are also largely consistent with the outcomes sought in other higher order direction (including the NPSFM, NPSHPL, NPSREG and pORPS). It is considered that the provisions of the pLWRP (including the objectives) are consistent with the content and directions in the FDS. Regard has been had to the FDS in the preparation of the pLWRP.</p> <p>The FDS for Queenstown is being prepared and will likely be notified later in 2024 once the QLDC Long Term Plan is finalised. The FDS for Queenstown will build on earlier work completed by QLDC in 2021 (the Queenstown Spatial Plan 2021). The Queenstown Spatial Plan is not an FDS, as it did not involve ORC in the process as required under the NPSUD. While the existing Spatial Plan 2021 is not an FDS, the outcomes are consistent with higher-order direction and the objectives of the pLWRP (where relevant).</p> |
| CI 3.18 – FDS implementation plan | This clause sets out part of the process for implementing FDSs and is not relevant to the pLWRP. |
| Subpart 5 – Housing and Business Development Capacity Assessment (HBA) | |
| CI 3.19 – Obligation to prepare HBA | <p>The clauses of this subpart set out the purpose and procedure for developing a housing and business development capacity assessment (HBA). The clauses in this subpart are not relevant to the pLWRP.</p> |
| CI 3.20 – Purpose of HBA | |
| CI 3.21 – Involving development sector and others | |
| CI 3.22 – Competitiveness margin | |
| CI 3.23 – Analysis of housing market and impact of planning | |
| CI 3.24 – Housing demand assessment | |
| CI 3.25 – Housing development capacity assessment | |
| CI 3.26 – Estimating what is feasible and reasonably expected to be realised | |
| CI 3.27 – Assessment of sufficient development capacity for housing | |
| CI 3.28 – Business land demand assessment | |
| CI 3.29 – Business land development capacity assessment | |

| Provision(s) | Assessment |
|--|--|
| CI 3.30 – Assessment of sufficient development capacity for business land | |
| Subpart 6 – Intensification in tier 1 urban environments | |
| CI 3.31 – Tier 1 territorial authorities implementing intensification policies | The clauses of this subpart apply to territorial authorities when making or changing district plans to implement intensification policies and are not relevant to the pLWRP. |
| CI 3.32 – Qualifying matters | |
| CI 3.33 – Requirements if qualifying matter applies | |
| CI 3.34 – Effects on consideration of resource consents | |
| Subpart 7 – Development outcomes for zones | |
| CI 3.35 – Development outcomes for zones | The clauses of this subpart apply to territorial authorities when making or changing district plans to implement development outcomes for zones and are not relevant to the pLWRP. |
| CI 3.36 – Development outcomes consistent with intensification policies | |
| CI 3.37 – Monitoring development outcomes | |
| Subpart 8 – Car parking | |
| CI 3.38 – Car parking | This subclause enables territorial authorities to remove minimum car parking requirements from district plans without the need for a Schedule 1 process. This clause is not relevant to the pLWRP. |

2. Regulations (including National Environmental Standards)

60. Regional plans must be prepared in accordance with any regulations, including any national environmental standards.²⁰ Additionally, local authorities must observe national environmental standards.²¹ Regulations and national environmental standards contain provisions that are essentially rules. There are currently ten national environmental standards in force:

- a. National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat 2023 (NESGGE);
- b. National Environmental Standards for Storing Tyres Outdoors 2021 (NESSTO);
- c. National Environmental Standards for Freshwater 2020 (NESF);
- d. National Environmental Standards for Marine Aquaculture 2020 (NESMA);
- e. National Environmental Standards for Commercial Forestry 2017 (NESCF);
- f. National Environmental Standards for Telecommunication Facilities 2016 (NESTF);

²⁰ Section 66(1)(f) of the RMA.

²¹ Section 44A(7) of the RMA.

- g. National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCO);
 - h. National Environmental Standard for Electricity Transmission Activities 2009 (NESETA);
 - i. National Environmental Standard for Sources of Human Drinking Water 2007 (NESHWD); and
 - j. National Environmental Standards for Air Quality 2004 (NESAQ).
61. The NESGGE and NESAQ are not relevant to the pLWRP as the regulations apply to air, which is covered in the Regional Plan: Air (2023). The NESMA is also not relevant as these regulations concern coastal permits, which are not covered by the pLWRP but instead by the Regional Plan: Coast for Otago.
62. There are eleven regulations in force,²² however only the following are relevant to the pLWRP:
- a. Resource Management (Freshwater Farm Plans) Regulations 2023;
 - b. Resource Management (Stock Exclusion) Regulations 2020;
 - c. Resource Management (Measurement and Reporting of Water Takes) Regulations 2010; and
 - d. Resource Management (Exemption) Regulations 1996 and 2017.
63. This section summarises how the pLWRP observes and has been prepared in accordance with these national environmental standards and regulations.

2.1. National Environmental Standards for Storing Tyres Outdoors 2021 (NESSTO)

64. The NESSTO came into force on 20 August 2021 to ensure the risks from outdoor tyre storage on the environment, human health, and local communities are appropriately stored across the country. The NESSTO supports consistent management practices nationally, which are necessary to address gaps in the regulations that inadvertently incentivise the movement of tyres between regions.
65. As addressed in Regulation 3 of the NESSTO, the effects of storing tyres outdoors falls within the functions of regional councils under section 30 of the RMA relevant to the pLWRP, due to concerns regarding the maintenance and enhancement of water quality, control of discharges of contaminants into land or water, and the avoidance or mitigation of natural hazards.
66. The NESSTO contains a number of permitted activity regulations and if these are not met, consent is required as a restricted discretionary activity. The consent authority's direction is restricted to matters in regulation 14, which include adverse effects of the activity on land, freshwater, and ecosystems (among other things). Regulation 15 provides that a regional rule may be more stringent than the regulations. However, the pLWRP does not contain any additional rules to regulate the storage of outdoor tyres and simply relies on the NESSTO to

²² MfE. (n.d.) *Regulations*. Accessed from <https://environment.govt.nz/acts-and-regulations/regulations/?regulation=9> 34

regulate this activity. The objectives and policies in the pLWRP may be relevant to decision-making on any application for storing tyres outdoors under the NESSTO, provided they fall within the matters to which discretion has been restricted to in regulation 14 of the NESSTO (i.e., provisions identifying the adverse effects on land, freshwater, and ecosystems that should be avoided, remedied or mitigated). Accordingly, the pLWRP has been prepared in accordance with the NESSTO.

2.2. National Environmental Standards for Freshwater 2020 (NESF)

67. The NESF sets requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. The NESF contains two parts which relate to different types of activities:
- a. Part 2 – Standards for farming activities;
 - i. Subpart 1 – Feedlots and other stockholding areas;
 - ii. Subpart 2 – Agricultural intensification: temporary standards;
 - iii. Subpart 3 – Intensive winter grazing.
 - iv. Subpart 4 – Application of synthetic nitrogen fertiliser to pastoral land
 - b. Part 3 – Standards for other activities that relate to freshwater;
 - i. Subpart 1 – Natural inland wetlands;
 - ii. Subpart 2 – Reclamation of rivers;
 - iii. Subpart 3 – Passage of fish affected by structures.
68. The following sections outline how these provisions have been implemented in the pLWRP.

2.2.1. Part 2 – Standards for farming activities

69. Part 2 of the NESF includes regulations for certain farming activities that pose risk to freshwater and freshwater ecosystems. Subparts one and three contain regulations that seek to manage the environmental risk of feedlots and other stock holding areas and intensive winter grazing through a permitted activity regime. Where the minimum standards cannot be met, a consenting pathway is provided. A certified freshwater farm plan pathway as an alternative to resource consent is also provided. Subpart 2 contains interim controls on intensification of land use until regional councils give effect to the NPSFM 2020 in their regional plans. Subpart 4 contains a permitted activity condition limiting the maximum annual application (discharge) of synthetic nitrogen fertiliser at or below 190 kg N/ha (the “fertiliser cap”). The pLWRP includes advice notes that these regulations apply in addition to the rules in the plan.
70. An assessment of Part 2 against the pLWRP is set out in Table 12 below.

Table 12: Assessment against NESF – Part 2

| Provision(s) | Assessment |
|--|------------|
| Subpart 1 – Feedlots and other stockholding areas | |

| Provision(s) | Assessment |
|---|---|
| Feedlots (regulations 9-11) | Resource consents under Regulations 9-11 are required if 90% or more of the cattle on the feedlot are more than 4 months old or weigh more than 120kg. While Rule FF-R1 of the pLWRP duplicates the standards in this regulation, it also includes requirements for setbacks from waterbodies and minimum requirements for the construction of the base. |
| Stockholding areas other than feedlots (regulations 12-14) | Regulations 12 and 14 of the NESF contain minimum standards for larger and older cattle. While Rule FF-R1 of the pLWRP duplicates the standards in this regulation, it also includes additional setbacks, including not locating in a critical source area, drinking water protection zone or above sub-surface drainage. |
| Subpart 2 – Agricultural intensification: temporary standards | |
| Conversions of plantation forestry to pastoral land use (regulations 16-17) | This subpart of the NESF does not apply to a farm or other landholding if the relevant regional council publicly notifies the amendments (by way of a proposed policy statement or plan) required by s55(2B) of the RMA to give effect to the NPSFM. This means that the regulations contained in this subpart are only temporary standards until NPSFM-compliant plans are notified. The pLWRP gives effect to the NPSFM. Accordingly, on the notification of the pLWRP, the regulations in Part 2 subpart 2 of the NESF will not apply in the Otago region and this subpart is not relevant to the pLWRP. |
| Conversions of land on farm to dairy farm land (regulations 18-19) | |
| Irrigation of dairy farm land (regulations 20-21) | |
| Use of land as dairy support land (regulations 22-23) | |
| Resource consents for discretionary activities (regulations 24) | |
| Subpart 3 – Intensive winter grazing | |
| Intensive winter grazing (regulations 26-27) | In anticipation of Regulations 26, 27-31 of subpart 3 of the NESF being revoked by the Resource Management (Freshwater and Other Matters) Amendment Bill, Rules FF-R2-PER1, FF-R2-PER2 and FF-R2-DIS1 managing intensive winter grazing have been added to the pLWRP. |
| Intensification: temporary standards (regulations 28-31) | |
| Subpart 4 – Application of synthetic nitrogen fertiliser to pastoral land | |
| Application of synthetic nitrogen fertiliser to pastoral land (regulations 32-36) | These regulations have not been duplicated in the PP chapter, on the basis that they will apply in addition to the pLWRP requirements. |

2.2.2. Part 3, Subpart 1 – Natural inland wetlands

71. This subpart of the NESF includes regulations for activities with the potential to adversely affect natural inland wetlands. 'Natural inland wetland' has the same meaning given by the

NPSFM.²³ These regulations are essentially rules and must not be duplicated in regional plans.

72. The NESF provides consent pathways for certain activities in or near natural inland wetlands, as well as more streamlined rules regarding discharges in or near these wetlands. These activities include vegetation clearance, earthworks or land disturbance, wetland drainage or the taking, use, damming, diversion or discharge of water. Different controls apply to these activities, depending on their purpose. This subpart does not apply to the customary harvest of food or resources undertaken in accordance with tikanga Māori.
73. The pLWRP does not duplicate the regulations for natural inland wetlands contained in the NESF, on the basis that these regulations will apply in addition to the pLWRP requirements. However, the WET chapter contains a permitted activity rule for the use of land in a natural inland wetland for the purpose of vehicle access, which applies if this activity is not provided for in Part 3, subpart 1 of the NESF. An advice note has also been included in the pLWRP that some activities relating to natural inland wetlands are managed under the NESF. Further discussion on the NESF and the regulation of wetlands in the pLWRP, including justification for the additional stringency over the NESF wetland provisions in the circumstances of the Otago region, is set out in Chapter 20 Wetland of the Section 32 report. Accordingly, the pLWRP has been prepared in accordance with the NESF.

2.2.3. Part 3, Subpart 2 – Reclamation of rivers

74. This sub-part of the NESF includes a regulation that applies to the reclamation of the bed of any river, and an assessment against the pLWRP is set out in Table 13 below.

Table 13: Assessment against NESF – Part 3, Subpart 2

| Provision(s) | Assessment |
|---|---|
| Discretionary activities (regulations 57) | Under Regulation 57 of the NESF, the reclamation of the bed of any river is a discretionary activity, and in deciding an application for reclamation, the consent authority must be satisfied that there is a functional need for the reclamation, and apply the effects management hierarchy, as set out in the NPSFM. The BED chapter does not introduce any stringency over this regulation, such that reclamation of the bed of any river will require consent under the NESF. Associated disturbances of the bed are likely to require consent as a discretionary activity under the catch all rule. |

2.2.4. Part 3, Subpart 3 – Passage of fish affected by structures

75. This sub-part of the NESF includes regulations which seek to manage the effects on the passage of fish of the placement, use, alteration, extension, or reconstruction of culverts, weirs, flap gates (whether passive or non-passive), dams and fords where they are located in, on, over, or under the bed of any river or connected area. An assessment of Part 3 Subpart 3 of the NESF against the pLWRP is set out in Table 14 below

²³ Regulation 3, definition of 'natural inland wetland', NESF and clause 3.21 of the NPSFM.

Table 14: Assessment against NESF – Part 3, Subpart 3

| Provision(s) | Assessment |
|--|---|
| Information requirements (regulations 61-68) | <p>Regulations 61 to 68 of the NESF set out information requirements for the structures managed by Subpart 3, being culverts, weirs, flap gates, dams and fords. These Regulations set out information that must be provided to the regional council when any of the referenced structures are placed, altered, extended or reconstructed, regardless of whether the activity is permitted, or requires consent.</p> <p>Advice notes are included in the BED and DAM chapters confirming these information requirements, where relevant to the activities managed in these chapters. The information requirements have not been duplicated in the relevant BED or DAM rules.</p> |
| Monitoring and maintenance requirements (regulations 69) | <p>Regulation 69 sets out monitoring and maintenance requirements that must be included on any resource consent for the placement, use, alteration, extension or reconstruction of a structure managed by Subpart 3. This Regulation has not been duplicated in the BED or DAM chapters, on the basis that this Regulation will apply in addition to the pLWRP requirements.</p> |
| Culverts (regulations 70-71) | <p>Regulations 70 and 71 set out rules pertaining to the placement, use, alteration, extension or reconstruction of culverts. Regulation 70 provides a permitted activity pathway, subject to conditions. If the permitted conditions cannot be met, resource consent is required as a discretionary activity under regulation 71.</p> <p>These regulations are not duplicated in the LWRP. However, the BED chapter contains Rule BED-R7 relating to the specific activities in the bed associated with the placement, use, alteration, extension or reconstruction of a culvert, given the regulations only appear to manage the activities specified in s13(1)(a) of the RMA, and not any associated disturbance, deposition or discharge activities in the bed.</p> |
| Weirs (regulations 72-73) | <p>Regulations 72 and 73 set out rules managing the placement, use, alteration, extension, or reconstruction of weirs in, on, over, or under the bed of any river or connected area. Regulation 72 provides a permitted activity pathway, subject to conditions. If the permitted conditions cannot be met, resource consent is required as a discretionary activity under Regulation 73.</p> <p>The matters addressed in the relevant rule conditions relate to fish passage. The objectives in the pLWRP are not restricted to fish passage, or activities solely in the beds of rivers, and seek to achieve a broad range of outcomes relating to freshwater quality and quantity and in-stream values for both rivers and natural lakes. The DAM chapter therefore includes rules which require that the placement, use, maintenance, replacement, upgrading, demolition or removal of weirs in the beds of lakes and rivers are subject to the same rules and conditions as in-stream dams in order to manage the adverse effects that are different from those managed under the NESF, and to achieve the objectives of the pLWRP and give effect to the NPSFM.</p> <p>Rules DAM-R2 and DAM-R3 require that, for a weir located in, on, over, or under the bed of any river, the placement and use of the</p> |

| Provision(s) | Assessment |
|-------------------------------------|---|
| | <p>weir meets the permitted activity conditions under regulation 72(2) of the NESF to ensure that these effects are clearly managed.</p> <p>Regulation 72(2)(a) provides an exemption for providing for the same passage of fish upstream and downstream as would exist without the weir during works to place, alter, extend or reconstruct the weir. Regulation 6 of the NESF provides for regional plan rules to be more stringent than regulation 72 and 73, if it is for the purpose of preventing the passage of fish in order to protect particular fish species, their life stages, or their habitats. DAM-R2 is more stringent than this condition as it does not provide the same exemption. Justification for the additional stringency in the circumstances of the Otago region is outlined in Chapter 11 Damming and diversion of the Section 32 report.</p> |
| Passive flap gates (regulations 74) | <p>Regulation 74 states that placement, use, alteration, extension, or reconstruction of a passive flap gate in, on, over, or under the bed of any river or connected area is a non-complying activity. This regulation is not duplicated in the LWRP. However, the BED chapter contains Rule BED-R7 relating to the specific activities in the bed associated with the placement, use, alteration, extension or reconstruction of a passive flap gate, given the regulations only appear to manage the activities specified in s13(1)(a) of the RMA, and not any associated disturbance, deposition or discharge activities in the bed.</p> |

2.3. National Environmental Standards for Commercial Forestry 2017 (NESCF)

76. The NESCF includes regulations to manage the environmental effects of commercial forestry on the environment, communities, and rural economies. The standards apply to plantation forestry and exotic continuous-cover forests (carbon forests) that are deliberately established for commercial purposes and are at least 1 hectare of continuous forest cover. The following core forestry activities are covered in the NESCF: afforestation, pruning and thinning to waste, earthworks, river crossings, forestry quarrying, harvesting, mechanical land preparation, and replanting.
77. Regulation 6 details the relationship between rules and the NESCF regulations. A rule in a plan may be more stringent or lenient than the regulations for afforestation, as included in subpart 1 of Part 2 of the NESCF. A rule in a plan may also be more stringent in these circumstances:
- a. the rule gives effect to:
 - i. an objective developed to give effect to the NPSFM; or
 - ii. any of policies 11, 13, 15, and 22 of the NZCPS;
 - b. the rule recognises and provides for the protection of:
 - i. outstanding natural features and landscapes from inappropriate use and development; or
 - ii. significant natural areas;

- c. the rule manages activities in any unique and sensitive environments, as defined in the NESCF.
78. The pLWRP does not duplicate the regulations for commercial forestry contained in the NESCF, on the basis that these regulations will apply in addition to the pLWRP requirements. However, the PP (Forestry) chapter contains three rules that are more stringent than the NESCF:
- a. FF-R18 is more stringent than Part 2 Subpart 1 (Afforestation) of the NESCF.
 - b. FF-R19 is more stringent than Part 2 Subpart 6 (Harvesting) of the NESCF.
 - c. FF-R20 applies in addition to Regulations 28(2), 44, 89 and 97 of the NESCF.
79. All of these rules have been developed to give effect to an objective developed to give effect to the NPSFM. Further assessment, and justification, of the additional stringency is included in Chapter 14 Farming and forestry of the Section 32 report.
80. Overall, it is considered the pLWRP has been prepared in accordance with the NESCF.

2.4. National Environmental Standards for Telecommunication Facilities 2016 (NESTF)

81. The NESTF provides rules for telecommunications infrastructure, covering the following activities:
- a. cabinets in the road reserve, outside the road reserve and on buildings;
 - b. antennas on existing poles in the road reserve;
 - c. antennas on new poles in the road reserve;
 - d. replacement, upgrading and co-location of existing poles and antennas outside road reserve (with different conditions in residential and non-residential areas);
 - e. new poles and antennas in rural areas;
 - f. antennas on buildings (above a permitted height in residential areas);
 - g. small-cell units on existing structures;
 - h. telecommunications lines (underground, on the ground and overhead).
82. These activities are primarily managed by territorial authorities through district plans, and are therefore not directly relevant to the pLWRP. However, the NESTF has informed the drafting of provisions in the pLWRP related to telecommunications facilities. Telecommunication networks are included in the definitions of both 'infrastructure' and 'regionally significant infrastructure' in the pLWRP and these activities are provided for in the BED chapter. It is considered that the pLWRP has been prepared in accordance with the NESTF.

2.5. National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCO)

83. The NESCO sets a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants is appropriately identified and assessed before

it is developed and, if necessary, the land is remediated or the contaminants are at levels that means the land is safe for human use.

84. Territorial authorities are responsible for implementing and enforcing the NESCS. Regional councils are responsible for investigating land for the purpose of identifying and monitoring contaminated land. The NESCS provides permitted activity regulations for a range of activities undertaken on contaminated land, including:
 - a. Sampling soil;
 - b. Disturbing soil;
 - c. Subdivision and changing use; and
 - d. Removing or replacing a fuel storage system.
85. The pLWRP includes a chapter relevant to Contaminated Land. CL-R1 provides a permitted activity rule for the disturbance and use of land for a site investigation to assess concentrations of hazardous substances including any associated discharge as a result of the disturbance. Where the permitted activity rules are unable to be met resource consent will be required. While CL-R1 duplicates some aspects of the NESCS, the rule manages the use and disturbance of land in accordance with regional council functions as permitted activity conditions relate to the maintenance and enhancement of the quality of water in water bodies.²⁴ The rule also manages the discharge of contaminants resulting from the associated use and disturbance which is not managed by the NESCS.
86. Overall, it is considered the pLWRP has been prepared in accordance with the NESCS.

2.6. National Environmental Standard for Electricity Transmission Activities 2009 (NESETA)

87. The NESETA applies to high voltage electricity transmission lines and covers activities related to the operation, maintenance, upgrading, relocation and removal of existing lines, but does not apply to the construction of new lines or to substations. The restrictions primarily apply to district plans so are not directly relevant to the pLWRP, however an advice note has been included in the BED chapter for clarity. It is considered that the pLWRP has been prepared in accordance with the NESETA.

2.7. National Environmental Standard for Sources of Human Drinking Water 2007 (NESHDW)

88. The NESHDW came into effect on 20 June 2008 and sets requirements for protecting sources of human drinking water from becoming contaminated. The NESHDW requires regional councils to ensure that effects of activities on drinking water sources are considered in decisions on resource consents and regional plans. Specifically, regional councils are required to:
 - a. decline discharge or water permits that are likely to result in community drinking water becoming unsafe for human consumption following existing treatment;

²⁴ Section 30(1)(c)(ii)

- b. be satisfied that permitted activities in regional plans will not result in community drinking water supplies being unsafe for human consumption following existing treatment; and
 - c. place conditions on relevant resource consents that require notification of drinking water suppliers if significant unintended events occur (e.g. spills) that may adversely affect sources of human drinking water.
89. The pLWRP has been prepared in accordance with the NESHDW. IP-P21 provides direction to decision-makers for when considering an application for resource consent within a drinking water protection zone. These directives include the need to ensure compliance with the NESDW, to either not grant or only grant consents in particular situations, and to avoid or mitigate risk of contamination of drinking water supplies by taking into account specific measures. These measures include those to minimise risks, and protocols for notification to the drinking water supplier should an event present a risk to groundwater.
90. EFL-P23 provides for the take and use of water for community water supply where a water supply strategy has been prepared and the quality of water abstracted for drinking water supply is protected. These protections include, for existing registered drinking water supplies identified in APP14, applying a default drinking water protection zone around the source of any water take for drinking water supply by a drinking water supplier. Protections also include requirements for resource consent applications to include an assessment of the extent to which the default zone is consistent with MfE guidelines, and the delineation of the zone, including supporting information and the results of any consultation.
91. Several chapters, including OTH, WASTE, and WW, include policies requiring activities to comply with setbacks from, or protect the quality of water within, drinking water supplies. An environmental outcome is also included in each FMU chapter (FMU1 to FMU5) seeking that source water from water bodies (after treatment) is safe and reliable for the drinking water needs of the community.
92. Various permitted activities throughout all chapters of the pLWRP include a drinking water protection zone as a locational constraint, thereby requiring consent for that activity. This is particularly so for discharges, where there may be a risk of contamination of a water supply. Requiring consent for these activities ensures the direction in the NESHDW can be implemented.

2.8. Resource Management (Freshwater Farm Plans) Regulations 2023

93. The Resource Management (Freshwater Farm Plans) Regulations 2023 came into effect on 1 August 2023. They set out obligations for the preparation, certification, audit and enforcement of freshwater farms plans under the RMA. Under the regulations, freshwater farm plans are required on farms with 20 or more hectares in arable or pastoral land use, or five or more hectares in horticultural land use, or 20 hectares of mixed use. The regulations only apply in a region or district once Orders in Council are made, and currently apply only to the North Otago FMU.
94. Rules FF-R1 to FF-R9 and FF-R12 provide for the use of Freshwater Farm Plans as an alternative to specific performance standards for most permitted activities. This is done through identification in each relevant rule. Rule FF-R10 and Appendix APP26 Freshwater Farm Plans outline how Freshwater Farm Plans are to be implemented in Otago.

2.9. Resource Management (Stock Exclusion) Regulations 2020

95. These regulations require people who own or control cattle, deer or pigs to exclude them from specified wetlands, lakes and rivers. There are different requirements for different stock types and, in some cases, different types of terrain. From 5 October 2023, the Upper Taieri Scroll Plain is exempt from the following stock exclusion requirements:
- Exclusion of non-intensively grazed beef cattle and deer from lakes and wide rivers on low slope land (regulations 14 and 15); and
 - Exclusion of all stock from natural wetlands (regulations 16, 17, and 18)²⁵.
96. This exception is due to the size and complexity of the wetlands in the Upper Taieri Scroll Plain, which are part of a meander system that has created diverse wetland habitats and oxbow lakes and are uniquely challenging to exclude stock from. This exception has been provided on the basis that ORC implements suitable provisions in the pLWRP for managing grazing within the wetlands, as soon as reasonably practical and no later than 1 July 2025.
97. The FF – Farming and forestry and WET – Wetlands chapters of the pLWRP implement the Stock Exclusion Regulations (with the exception of the Upper Taieri Scroll Plain). FF-R12 includes an advice note stating that the stock exclusions regulations also apply, before detailing conditions for the use of land for farming from 1 July 2025. The permitted activity conditions include:
- Ensuring access to the bed and banks of any river by livestock does not cause or induce slumping, pugging or erosion, or a conspicuous change in visual clarity of water; and
 - Exclusions and setbacks for farmed cattle, pigs, and deer on low slope land; and
 - Some exemptions from exclusions and setbacks depending on the life of existing fences and/or fulfilment of requirements for a certified Freshwater Farm Plan.
98. WET-R1-PER1 implements a staged approach to stock exclusion from wetlands. On notification, livestock is to be excluded from coastal wetlands. From July 2025, all heavy livestock (including cattle, buffalo, pigs, deer, horses and like species) are to be excluded from natural inland wetlands on low-slope land. From 2030, all stock is to be excluded (including from the Upper Taieri Scroll Plain) from natural inland wetlands on low slope land, all heavy livestock from all natural wetlands on low slope land and from natural inland wetlands on all land.

2.10. Resource Management (Measurement and Reporting of Water Takes) Regulations 2010

99. These regulations were introduced to ensure consistent measuring and reporting of actual water taken at national, regional and catchment levels. The regulations apply to holders of water permits that allow freshwater to be taken at a rate of five litres per second or more. They do not apply to permitted takes, takes from a reticulated water supply, water taken at rates of less than five litres per second, or non-consumptive takes.

²⁵ Resource Management (Stock Exclusion) Regulations 2020, regulation 3A.

100. The regulations require consent holders to have an appropriate measuring device, which is independently verified by an accredited company, and to provide a continuous record of water use data to the relevant regional council on at least an annual basis. The regulations were amended in September 2020 as part of the Government's Action for Healthy Waterways programme to require consent holder with takes between five and more than 20 litres of water a second to:
 - a. measure their water use every 15 minutes;
 - b. store their records; and
 - c. electronically submit their records to the relevant council every day.
101. These new requirements apply in a staged approach depending on the rate of the water permit.²⁶
102. The regulations prevail over a regional rule or a condition of a water permit. However, the council can include a rule in a regional plan that is more stringent than the regulations.²⁷
103. The relevant chapter of the pLWRP is EFL – Environmental Flows and Levels. EFL-P22 provides direction on measuring of water takes and associated discharges, and requires that, in addition to the Measurement and Reporting of Water Takes Regulations:
 - a. All consented takes where the maximum rate of take is less than 5 litres per second must demonstrate how they will not exceed the consented limit;
 - b. Metering must be consistent with the Measurement and Reporting of Water Takes Regulations for:
 - i. any discharge of water to a river for the purpose of supplying a secondary take or maintain flows and levels,
 - ii. any secondary take,
 - iii. any discharge of water to a river as a result of renewable electricity generation
104. EFL-P22 also provides some addition detail on the record keeping required where one point of take is used to take water from a combination of different allocation blocks, which supplements the direction in the Regulations.
105. Accordingly, the pLWRP has been prepared in accordance with the Regulations.

2.11. Resource Management (Exemption) Regulations 1996 and 2017

106. These regulations exempt the discharge of the following substances from being managed under section 15 of the RMA and set up an alternative management framework:
 - a. Biological insecticide containing *Bacillus thuringiensis* var. *kurstaki*;
 - b. Brodifacoum;
 - c. Rotenone;
 - d. Sodium fluoroacetate;

²⁶ Clause 1 of Schedule 1 of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.

²⁷ Regulation 12 of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.

- e. Pre-feed; and
 - f. Repellant.
107. A regional council cannot issue a resource consent for a discharge that complies with the regulations or make rules for discharges that comply with the regulations. The regulations prevail over any regional rules that are inconsistent with the regulations.
108. OTH-R3 in the pLWRP covers the discharge of vertebrate toxic agents. The pLWRP contains an advice note that the discharge of substances that comply with the Resource Management (Exemption) Regulations 1996 and 2017 are exempt from any discharge controls under the RMA and the pLWRP. Accordingly, the pLWRP has been prepared in accordance with the Exemption Regulations.

2.12. Proposed amendments to national direction

109. A number of amendments have been signalled or proposed to national direction. Under the RMA there is no legal requirement for these amendments to be considered or implemented by the pLWRP. A summary of the amendments is set out below. If any of the amendments come into force before the pLWRP becomes operative, the implications on the content of the pLWRP will need to be considered at that time, and may be able to be implemented through the hearings process, subject to the scope of submissions.
110. The Government has recently introduced the Resource Management (Freshwater and Other Matters) Amendment Bill. This Bill proposes to make a number of amendments to the RMA and national direction (including a number of national policy statements, national environmental standards, and other regulations). The Bill proposes to:
- a. amend s104 of the RMA to exclude the consideration of clauses 1.3(5) or 2.1 of the NPSFM (which relate to the hierarchy of obligations in the NPSFM 2020) when considering a resource consent application;
 - b. amend s92 of the RMA so that a consent authority must not request further information nor commission a report of clause 1.3(5) or 2.1 of the NPSFM 2020 (which relate to the hierarchy of obligations in the NPSFM 2020);
 - c. align the consenting pathway for coal mining with other mineral extraction activities across the NPSFM, NPSIB, and NESF;
 - d. modify local authority obligations under the NPSIB to identify and include in district plans new significant natural areas for 3 years;
 - e. amend the Resource Management (Stock Exclusion) Regulations 2020 in relation to sloped land;
 - f. repeal the permitted and restricted discretionary activity regulations and associated conditions for intensive winter grazing from the NESF; and
 - g. make amendments to speed up the process to prepare or amend national direction under the RMA.
111. Further proposed amendments to national direction that may have implications for the pLWRP (if they come into force) include:

- a. In 2022 the Government consulted on proposed amendments to the NESHDW to improve protection of human drinking water sources. Following consultation, the proposals include mapping three categories of source water risk management areas and introducing controls for specific high-risk activities. These amendments are still at the consultation stage.
 - b. The Government is also proposing amendments to the NPSREG, NPSET, and NESETA, along with a new proposed national environmental standard for renewable electricity generation, to strengthen national direction for renewable electricity generation and electricity transmission under the RMA. Consultation documents were published in April 2023 and the consultation closed on 1 June 2023.
112. Until any of these proposals come into force, there is no legal requirement for the pLWRP to consider or observe the proposed new or amended national direction.

3. Water Conservation Orders

113. Regional plans must not be inconsistent with water conservation orders.²⁸ There are two relevant Water Conservation Orders in Otago:
- a. Water Conservation (Kawarau) Order 1997; and
 - b. Water Conservation (Mataura River) Order 1997

3.1. Water Conservation Order (Kawarau) Order 1997 (Kawarau WCO)

114. The Kawarau WCO lists water bodies and their outstanding values that are to be preserved in their natural state in Schedule 1. Schedule 2 of the Order also lists water bodies that are no longer in their natural state but still contain some values considered to be outstanding which must be protected. The Order places restrictions on the exercise of ORC's functions under the RMA in relation to these water bodies, in order to preserve them in their natural state or protect their outstanding values, which mostly relate to consenting.
115. These restrictions include (with several exemptions, discussed further below) the exercise of the regional council's functions and powers under section 30(1)(e) and (f) of the RMA (as they relate to water).²⁹ Schedule 2 details the specific restrictions and prohibitions for respective waters, which include:
- a. Prohibiting damming;
 - b. Maintaining particular water quality standards;
 - c. Maintaining the braiding of water; and
 - d. Maintaining fish passage.
116. The exemptions for these restrictions allow the regional council to exercise its functions or powers to grant a consent or make a rule for any part of the preserved or protected waters for any of the following purposes:

²⁸ Section 67(4)(a), RMA.

²⁹ Clause 3(5) and clause 4(5), Kawarau WCO

- a. Maintenance or protection of any network utility operation (as defined in section 166 of the Act) or any public or private road or any bridge;
 - b. Maintenance of soil conservation and river protection works;
 - c. Research into, protection of, enhancement of, or restoration of, values and characteristics for which the water bodies are being preserved or protected, as the case may be; and
 - d. On the same or similar conditions for any lawful use of water being undertaken immediately before the date the Kawarau WCO came into force.³⁰
117. Further exemptions are stated in clause 6, relating to particular locations and the exercise of powers under other environmental legislation.
118. The pLWRP includes a map of Water Conservation Order Areas, MAP[WCO], which identifies the waterbodies identified in WCOs and requiring protection or preservation. This aids in ensuring WCO waterbodies and areas are clearly understood when implementing the associated provisions in the pLWRP, which are primarily within the DAM, EFL, FLOOD and WET chapters.
119. IP-P11 directs that the significant and outstanding values of Otago's outstanding water bodies are protected from inappropriate subdivision, use and development, including by implementing any restrictions and prohibitions set out in a WCO. In accordance with the definition of outstanding water body in the NPSFM, water bodies identified in a water conservation order as having one or more outstanding values are outstanding water bodies.
120. The EFL chapter requires permitted small surface water takes and temporary takes from a waterbody shown on MAP[WCO] to comply with the relevant WCO. If the activity does not comply, it becomes restricted discretionary and discretionary respectively. A similar condition is required for the take and use of surface water for community water supply, both the controlled and discretionary activity. If the activity does not comply, it becomes non-complying.
121. The DAM chapter includes two policies relating to WCOs, including:
- a. DAM-P1 – the placement of new in-stream dams and weirs must be avoided in areas identified on MAP[WCO] where damming is restricted or prohibited by a WCO; and
 - b. DAM-P9 – the temporary diversion of water is enabled provided it is undertaken outside of an area identified on MAP[WCO] where the diversion of water is restricted or prohibited by a WCO.
122. An area identified in MAP[WCO] is included as a locational restriction for DAM-R2-PER1) and DAM-R8-PER1). For both of these activities, if the condition is not met, the activity becomes prohibited. Additionally, DAM-R3-PR1 prohibits the placement of an in-stream dam or weir for longer than 30 days (in any consecutive 12-month period) in an area identified in MAP[WCO] where damming or diversion is prohibited under a WCO. These conditions recognise the exemptions in the WCO, by providing for activities to occur within an area identified in MAP[WCO] provided that they are not restricted or prohibited by the WCO.

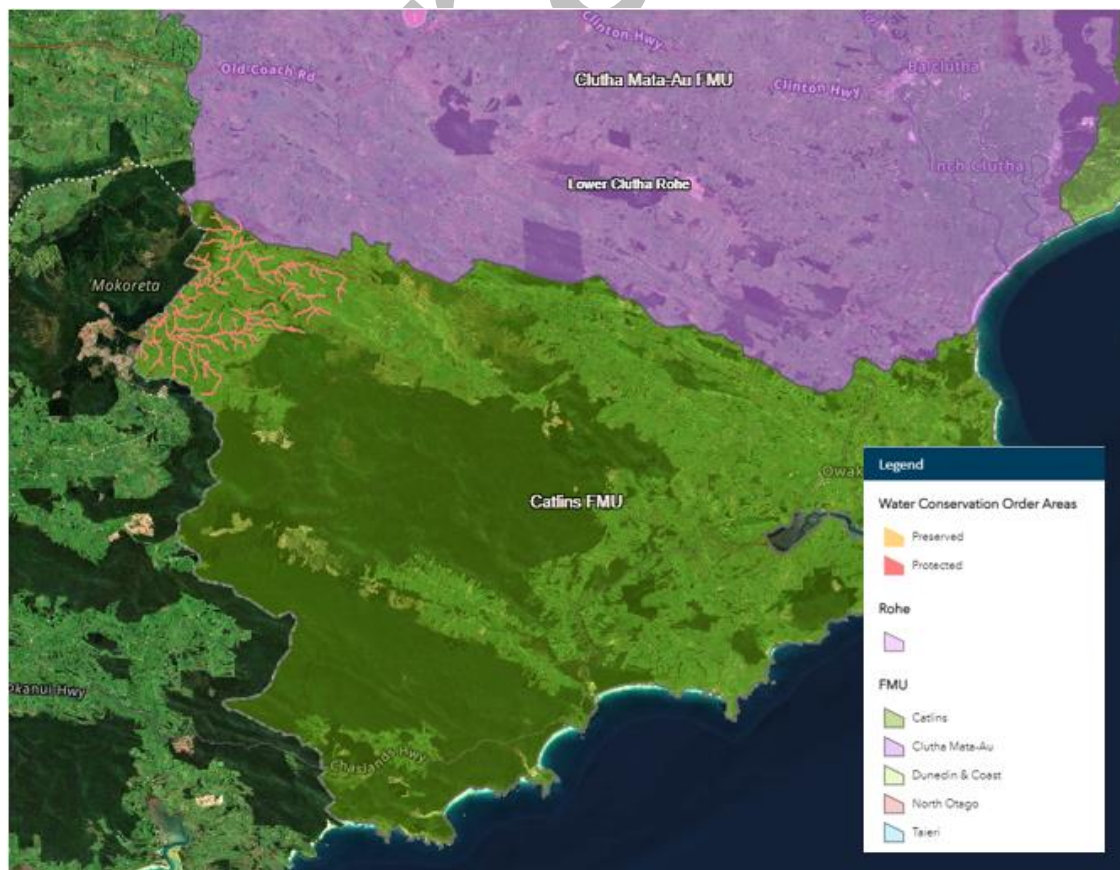
³⁰ Clause 5, Kawarau WCO

123. The same WCO restrictions as outlined in the paragraph above are also contained in the FLOOD and WET chapters where these activities involve the diversion of water within the bed of a lake or river or the placement and use of an in-stream dam or weir. The relevant provisions include FLOOD-R2-PER1, WET-R5-PER1 and WET-R5-PR1.
124. The BED chapter does not include any policy direction or rules relating to the Kawarau WCO, given the Kawarau WCO does not apply to works in the bed, managed under section 13 of the RMA.

3.2. Water Conservation (Mataura River) Order 1997

125. The Mataura River WCO lists protected waters relating to the Mataura River, which have outstanding fisheries and angling amenity features. These include:
- the Mataura River from its source (approximate map reference NZMS 260 E42:502333) to its confluence with the sea (approximate map reference NZMS 260 F47:877946); and
 - the Waikaia River and its tributaries, the Otamita Stream, and all other tributaries of the Mataura River upstream of its confluence with the Otamita Stream (approximate map reference NZMS 260 F45:881582); and
 - the Mimiha Stream and the Mokoreta River and each of their tributaries.
126. Most of the waters managed under this WCO are in Southland, however a small area of tributaries to the Mokoreta River are located in Otago, as shown in Figure 1 below.

Figure 1: Water bodies in Otago affected by the Mataura WCO



127. The Order places restrictions on the exercise of ORC's functions under the RMA in relation to these protected waters to protect these outstanding features. These restrictions primarily relate to water and discharge permits and minimum rates of flow for protected waters. More specifically, these restrictions state that:
- a. Rates of flow in the Mataura River and Waikaia River must not be reduced, by the grant or exercise of water permits, below the minimum rate of flow (which is specified in descriptive form in Clause 4(2) and (3) of the Mataura River WCO;
 - b. A water permit or discharge permit must not be granted under Part 6 of the RMA, or a regional plan made under Part 5, for any part of the protected water if it would contravene the WCO provisions (with some exemptions);
 - c. A permit to dam the Mataura River and the Waikaia River must not be granted under Part 6 of the RMA, and must not be granted for any tributary of those rivers (that form part of the protected waters) if it would harm salmonid fish-spawning or passage; and
 - d. A discharge permit must not be granted and a regional plan must not be made for any discharge into the protected waters if the effect of the discharge would be to breach specific provisions and standards as set out in the WCO.
128. The exemptions for the restriction on the granting of a water or discharge permit or making of a regional plan for part of the protected water that would contravene the WCO provisions allow the regional council to exercise its functions and powers to grant a permit or make a regional plan for any of the following purposes:
- a. Research into, and enhancement of, fisheries and wildlife habitats;
 - b. The construction, maintenance, or protection of roads, bridges, pylons, and other necessary public utilities;
 - c. Soil conservation and river protection and other activities undertaken pursuant to the Soil Conservation and Rivers Control Act 1941; and
 - d. Stock water and stock-water reservoirs.
129. IP-P11 directs that the significant and outstanding values of Otago's outstanding water bodies are protected from inappropriate subdivision, use and development, including by implementing any restrictions and prohibitions set out in a WCO.
130. The EFL – Environmental flows, levels and allocation chapter of the pLWRP does not provide any specific direction related to the Mataura River. However, the waterbodies that are affected by the Mataura WCO are largely not included within mapped catchments, meaning that conservative flow and allocation limits apply. Upper reaches of three tributaries to the Mokoreta River are captured by catchment boundaries for the Poumāhaka River and Tahakopa River. Any takes from waterbodies managed by the Mataura WCO will need to be assessed to ensure they are consistent with the WCO.
131. The DAM chapter includes two policies relating to WCOs, including:
- a. DAM-P1 – the placement of new in-stream dams and weirs must be avoided in areas identified on MAP[WCO] where damming is restricted or prohibited by a WCO;

- b. DAM-P9 – the temporary diversion of water is enabled provided it is undertaken outside of an area identified on MAP[WCO] where the diversion of water is restricted or prohibited by a WCO.
132. An area identified in MAP[WCO] is included as a locational restriction for DAM-R2-PER1 and DAM-R8-PER1. For both of these activities, if the condition is not met, the activity becomes prohibited. Additionally, DAM-R3-PR1 prohibits the placement of an in-stream dam or weir for longer than 30 days (in any consecutive 12-month period) in an area identified in MAP[WCO] where damming or diversion is prohibited under a WCO. These conditions recognise the exemptions in the WCO, by providing for activities to occur within an area identified in MAP[WCO] provided that they are not restricted or prohibited by the WCO.
133. The same WCO restrictions as outlined in the paragraph above are also contained in the FLOOD and WET chapters where these activities involve the diversion of water within the bed of a lake or river or the placement and use of an in-stream dam or weir. The relevant provisions include FLOOD-R2-PER1, WET-R5-PER1 and WET-R5-PR1.

4. Lake Wānaka Preservation Act 1973

134. When exercising functions under the RMA, in respect of Lake Wānaka or its tributaries including the development of a regional plan, ORC is required to have regard to the purposes of the Lake Wānaka Preservation Act 1973 and shall give effect to the policy of the Government in relation to those functions as communicated by the Minister of Conservation.³¹
135. The Lake Wānaka Preservation Act 1973 has the following purposes:
- a. To prevent the water in the body of the lake from being impounded or controlled by, or, as far as possible, obstructed by, any works except in an emergency;
 - b. To prevent the natural rate of flow of lake water between the outlet of the lake which forms the source of the Clutha River and the confluence of that river and the Cardrona River from being varied or controlled by any works except in an emergency;
 - c. To preserve, as far as possible, the water levels of the lake and its shoreline in their natural state; and
 - d. To maintain and, as far as possible, to improve the quality of water in the lake.
136. FMU1-P1 of the pLWRP sets out requirements for decision-makers when considering whether to grant a consent for activities related to the bed of Lake Wānaka, or any take, use, damming, or diversion of water from the lake. These requirements include the need to have regard to the purposes listed in section 4 of the Lake Wānaka Preservation Act 1973. Additionally, DAM-P1 states that the placement of new in-stream dams and weirs must be avoided in Lake Wānaka, other than for the duration of an emergency as declared by the Guardians of Lake Wānaka under the Lake Wānaka Preservation Act 1973. This policy is implemented by DAM-R2-PER1, DAM-R2-PR1, and DAM-R3-PR1. WET-R5 also contains conditions that ensure that the construction of wetlands does not result in the damming of Lake Wānaka other than for the duration of an emergency as declared by the Guardians of Lake Wānaka under the Lake Wānaka Preservation Act 1973.

³¹ Clause 8, Lake Wānaka Preservation Act 1973

137. Lake Wānaka is a ‘natural lake’ as defined in the pLWRP. SCHED5 sets a minimum level and take limit for Lake Wānaka, both of which have been designed to preserve the lake’s levels and shoreline in their natural state, in accordance with the Act.

5. Kāi Tahu Statutory Acknowledgement Areas

138. The Ngāi Tahu Claims Settlement Act 1998 (NTCSA) gives effect to certain provisions of the Deed of Settlement signed by the Crown and Te Rūnanga o Ngāi Tahu on 21 November 1997 that recorded the matters required to give effect to a settlement of Ngāi Tahu’s historical claims against the Crown. The NTCSA recognises the rakatirataka of Kāi Tahu within its takiwā. This is particularly relevant in applying sections 6(e), 7(a) and 8 of the RMA.
139. The NTCSA, amongst other things, identifies taonga species and establishes tōpuni, statutory acknowledgements and nohoanga sites (temporary campsites). These instruments recognise the special association of Kāi Tahu with these areas and species as one mechanism for improving the effectiveness of Kāi Tahu participation in the resource management process, specifically building on Part 2 of the RMA.
140. Section 220 of the NTCSA requires that local authorities within the Kāi Tahu claim area must attach to all regional policy statements, district plans, and regional plans, information recording all statutory acknowledgements affecting statutory areas covered wholly or partly by such policy statements or plans, either by way of reference to that Part of the NTCSA or by setting out the statutory acknowledgements in full.
141. The attachment of information to any policy statement or plan pursuant to section 220(1) is for the purpose of public information only and the information is neither part of the plan (unless adopted by the relevant regional council or district council) nor subject to the provisions of Schedule 1 of the RMA.
142. Statutory acknowledgements recognise the mana of Kāi Tahu in relation to a range of sites and areas in the South Island and provide for this to be reflected in the management of those areas. Statutory acknowledgements impact RMA consenting processes concerning these areas. The Council must have regard to Statutory Acknowledgements when considering resource consent applications and advise Kāi Tahu of any application that may affect Statutory Acknowledgement areas.
143. There are several statutory acknowledgement areas within Otago and it is important to note that while statutory acknowledgments are wāhi tūpuna, wāhi tūpuna are not confined to these areas.
144. The MW-Mana whenua chapter in the pLWRP contains information about and links to Otago’s statutory acknowledgements. There are twelve water bodies in Otago that are recognised by statutory acknowledgements. Their respective cultural, spiritual, historic and traditional associations and values are described in Schedules to the NTCSA. There are also two mauka recognised as statutory acknowledgment areas; Pikiratahi (Mount Earnslaw) and Tititea (Mount Aspiring). These mauka are the source of waters feeding into Whakatipu-Waimāori/Lake Wakatipu and Te Ana-au (Lake Te Anau), and therefore any activities affecting ngā mauka may affect the mauri of the waterbodies they feed into.
145. The coastal marine area of Otago (Te Tai o Arai Te Uru) is also recognised by a statutory acknowledgment, and Schedule 103 of the NTCSA describes the coastal environment as integral to the way of life for Kāi Tahu in Otago. This environment supports significant mahika

kai resources and is a receiving environment for freshwater, highlighting the interconnection between land, freshwater and the sea.

6. Iwi Management Plans

146. When preparing regional plans, ORC must take into account any relevant planning document recognised by an iwi authority that has been lodged with ORC, to the extent that their content has a bearing on resource management issues of the region.³² There are five iwi management plans in place in Otago which are discussed below.

6.1. Te Rūnanga o Ngāi Tahu Freshwater Policy 1999

147. This document describes Ngāi Tahu's association with freshwater resources, the ways in which Ngāi Tahu (as tangata tiaki) want to participate in freshwater management and the environmental outcomes sought for freshwater. The Policy prefers integrated catchment management and seeks to afford protection to waters that are of particular spiritual significance to Ngāi Tahu. The policy also seeks to restore, maintain and protect the mauri of freshwater resources and to maintain vital, healthy mahinga kai populations and habitats that sustain harvesting activities. To ensure Ngāi Tahu involvement in freshwater management, the policy promotes collaborative management initiatives that enable active participation by Ngāi Tahu.
148. The provisions of Te Rūnanga o Ngāi Tahu Freshwater Policy 1999 have been taken into account when preparing the pLWRP and the provisions are considered to be consistent with this document. Each topic chapter in this report explains how clause 3 and 4A feedback from iwi authorities has been considered and incorporated into the pLWRP. For some topics, feedback from iwi authorities included specific requests to address matters outlined in iwi management plans. Additionally, Policy IP-P2 requires that iwi management plans are taken into account when making resource management decisions in Otago. This will ensure that decisions made under the pLWRP consider the direction in Te Rūnanga o Ngāi Tahu Freshwater Policy 1999.

6.2. Kāi Tahu ki Otago Natural Resources Management Plan 2005

149. This is the principal planning document for Kāi Tahu ki Otago (Te Rūnanga o Moeraki, Kāi Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga). The kaupapa of this Plan is 'ki uta ki tai' (mountains to the sea) and is an expression of kaitiakitaka. The plan describes in detail Kāi Tahu values, knowledge and perspectives on natural resource and environmental management issues.
150. Section 5.3 of the Plan focuses on Wai Māori. Some of the issues of concern include:
- Lack of adequate minimum flows that provide for Kāi Tahu ki Otago cultural values;
 - Setting of minimum flows may not appropriately consider social, biological and cultural needs;
 - Inefficient irrigation methods and reluctance to consider alternatives;

³² Section 66(2A)(a), RMA

- d. Volume of some extractions being more than is required;
 - e. Cumulative effects of water extractions;
 - f. Over-allocation of water resources;
 - g. Mining privileges that allow for complete dewatering; and
 - h. Long duration water take consents.
151. Section 5.3.3 contains the Wai Māori General Objectives, the following of which are relevant to pLWRP:
- a. The spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management;
 - b. The waters of the Otago Catchment are healthy and support Kāi Tahu ki Otago customs; and
 - c. Flow regimes and water quality standard are consistent with the cultural values of Kāi Tahu ki Otago and are implemented throughout the Otago Region and lower Waitaki Catchment
152. Section 5.3.4 Contains the Wai Māori General Policies that include, of most relevance to pLWRP:
- a. To protect and restore the mauri of all water (Policy 4);
 - b. To promote to the Otago Regional Council and Environment Canterbury minimum flow levels, flow regimes, lake levels and lake operating levels for lakes and rivers that recognise and provide for Kāi Tahu ki Otago cultural values and the healthy functioning of associated ecosystem (Policy 7);
 - c. To require that resource consent applicants seek only the amount of water actually required for the purpose specified in the application (Policy 22);
 - d. To require that all water takes are metered and reported on, and information be made available upon request to Kāi Tahu ki Otago (Policy 23);
 - e. To oppose the granting of water take consents for 35 years. Consistent with a precautionary approach, either a review clause or a reduced term may be sought (Policy 25);
 - f. To encourage those that extract water for irrigation to use the most efficient method of application. Flood irrigation, border dyke and contour techniques are less likely to be supports than spray irrigation techniques (Policy 26);
 - g. To require that a consent term for water extraction for irrigation be of 5-10 years where Kā Papatipu Rūnaka considers the method of irrigation to be inefficient to allow for an upgrade to a more efficient method (Policy 27);
 - h. To discourage over-watering (Policy 28); and
 - i. To encourage irrigation to occur at times when winds are light and evaporation low (Policy 28).
153. Catchment specific matters of relevance to the pLWRP include Sections 9 and 10 of the Plan, which contain issues, objectives and policies for Taieri and Clutha/Mata-au catchments.

154. The provisions of the Kāi Tahu ki Otago Natural Resources Management Plan have been taken into account when preparing the pLWRP and the provisions are considered to be consistent with this document. Each topic chapter in this report explains how clause 3 and 4A feedback from iwi authorities has been considered and incorporated into the pLWRP. For some topics, feedback from iwi authorities included specific requests to address matters outlined in iwi management plans. Additionally, Policy IP-P2 requires that iwi management plans are taken into account when making resource management decisions in Otago. This will ensure that decisions made under the pLWRP consider the direction in the Kāi Tahu ki Otago Natural Resources Management Plan.

6.3. Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (Te Tangi a Tauira)

155. This is the principal planning document for Ngāi Tahu ki Murihiku (Te Rūnanga o Awarua, Te Rūnanga o Oraka/Aparima, Te Rūnanga o Hokonui and Te Rūnaka o Waihōpai. The Kaupapa of Te Tangi a Tauira is 'Ki Uta Ki Tai' from the Mountains to the Sea, representing the connection of natural resources and the need to manage them as such. The purpose of Te Tangi a Tauira is to:
- a. Describe the value underpinning the relationship between Ngāi Tahu ki Murihiku and the natural environment;
 - b. Identify the primary issues associated with natural resource and environmental management in the takiwā, from the perspective of Ngāi tahu ki Murihiku;
 - c. Articulate Ngāi Tahu ki Murihiku policies and management guidelines for natural resource and environmental management, wāhi tapu and wāhi taonga.
156. This plan applies from the true right of the Clutha River south to the border of the Otago region. Section 3.5.10 sets out the General Water Policy. Relevantly for these Plan Changes, the issues for iwi include:
- a. Stock grazing adjacent to and in the beds of waterways
 - b. Discharges to land activities (e.g., farm effluent) and potential for run off into waterways
 - c. Effects on the mauri of Murihiku Rivers our children are not able to swim in some rivers.
157. Section 3.5.10 contains policies for water including:
- a. Promote catchment management planning (ki uta ki tai) as a means to recognise and provide for the relationship between land and water
 - b. Work with Regional Councils to ensure that cultural values and perspectives associated with freshwater management are reflected in statutory water plans, best practice guidelines and strategies, and in resource consent processes for activities involving water
 - c. Use riparian enhancement, buffer zones, fencing and related streamside management tools as conditions of consent to ensure that human use of rivers and their water does not compromise river health.

- d. Avoid the use of rivers as a receiving environment for the discharge of contaminants (e.g. industrial, residential, recreational or agricultural sources)
158. The provisions of Te Tangi a Tauira have been taken into account when preparing the pLWRP and the provisions are considered to be consistent with this document.. Each topic chapter in this report explains how clause 3 and 4A feedback from iwi authorities has been considered and incorporated into the pLWRP. For some topics, feedback from iwi authorities included specific requests to address matters outlined in iwi management plans. Additionally, Policy IP-P2 requires that iwi management plans are taken into account when making resource management decisions in Otago. This will ensure that decisions made under the pLWRP consider the direction in Te Tangi a Tauira.

6.4. Waitaki Iwi Management Plan 2019

159. The Waitaki Iwi Management Plan has been developed by Te Rūnanga o Moeraki as an expression of rakatirataka and in fulfilment of their kaitiaki responsibilities within the Waitaki Catchment. The Waitaki Iwi Management Plan has been developed to:
- a. Describe the values held by Kā Papatipu Rūnaka relating to Aoraki, wai, mahika kai and wāhi tūpuna in the Waitaki catchment;
 - b. Identify the primary issues Kā Papatipu Rūnaka have regarding these matters in the Waitaki catchment;
 - c. Articulate Kā Papatipu Rūnaka policies and management guidelines for these matters;
 - d. Provide for the relationship that Kā Papatipu Rūnaka have with these resources.
160. This Plan covers the entirety of the Waitaki catchment, most of which is within the Canterbury region. The parts that relevant to Otago have been considered in the preparation of the pLWRP.
161. The provisions of the Waitaki Iwi Management Plan 2019 have been taken into account when preparing the pLWRP and the provisions are considered to be consistent with this document. Each topic chapter in this report explains how clause 3 and 4A feedback from iwi authorities has been considered and incorporated into the pLWRP. For some topics, feedback from iwi authorities included specific requests to address matters outlined in iwi management plans. Additionally, Policy IP-P2 requires that iwi management plans are taken into account when making resource management decisions in Otago. This will ensure that decisions made under the pLWRP consider the direction in the Waitaki Iwi Management Plan.

6.5. Te Rūnanga o Ngāi Tahu Hazardous Substances and New Organisms Policy Statement 2019

162. The Te Rūnanga o Ngāi Tahu Hazardous Substances and New Organisms Policy Statement responds to requirements in the Hazardous Substances and New Organisms Act 1996 to take into account the environmental and cultural health and well-being of Māori, and Treaty of Waitangi outcome and values when making decisions about introducing and using hazardous substances or new organisms into New Zealand.

163. In relation to hazardous substances and new organisms, the statement provides policy guidance to:
- a. Understand issues of importance of Ngāi Tahu;
 - b. Identify and assess effects, from a Ngāi Tahu perspective;
 - c. Identify options to avoid or minimise adverse effects on Ngāi Tahu values; and
 - d. Identify outcomes important to Ngāi Tahu.
164. Te Rūnanga o Ngāi Tahu Hazardous Substances and New Organisms Policy Statement was prepared to inform the implementation of the Hazardous Substances and New Organisms Act 1996, so is not considered to be particularly relevant to the pLWRP. The Te Rūnanga o Ngāi Tahu Hazardous Substances and New Organisms Policy Statement has been taken into account and the provisions in the OTH chapter of the pLWRP relating to the discharge of hazardous substances is considered to be consistent with both the Hazardous Substances and New Organisms Act 1996 and the Te Rūnanga o Ngāi Tahu Hazardous Substances and New Organisms Policy Statement.

7. Planning document prepared under the Marine and Coastal Area (Takutai Moana) Act 2011

165. When preparing or changing a regional plan, ORC must, in relation to a planning document prepared by a customary marine title group under the Marine and Coastal Area (Takutai Moana) Act 2011 (to the extent that its content has a bearing on the resource management issues of the region), recognise and provide for the matters in that document (to the extent that they relate to the relevant customary marine title area), and take into account the matters in that document (to the extent that they relate to a part of the common marine and coastal area outside the customary marine title area).³³
166. No customary marine title group planning documents exist in the Otago region.

8. Other Management Plans and Strategies

167. Section 66(2)(c)(i) of the RMA requires regional councils to have regard to any management plans and strategies prepared under other Acts to the extent that their content has a bearing on resource management issues of the region.

8.1. Otago Conservation Management Strategy 2016

168. The Conservation Act 1987 requires the Director-General of Conservation to prepare a conservation management strategy for each region. The Otago Conservation Management Strategy (CMS) describes the conservation values present in Otago and provides guidance for the Department's work in the form of a vision supported by objectives, outcomes, policies and milestones. The CMS applies to all public conservation land and waters in Otago (noting that this is based on the old Otago conservancy boundary which now covers parts of Eastern South Island and Southern South Island regions).

³³ Section 66(2A)(b), RMA

169. The CMS contains a vision for Otago out to 2066 which is the overarching goal of the document. The vision includes:
- a. Recognising Ngāi Tahu tino rangatiratanga over their taonga tuku iho and enabling exercise of kaitiakitanga responsibilities;
 - b. Thriving marine ecosystems and species, with marine mammals and birds successfully breeding along the coast;
 - c. Otago's freshwater systems supporting healthy aquatic ecosystems;
 - d. People safely swimming in and gathering food from all freshwater systems;
 - e. Increased wetland extent and intact braided river systems;
 - f. Thriving terrestrial ecosystems and species;
 - g. Otago's rich history visible and accessible with communities actively involved in sharing their stories; and
 - h. People enjoy public conservation lands and waters.
170. Although the CMS has a different purpose and application, many of the outcomes sought are consistent with national direction prepared under the RMA, and with the objectives of the pLWRP.
171. In the pLWRP, IO-O2 and IP-P2 recognise Kāi Tahu rakatirataka and enable the exercise of kaitiakitanga in respect of freshwater. IP-P9 seeks to protect the values of water bodies to maintain ecological processes that provide for the health and resilience of naturally occurring freshwater ecosystems and the life cycles of indigenous species. IO-O1 provides for Te Mana o te Wai as a fundamental concept underpinning the pLWRP. IO-O3 provides for the long-term visions and environmental outcomes for the FMUs, which include that water bodies are clean and safe for human contact and mahika kai species are plentiful and safe to access, harvest and use. IP-P9 seeks to avoid the loss of values or extent of rivers, and WET-O1 seeks that Otago's wetlands are protected and there is no net decrease, and preferably an increase in extent and diversity of wetland habitats and ecosystems. Regard has been had to the CMS in the preparation of the pLWRP.

8.2. Sports Fish and Game Management Plans

172. The Conservation Act 1987 requires each Fish and Game Council to prepare any sports fish and game management plans that are necessary for the management of sports fish and game birds within its region of jurisdiction, for approval by the Minister of Conservation.
173. There are two Fish and Game Councils (and their respective sports fish and game management plans) that either fall wholly or partly within the Otago region: Otago and Central South Island.
174. The Otago Sports Fish and Game Management Plan 2015-2025 covers the entire Otago region, except for the Waitaki catchment. This Plan lists a number of environmental outcomes, including:
- a. Wild fish and game resources maintain a population which produces sufficient numbers for a self-sustaining annual harvest in the long term;
 - b. Water quality ranges between good and excellent in lakes, rivers and wetlands;

- c. Flows and levels combine with the natural characteristics of waterways to support natural ecosystems functioning at a level that support productive and diverse fish and game populations;
 - d. Rivers are swimmable, fishable and safe for food gathering; and
 - e. Otago's wetlands have improved in terms of their quality, diversity, species productivity and overall area.
175. The other relevant sports fish and game management plan for the Otago region is the Central South Island Sports Fish and Game Management Plan 2022-2032. The Central South Island Fish and Game Region falls partly within the Otago region, as it encompasses the area from the south bank of the Rakaia River in the north to Shag Point in the south and extends westward to include all of the Mackenzie Basin (i.e., it includes the Waitaki catchment). The Central South Island Council's Management Plan 2022-2032 contains a mission statement "to manage, maintain, and enhance sports fish and game bird resources on a sustainable basis in the recreational interest of anglers and hunters". The plan sets out a number of outcomes, issues, objectives and policies across a number of topics: sports fish and game bird populations; habitat; angler and hunter participation; public relations; compliance; and administration.
176. Although the Otago Sports Fish and Game Management Plan 2015-2025 and the Central South Island Sports Fish and Game Management Plan 2022-2032 have a different purpose and application than the pLWRP, many of the outcomes sought are consistent with national direction prepared under the RMA, and with the objectives of the pLWRP. In the pLWRP, IO-O7 sets out that the habitats of trout and salmon are to be protected to support a healthy sports fishery (insofar as this is consistent with protecting the habitats of indigenous freshwater fish species). IO-O6 and IP-P14 set out a framework for providing for fish passage and identifying desired and undesirable fish species. The pLWRP also seeks to maintain and improve the water quality and seeks to ensure that water quality provides for safe consumption and immersion. IP-P11 seeks that flows and levels to support natural ecosystems. WET-P2 also provides for the restoration of natural wetlands and WET-P6 for the construction of new wetlands. Regard has been had to both the Otago Sports Fish and Game Management Plan and the Central South Island Sports Fish and Game Management Plan in the preparation of the pLWRP.

8.3. Relevant entry on the New Zealand Heritage List/Rārangī Kōrero

177. Section 66(2)(c)(iia) of the RMA requires ORC to have regard to relevant entries on the New Zealand Heritage List/Rārangī Kōrero (the List) required by the Heritage New Zealand Pouhere Taonga Act 2014, to the extent that they have a bearing on resource management issues of the region. Most listed sites are not within the jurisdiction of the regional council to manage (for example, buildings on land outside the beds of rivers or lakes, or the coastal marine area).
178. While historic heritage is largely a matter for territorial authorities to manage, many of the permitted activity rules in the pLWRP include a condition that requires that if an activity disturbs an archaeological site, the accidental discovery protocol set out in APP15 – Accidental discovery protocol of the pLWRP must be applied. The BED, DAM, EARTH, FLOOD chapter rules include an advice note stating that any work affecting archaeological sites is

subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. This advice note provides that any activities that could modify, damage or destroy any archaeological site must obtain an authority (consent) from Heritage New Zealand Pouhere Taonga in order for the work to proceed lawfully.

8.4. Regulations relating to fisheries resources

179. Section 66(2)(a)(iii) of the RMA requires ORC to have regard to regulations relating to ensuring sustainability, or the conservation, management or sustainability of fisheries resources, including regulations or bylaws relating to taiāpure, mahika mātaītai or other non-commercial Māori customary fishing, to the extent that their content has a bearing on resource management issues of the region. The pLWRP does not manage fisheries resources directly but does manage part of the physical environment within which fisheries are located (excluding the coastal marine area). ORC has had regard to the relevant regulations for fisheries resources. The East Otago Taiāpure includes the estuarine and inshore marine *waters* between Cornish Head and Potato Point. Otago also contains four mātaītai, which are listed in the MW chapter of the pLWRP. Further, a number of rules in the pLWRP include conditions that seek to exclude activities from occurring within any mātaītai or taiāpure.

9. Regional policy statements

180. A regional plan must give effect to any regional policy statement.³⁴ The Council must also have regard to any proposed regional policy statement for the region.³⁵ In Otago there are currently two regional policy statements that are relevant to the pLWRP:
- Proposed Otago Regional Policy Statement 2021 (pORPS 2021); and
 - Operative Otago Regional Policy Statement 2023 (ORPS 2023).
181. The pORPS 2021 has not been made operative and is currently under appeal to both the High Court (on provisions identified as a Freshwater Planning Instrument) and to the Environment Court (on other provisions). The pLWRP is therefore required to have regard to the pORPS 2021. However, when the pORPS becomes operative the pLWRP will need to give effect to it. This means that, wherever possible, the pLWRP has been prepared to give effect to both the pORPS and the ORPS. Additionally, some provisions in the pORPS are not under appeal and so will not be subject to any further change before they are made operative.
182. One of the reasons for preparing the pORPS was that the ORPS was not considered to give effect to the NPSFM 2017. This issue was compounded by the introduction of the NPSFM 2020 which introduced a range of requirements for regional policy statements that the ORPS also did not give effect to. As a result, parts of the pORPS, despite being under appeal, better implement higher order direction and address deficiencies in the ORPS.
183. For these reasons, the assessment undertaken in this section focuses on the pORPS but indicates where responding to the pORPS direction results in also giving effect to the ORPS. There are some provisions in the ORPS that do not have equivalent provisions in the pORPS. These are identified at the end of the assessment. The assessment focuses on the objectives,

³⁴ Section 67(3)(c), RMA

³⁵ Section 66(2)(a), RMA

policies, and methods in both RPSs because those are the parts of both documents that are most relevant to the pLWRP.

184. In the tables below, pORPS provisions marked with an asterisk (*) are currently under appeal. The tables follow the structure of the pORPS. At the end of this section, any provisions in the ORPS that have not been assessed in concert with their equivalent provisions in the pORPS are assessed.

9.1. MW – Mana whenua

185. This chapter outlines how mana whenua will be involved, and participate, in resource management processes in Otago. The pORPS largely adopted the ORPS provisions and so the two documents are generally consistent. Table 15 includes an assessment of the pLWRP against the MW chapter of the pORPS.

Table 15: MW - Mana whenua

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|--|--|---|
| MW-O1– Principles of Te Tiriti o Waitangi* | MW-O1 requires that the principles of Te Tiriti are given effect to in resource management processes and decisions, while Objective 2.1 seeks that the principles of Te Tiriti are taken into account. The direction to “give effect to” in MW-O1 is more directive than to “take into account” in Objective 2.1. It is considered that the direction provided by MW-O1 and Objective 2.1 is provided for by IO-O1, IO-O2, IP-P2, and IP-P3. | Objective 2.1 |
| MW-P1 – Treaty obligations | MW-P1 and Policy 2.1.1 are equivalent provisions requiring awareness and understanding of local authorities when giving effect to the principles of Te Tiriti, tikaka Māori and kaupapa Māori. IO-O2, IP-P2, and IP-P3 provide direction applicable to the regional council in MW-P1 and Policy 2.1.1. | Policy 2.1.1 |
| MW-P2 – Treaty principles* | MW-P2 sets out the actions that local authorities must undertake when exercising their functions and powers in accordance with Te Tiriti o Waitangi. MW-P2 is equivalent to and, in most instances, provides more comprehensive direction than Policies 2.1.1, 2.1.2, 2.2.2 and 2.2.3. This direction is provided for by IO-O1, IO-O2, IP-P2, IP-P3, IP-P6. | Policies 2.1.1, 2.1.2, 2.2.2, and 2.2.3 |
| MW-P3 – Supporting Kāi Tahu hauora | MW-P3 sets out how the natural environment shall be managed to support Kāi Tahu hauora. Policy 2.2.1 is equivalent to MW-P3. However it is considered that direction in MW-P3 is more comprehensive. MW-P3 is implemented by IO-O1, IO-O2, IP-P2 and IP-P3. | Policy 2.2.1 Method 5.1.4 |
| MW-P4 – Sustainable use of Native Reserves and Māori land* | MW-P4 sets out how Kāi Tahu are able to sustainably use Native Reserves and Māori land. This direction is equivalent to and more comprehensive than the direction provided in Policy 2.2.4. MW-P4 is implemented by IO-O2, IO-O9. | Policy 2.2.4 Method 4.1.12 |

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|--|---|---|
| MW-M1 – Collaboration with Kāi Tahu* | MW-M1 sets out where local authorities must collaborate with Kāi Tahu. IP-P2 implements this method as far as practicable in a regional plan. | Method 1.2.1, 1.2.2, 1.2.3, 1.2.4, 1.2.5 |
| MW-M2 – Mātauraka Māori* | MW-M2 provides direction on how local authorities must work in partnership with Kāi Tahu. IP-P2 implements this method as far as practicable in a regional plan. | No equivalent |
| MW-M3 – Kāi Tahu relationships | MW-M3 requires local authorities to establish processes to facilitate Kāi Tahu involvement in resource management. IP-P2 implements this method as far as practicable in a regional plan. | Method 1.1.1, 1.1.3, 1.1.4 |
| MW-M4 – Kāi Tahu rakatirataka* | MW-M4 sets out how local authorities must facilitate Kāi Tahu's involvement in resource management. IP-P2 implements this method as far as practicable in a regional plan. | Methods 1.1.4, 1.4.1 |
| MW-M5 – Regional plans and district plans* | MW-M5 sets out how local authorities must amend their regional plans and district plans. Relevant to the pLWRP and the Council's functions in relation to a regional plan, this includes taking into account iwi management plans and addressing resource management issues of significance to Kāi Tahu, along with providing for the use of native reserves and Maori land and recognising Kāi Tahu rakatirataka over this land. The pLWRP takes into account the relevant iwi management plans in Otago (as addressed in section 6 Iwi Management Plans below). The pLWRP does not manage native reserves or Māori land differently to other land. However, the pLWRP does provide for land uses and contains policy direction to recognise Kai Tahu rakatirataka in general. This direction is given effect to by IO-O1, IO-O2, IO-O9, IP-P2, and IP-P3. | Method 1.1.2 |
| MW-M6 – Incentives and education | These methods do not provide direction for a regional plan and are not relevant to the pLWRP. | Method 1.3.1, 1.3.2 |
| MW-M7 – Advocacy and facilitation | | No equivalent |

9.2. IM – Integrated management

186. The ORPS does not contain a chapter on integrated management. One of the reasons for preparing the pORPS was to address concerns that the ORPS did not properly outline an integrated approach to managing the resources in the region. The pORPS therefore contains a range of direction that is not included in the ORPS. Table 16 below assesses the pLWRP against the IM provisions that are considered to be relevant for the pLWRP.

Table 16: IM - Integrated management

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|-----------------------------|--|---------------------------------------|
| IM-O1 – Long term vision* | <p>IM-O1 sets out the long-term vision for managing natural and physical resources under the pORPS. This objective, to the extent that it is within the functions of the regional council and the management of land and water, is given effect to in the pLWRP by IO-O1, IO-O2, IO-O3, IO-O7, IO-O8 and IO-O9, IP-P2, IP-P3, IP-P6.</p> <p>The direction provided by the pLWRP seeks to specify the particular natural and physical resources relevant to this pORPS direction, along with further specificity on what constitutes a 'healthy and resilient natural environment' for the purposes of the pLWRP (including as set out in IO-O3 of the pLWRP). It also applies the facets of environmental, social, cultural and economic well-being that relate to the management of land and water resources. The pLWRP also specifies what 'in partnership with Kāi Tahu' looks like in the management of land and freshwater.</p> | No equivalent |
| IM-O2 – Ki uta ki tai* | <p>IM-O2 requires the management of natural and physical resources to embrace ki uta ki tai. This is given effect to in the pLWRP by IO-O4 and IP-P4.</p> <p>The direction provided by IO-O4 and IP-P4 of the pLWRP is a response to the gap in the pORPS and sets out the specific interconnections and relationships that are relevant to management resources to provide for ki uta ki tai to be considered in a comprehensive and consistent way in the management of land and water in Otago. This includes the interactions between water bodies (including between surface water and groundwater) as well as between land, fresh water, and coastal water across the whole of a catchment.</p> | No equivalent |
| IM-O3 – Sustainable impact* | <p>IM-O3 seeks that Otago's communities provide for their social, economic and cultural well-being while ensuring aspects of the natural environment are sustainably managed for future generations. Objective 5.4 is that adverse effect of using and enjoying Otago's natural and physical resources are minimised. The outcome sought by IM-O3 is considered equivalent to, but more comprehensive than Objective 5.4.</p> <p>In the pLWRP, this direction is implemented by IO-O1, IO-O3, IO-O8, IO-O9, IP-P7, IP-P5, IP-P8, IP-P6. These provisions in the pLWRP seek to apply the direction in IM-O3 of the pORPS to the management of freshwater and land, and contain greater specificity about what these desired outcomes are.</p> | Objectives 1.1 and 5.4 |

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|---|--|--|
| IM-O4 – Climate change* | <p>IM-O4 seeks that Otago’s communities understand what climate change means for their future and responses to climate change in the region are aligned with national level responses and assist with achieving the national target for emissions reduction. IO-O5, IP-P17 and IP-P6 in the pLWRP give effect to this direction.</p> <p>The provisions in the pLWRP build on the direction in the pORPS to set out the importance of renewable electricity generation to Otago’s response to and mitigation of the impacts of climate change. While there is some repetition of the pORPS objective in the pLWRP, the pLWRP seeks to ensure that decisions made under the pLWRP do align with national direction on climate change and explicitly require that climate change is considered as part of the decision-making on resource consent applications.</p> | Objective 4.2 |
| IM-P1 – Integrated approach to decision-making* | IM-P1 sets out how decision makers should give effect to the integrated package of provisions in the pORPS and other statutory provisions. In particular, IM-P1(2) provides guidance on how decision makers should resolve conflict between provisions in the pORPS and/or other statutory provisions. This direction has been implemented in the development of the pLWRP. | No equivalent |
| IM-P3 – Providing for mana whenua cultural values in achieving integrated management* | <p>IM-P3 sets out how the Kāi Tahu relationship with natural resources should be recognised and provided for. This policy is equivalent to Policy 2.1.2, however, it is considered that IM-P3 provides more comprehensive direction. IM-P3 is given effect to in the pLWRP by IP-P2 and IP-P3.</p> <p>IP-P2 and IP-P3 provide further details to implement IM-P3 of the pORPS in the following manner:</p> <p>(1) and (3): The exercise of rakatirataka and kaitiakitaka, and incorporating mātauraka Māori into decision-making, will be different for different resources. pLWRP IP-P2 provides more detail about what enabling mana whenua to exercise rakatirataka and kaitiakitaka looks like and how mātauraka Māori is to be incorporated in the context of managing land and water resources.</p> <p>(2): Facilitating active participation in resource management processes and decision-making may take many forms. pLWRP IP-P2(2) and (4) explains specifically what this means in the context of what providing opportunities for active involvement of Kāi Tahu means.</p> <p>(4): pLWRP IP-P3 sets out how land and freshwater are to be managed to support the Kāi Tahu relationship with fresh water – i.e. their connection with wai māori per (4).</p> | Policy 2.1.2 |

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|---|--|---------------------------------------|
| IM-P4 – Setting a strategic approach to ecosystem health* | <p>IM-P4 provides a strategic approach to ecosystem health and is specifically relevant to developing regional and district plans.</p> <p>The pLWRP contains environmental outcomes developed to implement the long-term visions in the pORPS, as well as attributes for measuring whether these outcomes have been achieved and target attribute states which are to be achieved over time. These provisions have then informed the setting of limits in the plan provisions (including take limits and limits on resource use). This has included environmental outcomes for ecosystem health.</p> <p>IO-O1 recognises the intrinsic value of freshwater ecosystems by implementing Te Mana o te Wai. In relation to IM-P4(2) and IM-P4(4), the pLWRP takes a long-term strategic approach to managing land and water. In particular, IO-O3 is that Otago's land and water are managed to achieve the long-term vision within timeframes and the environmental outcomes for each FMU and rohe. With respect to resource consents, IP-P6 requires these environmental outcomes to be considered and IP-P22 provides a process for managing uncertainties when making decisions and IP-P23 sets out the criteria when considering durations of resource consents. IP-P12 and IP-25 enable decision-makers to consider site-specific information where it is better than information provided in the pLWRP.</p> <p>IM-P4(3) seeks to recognise and provide for ecosystem complexity and interconnections. IO-O4 and IP-P4, which together require the integrated management of land and water, give effect to this direction.</p> | No equivalent |
| IM-P5 – Managing environmental interconnections* | <p>IM-P5 sets out how environmental interconnections are to be managed. This direction is given effect to by IO-O4 and IP-P4 in the pLWRP, which together require the integrated management of land and water.</p> <p>The direction provided by IO-O4 and IP-P4 of the pLWRP is a response to the gap in the pORPS and sets out the specific interconnections and relationships that are relevant to management resources to provide for ki uta ki tai to be considered in a comprehensive and consistent way in the management of land and water in Otago. This includes the interactions between water bodies (including between surface water and groundwater) as well as between land, fresh water, and coastal water across the whole of a catchment.</p> | No equivalent |
| IM-P6 – Managing uncertainties* | IM-P6 provides direction on managing uncertainties when making decisions on resource consents. Policies 5.4.2 and 5.4.3 provide equivalent direction in the ORPS 2019, however it is considered the direction provided by IM-P6 | Policies 5.4.2 and 5.4.3 |

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|---|--|---------------------------------------|
| | <p>is more comprehensive than the direction provided by policies 5.4.2 and 5.4.3.</p> <p>IM-P6 is given effect to by IP-P22, which provides a process for managing uncertainties when making decisions, to help ensure that a consistent approach is taken to decision-making. Although IP-P22 duplicates some of the policy in the pORPS, it was considered that in light of the issues the pLWRP is seeking to address, and the importance of implementing this policy to address those issues, it was appropriate to include this direction in the pLWRP.</p> | |
| IM-P7 – Cross boundary management* | <p>IM-P7 is relevant to the cross-boundary management of natural and physical resources and the environment. Method 2.2 of the ORPS 2019 is considered to provide equivalent direction; however, IM-P7 more comprehensively considers the matter. IP-P23 of the pLWRP gives effect to this direction.</p> <p>The pLWRP seeks to respond to a gap in the pORPS by specifying the particular cross-boundary matters and how they are to be managed. This includes resource consent applications that may require resource consent from another local authority. IP-P5 sets out the process that should be implemented when this arises under the pLWRP.</p> | Method 2.1.2, 2.1.3, 2.2.1 |
| IM-P8 – Effects of climate change* | <p>IM-P8 sets out how to recognise and provide for the effects of climate change in Otago. Equivalent direction is considered to be provided in the ORPS 2019 by Policy 4.2.2.</p> <p>IO-O4 and IP-P6 of the pLWRP give effect to IM-P8. Some climate change effects have been identified from a Kāi Tahu perspective in APP8. IP-P6(2) requires all decision-makers on resource consent applications to consider the extent to which an activity contributes to achieving the mana whenua aspirations set out in APP8. In addition, IP-P6(3) explicitly requires decision-making on all resource consent applications to have particular regard to the effects of climate change.</p> | Policy 4.2.2 |
| IM-P10 – Climate change adaptation and climate change mitigation* | <p>IM-P10 sets out a range of requirements when identifying and implementing climate change adaptation and mitigation measures in Otago. Equivalent direction is considered to be provided in the ORPS 2019 by Policy 4.2.2.</p> <p>This has been given effect to in the pLWRP by IO-O5, IP-P17, IP-P18, IP-P6 and APP8.</p> <p>IO-O5 provides direction specific to renewable electricity generation and seeks its utilisation in the region to</p> | Policy 4.2.2 |

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|---|---|---------------------------------------|
| | support the reductions in greenhouse gas emissions and, if relevant, regional and district targets for emissions reduction. It also seeks that the pLWRP supports resilience of ecosystems and communities by providing for land use change. IP-P17 seeks to facilitate renewable electricity generation activities under the pLWRP in accordance with IM-P10(4) and (5). IP-P18 seeks to facilitate activities that reduce risk or community vulnerability including flood protection and drainage infrastructure and flood protection and drainage infrastructure works, being those activities identified as implementing IM-P10(4). Some climate change effects have been identified from a Kāi Tahu perspective in APP8. IP-P6(2) requires all decision-makers on resource consent applications to consider the extent to which an activity contributes to achieving the mana whenua aspirations set out in APP8. In addition, IP-P6(3) explicitly requires decision-making on all resource consent applications to have particular regard to the effects of climate change. | |
| IM-P12 – Contravening limits for climate change mitigation and climate change adaptation* | IM-P12 provides a pathway for contravening limits for the purpose of regionally or nationally significant climate change mitigation and adaptation. IM-P12(5) states that the policy can only be used if the activity will not contravene a national policy statement or national environmental standard. The limits set in the pLWRP are predominantly derived from the NPSFM, therefore this policy is unlikely to be applicable to the pLWRP. | No equivalent |
| IM-P13 Managing cumulative effects* | <p>IM-P13 requires recognition and management of cumulative effects in resource management decision making.</p> <p>IP-P4 in the pLWRP requires all decision-making to recognise and provide for integrated management that avoids, remedies, or mitigates adverse effects (including cumulative effects) on the health and well-being of water bodies, freshwater ecosystems and receiving environments. Cumulative effects must also be specifically considered in accordance with IP-P10 and WET-P4.</p> | No equivalent |
| IM-P14 Sustaining resource potential* | IM-P14 applies to preparing regional plans and sets out how opportunities for future generations can be sustainably managed. The pLWRP implements this direction through implementation of the National Objectives Framework in the NPSFM which requires setting limits on resource use to achieve environmental outcomes. IO-O1, IO-O3, IP-P8, IP-P6 and IP-P19 all implement this direction, along with the water quantity limits in the EFL – Environmental Flows and Levels chapter of the pLWRP. Many activities that reduce, mitigate, or avoid adverse effects on the environment are provided for in the pLWRP (for example, vegetation clearance under BED-R19, use of agrichemicals and vertebrate toxic agents | No equivalent |

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|---|--|--|
| | under OTH-R1, OTH-R2 and OTH-R3, constructed wetlands under WET-R5). | |
| IM-M1 – Regional and district plans | IM-M1 sets out matters that must be addressed in regional and district plans. With respect to Clause (1), as assessed above, the pLWRP provides a policy framework to achieve IM-O1 to IM-O4 in Otago. Clauses (2) and (3) provide direction specific to climate change which is discussed in relation to IM-P10 above. Clause (4) requires that cumulative effects are accounted for in resource management decision making. Relevant pLWRP provisions are discussed above in relation to IM-P13. Clause (5) requires a ki uta ki tai approach to resource management to be adopted. This direction is provided by IO-O4, IP-P3, IP-P4 and IP-P5. Clause (6) is for clear thresholds to be set for and limits on activities. Relevant pLWRP provisions are discussed in relation to IM-P4 and IM-P14. | No equivalent |
| IM-M2 – Relationships* | IM-M2 sets out the relationships that local authorities must establish and maintain. With respect to partnering with Kāi Tahu as required by clause (1), IP-P2 gives effect to this direction. Clause (2) requires local authorities to work together to enable consistent implementation of the ORPS, where appropriate. While it is considered that this direction is specific to implementation of the ORPS, IP-P23 provides direction to address cross-boundary matters. With respect to clause (3), during the development of the pLWRP, there has been extensive consultation with Otago's communities. The direction provided by the pLWRP is a response to the diverse facets of environmental, social, cultural and economic well-being. | Method 2.1 |
| IM-M3 – Identification of climate change impacts and community guidance | IM-M3 provides direction specific to local authorities when identifying climate change impacts and providing community guidance. This method is not required to be directly implemented in regional plans. Rather, IM-M1(2) directs that provisions to manage the effects, resources, and communities identified in accordance with IM-M3 must be included in the regional plan (as discussed for IM-M1 above). | Method 5.2.1(j) |
| IM-M5 – Other methods | IM-M5 sets out a range of other methods local authorities should undertake to assist with implementing the ORPS. These methods are not considered relevant to the pLWRP. | No equivalent |

9.3. AIR – Air

187. The pLWRP does not manage the discharge of contaminants to air. Accordingly, the AIR - Air chapter of the pORPS is not relevant to the pLWRP.

9.4. CE – Coastal environment

188. The CE chapter in the pORPS is not dissimilar to the provisions managing the coastal environment in the ORPS. The pLWRP only applies to the part of the coastal environment inland from mean high water springs (i.e. excluding the coastal marine area). Some provisions in the CE chapter are focused on the coastal marine area, which is not relevant to the pLWRP. Additionally, some provisions in the CE chapter manage activities that are within the jurisdiction of territorial authorities to manage rather than ORC. Table 17 below identifies only the provisions that are considered to be relevant for the pLWRP.

Table 17: CE - Coastal environment

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|--|--|---------------------------------------|
| CE-O1A – Te Mauri o te Moana* | Both objectives outline outcomes sought for coastal water quality and, in relation to CE-O1, coastal processes and biodiversity. Given the jurisdiction of the pLWRP, its contribution to giving effect to these objectives is focused on the health of freshwater bodies and ecosystems, which then flow to coastal environments. It does this through the range of objectives in the IM chapter as well as the environmental outcomes and target attribute states in the FMU chapters. In accordance with the NPSFM, target attribute states were set having regard to the connections of water bodies with receiving environments (including in the coastal environment). | Objective 3.1 |
| CE-O1 – Safeguarding the coastal environment (Te Hauora o Te Tai o Arai Te Uru)* | | Objective 3.1 |
| CE-O2 – Public access and recreation | CE-O2 seeks to maintain and enhance public walking access and recreation opportunities in the coastal environment, and control vehicle access. To the extent relevant, BED-P3 requires that access to or along rivers and lakes is maintained and improved as far as practicable. | Objective 5.1 |
| CE-O3 – Natural character, features and landscapes* | CE-O3 seeks to protect areas of natural character and natural features and landscapes in the coastal environment from inappropriate activities. Natural character is managed in the pLWRP under IP-P9. Additionally, a number of outstanding water bodies have been identified in SCHED1 for their natural character and landscape values, including some in the coastal environment. | Objective 3.2 |
| CE-O4 – Mana moana* | CE-O4 relates to the relationship of Kāi Tahu with the coastal environment. The objective is implemented through a similar objective in the pLWRP, IO-O2. | Objective 2.2 |
| CE-P1A – Integrated management/ki uta ki tai* | CE-P1A requires an integrated approach to managing the coastal environment. This is implemented in the pLWRP through IO-O4 and IP-P4. | Objective 1.2 |
| CE-P3 – Coastal water quality* | CE-P3 outlines how coastal water quality is to be managed. Broadly, it requires either maintaining or enhancing water quality to support a range of uses. The pLWRP has a similar framework, as set out by Policy 5 of the NPSFM. The pLWRP as a whole gives effect to this policy, to the extent that the pLWRP applies to the coastal environment. | Policy 3.1.5 |

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|--|--|--|
| CE-P4 – Natural character* | <p>Policies 3.1.12 and 3.2.8 are equivalent to CE-P4(1)</p> <p>Policies 3.2.9, 3.2.10 and 5.4.9 are similar</p> <p>CE-P4 outlines how natural character will be identified, preserved, and restored in the coastal environment. In the pLWRP, natural character is primarily managed through IP-P9 and WET-P3. The direction in the two policies differs, in response to the differing direction set out in the NZCPS and NPSFM. Additionally, each FMU contains an environmental outcome for natural form and character, with associated attributes and alternative criteria to measure achievement. IP-P6 requires decision-makers to ensure that activities are consistent with achieving these environmental outcomes.</p> | Policies 3.1.12, 3.2.8, 3.2.9, 3.2.10 and 5.4.9 |
| CE-P5 – Coastal indigenous biodiversity* | <p>This policy implements Policy 11 of the NZCPS. It is implemented by IP-P8 and WET-P3 which apply to the loss of biodiversity values of a river, natural lake, or natural inland wetland. There is also direction on managing threatened species in IP-P13 which assists with implementing CE-P5. The FMU chapters of the pLWRP contain environmental outcomes for ecosystem health and threatened species, and IP-P6 requires decision-makers to ensure that any activity is consistent with achieving those environmental outcomes.</p> | Policy 3.1.10 |
| CE-P13 – Rakatirataka and kaitiakitaka* | <p>CE-P13 sets out how Kāi Tahu rakatirataka and kaitiakitaka will be recognised and given practical effect in the coastal environment. This is implemented through policy IP-P2 in the pLWRP.</p> | No equivalent |
| CE-M3 – Regional plans* | <p>This method outlines the requirements for regional plans. Most of the method will be implemented through ORC's Coastal Plan, rather than the pLWRP. To the extent that the method addresses relevant policies identified and discussed above, the pLWRP is considered to implement this method.</p> | Methods 3.1.6, 3.1.7, 5.1.2(b), 5.1.2(c), 5.1.2(d) |

9.5. LF – Land and freshwater

189. One of the reasons for preparing the pORPS was to remedy deficiencies in the ORPS, which was not considered to give effect to the NPSFM. Since the ORPS was prepared, a new version of the NPSFM was released (in 2020) containing additional requirements for regional policy statements. As a result, there are many provisions in the LF chapter which do not have any equivalent provisions in the ORPS but are given effect to in the pLWRP as part of implementing the NPSFM more broadly.
190. The LF chapter has three subsections:
- LF-WAI – Te Mana o te Wai;
 - LF-FW – Fresh water; and
 - LF-LS – Land and soils.
191. LF-WAI and LF-FW are both directly relevant to the pLWRP. Some parts of LF-LS are also relevant insofar as they relate to the use of land for the purpose of maintaining or enhancing

the quality or quantity of water or freshwater ecosystems. However, some parts relate to land use planning which is a function of territorial authorities.

9.5.1. LF-WAI – Te Mana o te Wai

192. The LF-WAI provisions are a mixture of Freshwater Planning Instrument and non-Freshwater Planning Instrument provisions. There are currently appeals to both the High Court and the Environment Court on the provisions in this chapter. Table 18 below assesses the pLWRP against the LF-WAI provisions.

Table 18: LF-WAI – Te Mana o te Wai

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|---|--|--|
| LF-WAI-O1 – Te Mana o te Wai* | This objective implements Te Mana o te Wai in the Otago region. Te Mana o te Wai is a fundamental concept in the pLWRP and IO-O1 gives effect to this in the pLWRP. | No equivalent |
| LF-WAI-P1 – Prioritisation* | LF-WAI-P1 sets out the hierarchy of prioritisation in decision-making affecting freshwater. This hierarchy has informed the preparation of the pLWRP as a whole, which is designed to either maintain or improve the health and well-being of water bodies as a first priority. One particularly relevant example is the EFL chapter, which establishes environmental flows and levels, and take limits that put the health of the water body first, before allowing any consumptive use of water (EFL-P1 to EFL-P10). The provisions also seek to enable the take and use of water for community water supply (EFL-P23) and enable the taking of drinking water as a permitted activity (EFL-R1) to implement priority two. | No equivalent |
| LF-WAI-P2 – Mana whakahaere* | LF-WAI-P2 sets out how to recognise and give practical effect to Kāi Tahu rakatirataka in respect of freshwater. This is implemented in the pLWRP by IO-O2, IP-P2, and IP-P3 which provide direction on the recognition of Kāi Tahu rakatirataka and kiatiakitaka in respect of freshwater. | No equivalent |
| LF-WAI-P3 – Integrated management/ki uta ki tai | LF-WAI-P3 requires that land and freshwater are managed in an integrated approach. This direction is partly addressed in Objective 1.2 and Policy 1.2.1 of the ORPS 2023, but is not specific to freshwater management. LF-WAI-P3 'covers the field' more comprehensively. It is implemented by IO-O4 which directs the integrated management of land and water, and IP-P4 which directs an integrated approach to decision-making under the pLWRP. It is also implemented by IP-P3, IP-P5, IP-P6, IP-P7, IP-P22. | Objective 1.2 Policy 1.2.1 |
| LF-WAI-P4 – Giving effect to Te Mana o te Wai | LF-WAI-P4 requires all persons to recognise that LF-WAI-O1, LF-WAI-P1, LF-WAI-P2 and LF-WAI-P3 are fundamental to upholding Te Mana o te Wai, and must be given effect to when making decisions affecting fresh water. This has been implemented in the pLWRP in accordance with implementing those provisions as described above. | No equivalent |

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|------------------------------------|--|--|
| LF-WAI-M1 – Kāi Tahu rakatirataka* | This method requires ORC to partner with Kāi Tahu in freshwater management. Many of these actions sit outside the jurisdiction of the pLWRP. However, Kāi Tahu were involved in the development of the pLWRP as outlined in Section 5 (Iwi involvement) of Chapter 4 of the Section 32 report. Further, IO-O2 and IP-P2 will support the implementation of this method in the pLWRP. | No equivalent |
| LF-WAI-M2 – Other methods | This method provides that the methods in LF-FW and LF-LS are also applicable. No additional assessment is required. | No equivalent |

9.5.2. LF-FW – Fresh water

193. The LF-FW provisions are a mixture of Freshwater Planning Instrument and non-Freshwater Planning Instrument provisions. There are currently appeals to both the High Court and the Environment Court on the provisions in this chapter. Table 19 below assesses the pLWRP against the LF-FW provisions.

Table 19: LF-FW - Fresh water

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|---|--|--|
| LF-FW-O1A – Vision set for each FMU and rohe* | LF-FW-O1A sets out the visions for each FMU and rohe. This is implemented by IO-O3 which directs that Otago's land and water are managed to achieve the long-term visions and the environmental outcomes for each FMU and rohe. The definition of 'long term vision' in the pLWRP cross-references back to the visions included in the pORPS 2021. The FMU objectives also set out the environmental outcomes for each FMU and rohe that implement the pORPS visions. | No equivalent |
| LF-VM-O2 to LF-VM-O6 – FMU visions* | These objectives set out the visions for each of the FMU / rohe that apply in addition to the matters in LF-FW-O1A. These are implemented by IO-O3 and the FMU-specific objectives in the Area-specific chapters of the pLWRP. | No equivalent |
| LF-FW-O8 – Fresh water* | LF-FW-O8 seeks that the significant and outstanding values of Otago's outstanding water bodies are identified and protected. This similar to Objective 3.2 in the ORPS. The pLWRP implements this by IP-P11 which sets out how the significant and outstanding values of Otago's outstanding water bodies are to be protected from inappropriate use and development. The outstanding water bodies and their values are set out in MAP[OWB] and listed in SCHED1 of the pLWRP. | Objective 3.2 |
| LF-FW-O9 – Wetlands* | LF-FW-O9 seeks that wetlands are protected from inappropriate subdivision, use and development and, where degraded, restoration is promoted to achieve specified outcomes. Policy 3.1.1 and 3.1.2 of the ORPS The pLWRP implements this by IP-P9 which seeks to protect the natural character, form and | Policies 3.1.1, 3.1.2 |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|---|---|--|
| | function, and instream values of water bodies, including wetlands. WET-O1 also specifically seeks to protect Otago's wetlands and provide for and promote their restoration to achieve those same outcomes. | |
| LF-FW-O10 – Natural character* | LF-FW-O10 requires the natural character of wetlands, lakes and rivers and their margins be preserved and protected from inappropriate subdivision, use and development. The ORPS provides similar direction on maintaining or enhancing natural functioning and character of the beds of rivers, lakes, wetlands, their margins, and riparian vegetation (Policy 3.1.2). The ORPS also seeks to manage effects on outstanding natural character by infrastructure (Policy 4.3.4), the National Grid (Policy 4.3.6) and mineral/ petroleum extraction (Policy 5.4.8). The pLWRP implements this direction in IP-P9 which seeks to protect the natural character, form and function, and instream values of water bodies from inappropriate use and development by a range of specified measures. | Policies 3.1.2, 4.3.4, 4.3.6, 5.4.8 |
| LF-VM-P5 – FMUs and rohe | This policy requires that Otago's freshwater resources are managed through FMUs or rohe that are identified by this policy and MAP1 of the pORPS. This is equivalent to Method 3.1.3(f) of the ORPS which requires identifying FMUs in Otago. These FMU and rohe have been adopted in the pLWRP and used to manage fresh water in the region, which are implemented by IO-O3, and the area-specific chapters that apply to each of the FMUs and rohe in Otago (as specified by the pORPS). | Method 3.1.3(f) |
| LF-VM-P6 – Relationship between FMUs and rohe | LF-VM-P6 sets out a number of matters that apply when rohe have been identified within FMUs. This includes that environmental outcomes must be developed for the FMU and any additional rohe-specific environmental outcomes must be no less stringent and may include additional environmental outcomes. It also states that limits may be developed for the FMU or the rohe, or a combination of both, and how those limits interact. The Clutha Mata-au is the only FMU in Otago with rohe. The pLWRP gives effect to this in the area-specific chapter for the Clutha Mata-au FMU, which contains environmental outcomes for the entire FMU (FMU1-O1-O15), which are cross-referenced in the rohe section of the chapter, along with target attribute states for each rohe. IP-P1 also provides that the provisions in FMU1 – Clutha Mata-au freshwater management unit prevail over those in CAT1 to CAT5 unless expressly provided otherwise. | No equivalent |
| LF-FW-P6A – Transitions over time | This policy seeks to provide for transitions in the use of land and water to achieve the long-term visions. This is implemented in the pLWRP by IO-O9 which provides that people and communities adopt sustainable land and water management practices that enable them to provide for their social, economic, and cultural well-being and for their health and safety now and in the future. IP-P5 implements this by setting out a number of ways to facilitate effective and efficient implementation of Te Mana o te Wai, including enabling the development of new or improved practices and activities. | No equivalent |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|--|---|---|
| LF-FW-P7 – Fresh water | This policy sets out the requirements that environmental outcomes, attribute states, and environmental flows and levels, and limits must achieve. Policy 3.1.1 in the ORPS is similar, but less specific. This policy has been implemented through the development of the FMU environmental outcomes, attribute states, and environmental flows and levels in the pLWRP. | Policies 3.1.1, 3.1.4, 3.1.13 Methods 3.1.3(g), 3.1.3(i) |
| LF-FW-P7A - Water allocation and use | This policy sets out how water allocation is to occur, including avoiding or phasing out over-allocation. Policy 3.1.3 in the ORPS is similar in that it sets out how allocation and use of freshwater is to be managed, but it is less directive/specific than the pORPS and does not address conveyance. Method 3.1.3(h) requires regional plans to provide for use of water within environmental limits, which is considered to be addressed in LF-FW-P7A. This is implemented in the pLWRP by IP-P8 which directs that future over-allocation is to be avoided and existing over-allocation is to be phased out. This is also implemented by a number of provisions in the EFL chapter of the pLWRP including EFL-O1, EFL-P1, EFL-P11, EFL-P12, EFL-P14, EFL-P15, EFL-P16, EFL-P20, EFL-P23, EFL-P28. IP-P17 and IP-P3 are also relevant. | Policy 3.1.3 Method 3.1.3(h) |
| LF-FW-P8 – Identifying wetlands | LF-FW-P8 requires certain wetlands to be identified and mapped by 3 September 2030. Policy 3.2.15 of the ORPS only relates to significant wetlands, and the pORPS policy is broader. This action sits outside the pLWRP and is not directly relevant to its content, however the WET chapter contains an advice note that this mapping is being completed by ORC. | Policy 3.2.15 |
| LF-FW-P10A – Managing wetlands* | This policy sets out how wetlands are to be managed including by applying clause 3.22 of the NPSFM to all wetlands and improving the ecosystem health, hydrological functioning and extent of wetlands that have been degraded or lost. Policy 3.2.16 in the ORPS is similar, and requires the function and values of wetlands to be protected, but is less stringent than the pORPS 2021. Method 3.1.8 requires regional plans to protect the values of wetlands, which is considered to be incorporated by LF-FW-P10A. The pLWRP implements this in the WET chapter by WET-O1, and WET-P1-P5. Further discussion on implementation of the pORPS is set out in Chapter 20 of the Section 32 report. | Policy 3.1.13, 3.2.16 Method 3.1.8 |
| LF-FW-P11 – Otago's outstanding water bodies | LF-FW-P11 sets out how Otago's outstanding water bodies are to be identified by listing specified water bodies and setting out criteria in APP1. Policy 3.2.13 in the ORPS is similar, but there is more detail in the pORPS 2021. The pLWRP identifies outstanding waterbodies in SCHED1, which has been prepared in accordance with LF-FW-P11. | Policy 3.2.13 |
| LF-FW-P12 – Identifying and managing outstanding water bodies* | LF-FW-P12 requires outstanding water bodies and their significant and outstanding values to be identified and protected in the regional plan. Policy 3.2.14 in the ORPS is equivalent, and is more directive as it requires encouraging the enhancement of the outstanding values and controlling the adverse effects of pest species. Method 3.1.8 of the ORPS requires regional plans to protect the values of outstanding | Policy 3.2.14 Method 3.1.8 |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|---|---|--|
| | <p>freshwater bodies which is considered equivalent to the pORPS policy.</p> <p>The pLWRP implements these policies by IP-P11 which seeks to protect Otago's outstanding water bodies and avoid adverse effects that would result in permanent loss of the significant or outstanding values. It also seeks to enable activities that would enhance or restore the values of the outstanding water body. The pLWRP identifies outstanding waterbodies in SCHED1, which has been prepared in accordance with LF-FW-P11.</p> <p>One part of Policy 3.2.14 of the ORPS is not contained in LF-FW-P12 – controlling the adverse effects of pest species, preventing their introduction and reducing their spread. This part of the policy is now implemented through pORPS policy LF-LS-P16A.</p> | |
| LF-FW-P13 – Preserving natural character and instream values* | <p>This policy requires the natural character and instream values of lakes and rivers and the natural character of their beds and margins to be preserved by implementing a range of measures. The ORPS contains some general direction in policy 3.1.1 and 3.1.2 and infrastructure/industry specific direction in policies 4.3.4, 4.3.6 and 5.4.8. However, there is no direction on implementing the Lake Wānaka Preservation Act in the ORPS. In the pLWRP, this policy is implemented by IP-P9 which seeks to protect the natural character, form and function, and instream values of water bodies from inappropriate use and development by a range of specified measures including in relation to flow regimes. IP-P10 also relates to consent restrictions relating to values and extent of rivers and natural lakes. BED-P3 implements this direction in the beds of lakes and rivers. The restrictions on WCOs and Lake Wānaka are implemented in IP-P11, DAM-P1, and FMU1-P1.</p> | Policies 3.1.1, 3.1.2, 3.1.13, 4.3.4, 4.3.6, 5.4.8 |
| LF-FW-P14 – Restoring natural character and instream values* | <p>LF-FW-P14 directs that where natural character or instream values of lakes and rivers or the natural character of their margins has been reduced or lost, promote actions that restore natural behaviours, improve degraded water quality or quantity, increase indigenous species, improve margins, and restore connections. Policy 3.1.13 in the ORPS is similar, but LF-FW-P14 in the pORPS 2021 is more detailed and specific. The pLWRP implements this direction by IP-P9, IP-P10 and BED-P3. It also includes provisions to support biological diversity including habitats for indigenous species (IO-O7), provide for fish passage (IP-P14, IP-P15, IP-P25), the protection and restoration of threatened species (IP-P13), and the restoration of the values of outstanding water bodies and river and lake extent and values (IP-P11, BED-P6, DAM-P2).</p> | Policy 3.1.13 |
| LF-FW-P15 – Stormwater discharges | <p>This policy seeks to minimise the adverse effects of direct and indirect discharges of stormwater to fresh water by a range of actions. These are implemented in the pLWRP by the suite of policies in the SW chapter (SW-P1 to SW-P6). SW-P1 and SW-P2 which seek to manage stormwater on a comprehensive consent framework in accordance with SW-P5 – Stormwater Management Plans. SW-P4 and SW-P6 require the discharge into a reticulated system unless there are the same or improved</p> | No equivalent. |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|--|--|--|
| | outcomes for freshwater. The SW policies require improvements to stormwater treatment and disposal and that stormwater disposal contributes to the achievement of attribute states. IP-P19 also requires that decision makers to prefer discharges to land over discharges to water unless certain criteria are met, including that the discharge will comply with the receiving water standards. | |
| LF-FW-P16 – Discharges containing animal effluent, sewage, greywater and industrial and trade waste* | <p>This policy seeks to minimise the adverse effects of animal effluent, sewage, greywater and industrial and trade waste discharges to fresh water by phasing out existing discharges containing sewage or industrial and trade waste directly to water to the extent practicable and requiring new discharges to be to land, along with a range of other actions. In the ORPS this is partly addressed in Policy 5.4.1, but the pORPS 2021 is more stringent.</p> <p>The pLWRP implements this direction by IP-P19, which requires decision makers to prefer discharges to land over discharges to water unless specified criteria are met, unless (relevantly) WW-P1, WW-P2, WW-P7 apply. WW-P1 and WW-P2 implement the pORPS direction for wastewater. WW-P4 and WW-P5 implement this direction for on-site wastewater systems, including that they meet best practice standards. WW-P3 and WW-P6 implement the direction for biosolids and pit toilets and greywater. WW-P7 implements this direction for industrial and trade waste. FF-P7 requires discharges of animal effluent to be to land.</p> | Policy 5.4.1 |
| LF-VM-M3 – Community involvement | This method requires ORC to work with Kāi Tahu and communities to achieve the provisions in the LF chapter of the pORPS. This is considered to incorporate Method 5.2.2(a) of the ORPS. Parts of this method will be implemented outside the pLWRP. However, the pLWRP has been prepared in partnership with Kāi Tahu and community consultation has been carried out as described in Sections 5 and 6 of Chapter 4 of the Section 32 report, including in relation to the development of environmental outcomes for Otago's FMUs. The implementation of this method will also be supported by IO-O2, IP-P2, IP-P5, and EFL-P20. | Method 5.2.2(a) |
| LF-VM-M4 – Other methods | This method states that in addition to method LF-VM-M3, the methods in the LF-WAI, LF-FW, and LF-LS sections are also applicable. No additional assessment is required. | No equivalent |
| LF-FW-M5 – Outstanding water bodies | <p>This method requires ORC to review, identify, consult on, and map outstanding waterbodies, and identify their outstanding and significant values and include plan provisions to protect these. This is considered to incorporate the requirements in Methods 3.1.8 and 5.1.2(e) of the ORPS which also require identifying outstanding water bodies and including plan provisions to protect them.</p> <p>The pLWRP identifies outstanding waterbodies in SCHED1, along with their outstanding and significant values, and these have been mapped (MAP[OWB]). SCHED1 has been prepared in</p> | Methods 3.1.8, 5.1.2(e) |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|---|---|--|
| | accordance with LF-FW-P11 and APP1 of the pORPS. This process included community consultation. The pLWRP includes provisions that protect these values including IP-P11. Many of the permitted activity rules include conditions that restrict activities taking place in outstanding water bodies (including BED-R4, BED-R5, BED-R15). | |
| LF-FW-M6 – Regional plans* | This method requires ORC to notify the pLWRP and after it is operative to maintain the Plan to achieve a number of actions. It is considered equivalent to Methods 3.1.3 and 3.1.8 of the ORPS which also contain requirements for regional plans. With respect to Clause (1), the pLWRP has been prepared to implement the NOF. Clause (3) is to identify and phase out over-allocation, which is implemented by IP-P8, EFL-P15, EFL-P16. Clause (5A) relates to allocation and use of freshwater, which is assessed above for LF-FW-P7A. Clause (7) relates to wetlands and is implemented by a number of provisions in the WET chapter, see assessment of LF-FW-P7, LF-FW-P8, LF-FW-P10A above. Clause (8) relates to discharges and has been assessed at LF-FW-P15 and LF-FW-P16 above. Clause (9) requires the pLWRP to recognise and respond to Kāi Tahu concerns about mixing of water. This direction is provided by EFL-P13. | Methods 3.1.3, 3.1.8 |
| LF-FW-M7 – District plans* | This method relates to district plans and is not relevant for the pLWRP. | No equivalent |
| LF-FW-M8 – Action plans | This method requires ORC to prepare action plans in accordance with the NPSFM. This will be implemented outside the pLWRP. CAT2-M1 requires ORC to prepare an action plan for the Lake Hayes catchment and some permitted activity conditions in the BED chapter refer to barriers to fish passage identified in an action plan. | No equivalent |
| LF-FW-M8A – Identifying and managing species interactions between trout and salmon and indigenous species | This method requires local authorities to have particular regard to a number of matters when making decisions that might affect the interaction of trout and salmon and indigenous species, and work with DoC, Fish and Game, and Kāi Tahu. The pLWRP has been prepared in partnership with Kāi Tahu and DoC and Fish and Game were involved in pre-notification consultation as described in Section 7 of chapter 4 of the Section 32 report. A number of the other measures sit outside the pLWRP provisions. However, are supported by IO-O6, IO-O7, IP-P13, IP-P14, IP-P15 and APP3 to APP7. | No equivalent |
| LF-FW-M8AA – Integrated catchment management | This method provides that ORC may develop and implement an integrated catchment management plan and work with mana whenua and communities to develop catchment action plans. The implementation of this method sits outside the pLWRP. | No equivalent |
| LF-FW-M9 – Monitoring | This method requires ORC to monitor, record and report on information for each FMU. Monitoring sits outside of the pLWRP, and will be given effect to by ORC through other processes, including where in accordance with the Council's | Method 3.3.1 |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|---------------------------|---|--|
| | duties under section 35 of the RMA. IP-P2 of the pLWRP requires partnership with mana whenua and incorporation of mātauraka in monitoring programmes. | |
| LF-FW-M10 – Other methods | This method states that in addition to methods LF-FW-M5 to LF-FW-M9, the methods in the LF-WAI, LF-VM and LF-LS sections are also applicable. No additional assessment is required. | No equivalent |

9.5.3. LF-LS – Land and soil

194. One provision in this chapter is part of the Freshwater Planning Instrument and currently under appeal to the High Court (LF-LS-P21). Most provisions are under appeal to the Environment Court. As discussed previously, some provisions in this chapter are not relevant for the pLWRP because they direct the management of land uses that are within the functions of territorial authorities. Table 20 below identifies only those LF-FS provisions considered relevant for the pLWRP.

Table 20: LF-LS – Land and soil

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|---|---|--|
| LF-LS-O11 – Land and soil* | LF-LS-O11 requires the availability and productive capacity of highly productive land for primary production be protected now and for future generations. This is generally addressed through Objectives 1.1 and 5.3 of the ORPS, which are much broader objectives. IO-O8 and IP-P7 implement this policy by seeking to protect the life-supporting capacity of the region's land and soils, which will also protect highly productive land and support primary production values. | Objectives 1.1, 5.3 |
| LF-LS-O12 – Use, development, and protection* | LF-LS-O12 contains requirements for the use, development and protection of land and soil. This is generally addressed through Objectives 1.1 and 5.3 of the ORPS, which are much broader objectives. This is implemented by IO-O8, IO-O9, and IP-P7. | Objectives 1.1, 5.3 |
| UFD-O4 – Development in rural areas | This objective has equivalents in Objectives 1.1, 4.5 and 5.5 of the ORPS, however those objectives are at a much broader level than UFD-O4. This objective relates to land use planning in district plans and is therefore not directly relevant to the pLWRP. | Objectives 1.1, 4.5, 5.3 |
| LF-LS-P16A – Managing pests* | This policy seeks to reduce the impact of pests, including wilding conifers. Policies 3.1.7, 3.1.13 and 5.4.5 of the ORPS are similar but less detailed. Policy 3.2.14(c) in the ORPS applied to outstanding water bodies only. The requirements to avoid the planting of pest species will largely be implemented by territorial authorities. Other pest control requirements are implemented in the pLWRP by BED-P3, BED-P6, BED-P7, FF-P11. Several permitted activity rules throughout the pLWRP require that activities do not contain any pest species, including planting within the bed (BED-R18). Activities to carry out pest | Policies 3.1.7, 3.1.13, 3.2.14(c), 5.4.5 |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|--------------------------------------|--|--|
| | control are enabled in the OTH chapter of the pLWRP, including by policy OTH-P1, and the rules relating to agrichemical use (OTH-R1 and OTH-R2) and vertebrate toxic agents (OTH-R3). | |
| LF-LS-P16 – Maintaining soil quality | This policy requires that soil quality is maintained by managing both land and freshwater resources. Policy 3.1.7 in the ORPS is equivalent but is more detailed as it requires the life-supporting capacity of soil to be safeguarded and a range of outcomes to be managed in relation to soil. Method 3.1.4 of the ORPS requires regional plans to include provisions to manage adverse effects of land use on soil. These provisions are implemented in the pLWRP by IO-O4, IO-O8, and IP-P7. | Policy 3.1.7 Method 3.1.4 |
| LF-LS-P17 – Soil values | LF-LS-P17 requires the health and productive potential of soils to be maintained. Policy 3.1.7 is equivalent, more detailed. This is implemented in the pLWRP by IO-O8 which seeks that, to the extent reasonably practicable, the life-supporting capacity and productive capacity of land and soil is not permanently reduced and by IP-P7 which requires carrying out activities using practices that, to the extent reasonably practicable, safeguard the life-supporting capacity of the region's land and soils. It is also supported by topic-specific provisions CL-O1, CL-P1, CL-R1, EARTH-O1, EARTH-P1, FF-P1, FF-P10, WW-O1, WW-P3, WW-P6, and WW-R2. | Policy 3.1.7 |
| LF-LS-P18 – Soil erosion | <p>This policy requires minimising soil erosion and the associated risk of sedimentation in water bodies resulting from land use activities. Policy 3.1.8 and Method 3.1.4 are very similar.</p> <p>At a high level, this is implemented in IP-P6 which requires using practices that, to the extent reasonably practicable, safeguards the life-supporting capacity of land and soils and contributes to maintaining or, if degraded, improving the health and well-being of water bodies, freshwater ecosystems and coastal water ecosystems.</p> <p>More specifically, the EARTH chapter manages land disturbance and contains a number of provisions seeking to minimise soil erosion and the risk of sedimentation, including EARTH-P1 (which requires adopting best practice erosion and sediment control measures and ensuring that the activity does not cause or exacerbate soil erosion) and EARTH-R1 (which manages earthworks activities).</p> <p>Additionally, FF-P1 in the FF chapter requires avoiding or minimising adverse effects on fresh and coastal water by limiting both the area and duration of exposed soil, and FF-P10 requires implementing sustainable land management and soil conservation practices to reduce erosion. There are a range of rules in the FF chapter with controls to assist with minimising soil erosion, including FF-R2, FF-R3, FF-R4, FF-R18, FF-R19, and FF-R20.</p> | Policy 3.1.8 Method 3.1.4 |
| LF-LS-P20 – Land use change | This policy requires promoting changes in land use or land management practices that support and improve the sustainability and efficiency of water use, resilience to the impacts of climate change, the health and quality of soil, or | Policy 5.4.10 Method 3.1.4 |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|--|--|--|
| | water quality. This is considered to incorporate Policy 5.4.10 and method 3.1.4 of the ORPS which require managing land use change in dry catchments. The pLWRP does not require land use change, however there are policies in the IM chapter that support changes in land use or practices, particularly IP-P5, IP-P7, IP-P8 and IP-P24. | |
| LF-LS-P21 – Land use and fresh water* | This policy requires maintaining the health and well-being of water bodies to meet environmental outcomes by implementing specific actions. Similar direction is included in Policy 3.1.4 and Method 3.1.4 of the ORPS. The provisions in the pLWRP have been prepared to implement this direction, particularly permitted activity conditions (which are generally either equivalent to or more stringent than conditions in the operative Water Plan). For consented activities, IP-P16 requires that all decision-making on consent applications ensure the activity is consistent with achieving the relevant environmental outcomes. | Policy 3.1.4 Method 3.1.4 |
| LF-LS-P19 – Highly productive land | This policy responds to the direction in the NPSHPL and replaces the direction in the ORPS for significant soils which was prepared prior to the introduction of the NPSHPL. This policy relates to identifying highly productive land and will be implemented through the pORPS (where maps must be included) and district plans. | Policies 3.2.17, 3.2.18 Methods 3.1.4, 5.1.3(c), 5.2.1(d) |
| UFD-P7 – Rural areas UFD-P8 – Rural lifestyle development | These policies, and their equivalents in the ORPS, relate to land use planning and are not relevant to the pLWRP. | Policies 5.3.1, 5.3.4 |
| LF-LS-P22 – Public access* | <p>This policy requires providing for public access to and along lakes and rivers, including by encouraging landowners to avoid restricting access unless it is necessary for listed reasons. Policies 3.1.13 and 5.1.1 in the ORPS are similar, but pORPS 2021 is more specific.</p> <p>BED-P3 in the pLWRP requires that, for any resource consent application for works in the bed or margins of a lake or river, applicants must demonstrate how existing legal public access is maintained or improved. BED-P4 seeks to enabling the use, maintenance, alteration, replacement, and placement of structures in the bed provided the structure does not impede legal public access to or along the lake or river. There are conditions on permitted activities BED-R1, BED-R2, BED-R3, BED-R4, BED-R5, BED-R10, BED-R13, BED-R15, and BED-R17 which also require that activities do not impede legal public access.</p> <p>DAM-P4 requires all consent applications for in-stream dams or weirs to demonstrate how legal public access will be maintained or improved. Most in-stream dams or weirs will require resource consent and therefore implement this policy.</p> | Policies 3.1.13, 5.1.1 |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|---|--|---|
| LF-LS-M11A – Identification of highly productive land | This method is considered to supersede the method in the ORPS regarding significant soils, which was prepared prior to the introduction of the NPSHPL. This method relates to the pORPS and is not relevant for the pLWRP. | Methods 3.1.4, 5.1.3(c), 5.2.1(d) |
| LF-LS-M11 – Regional plans | <p>This method contains specific requirements for the pLWRP and is generally more specific than the equivalent methods in the ORPS:</p> <ul style="list-style-type: none"> • Manage land uses by requiring the development and implementation of certified freshwater farm plans. This is implemented by the provisions in the FF chapter, particularly FF-P4, and the conditions on rules FF-R1 to FF-R9, and FF-R12 which allow for an alternative management approach through freshwater farm plans. • Manage land uses by adopting practices that reduce the risk of sediment and nutrient loss to water. The assessment above in relation to LF-LS-P18 and LF-FS-P21 outlines how this is implemented. • Manage land uses by requiring effective management of effluent storage and application systems. This is implemented through provisions FF-P7, FF-P8, FF-R13, FF-R14, FF-R15, FF-R16, FF-R17. • Manage land uses by requiring earthworks activities to implement effective sediment and erosion control practices and setbacks from water bodies. This is implemented through the policies and rules in the EARTH chapter. • Provide for changes in land use that improve sustainable and efficient use of water and reduce water demand where this is existing over-allocation. The assessment above in relation to LF-LS-P20 outlines how this is implemented. In addition, EFL-P16 outlines how water quantity over-allocation will be phased out. • Enable the discharge of contaminants to land for pest control. This is implemented by OTH-R1, and OTH-R3 which permit discharges of agrichemicals and vertebrate toxic agents. • Implement policies LF-LS-P16 to LF-LS-P22. The assessments above in relation to these policies describe how the pLWRP gives effect to this requirement. | Methods 3.1.3, 3.1.4, 3.1.16 |
| LF-LS-M12 – District plans* | This method, and its equivalent in the ORPS, apply to district plans and are not relevant for the pLWRP. | Methods 4.1.6, 4.1.13, 4.2.4 |
| LF-LS-M13 – Management of beds and riparian margins* | This method applies to both regional and district plans. It is considered to incorporate Method 3.1.3 of the ORPS. Some actions will not be fully implemented by ORC because they rely on functions undertaken by territorial authorities. The method requires managing the condition of the bed and banks of water bodies, riparian margins, and associated lands | Method 3.1.3 |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|---------------------------|---|--|
| | (including vegetative cover). Vegetative cover has been assessed above in relation to LF-LS-P18. The environmental outcome for natural form and character seeks that water bodies and their margins behave in a way that reflects their natural form and character to the extent reasonably practicable. This is implemented in permitted activities by a range of conditions that either require activities to be set back from water bodies, or place controls on the intensity or management of the activity to manage impacts on water bodies and their margins. The BED and FLOOD chapters are the primary chapters managing riparian margins and implement this method. | |
| LF-LS-M14 – Other methods | This method states that in addition to methods LF-LS-M11 to LF-LS-M13, the methods in the LF-WAI and LF-FW sections are also applicable. No additional assessment is required. | No equivalent |

9.5.4. ECO – Ecosystems and indigenous biodiversity

195. The ECO chapter in the pORPS is not dissimilar to the provisions managing ecosystems and indigenous biodiversity in the ORPS, although the pORPS provisions add additional detail. Some provisions in the ECO chapter manage activities that are within the jurisdiction of territorial authorities to manage rather than ORC.
196. Table 21 below assesses the pLWRP against the ECO provisions that are considered to be relevant for the pLWRP.

Table 21: ECO - Ecosystems and indigenous biodiversity

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|--|---|--|
| ECO-O1 – Indigenous biodiversity* | ECO-O1 seeks a similar outcome to Objectives 3.1 and 3.2, being that indigenous biodiversity in Otago is health and thriving, and declines in condition, quantity and diversity are halted, while ECO-O2 is specific to restoration and enhancement activities. ECO-O1 and ECO-O2 are given effect to by IO-O3 and the FMU environmental outcomes, and IO-O7 and IO-O8, which seek to protect and sustain habitats of indigenous freshwater species, and ensure that land and soil support health habitats for indigenous species and ecosystems. IP-P9, IP-P13, IP-P14, IP-P10 provide further guidance on matters that contribute to indigenous biodiversity. | Objectives 3.1 and 3.2 |
| ECO-O2 – Restoring and enhancing* | | |
| ECO-O3 – Kaitiakitaka and stewardship* | ECO-O3 and ECO-P1 set out how Kāi Tahu kaitiakitaka will be recognised and given practical effect in their role as kaitiaki of indigenous biodiversity. IP-P2 implements this method as far as practicable in a regional plan. | |
| ECO-P1 – Kaitiakitaka* | | |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|---|---|---|
| ECO-P2 – Identifying significant natural areas and taoka* | Please see ECO-M2. | Policy 3.2.1 and Schedule 4 |
| ECO-P3 – Protecting significant natural areas and taoka* | ECO-P3 describes the means by which significant natural areas and indigenous species will be protected. ECO-P3 is given effect to the extent practicable in a regional plan by IO-O3 and the FMU environmental outcomes, and IO-O7 and IO-O8, which seek to protect and sustain habitats of indigenous freshwater species, and ensure that land and soil support health habitats for indigenous species and ecosystems. IP-P9, IP-P13, IP-P14 and IP-P10 provide further guidance on protection of indigenous biodiversity. | Policy 3.1.9 |
| ECO-P4 – Provision for new activities* | ECO-P4 provides guidance on the establishment of specific new activities, subject to management in accordance with the effects management hierarchy (in relation to indigenous biodiversity). The pLWRP does not reference this specific management hierarchy. However, for activities that may affect the extent of values of rivers and natural lakes, IP-P10 requires that the effects management hierarchy (as per the NPSFM) is applied, and that that assessment includes indigenous biodiversity values. | |
| ECO-P6 – Maintaining indigenous biodiversity* | ECO-P6 sets out how indigenous biodiversity will be managed, including the application of the effects management hierarchy (in relation to indigenous biodiversity). The pLWRP does not reference this specific management hierarchy. However, for activities that may affect the extent of values of rivers and natural lakes, IP-P10 requires that the effects management hierarchy (as per the NPSFM) is applied, and that that assessment includes indigenous biodiversity values. | Policy 3.1.9 |
| ECO-P8 – Restoration and enhancement* | ECO-P8 sets out ways that the extent, occupancy and condition of indigenous biodiversity in Otago will be increased. ECO-P8 is given effect to by IO-O3 and the FMU environmental outcomes, which include an outcome to restore habitats of indigenous species. Restoration is also support by IP-P13 for the recovery of threatened species, and through BED-P6 and BED-P7 which encourage activities in the bed that restore the values of rivers and lakes. | Policy 3.1.13 |
| ECO-P10 – Integrated approach* | ECO-P10 includes a number of matters that are important when managing effects of land use activities on indigenous biodiversity in an integrated manner. To the extent relevant to regional council functions, and in addition to the relevant direction in the pLWRP for the other ECO provisions, IO-O4 and IP-P4 of the pLWRP reiterate the importance of taking an integrated approach for all decision-making, IO-O5 acknowledges the integrated response to climate change, and IP-P23 recognises the need to adopt a consistent and integrated approach to cross-boundary matters. | |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|---|--|--|
| ECO-P11 – Resilience to climate change* | ECO-P11 includes some minimum measures to be taken to promote the resilience of indigenous biodiversity to climate change. IO-O5 in the pLWRP provides specific direction on climate change, and requires that the resilience of ecosystems to the effects of climate change should be supported, giving effect to ECO-P11. | |
| ECO-M2 – Identification of significant natural areas* | ECO-M2 requires the identification of significant natural areas, with maps of indigenous biodiversity values to be included in the regional plan by 31 December 2030. The pLWRP does not yet implement ECO-M2, but will be able to be varied or changed to include the mapping, once complete. | |
| ECO-M3 – Identification of taoka | ECO-M3 directs local authorities to work with mana whenua on a number of matters, including the identification of taoka species in the MW-Mana Whenua chapter of the pLWRP, which was drafted by Aukaha, all indigenous biological diversity are described as being taoka. Further, Kāi Tahu regard all <i>indigenous species</i> , and the <i>habitats</i> through which they survive and thrive, as taoka. Although taoka species are not mapped in the pLWRP, the MW chapter makes clear the breadth of taoka species, implementing ECO-M3. | |
| ECO-M4 – Regional plans | ECO-M4 sets out matters that must be provided for in the regional plan. The BED chapter provides for or manages (as appropriate) the activities described by clauses (1), (2) and (4) of ECO-M4. As described previously, the pLWRP does not specifically reference the effects management hierarchy (in relation to indigenous biodiversity). | |
| ECO-M7A – Kāi Tahu kaitiakitaka | ECO-M7A requires partnership between local authorities and Kāi Tahu. ECO-M7A is given effect to by several provisions including IO-O2, IP-P2 and IP-P3. These provisions seek to sustain the relationship of mana whenua with freshwater, recognise Kāi Tahu rakatirataka, and enable the exercise of kaitiakitaka in respect of freshwater. | |

9.6. EIT – Energy, infrastructure and transport

197. The EIT chapter has three parts:

- a. EIT-INF – Infrastructure,
- b. EIT-EN – Energy, and
- c. EIT-TRAN – Transport.

198. All of the parts of this chapter apply to regional council functions to some degree. Many of the provisions have been largely carried over from the ORPS 2019, however there are many provisions in the EIT chapter which are more comprehensive or that do not have any equivalent provisions in the ORPS.

9.6.1. EIT-INF – Infrastructure

199. The EIT-INF provisions are all non-Freshwater Planning Instrument provisions. There are currently appeals to the Environment Court on all of the provisions in this chapter. Table 2222 below assesses the pLWRP against the EIT-INF provisions that are considered to be relevant for the pLWRP.

Table 22: EIT-INF – Infrastructure

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|--|---|--|
| EIT-INF-O4 – Provision of infrastructure* | EIT-INF-O4 seeks that infrastructure in Otago is effective, efficient, safe, and resilient. This objective is considered to be more comprehensive than Objective 4.3 in the ORPS. EIT-INF-O4 is given effect to by IO-O10 which seeks the benefits of nationally and regionally significant infrastructure is recognised and provided for. IP-P11 provides a specific approach to the provision of nationally and regionally significant infrastructure in outstanding water bodies. While IP-P24 provides matters for decision makers to consider when determining an appropriate duration for applications relating to the provision of infrastructure. | Objective 4.3 |
| EIT-INF-O5 – Integration* | EIT-INF-O5 seeks the development of infrastructure, and land use change, occurs in a co-ordinated manner. This is included in Objective 4.5 of the ORPS which also requires that urban growth and development integrates effectively with adjoining environments. This direction is relevant to the provisions of a district plan and is not relevant to the pLWRP. | Objective 4.5 |
| EIT-INF-P10– Recognising resource requirements* | EIT-INF-P10 is that decision making on the allocation or use of resources must take into account the needs of infrastructure. This direction is considered to be equivalent to and more comprehensive than Policies 4.3.1 and 4.3.3 in the ORPS 2019. This direction is provided for in a number of pLWRP policies including IP-P11 which provides a pathway for the development of infrastructure within outstanding waterbodies, IP-P24 which provides for matters that must be considered by decision makers when deciding on appropriate durations for applications relating to infrastructure. | Policies 4.3.1, 4.3.3 |
| EIT-INF-P12 – Upgrades and development* | EIT-INF-P12 is to provide for upgrades to existing and development of new, nationally significant or regionally significant infrastructure. This direction is given effect to by IO-O10. IP-P11 provides a pathway for the development of infrastructure within outstanding water bodies, while IP-P24 provides for matters that must be considered by decision makers when deciding an appropriate duration for applications relating to infrastructure. | No equivalent |
| EIT-INF-P13 – Locating and managing effects of infrastructure, | EIT-INF-P13 sets out an effects management hierarchy for locating and managing the effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure. The direction in EIT-INF-P13 is considered equivalent to and more comprehensive than the | Policy 4.3.4 |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|--|---|---|
| nationally significant infrastructure and regionally significant infrastructure outside the coastal environment* | direction provided by Policy 4.3.4 of the ORPS 2019. It is considered that the direction provided by EIT-INF-P13 provides for the strategic approach to the integration of infrastructure required to be addressed in district plans by territorial authorities (EIT-INF-M5). Based on this, it is not considered relevant to the pLWRP. | |
| EIT-INF-P13A – Managing the effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure within the coastal environment* | EIT-INF-P13A provides direction for managing the effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure within the coastal environment and is not considered relevant to the pLWRP. | No equivalent |
| EIT-INF-P14 – Decision making considerations* | EIT-INF-P14 provides matters that must be considered when making decisions about the development or upgrading of infrastructure. This direction is given effect to by IO-O10. IP-P11 and IP-P17 requires similar direction to be considered in relation to the development of infrastructure within outstanding water bodies and renewable electricity generation respectively, while IP-P7 requires all activities to be carried out in accordance with good environmental practice. IP-P6 and IP-P24 provides for matters that must be considered by decision makers when deciding consent applications for applications relating to infrastructure. | No equivalent |
| EIT-INF-P15 – Protect nationally significant infrastructure and regionally significant infrastructure* | EIT-INF-P15 sets out how the efficient and effective operation of nationally and regionally significant infrastructure shall be protected. Policy 4.3.5 and Method 3.1.5 in the ORPS are similar but less specific. BED-P2 and BED-P3 require that adverse effects on the use of nationally significant infrastructure, regionally significant infrastructure are avoided as far as practicable. IP-P17 seeks that adverse effects on renewable electricity generation are minimised. Many of the permitted activity rules in the BED and DAM chapters include conditions that the activity cannot frustrate the use of any nationally significant infrastructure, regionally significant infrastructure. | Policy 4.3.5 Method 3.1.5 |
| EIT-INF-P17 – Urban growth and infrastructure* | EIT-INF-P17 requires infrastructure development to meet urban growth demands. This direction applies to district councils and their functions and is not considered relevant to the pLWRP. Policy 4.5.2 of the ORPS 2019 is the equivalent provision to EIT-INF-P17 and provides a more comprehensive direction applying to all types of land use | Policy 4.5.2 |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|--------------------------------|---|---|
| | and infrastructure integration. This provision is assessed in greater detail below. | |
| EIT-INF-M4 – Regional plans* | EIT-INF-M4 provides direction specific to regional plans. It is considered equivalent to Method 3.1.5 in the ORPS. This method seeks that regional plans manage the effects of infrastructure activities, where appropriate, by identifying activities that qualify as minor upgrades for a range of specific activities. Clause (a) seeks management of the activities in the beds of lakes and rivers. This is given effect to by the specific direction provided by BED-P2, BED-P3 and BED-P10. Clause (b) seeks the management of activities in the coastal marine area, which is not managed by the pLWRP and is not relevant for consideration. Clause (c) is to manage activities involving the taking, use, damming or diversion of water. This direction is given effect to by EFL-P8, EFL-P24 and DAM-P2. Clause (d) is to manage activities that involve the discharge of water or contaminants. This direction is given effect to in several locations throughout the pLWRP. BED-R1-PER1 and BED-R2-PER1 include the management of contaminants alongside the management of bed disturbance activities. Overarching direction relevant to the discharge of contaminants more generally is provided by IP-P19. | Method 3.1.5 |
| EIT-INF-M5 – District plans* | EIT-INF-M5 provides direction to district plans and is not relevant to the pLWRP. | No equivalent |
| EIT-INF-M6 – Advocacy* | EIT-INF-M6 seeks that local authorities should work proactively to co-ordinate the development of nationally and regionally significant infrastructure. It is not considered this direction is relevant to the development of the pLWRP and is not considered further. | No equivalent |

9.6.2. EIT-EN – Energy

200. Some parts of the EIT-EN chapter in the pORPS have equivalent provisions in the ORPS 2019, but many do not. The EIT-EN provisions are all non-Freshwater Planning Instrument provisions. There are currently appeals to the Environment Court on all of the provisions in this chapter. Table 2323 below assesses the pLWRP against the EIT_EN provisions that are considered to be relevant for the pLWRP.

Table 23: EIT-EN - Energy

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|--|---|---|
| EIT-EN-O1 – Energy and social and economic well-being* | EIT-EN-O1 seeks that the health and wellbeing of Otago's communities and economy is supported by renewable energy generation that is safe, secure and resilient. Objective 4.4 of the ORPS 2019 is equivalent to EIT-EN-O1, although it is considered the direction provided by EIT-EN-O1 is more | Objective 4.4 |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|---|---|--|
| | comprehensive. The direction in EIT-EN-O1 is given effect to by IO-O9 and IO-O10. | |
| EIT-EN-O3 – Energy use* | EIT-EN-O3 states that development is located and designed to facilitate the efficient use of energy and to reduce demand, if possible, to minimise emissions of greenhouse gases. This objective is primarily relevant for land use planning undertaken by territorial authorities. | No equivalent |
| EIT-EN-O2A – Greenhouse gas emissions and renewable energy targets* | EIT-EN-O2A seeks that the region's renewable energy generation supports the overall reduction of greenhouse gas emissions and achieves the national target for emission reduction. This direction is given effect to by IO-O5. | No equivalent |
| EIT-EN-O2 – Renewable electrical generation* | EIT-EN-O2 is that the generation capacity of renewable electricity generation activities in Otago is protected, maintained, and, where appropriate, increased and contributes to New Zealand's national target for renewable electricity generation. This direction is given effect to by IO-O5. | No equivalent |
| EIT-EN-O6 – Long term planning for the National Grid and distribution infrastructure* | EIT-EN-O6 is that long term investment in, and planning for, electricity transmission infrastructure and its integration with land use are sustained. This objective is relevant for district plans where land uses are primarily relevant. | No equivalent |
| EIT-EN-P1 – Operation, maintenance and upgrade* | <p>EIT-EN-P1 provides for the operation, maintenance, and upgrade of existing renewable electricity generation activities, including the maintenance of generation output and protection of additional capacity. This direction is considered to be equivalent to and more comprehensive than Policies 4.4.3 and 4.4.4 of the ORPS. These provisions are implemented by IO-O10 and IP-P17. There are also provisions in other parts of the pLWRP that implement this requirement, including:</p> <ul style="list-style-type: none"> • FMU1-R1 provides a controlled activity pathway for all activities associated with the maintenance of the Clutha hydro-electric generation scheme. • DAM-R4 and DAM-R5 permit the ongoing use and maintenance of in-stream dams, including those used to generate electricity. • BED-R1 to BED-R3, BED-R12, BED-R14, BED-R16, BED-R17, and BED-R19 permit a range of activities in the beds of lakes and rivers which may be relevant for hydro-electricity generation. • EFL-R9 manages the taking of water for renewable electricity generation. | Policies 4.4.3, 4.4.4 |
| EIT-EN-P2 – Recognising | EIT-EN-P2 sets out matters that decision makers must consider when making decisions on the allocation and use of | Policy 4.3.2 |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|---|--|---|
| renewable electricity generation activities in decision making* | natural and physical resources. This direction is considered equivalent to and more comprehensive than the direction provided in Policy 4.3.2 of the ORPS 2019. IO-O10, IP-P9, and IP-P17 give effect to this direction. IP-P17 implements this direction, including by prioritising the use of water for renewable electricity generation above other uses in times of low flows and providing for the development of new renewable electricity generation. This informs the implementation of EFL-R9 which manages the take and use of water for renewable electricity generation. | |
| EIT-EN-P3 – The security of renewable electricity generation supply* | EIT-EN-P3 requires the security and installed capacity of renewable electricity generation supply are maintained and improved. IO-O10 and IP-P17 give effect to this direction. | No equivalent |
| EIT-EN-P4 – Identifying new sites or resources* | EIT-EN-P4 relates to activities to identify new sites for renewable electricity generation. This is equivalent to Policy 4.4.1(e) in the ORPS 2019. This is implemented by IO-O10, IP-P9, and IP-P17 and the policies in the BED chapter. | Policy 4.4.1(e) |
| EIT-EN-P5 – Non-renewable energy generation* | EIT-EN-P5 contains restrictions on non-renewable energy generation. This policy largely relates to air discharges, which are not relevant for the pLWRP. However, the replacement of non-renewable sources is supported by IO-O5, IO-O10 and IP-P17. | No equivalent |
| EIT-EN-P6 – Managing effects* | EIT-EN-P5 provides direction for managing the effects of renewable electricity generation activities. This is implemented by IO-O10, IP-P9, IP-P10, IP-P14, BED-P2, BED-P3. | No equivalent |
| EIT-EN-P7 – Reverse sensitivity* | EIT-EN-P7 seeks to prevent or minimise reverse sensitivity effects on renewable electricity generation activities. This is equivalent to Policy 4.4.3(b) in the ORPS 2019. BED-P2 and BED-P3 require that adverse effects on the use of nationally significant infrastructure, regionally significant infrastructure (which includes renewable electricity generation activities that connect to the National Grid or local distribution networks) are avoided as far as practicable. IP-P17 seeks that adverse effects on renewable electricity generation are minimised. Many of the permitted activity rules in the BED and DAM chapters include conditions that the activity cannot frustrate the use of any nationally significant infrastructure, regionally significant infrastructure. | Policy 4.4.3(b) |
| EIT-EN-P8 – Small and community scale distributed electricity generation* | EIT-EN-P8 provides for small and community scale distributed electricity generation activities. This direction is considered similar to that in Policy 4.4.2 of the ORPS. This direction is implemented by IO-O5, IO-O9 and IP-P17. Some of these activities will be considered regionally significant infrastructure and will also be implemented by IO-O10. | Policy 4.4.2 |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|--|--|---|
| EIT-EN-P9 – Energy conservation and efficiency* | EIT-EN-P9 relates to the design and location of subdivisions and is relevant for district plans, not the pLWRP. | No equivalent |
| EIT-EN-P16 – Providing for the National Grid* | EIT-EN-P16 seeks to maintain a secure and sustainable electricity supply by providing for the National Grid. Policy 4.3.6 in the ORPS is similar. Some of the direction is primarily relevant for district plans. The relevant direction for the pLWRP is implemented by IO-O10 (the National Grid is included in the definition of nationally significant infrastructure). IP-P9 and IP-P11 provide a pathway for the development of infrastructure within water bodies, while IP-P24 provides for matters that must be considered by decision makers when deciding an appropriate duration for applications relating to infrastructure. BED-P2 and BED-P3 also implement this direction in relation to reverse sensitivity effects. Many of the permitted activity rules in the BED and DAM chapters include conditions that the activity cannot frustrate the use of any nationally significant infrastructure, regionally significant infrastructure. | Policy 4.3.6 |
| EIT-EN-P9A – Providing for electricity distribution* | EIT-EN-P9A seeks to recognise and provide for electricity distribution infrastructure. Policies 4.4.4 and 4.4.5 in the ORPS are similar. In the pLWRP most electricity distribution infrastructure is included within the definitions of nationally or regionally significant infrastructure. This direction is implemented by IO-O10, IP-P9, IP-P11, IP-P4, BED-P2 and BED-P3. | Policies 4.4.4, 4.4.5 |
| EIT-EN-M1 – Regional plans* | EIT-EN-M1 provides direction specific to regional plans in relation to renewable generation activities. Clause (1) seeks that activities associated with potential sites and energy sources are provided for. This is given effect to by the specific direction provided by IO-O10, IP-P17, BED-P3 and BED-P4. Clause (3) seeks the management of adverse effects of renewable electricity generation activities – clause (a) in the coastal marine area, which is not managed by the pLWRP and is not relevant for consideration. In relation to the beds of lakes and rivers, IP-P9, IP-P11, IP-P10, BED-P2 and BED-P3 give effect to this direction. Clause (3)(b) is to manage activities involving the taking, use, damming or diversion of water and discharges. This direction is given effect to by EFL-P8, EFL-P24 and DAM-P2. BED-R1-PER1 and BED-R2-PER1 include the management of contaminants alongside the management of bed disturbance activities. Overarching direction relevant to the discharge of contaminants more generally is provided by IP-P19. Clause (4) is to provide for existing renewable generation activities. This is given effect to by IP-P17, EFL-P8, BED-P4. Clause (5) is to restrict activities that may adversely affect renewable generation activities. IP-P17, BED-P2 and BED-P3 implement this direction. | No equivalent |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|--|--|---|
| EIT-EN-M2 – District plans* | EIT-EN-M2 provides direction to district plans and is not relevant to the pLWRP. | No equivalent |
| EIT-EN-M3 – Education and information* | EIT-EN-M3 seeks that local authorities must provide education and information to improve energy efficiency. It is not considered this direction is relevant to the development of the pLWRP and is not considered further. | No equivalent |

9.6.3. EIT-TRAN – Transport

201. The EIT-TRAN provisions are all non-Freshwater Planning Instrument provisions. There are currently appeals to the Environment Court on all of the provisions in this chapter. The EIT-TRAN chapter of the pORPS largely relates to the functions of territorial authorities and the provisions primarily relate to land use activities that are managed under district plans, so their relevance to the pLWRP is limited. Table 2424 below assesses the pLWRP against the EIT-TRAN provisions that are considered to be relevant for the pLWRP.

Table 24: EIT-TRAN - Transport

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|---|---|---|
| EIT-TRAN-O7 – Effective, efficient, and safe transport* | These provisions are primarily focused on activities managed by territorial authorities, including integration with land use planning. They generally incorporate the relevant direction from the ORPS 2019 but are more specific and comprehensive. | Objectives 4.3, 4.5 |
| EIT-TRAN-O8 – Transport system* | | Objectives 4.3, 4.5 |
| EIT-TRAN-O9 – Effects of the transport system* | To the extent that they are relevant to activities managed under the pLWRP, these provisions are implemented by IO-O10 which recognises the benefits of nationally and regionally significant infrastructure and provides for their effective and efficient development, operation, maintenance and upgrading. As defined in the pORPS, and reflected in the pLWRP: <ul style="list-style-type: none"> Nationally significant infrastructure includes State highways, the New Zealand rail network, rapid transit services, any airport used for regular air transport service by planes capable of carrying more than 30 people, and port facilities listed in Part A of Schedule 1 of the Civil Defence Emergency Management Act 2002, and Regionally significant infrastructure includes road which provide a lifeline connection for a community, road classified as being of regional importance under the One Network Framework, public transport (including terminals and stations), the airports at Dunedin, Queenstown, Wānaka, Alexandra, Balclutha, Cromwell, | No equivalent. |
| EIT-TRAN-O10 – Commercial port activities* | | Objective 4.3 |
| EIT-TRAN-P18 – Integration of the transport system* | | Policies 4.5.2 and 4.4.6 |
| EIT-TRAN-P19 – Transport system design* | | Policies 4.4.6 and 4.5.2 |
| EIT-TRAN-P20 – Public transport* | | Policies 4.4.6 and 4.5.6 |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|---|---|--|
| EIT-TRAN-P21 – Operation of the transport system* | <p>Ōamaru and Taiari, and navigation infrastructure associated with airports and commercial ports.</p> <p>IP-P9 provides for activities affecting the values or extent of rivers or natural lakes where there is a functional need for the activity in that location, which is likely to be the case for transport network infrastructure (such as bridges). A similar policy is provided in WET-P3 in relation to wetlands, however this policy specifically provides for the maintenance of operation of specified infrastructure (defined as including all regionally or nationally significant infrastructure) or other infrastructure (defined as including all infrastructure other than specified infrastructure that was lawfully established before 2 September 2020).</p> | Policies 4.3.5 |
| EIT-TRAN-P22 – Sustainable transportation* | <p>The BED chapter provides for a range of activities in the beds of lakes and rivers that are relevant to transport networks, including BED-R1, BED-R2, BED-R4, BED-R4, BED-R11, BED-R12, BED-R17, and BED-P19.</p> <p>The DAM chapter provides for the placement and use of temporary in-stream dams (DAM-R2) and diversion of water (DAM-R8), which are often required during infrastructure maintenance. Rule SW-R2 provides for stormwater discharges not associated with stormwater networks, which may occur from transport infrastructure.</p> <p>Throughout the pLWRP, conditions on permitted activities commonly require that there they do not frustrate the use of infrastructure, a lawfully established water take, or a lawfully established structure; or cause or exacerbate flooding of any other person's property, erosion, land instability, sedimentation, or property damage. These conditions will assist with managing the effects of other activities on transport infrastructure.</p> | Policies 4.4.6 and 4.4.7 |
| EIT-TRAN-P23 – Commercial port activities* | <p>This policy relates to commercial port activities and is primarily relevant for the regional coastal plan, and not the pLWRP (which does not cover the coastal marine area). However, IM-O10 in the pLWRP will support the implementation of this method insofar as it is relevant to the activities managed by the pLWRP.</p> | Objective 4.3, Policy 4.3.7 |
| EIT-TRAN-M7 – Regional plans* | <p>EIT-TRAN-M7 provides direction specific to regional plans in relation to the transport system and commercial port activities. Clause (1)(a) seeks to provide for the transport system within the beds of lakes and rivers or the CMA. This is implemented by IO-O10 and BED-P2, BED-P3, BED-P4. activities associated with potential sites and energy sources are provided for. Activities within the CMA are not relevant to the pLWRP and are not assessed further. Clause (1)(b) is to provide for the transport system that involves the taking, use, damming or diversion of water and discharges. This direction is given effect to by EFL-P8, EFL-P24 and DAM-P2. BED-R1-PER1 and BED-R2-PER1 include the management of contaminants alongside the management of bed disturbance activities. OTH-R4 enables the use of dust</p> | No equivalent |

| pORPS 2021 provision(s) | Assessment | Equivalent provisions in the ORPS 2019 |
|---|---|--|
| | suppressants. Overarching direction relevant to the discharge of contaminants more generally is provided by IP-P19. Clauses (2) and (3) relate to commercial port activities and is primarily relevant for the regional coastal plan, and not the pLWRP. However, IM-O10 will support the implementation of this method insofar as it is relevant to the activities managed by the pLWRP. | |
| EIT-TRAN-M8 – District plans* | EIT-TRAN-M8 provides direction to district plans and is not relevant to the pLWRP. | No equivalent |
| EIT-TRAN-M9 – Regional Land Transport Plan* | EIT-TRAN-M9 relates to the preparation of the Regional Land Transport Plan and is not relevant to the development of the pLWRP. | No equivalent |

9.7. HAZ – Hazards and risks

202. The HAZ chapter has two parts:

- a. HAZ-NH – Natural hazards
- b. HAZ-CL – Contaminated land

203. The provisions in this chapter largely relate to activities managed by territorial authorities. However, all of the parts of this chapter apply to regional council functions to some degree.

9.7.1. HAZ-NH – Natural hazards

204. The HAZ-NH provisions are all non-Freshwater Planning Instrument provisions. There are currently appeals to the Environment Court on most of the provisions in this chapter. The direction in the HAZ-NH chapter is similar to that set out in the ORPS. However, the pORPS contains some more detailed direction or direction that does not have any equivalent in the ORPS. Table 2525 below assesses the pLWRP against the HAZ-NH provisions that are considered to be relevant for the pLWRP.

Table 25: HAZ-NH – Hazards and risks: Natural hazards

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|------------------------------|---|---------------------------------------|
| HAZ-NH-O1 – Natural hazards* | HAZ-NH-O1 seeks that risks from natural hazards are maintained where they are acceptable and managed to ensure they do not exceed a tolerable level. This direction is considered to be similar to, but more comprehensive than, Objective 4.1 in the ORPS 2019. HAZ-NH-O1 is given effect to by IO-O5 which seeks that land and water are managed in a way that supports the avoidance or mitigation of natural hazards. IP-P18 provides direction for managing new and existing activities in areas subject to natural hazard risk to achieve this objective. | Objective 4.1 |

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|--|---|--|
| HAZ-NH-O2 – Adaptation* | HAZ-NH-O2 seeks that Otago’s people, communities and property are prepared for and able to adapt to natural hazards, including risks exacerbated by climate change. HAZ-NH-O2 is given effect to by IO-O5, which seeks that land and water are managed as part of New Zealand’s integrated response to climate change and in a way that supports the national adaptation plan for climate change, resilience of ecosystems and communities to the effects of climate change including by promoting adaptation, and the avoidance or mitigation of natural hazards. IP-P18 sets out how new and existing activities in areas subject to natural hazard risk will be managed. | No equivalent |
| HAZ-NH-P1A – Identifying areas subject to coastal hazards* | These policies, and their equivalents in the ORPS, require identifying areas subject to coastal hazards. This work is progressing through ORC’s broader natural hazards work programme and is not a requirement for regional plans. Where coastal hazards are identified, they are addressed by applying IP-P18. | Policy 4.1.1 |
| HAZ-NH-P1 – Identifying areas subject to natural hazards | | Policies 4.1.1, 4.1.2 |
| HAZ-NH-P2 – Risk assessments | This policy is consistent with Policies 4.1.3 and 4.1.5, and Method 3.2.1, of the ORPS but provide more specific direction on what the wording of those policies means (for example, what is considered a tolerable risk). Risk assessments are intended to be carried out on a regional, district or other scale rather than individual activity scale, however where those broader assessments have not been undertaken, IP-P15 sets out the requirement for undertaking a risk assessment. | Policy 4.1.3, 4.1.5 Method 3.2.1 |
| HAZ-NH-P3 – New activities* | HAZ-NH-P3 directs how new activities are managed to achieve certain outcomes with respect to natural hazard risk. This direction is considered to be equivalent to and more comprehensive than Policies 4.1.4, 4.1.5, 4.1.6 and 4.1.7 in the ORPS 2019. HAZ-NH-P3 is given effect to by IP-P18 which requires that new activities in areas subject to natural hazard risks are only allowed where, assessed by either the region-wide natural hazard risk assessment or an assessment provided with a resource consent application, the same outcomes as identified in HAZ-NH-P3 are achieved. Other provisions provide specific direction for new activities to manage natural hazard risks, including CL-O2, DAM-P6, DAM-P8, FLOOD-O1, FLOOD-P3, OTH-P4, WASTE-O2, WASTE-P1 and WASTE-P2. | Policies 4.1.4, 4.1.5, 4.1.6, 4.1.7 |
| HAZ-NH-P4 – Existing natural hazard risk* | HAZ-NH-P4 directs the actions required to reduce existing natural hazard risks to tolerable or acceptable levels. This direction is considered to be equivalent to and more comprehensive than Policies 4.1.4, 4.1.5, 4.1.6 and 4.1.7 in the ORPS 2019. HAZ-NH-P4 is given effect to by IP-P15 which includes a range of actions to manage existing natural | Policies 4.1.4, 4.1.5, 4.1.6, 4.1.7 |

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|---|--|---------------------------------------|
| | hazard risks, including providing for activities that reduce risk or reduce community vulnerability, encouraging design that reduces risk, protecting or enhancing the ability of natural or modified features and systems to mitigate the effects of natural hazards, and prioritising the adoption of nature-based solutions. BED-P6 also encourages works in the bed that support adaptation or managed retreat, while the FLOOD chapter includes provisions which seek to reduce or mitigate the risk of, and the effects on communities and property from natural hazards. | |
| HAZ-NH-P5 – Precautionary approach to natural hazard risk | HAZ-NH-P5 sets out the circumstances in which a precautionary approach is required for identifying, assessing and managing natural hazard risk. This direction is considered to be equivalent to and more comprehensive than Policy 4.1.8 in the ORPS 2019. HAZ-NH-P5 is given effect to by IP-P18. IP-P18 requires that new and existing activities subject to natural hazard risk are managed by, where the natural hazard risk, either individually or cumulatively, is uncertain or unknown, but potentially significant or irreversible, applying a precautionary approach to identifying, assessing and managing that risk by adopting an avoidance or adaptive management response. IP-P22 also requires adopting a precautionary approach in some situations, including through reference to mātauraka and tikaka. BED-P6 encourages works in the bed where they support adaptation to climate change or managed retreat in response to natural hazard risks. | Policy 4.1.8 |
| HAZ-NH-P6 – Protecting features and systems that provide hazard mitigation* | HAZ-NH-P6 requires the ability of natural or modified features and systems to mitigate the effects of natural hazards and climate change to be protected. This direction is considered to be equivalent to and more comprehensive than Policy 4.1.9 in the ORPS 2019. HAZ-NH-P6 is given effect to by IP-P18 which requires protecting or enhancing the ability of natural or modified features and systems to mitigate the effects of natural hazards, and prioritising the adoption of nature-based solutions. IO-O5 seeks that land and water are managed in a way that supports the resilience of ecosystems and communities to the effects of climate change. BED-P6 encourages works in the bed that provide for the restoration of lake or river extent and values including works that support adaptation to climate change and works that utilise nature-based solutions. WET-O1 seeks to protect Otago's wetlands and provide for and promote their restoration so that their ecosystems and natural functions are healthy and resilient to the effects of climate change. | Policy 4.1.9 |
| HAZ-NH-P7 – Mitigating natural hazards* | HAZ-NH-P7 requires risk management approaches to be prioritised where they reduce the need for hard protection structures or similar engineering interventions. It also sets out the situations where hard protection structures are provided for. This direction is considered to be equivalent | Policies 4.1.10 and 4.1.11 |

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|---|---|---|
| | to and more comprehensive than Policies 4.1.10 and 4.1.11 in the ORPS 2019. HAZ-NH-P7 is given effect to by IP-P18 which requires prioritising the adoption of nature-based solutions that reduce the need for hard protection structures. BED-P5 directs that the replacement or placement of hard protection structures in the beds of water bodies are avoided unless certain criteria are met. This direction aligns with HAZ-NH-P7. FLOOD-P2 also encourages the adoption of nature-based solutions, including works that reduce the need for hard protection structures. Applicants for flood protection and drainage works or assets must demonstrate how activities will be managed to avoid the placement of new or replacement hard protection structures unless in accordance with BED-P5. | |
| HAZ-NH-P8 – Lifeline utilities and facilities for essential or emergency services | HAZ-NH-P8 requires locating and designing lifeline utilities and facilities for essential or emergency services to meet specified outcomes. This direction is largely to be implemented through district plans, however there are provisions in the BED and DAM chapters in particular that assist with providing for these types of facilities. | Policy 4.1.12 |
| HAZ-NH-P9 – Protection of hazard mitigation measures, lifeline utilities, and essential or emergency services | HAZ-NH-P9 directs that the functional and operational needs of hazard mitigation measures, lifeline utilities and essential or emergency services are protected and lists several actions to achieve this. This direction is considered to be equivalent to and more comprehensive than Policy 4.1.13 in the ORPS 2019. HAZ-NH-P9 is given effect to by BED-P5 which requires avoiding the replacement or placement of hard protection structures in the beds of water bodies unless it protects a lifeline utility, or a facility for essential or emergency services. | Policy 4.1.13 |
| HAZ-NH-P11 – Kāi Tahu rakatirataka* | HAZ-NH-P11 recognises and provides for the rakatirataka of Kāi Tahu. HAZ-NH-P11 is given effect to by several provisions including IO-O2, IP-P2 and IP-P3. These provisions seek to sustain the relationship of mana whenua with freshwater, recognise Kāi Tahu rakatirataka, and enable the exercise of kaitiakitaka in respect of freshwater. | No equivalent |
| HAZ-NH-M1 – Statement of responsibilities* | HAZ-NH-M1 sets out the responsibilities of local authorities with regard to the control of land use to avoid or mitigate natural hazards or any group of hazards. This includes specific responsibilities for ORC, including specifying particular provisions in regional plans. HAZ-NH-M1 is given effect to by the inclusion of provisions in the pLWRP which are within scope of the responsibilities outlined in the method. | No equivalent |
| HAZ-NH-M2 – Local authorities* | HAZ-NH-M2 requires local authorities to work collaboratively to implement a range of actions. This includes preparing or amending and maintaining regional plans to take into account the effects of climate change. This method is considered to incorporate the relevant parts | Policies 4.2.1, 4.2.2 Methods 2.3.1, 2.3.2, 3.1.13, 3.2.1, 4.1.2 |

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|-----------------------------|---|---------------------------------------|
| | of Policies 4.2.1 and 4.2.2 as well as Methods 2.3.1, 2.3.2, 3.1.13, 3.2.1 and 4.1.2 of the ORPS which all have similar (but more general) requirements. HAZ-NH-M2 is given effect to by a range of provisions. These provisions include IO-O5 and IP-P6 which seeks to manage land and water as part of New Zealand's integrated response to climate change and have particular regard to the effects of climate change and IP-P18 and IP-P22 which require the adoption of a precautionary approach where there is uncertainty. Several provisions also provide for activities that assist to reduce or mitigate the effects of climate change, including BED-P6, FLOOD-O1, FLOOD-P3 and WET-O1. | |
| HAZ-NH-M3 – Regional plans* | HAZ-NH-M3 sets out a range of matters that must be implemented by ORC when preparing or amending and maintaining its regional plans. HAZ-NH-M3 is given effect to by the inclusion of the provisions outlined above in the pLWRP. | No equivalent |

9.7.2. HAZ-CL – Contaminated land

205. The HAZ-CL provisions are all non-Freshwater Planning Instrument provisions. There are currently appeals to the Environment Court on provisions in this chapter. The direction in the HAZ-CL chapter is similar to that set out in the ORPS. However, the pORPS contains some more detailed direction on closed landfills compared to the ORPS. Table 26 below assesses the pLWRP against the HAZ-CL provisions that are considered to be relevant for the pLWRP.

Table 26: HAZ-CL – Hazards and risks: Contaminated land

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|--|--|---------------------------------------|
| HAZ-CL-O3 – Contaminated land | HAZ-CL-O3 seeks contaminated land and waste materials are managed to protect human health and do not harm Kāi Tahu, values and the environment in Otago. This direction is considered to be equivalent to and more comprehensive than Objective 4.6 in the ORPS 2019. HAZ-CL-O3 is given effect to by CL-O1 which seeks that contaminated land, including closed landfills, are managed so that the mauri and health of soil, freshwater and aquatic ecosystems and human health are not adversely impacted. | Objective 4.6 |
| HAZ-CL-P13 – Identifying contaminated land | HAZ-CL-P13 requires the identification of sites of known or potentially contaminated land in Otago. This direction is equivalent to Policy 4.6.4 in the ORPS 2019. HAZ-CL-P13 is given effect to by CL-O1 and CL-P1 which require the identification and recording of contaminated and potentially contaminated land. | Policy 4.6.4 |
| HAZ-CL-P14 – Managing | HAZ-CL-P14 directs that contaminated or potentially contaminated land is managed so that it does not pose an | Policy 4.6.5 |

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|---|--|---------------------------------------|
| contaminated land* | unacceptable risk to people and the environment. This includes by assessing and, if required, monitoring risks, protecting human health, managing effects of contaminants, and managing closed landfills and contaminated land. This direction is considered to be similar to Policy 4.6.5 in the ORPS 2019 but is more detailed and includes additional direction around closed landfills. HAZ-CL-P14 is given effect to by CL-O1, and CL-P1 which contains actions to ensure that there are no adverse impacts on the health of soil, freshwater and aquatic ecosystems or human health. CL-P3 directs how the ongoing adverse effects of closed landfills are to be contained, prevented or remediated. | |
| HAZ-CL-P15 – New contaminated land* | HAZ-CL-P15 requires that the creation of new contaminated or potentially contaminated land is avoided or, where this is not reasonably practicable, adverse effects on the environment and Kāi Tahu values are minimised to the extent reasonably practicable. This direction is considered to be equivalent to and more comprehensive than the direction in Policy 4.6.9. HAZ-CL-P15 is given effect to by CL-P4 which requires the creation of new contaminated land to be avoided where practicable. | Policy 4.6.9 |
| HAZ-CL-P16 – Waste minimisation responses | This policy and its equivalent in the ORPS is to apply the principles of the waste management hierarchy. It is relevant to waste management rather than regional plans, however a similar hierarchy is adopted in IP-P19 with regard to discharges. | Policy 4.6.7 |
| HAZ-CL-P17 – Disposal of waste materials | This policy and its equivalent in the ORPS relate to providing for the development and operation of facilities and services for the storage, recycling, recovery, and treatment of waste material but only for the disposal of waste materials if those materials cannot be recycled, recovered or treated for re-use. This is implemented by the WASTE chapter which provides for the establishment and ongoing management of landfills (WASTE-R1), cleanfills (WASTE-R2), green waste (WASTE-R3), and organic waste composting (WASTE-R4). There are also provisions in the PP chapter providing for the establishment and ongoing management of offal pits (FF-R6), farm refuse pits (FF-R7), and agricultural waste (FF-R8). | Policy 4.6.8 |
| HAZ-CL-P18 – Waste facilities and services* | This policy and its equivalents in the ORPS contain requirements to be implemented when providing for the development of facilities and services for the storage, recycling, recovery, treatment, and disposal of waste materials. This is implemented by the policies in the WASTE chapter which collectively implement the pORPS and ORPS direction, particularly by reference to the Waste Minimisation Institute of New Zealand's <i>Technical Guidelines for Disposal to Land</i> and by controlling the location of waste disposal facilities to reduce their risk from natural hazards. | Policies 4.6.6, 4.6.8 |

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|---|---|--|
| HAZ-CL-M6 – Regional plans | HAZ-CL-M6 states how ORC must manage contaminated land to implement the relevant objectives and policies in the RPS. This includes preparing or amending and maintaining its regional plans to manage the effects of the use of contaminated land on the quality of air, water, land, and the coastal marine area, and beds of rivers, lakes and other water bodies. It also includes direction in relation to waste disposal facilities. HAZ-CL-M6 is given effect to by the inclusion of the suite of provisions in the CL chapter of the pLWRP. Multiple permitted activity rules in the pLWRP include locational restrictions for activities on contaminated land or potentially contaminated land including in the DAM, EARTH, EFL, OTH, SW, WASTE, and WW chapters. | Methods 3.1.11, 3.1.12, 5.2.1(e) |
| HAZ-CL-M7 – District plans | This method contains requirements for district plans and is not relevant for the pLWRP. | Method 4.1.10 |
| HAZ-CL-M8 – Waste management and minimisation plans | This method outlines the requirements of local authorities under the Waste Minimisation Act 2008 and is not relevant to the pORPS. | Method 6.8.1 |
| HAZ-CL-M8A | HAZ-CL-M8A directs ORC and territorial authorities, in consultation with Kāi Tahu and the community, to undertake a range of actions including identifying closed landfills and contaminated land risks from the effects of climate change, assessing the risk and potential effects of contaminant releases. HAZ-CL-M8A is given effect to by CL-P3 which directs that closed landfills at risk from erosion or flooding, including from the effects of climate change, are identified, moved or remediated, and any adverse effects are avoided, remedied or mitigated. | No equivalent |

9.8. HCV – Historical and cultural values

206. There are two parts to the HCV chapter:

- a. HCV-WT – Wāhi tupuna
- b. HCV-HH – Historic heritage

207. The HCV chapter of the pORPS largely relates to the functions of territorial authorities and the provisions primarily relate to land use activities that are managed under district plans, so their relevance to the pLWRP is limited.

9.8.1. HCV-WT – Wāhi tūpuna

208. The provisions in the HCV-WT chapter are all non-Freshwater Planning Instrument provisions, and some provisions are under appeal to the Environment Court. Table 2727

below assesses the pLWRP against the HCV-WT provisions that are considered to be relevant for the pLWRP.

Table 27: HCV-WT – Historical and cultural values: Wāhi tūpuna

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|---|--|---------------------------------------|
| HCV-WT-O1 – Kāi Tahu wāhi tūpuna | <p>HCV-WT-O1 seeks that wāhi tūpuna and their associated cultural values are identified and protected. This direction is considered to be equivalent to Objective 2.2 in the ORPS 2019, although Objective 2.2 does not specifically reference wāhi tūpuna.</p> <p>The MW – Mana whenua chapter of the pLWRP describes the environmental management perspectives and values of Kāi Tahu with regard to wāhi tūpuna. HCV-WT-O1 is given effect to several FMU objectives (FMU1-O10, FMU2-O10, FMU3-O10, FMU4-O10, and FMU5-O10) which seek that cultural associations with wāhi tūpuna are maintained, visible, and whānau are able to access, use and relate to wāhi tūpuna now and in the future. WET-O1 seeks that wāhi tūpuna values are sustained and enhanced. OTH-P5 requires mana whenua values to be taken into account, particularly when a new or extended cemetery may adversely affect wāhi tūpuna and the implementation of measures to protect those values.</p> | Objective 2.2 |
| HCV-WT-O2 – Rakatirataka* | <p>HCV-WT-O2 seeks that the rakatirataka of mana whenua over wāhi tūpuna is recognised, and mana whenua are able to exercise their role as kaitiaki within these areas. This direction is considered to be equivalent to and more comprehensive than Policy 2.1.2 in the ORPS 2019, particularly in the exercise of kaitiaki. HCV-WT-O2 is broadly given effect to by IO-O2 which seeks that the relationship of mana whenua with freshwater is sustained, including through recognising and enabling the exercise of rakatirataka and kaitiakitaka and recognising and providing for mana whenua aspirations as land and water users. IP-P2 sets out direction for recognising Kāi Tahu rakatirataka and enable the exercise of kaitiakitaka in respect of freshwater.</p> | Policy 2.1.2 |
| HCV-WT-P1 – Recognise and identify wāhi tūpuna* | <p>HCV-WT-P1 directs actions to sustain the enduring Kāi Tahu relationship with wāhi tūpuna. These include enabling Kāi Tahu to identify wāhi tūpuna, recognising rakatirataka of mana whenua over wāhi tūpuna, recognising and providing for connections and associations between different wāhi tūpuna, and recognising and using traditional place names. This direction is considered to be equivalent to and more comprehensive than Policy 2.2.1 in the ORPS 2019. HCV-WT-P1 is given effect to by several provisions in the pLWRP, including IO-O2 and IP-P2. IP-P3 requires that land and fresh water are managed to support the Kāi Tahu relationship with fresh water through several actions, including recognising the interconnectivity of</p> | Policy 2.2.1 |

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|---|---|--|
| | whenua, wai, ecosystems and takata, ki uta ki tai, and managing catchments. | |
| HCV-WT-P2 – Management of effects on wāhi tūpuna* | HCV-WT-P2 directs how wāhi tūpuna are protected through the management of different adverse effects thresholds. This direction is considered to be equivalent to but more directive than Policy 2.2.2 in the ORPS 2019. HCV-WT-P2 is given effect to by FMU1-O10, FMU2-O10, FMU3-O10, FMU4-O10, and FMU5-O10 and WET-O1. Activities managed under the pLWRP will be required to achieve these objectives and therefore, manage any actual or potential adverse effects of those activities, in a way that maintains the cultural associations with wāhi tūpuna and sustains their values. | Policy 2.2.2 |
| HCV-WT-P2A – Management of wāhi tūpuna | HCV-WT-P2A also directs how wāhi tūpuna are protected, including by managing identified wāhi tūpuna in accordance with tikaka Māori, and encouraging the enhancement of access. This direction is considered to be equivalent to but more directive than Policy 2.2.2 in the ORPS 2019. FMU1-O10, FMU2-O10, FMU3-O10, FMU4-O10, and FMU5-O10 seek that whānau are able to access, use and relate to wāhi tūpuna now and in the future. IO-O2 requires upholding mātauraka and tikaka in management and decision-making affecting freshwater and freshwater ecosystems. | Policy 2.2.2 |
| HCV-WT-M3 – Treaty Partnership with Kāi Tahu | HCV-WT-M3 requires local authorities to include Kāi Tahu in all decision-making regarding the identification and protection of wāhi tūpuna and collaborate with Kāi Tahu to share information. HCV-WT-M3 is given effect to by IP-P2 which requires partnership and engagement with Kāi Tahu on a range of resource management matters, including providing opportunities for active involvement Kāi Tahu in decision-making processes. | No equivalent |
| HCV-WT-M1 – Identification | HCV-WT-M1 requires local authorities to protect wāhi tūpuna sites, areas and values in relevant regional plans. HCV-WT-M1 is given effect to by FMU1-O10, FMU2-O10, FMU3-O10, FMU4-O10, and FMU5-O10 and WET-O1. Activities managed under the pLWRP will be required to achieve these objectives and therefore, manage any actual or potential adverse effects of those activities, in a way that maintains the cultural associations with wāhi tūpuna and sustains their values. | No equivalent |
| HCV-WT-M2 – Regional plans and district plans* | HCV-WT-M2 directs ORC to prepare or amend and maintain its regional plans to include methods that are in accordance with tikaka in relation to the management of wāhi tūpuna. This includes controlling activities in, or adjacent to wāhi tūpuna sites and areas, requiring cultural impact assessments, requiring conditions on resource consents to protect values, and maintaining existing access and promoting improved access. Multiple permitted activity rules require the accidental discovery | Methods 3.1.1, 4.1.1 |

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|-------------------------|--|---------------------------------------|
| | protocol set out in APP16 – Accidental discovery protocol to be applied where an archaeological site may be disturbed. FMU1-O10, FMU2-O10, FMU3-O10, FMU4-O10, and FMU5-O10 seek that whānau are able to access, use and relate to wāhi tūpuna now and in the future. WET-O1 and OTH-P5 require activities to be controlled to manage wāhi tūpuna. | |

9.8.2. HCV-HH – Historic heritage

209. The HCV-HH chapter of the pORPS 2021 provides direction on the management of Otago's historic heritage features. The provisions in the HCV-HH chapter are all non-Freshwater Planning Instrument provisions, and some provisions are under appeal to the Environment Court. Table 2828 below identifies only those provisions considered relevant for the pLWRP.

Table 28: HCV-HH – Historic heritage

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|---|---|---------------------------------------|
| HCV-HH-O3 – Historic heritage resources | The HCV-HH chapter of the pORPS 2021 provides direction on the management of Otago's historic heritage features. This direction is considered to be equivalent to and more comprehensive than Objective 5.2, and Policies 5.2.1, 5.2.2 and 5.2.3 in the ORPS 2019, including by introducing accidental discovery protocol. The direction primarily relates to the functions of territorial authorities, and the provisions primarily relate to land use activities that are managed under district plans or regional coastal plans, so their relevance to the pLWRP is limited. The pLWRP gives effect to the relevant direction in HCV-HH by requiring the accidental discovery protocol set out in APP16 – Accidental discovery protocol to be applied where an archaeological site may be disturbed. This condition is included in several chapters, including the BED, CL, DAM, EARTH, FLOOD, PP and WET chapters, to align with the activities that must be controlled where they may adversely affect historic heritage in HCV-HH-M4(2). The BED, DAM, EARTH, FLOOD chapter rules also include an advice note stating that any work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. | Objective 5.2 |
| HCV-HH-P3 – Recognising historic heritage | | Policy 5.2.1 |
| HCV-HH-P4 – Identifying historic heritage | | Policy 5.2.2 |
| HCV-HH-P5 – Managing historic heritage* | | Policy 5.2.3 |
| HCV-HH-P6A – Maintenance and enhancement of historic heritage | | Policy 5.2.3 |
| HCV-HH-M4 – Regional plans* | | Method 3.1.10 |
| HCV-HH-M5 – District plans* | This method and its equivalent in the ORPS contain requirements for district plans and is not relevant for the pLWRP. | Method 4.1.11 |

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|---------------------------------------|---|--|
| HCV-HH-M6 – Incentives and education* | This method and its equivalent in the ORPS outline non-regulatory actions that may be taken and are not relevant for the pLWRP. | No equivalent |

9.9. NFL – Natural features and landscapes

210. The NFL chapter provides the policy framework for managing natural features and landscapes within the Otago region. This chapter is predominantly relevant to territorial authorities, as most activities occurring within natural features and landscapes are land use activities that are managed under district plans. Table 2929 below assesses the pLWRP against the IM provisions that are considered to be relevant for the pLWRP.

Table 29: NFL - Natural features and landscapes

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|---|--|--|
| NFL-O1 – Outstanding natural features and landscapes* | This chapter requires identifying and protecting Otago’s outstanding natural features and landscapes. This direction is considered to be equivalent to and more comprehensive than Objective 3.1 and policies 3.2.3 and 3.2.4 in the ORPS 2019, with the key difference being an updated identification methodology. Mostly, outstanding natural features and landscapes are land environments and are therefore identified and managed by territorial authorities. However, outstanding water bodies can be identified on the basis that they have outstanding landscape values. The way outstanding water bodies are managed in the pLWRP is set out above in relation to LF-FW-P11 and LF-FW-P12. That assessment is also relevant to these provisions as they implement, in part, the direction relating to ORC’s functions. | Objectives 3.1, 3.2 |
| NFL-P1 – Identification* | | Policies 3.1.11, 3.2.3 |
| NFL-P2 – Protection of outstanding natural features and landscapes* | | Policy 3.2.4 |
| NFL-M1 – Identification* | | Methods 1.2.1, 5.1.2(c) |
| NFL-M2 – Regional plans* | | No equivalent |
| NFL-M3 – District plans* | | No equivalent |
| NFL-M4 – Other incentives and mechanisms* | | Method 8.1.1 |

9.10. UFD – Urban form and development

211. The provisions in the UFD chapter seek to manage the development of land and ensure that there is sufficient development capacity in respect of housing and business land. This is primarily a function of territorial authorities under the RMA. Given this, the policy direction provided by the UFD chapter of the pORPS generally applies to regional policy statements and district plans, or is implemented outside the planning process. However, there are some

aspects of the UFD chapter that can be implemented in part or supported by provisions in the pLWRP.

212. The UFD provisions are all non-Freshwater Planning Instrument provisions and all of the provisions are under appeal to the Environment Court. Table 3030 below identifies only those provisions considered relevant for the pLWRP.

Table 30: UFD – Urban form and development

| pORPS 2021 Provision(s) | Assessment | Equivalent provisions in the RPS 2019 |
|--|---|---|
| UFD-O1 – Development of urban areas* | UFD-O1 requires that the development and change of Otago’s urban areas occurs in a strategic and coordinated way and UFD-P1 requires that strategic planning processes precede urban growth and development. This is similar to Objective 4.5 and policy 4.5.2 of the ORPS. This is primarily a function of territorial authorities and will also be implemented by ORC and territorial authorities outside the regional planning framework. Objective 4.5 of the ORPS is similar. The pLWRP will support the implementation of this direction by IO-O1, IO-O3, IO-O4, IO-O5, IO-O8, IO-O9, IO-O10. | Objective 4.5 |
| UFD-P1 – Strategic Planning* | | Policies 4.5.2, 4.5.6 |
| UFD-P3 – urban intensification* | These policies provide direction in relation to providing sufficient development capacity; managing urban intensification and urban expansion; and providing for commercial and industrial activities. Similar direction is provided in Policies 4.5.1, 4.5.3, 5.3.2, and 5.3.4 of the ORPS. These policies primarily relate to land use, which is a function of territorial authorities in district plans. However, the implementation of these provisions is supported in the pLWRP by IO-O1, IO-O3, IO-O4, IO-O5, IO-O8, IO-O9, IO-O10. | Policies 4.5.1, 4.5.3, 4.5.6 |
| UFD-P4 – urban expansion* | | Policies 4.5.1, 4.5.3 |
| UFD-P5 – commercial activities* | | Policy 5.3.2 |
| UFD-P6 – industrial activities* | | Policy 5.3.3 |
| UFD-P10 – Criteria for significant development capacity* | | |
| UFD-M1 – Strategic planning* | | Methods 4.1.6, 4.1.7, 4.1.13, 4.1.16, 4.2.4, 4.2.7, 4.2.10, 7.1.4 |
| UFD-M2 – District plans* | These methods apply to district plans and/or territorial authorities and are not relevant for the pLWRP. | |
| UFD-M3 – Design of public spaces and surrounds | | |

9.11. Otago Regional Policy Statement 2019

213. Most of the ORPS 2019 has been incorporated into the pORPS and is assessed above. However, some provisions do not have equivalent provisions in the pORPS. Table 3131 below identifies those provisions and outlines how the pLWRP gives effect to them (if they are relevant to the pLWRP).

Table 31: Otago Regional Policy Statement 2019

| Topic | Provision(s) | Explanation |
|---|---|--|
| Local authority relationships | Methods 2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.5 | These methods outline specific actions that may be undertaken by councils, including preparing combined planning documents and delegating or transferring functions under s33 of the RMA. There is no equivalent direction in the pORPS, however the actions outlined in the methods are still available to local authorities under either the RMA or the Local Government Act 2002. They are all implemented outside of plans and are therefore not relevant for the pLWRP. |
| Air | Policies 3.1.6, 5.4.1, 5.4.4, 5.4.7 Methods 3.1.9, 5.1.3(a), 5.2.1(c) | These provisions are focused on managing Otago's air and are not relevant for the pLWRP. |
| Ecosystems and indigenous biodiversity | Policies 3.1.9, 3.2.1, 3.2.2, 5.4.6, 5.4.6A Methods 3.1.15, 5.1.2(a), 5.1.2(f), 7.1.1(a) | These policies relate to the management ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments, and the identification and management of significant indigenous vegetation and habitats. The methods revolve around the roles of local authorities in: <ul style="list-style-type: none"> • providing information and guidance on the maintenance, restoration and enhancement of indigenous ecosystems and habitats • Identification of significant indigenous vegetation and significant habitat of indigenous fauna |
| Highly valued natural features and landscapes | Policies 3.2.6, 3.2.15 | These policies relate to land use functions held by territorial authorities and are not relevant for the pLWRP. |
| Dry catchments | Method 5.1.3(b) | This method requires ORC to identify dry catchments where rules are required by regional council to manage water quantity. This method has been superseded by the requirements in the NPSFM 2020, in particular the National Objectives Framework which requires identifying values and environmental outcomes for those values in every FMU, as well as the setting of environmental flows and levels and other limits on resource use to achieve those environmental outcomes. The pLWRP does not specifically identify dry catchments, but does implement the NPSFM. |

| Topic | Provision(s) | Explanation |
|---|--|--|
| Design | Policies 4.5.4, 4.5.5 | These policies relate to the design of subdivision and development and are not relevant to the pLWRP. |
| Minerals and petroleum | Policies 5.3.4, 5.4.8 | These policies require recognising the functional needs of these activities to locate where the resource exists, and to manage their adverse effects. To the extent that these policies are relevant to the pLWRP, they have been superseded in part by provisions in the NPSFM managing activities that affect the extent and values of natural inland wetlands and rivers which the PLWRP gives effect to in the IM and WET chapters. |
| Tourism and outdoor recreation | Policy 5.3.5 | This policy relates to these activities occurring within outstanding natural features and landscape. It is relevant for territorial authority functions, not the pLWRP. |
| Hazardous substances | Method 3.1.2 | This method requires having regard to the Te Rūnanga o Ngāi Tahu Hazardous Substances and New Organisms Policy Statement 2008 when developing objectives, policies, and methods for the management of hazardous substances and new organisms. It was prepared to inform the implementation of the Hazardous Substances and New Organisms Act 1996 and is not considered to be relevant to the pLWRP. |
| Disposal of material for biosecurity purposes | Method 3.1.17 | This method is not included in the pORPS but is implemented in the pLWRP by the provisions in the WASTE and PP chapters, which provide for the disposal of material into a range of different types of waste facilities. |
| Territorial authority requirements | Method 4.1 | This method relates to the exercise of territorial authority functions and is not relevant for the pLWRP. |
| Research | Methods 5.2.1, 5.2.2 | This method requires ORC to undertake a range of research and is not required to be implemented in regional plans. Some of the requirements have been implemented through the development of the Science work programme to support the pLWRP. |
| Reporting | Methods 5.3.1, 5.4.1, 5.4.2, 5.5.1 | These methods require various types of public reporting and are not relevant to the pLWRP. |
| Non-RMA strategies and plans | Methods 3.1.14, 6.1.1, 6.2.1, 6.3.1, 6.4.1, 6.5.1, 6.6.1, 6.7.1, 6.8.1 | These methods relate to the development of non-RMA strategies and plans. Methods 6.5.1 and 6.8.1 require the preparation of a pest management strategy under the Biosecurity Act 1994 and Waste Minimisation Plans under the Waste Minimisation Act 2008. Those have been prepared and have been given regard in the preparation of the pLWRP, to the extent that they are relevant. The remaining methods relate to the preparation of additional strategies that are either not relevant to the pLWRP or have not been prepared. |

| Topic | Provision(s) | Explanation |
|---------------|----------------------------|--|
| Other methods | Methods 7.1, 8.1, 9.1, 9.2 | These methods relate to education, information, financial support, promotion, and facilitation occurring outside RMA planning documents. They are not relevant to the pLWRP. |

10. Regional Plans

214. The pLWRP must not be inconsistent with any other regional plan for the region.³⁶ There are four regional plans in place in Otago:

- a. Regional Plan: Water for Otago (the Water Plan);
- b. Regional Plan: Waste for Otago (the Waste Plan);
- c. Regional Plan: Air for Otago (the Air Plan); and
- d. Regional Plan: Coast for Otago (the Coast Plan).

10.1. The Water Plans

215. The pLWRP has been developed to replace the Water Plan. When the pLWRP becomes fully operative, the Water Plan will be revoked. The inconsistency test is therefore not relevant to this plan.

10.2. The Waste Plan

216. The Waste Plan manages waste activities in Otago, including contaminated land, landfills, and hazardous substances (Otago Regional Council, 2022d). While the Waste Plan primarily regulates the discharge of contaminants to water or land from waste activities, in some cases it also manages the associated discharge to air. For example, rule 5.6.1 of the Waste Plan regulates hazardous wastes at contaminated sites including the disturbance of land, discharge of hazardous waste to water and to land, and the discharge of hazardous waste into air.

217. The pLWRP has been developed to replace the majority of the Waste Plan, except for the provisions regulating discharges to air. When the pLWRP becomes fully operative, the parts of the Waste Plan that do not regulate discharges to air will be revoked. The inconsistency test is therefore not relevant to these parts of the Waste Plan.

218. In relation to the parts of the Waste Plan that regulate discharges to air, these address different council functions to the pLWRP. These issues tend to be topic-specific and have been considered in the drafting of the relevant chapters of the pLWRP. The pLWRP will result in some activities being subject to different conditions under both plans. However, given the differing higher order direction applying to the management of discharges to land and water compared to discharges to air, the different functions they are managing, and the age of the Waste Plan, there may be some areas where total alignment is not possible (for example, setback distances). ORC's Long-term Plan 2021-2031 indicates that a new Air Plan is due to be notified in 2025. As part of this process, the parts of the Waste Plan that regulate

³⁶ Section 67(4)(b), RMA

discharges to air will also be reviewed, with the intention that they will form part of the new Air Plan. Accordingly, there will be an opportunity to address any potential for inconsistency when the Air Plan is reviewed and a new plan is prepared.

10.3. The Air Plan

219. The Air Plan promotes the sustainable management of the air resource in Otago and assists ORC to carry out its functions under the RMA (Otago Regional Council, 2008). The Plan covers the entire Otago region including Otago's coastal marine area and splits the region into three air zones.
220. The Plan is currently under review as it is over 20 years old, having been made operative in January 2003. There have been several plan changes since to provide for fire service training and to ensure alignment with national direction:
 - a. Plan Change 1 (Fire Service Training) – operative 10 April 2006
 - b. Plan Change 2 (National Environmental Standards) – operative 1 January 2009
 - c. Plan Change 3 (NPS for Greenhouse Gas Emissions from Industrial Process Heat) – operative 30 September 2023.
221. The Air Plan includes policies and methods (including rules) to address air quality issues in the region and to achieve the NESAQ. It applies to any discharges to air, including agrichemical spraying, the burning of fuel, discharges from industrial or trade activities (including odour and dust), discharges of vapour, domestic heating appliances, intensive farming, outdoor burning, and waste management (Otago Regional Council, 2008).
222. While the Air Plan manages different council functions to the pLWRP, some activities are managed under both plans and therefore consistency in approach is beneficial (for example, odour from effluent discharges is managed under the Air Plan but the discharge to land is managed under the pLWRP). These issues tend to be topic-specific and have been considered in the drafting of the relevant chapters of the pLWRP.
223. Both the Air Plan and pLWRP contain provisions controlling the discharge of agrichemicals. Although both plans control similar (or even the same activities), the purpose of the pLWRP is to regulate the discharge of agrichemicals to water and land (as set out in the OTH chapter of the pLWRP). In addition, changes in both the technology for the application of agrichemicals, and the standards for agrichemical application, have changed since the implementation of the Air Plan, which have been considered in the pLWRP. The OTH chapter contains provisions for the discharges of agrichemicals to land, including in circumstances where they may enter water (OTH-R1), and to water directly (OTH-R2). These provisions include updated standards for handling agrichemicals, setbacks from sensitive environments and the necessity to hold a relevant rating for discharges from aircraft. Provisions within the Air Plan contain guidance for different property and land-use types.
224. Where it has been possible, and remains appropriate, alignment with Air Plan provisions has been retained in the pLWRP in order to avoid or minimise any inconsistencies as much as possible. However, given the differing higher order direction applying to both plans, the different functions they are managing, and the age of the Air Plan, there may be some areas where total alignment is not possible (for example, setback distances). ORC's Long-term Plan

2021-2031 indicates that a new Air Plan is due to be notified in 2025, meaning there will be further opportunities to address any potential for inconsistency when that plan is prepared.

10.4. The Coast Plan

- 225. The Coast Plan is a requirement under section 64 of the RMA, and assists ORC in managing the resources of Otago's coastal marine area (Otago Regional Council, 2009). It was made operative in September 2001, with a plan change and an amendment being made operative since: Plan Change 1 (Harbourside) in December 2009, and Amendment 1 (NZCPS – Restricted Coastal Activities) in January 2012.
- 226. The Coast Plan covers the coastal marine area which extends from mean high water springs to the 12 nautical mile limit of the territorial sea; from the Waitaki River in the north, to Wallace Beach in the south, including the sea, air, seabed and the part of the foreshore that is covered and uncovered by the tide (Otago Regional Council, 2009). However, it does not control discharges of contaminants into air, which are managed through the Air Plan.
- 227. Chapters 5 to 14 identifies the relevant coastal management issues and provides objectives, policies, methods and, where appropriate, rules. These chapters establish the management framework within which activities within the region's coastal marine area must fit, and therefore they are especially important for any users wanting to undertake such activities.
- 228. Like all of Otago's regional plans, the Coast Plan is very old and has not been comprehensively reviewed to give effect to national direction that has come into effect since it became operative. It is important that the pLWRP and Coast Plan work together due to the connections between these areas, however this is complicated by the age of the Coast Plan and the fact that it does not implement the relevant higher order documents. In general, the pLWRP contains more stringent provisions than the Coast Plan, which may incentivise use of the coastal marine area in preference to inland areas, particularly for discharges. ORC's Long-term Plan indicates that a review of the Coast Plan will take place with the intention to notify a new Coast Plan in 2028, which will respond to and align with the direction contained in the pLWRP.
- 229. There may be some inconsistencies between the pLWRP and the Coast Plan, however this is considered to be appropriate given the pLWRP gives effect to higher order direction and some of the inconsistency arises simply from the staging of the plan reviews. There will be opportunities to minimise any inconsistencies remaining through the review of the Coast Plan.

10.5. Urban Development Act 2020

- 230. Section 66(2)(c)(v) of the RMA requires ORC to have regard to relevant project area and project objectives (as those terms are defined in section 9 of the Urban Development Act 2020), if section 98 of that Act applies, to the extent that their content has a bearing on resource management issues of the region. The Otago region does not have any Specified Development Projects either underway or proposed, therefore this is not relevant to the pLWRP.

11. Adjacent regional policy statements and plans

- 231. Section 66(2)(d) of the RMA requires ORC to have regard to the extent to which the pLWRP needs to be consistent with the policy statements and plans of adjacent regional councils. The Otago region is adjacent to three other regions: Southland, Canterbury and West Coast.
- 232. The boundary between the Otago and West Coast regions is on conservation land so there are unlikely to be significant cross-boundary issues. Generally, the boundaries between regions follow catchment areas so there is limited opportunity for more than one plan to come into play.
- 233. The notable exception is the Waitaki district, which spans both the Canterbury and Otago regions.

11.1. Waitaki Catchment Water Allocation Regional Plan 2005

- 234. The Resource Management (Waitaki Catchment) Amendment Act 2004 (Waitaki Act) established the Waitaki Catchment Water Allocation Board with the function of developing and approving a regional plan for the allocation of water in the Waitaki catchment on a basis consistent with the purpose and principles of the RMA. The Waitaki catchment is located largely within the Canterbury region; however, a small portion at the southern end falls within the Otago region.
- 235. The Waitaki Catchment Water Allocation Regional Plan (Waitaki Plan) is the regional plan for the allocation of water in that part of the Waitaki catchment that is within the Canterbury region (Waitaki Catchment Water Allocation Board, 2016). The Waitaki Plan applies to the taking, using, damming, or diverting of water from water bodies within the Waitaki catchment, whether the water is used within or outside the catchment.
- 236. The Waitaki Act also provides that the Board may change the ORC's regional plan as it relates to the Waitaki catchment, as necessary, to ensure that the provisions give effect to the Waitaki Plan.
- 237. For the parts of the Waitaki catchment that are within the Otago region, the relevant policies from the Waitaki Plan are included in the pLWRP, and more specifically within the FMU3 – North Otago Freshwater Management Unit chapter of these pLWRP. These policies apply in addition to those in the region-wide sections of the pLWRP. Locational restrictions are also included in relevant rules within the DAM, FLOOD and WET chapters to align with and ensure consistency with the Waitaki Plan.

11.2. Consistency with other adjacent policy statements and plans

- 238. ORC has had regard to the relevant regional policy statements and plans of Canterbury Regional Council, Southland Regional Council, and West Coast Regional Council in the development of the pLWRP.
- 239. Feedback on the pLWRP was received from Canterbury Regional Council and Southland Regional Council as part of clause 3 consultation. In response to this feedback, a new policy (IP-P23) was inserted into the pLWRP. IP-P23 provides direction to adopt a consistent and integrated approach to managing cross-boundary matters. This includes coordinating the management of natural and physical resources and the environment across jurisdictional

boundaries; where practicable, having regard to effects on receiving environments that are in neighbouring regions; and collaborating, sharing information, and building upon working relationships with neighbouring local authorities. Minor amendments to provisions were also made to improve alignment with the Waitaki Plan. No other changes were requested by these parties in order to ensure consistency with adjacent policy statements and plans.

240. Accordingly, regard has been had to the extent to which the pLWRP needs to be consistent with the policy statements and plans of adjacent regional councils.

12. Exclusive Economic Zone regulations

241. Section 66(2)(e) of the RMA requires ORC to have regard to the extent to which the pLWRP needs to be consistent with regulations made under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (the EEZ Act). There are currently four such regulations:

- a. Exclusive Economic Zone and Continental Shelf (Environmental Effects – Permitted Activities) Regulations 2013;
- b. Exclusive Economic Zone and Continental Shelf (Environmental Effects – Non-notified Activities) Regulations 2014;
- c. Exclusive Economic Zone and Continental Shelf (Environmental Effects – Discharge and Dumping) Regulations 2015; and
- d. Exclusive Economic Zone and Continental Shelf (Environmental Effects – Burial at Sea) Regulations 2015.

242. These regulations apply from the 12 nautical mile limit out to the boundary of New Zealand's exclusive economic zone and manage some activities that are also managed under regional plans inside the 12 nautical mile limit. These regulations are not relevant to the pLWRP as they do not fall within the jurisdiction of the pLWRP. Rather, from the MHWS to the 12 nautical mile limit, the Coast Plan (which is mandatory) provides the management framework.

13. Climate Change Response Act 2002

243. Section 66(2)(f) and (g) of the RMA requires ORC to have regard to any emissions reduction plan or national adaptation plan made in accordance with the Climate Change Response Act 2002.

244. The first Emissions Reduction Plan was published in May 2022, by the Minister of Climate Change under section 5ZI of the Climate Change Response Act 2002 (Ministry for the Environment, 2022b).³⁷ The Emissions Reduction Plan contains strategies, policies and actions to achieve New Zealand's emissions budget and contribute to global efforts to limit global temperature rise to 1.5°C above pre-industrial levels. The Emissions Reductions Plan sets out a range of directions that outline how the emissions budgets will be met, which includes:

- a. a multi-sector strategy to meet emissions budgets and improve the ability of those sectors to adapt to the effects of climate change (covering emissions pricing, funding

³⁷ <https://environment.govt.nz/assets/publications/Aotearoa-New-Zealands-first-emissions-reduction-plan.pdf>

- and finance, planning and infrastructure, research and science, and a circular economy);
- b. policies and strategies for specific sectors (for example, transport, energy and industry, agriculture, and forestry); and
 - c. ways to mitigate the impacts that reducing emissions will have on people (Ministry for the Environment, 2022b).
245. The National Adaptation Plan was published on 3 August 2022 and sets out what actions the Government will take over the next six years to help all New Zealanders adapt and thrive to the changing climate (Ministry for the Environment, 2022c). It has actions relevant to every (Dorner, 2019) sector and community in New Zealand, and addresses the priority risks that need action now. The long-term adaption goals are to reduce vulnerability, enhance our ability to adapt, and strengthen resilience. The National Adaptation Plan identifies a range of actions, related to the priority climate-related risks, to:
- a. Enable better risk-informed decisions;
 - b. Drive climate-resilient development in the right locations;
 - c. Lay the foundation for a range of adaptation options including managed retreat; and
 - d. Embed climate resilience across government policy (Ministry for the Environment, 2022c).
246. Many of the policies and actions in the Emissions Reduction Plan and National Adaptation Plan build on the direction in section 7(i) of the RMA to have particular regard to the effects of climate change, or are consistent with other higher order direction related to responding to or reducing the impacts of or on climate change.
247. The achievement of the emissions reduction plan and any national targets for greenhouse gas emissions reductions and support for the national adaptation plan for climate change are included in IO-O5, the integrated management objective for manahau āhuarangi/climate change.
248. IO-O11 also states support for the role of renewable electricity generation in the region as a means of achieving an overall reduction of the country's greenhouse gas emissions and contributing to the national target for emissions reduction. This is further supported by the IP-P17 for renewable electricity generation, which sets out how those reductions may be achieved.