



Attachment 13 - Policy Assessment

An assessment of the application against the relevant planning documents is provided in the following tables. This focusses on the relevant policies of each planning document on the basis that if the application is consistent with these policies then it should also be consistent with the relevant objectives. Colour coding in the third column indicates whether the proposal is consistent with (green), not entirely consistent with (yellow), inconsistent with (orange) or contrary to (red) the relevant policy. Grey is used where a policy has been discussed but is not relevant.

National Policy Statement for Freshwater Management 2020		
<p>Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.</p>	<p>The CIA submitted with the application states that effects on mauri from contaminants entering water and from altering the existing hydrology are offset in part by mitigation measures such as riparian planting and pest management (which enhance mauri), but that these measures do not directly address the adverse effects on mauri.</p> <p>There is a low degree of confidence with regard to the applicant's magnitude and level of ecological effects conclusions. This means that an assessment of the overall offset package is unable to be finalised, and a conclusion is unable to be reached as to whether it is appropriate and will result in no net loss (and a preferable net gain) in ecological/biodiversity values.</p>	
<p>Policy 2: Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.</p>	<p>Tangata whenua (or at least Kai Tahu ki Ōtakau) have been actively involved in the development of, and have provided written approval to, the proposal. Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki and Te Hokonui Rūnanga have not been involved in the process.</p>	

<p>Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.</p>	<p>The Applicant's assessment has considered the integrated management of freshwater. However, there are some gaps in the information presented, some uncertainty remains, and the proposed conditions are not sufficiently developed to ensure the health and well-being of water bodies, freshwater ecosystems, and receiving environments.</p>	
<p>Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.</p>	<p>The Applicant has identified that the proposal will alter the water supply to the swamp wetland (less than 10 m below the landfill toe) by effectively intercepting up to 20% of the existing annual runoff into the wetland and by lowering the groundwater table in the vicinity of the wetland. This may also impact on the downstream valley floor marsh wetland. There still is not enough specific information on the tolerance of these wetlands to any potential alteration of hydraulic regime to make a conclusion regarding the quantum of ecological effects.</p> <p>This uncertainty could be managed through consent conditions requiring hydrological and ecological monitoring in the receiving environment and clearly identified adaptive management responses. The risk is that this devolves responsibility for a decision on acceptable level of effects to the proposed panel. This risk would need to be managed through the wording of the proposed conditions. Recommended monitoring of water levels in the swamp wetland has not been included in the applicant's proposed consent conditions, and monitoring of water levels alone will be insufficient to detect changes in the extent of the wetlands.</p>	

<p>Policy 7: The loss of river extent and values is avoided to the extent practicable.</p> <p>Policy 9: The habitats of indigenous freshwater species are protected.</p>	<p>The proposal has the potential to result in the loss of stream and wetland habitat as a consequence of reduced flows in the catchment and subsequent hydrological changes may occur along up to 300 m of the downstream tributary of Ōtokia Creek (and associated swamp and valley floor wetlands). The point where this creek transitions to perennial may shift 45 m further downstream. There is, however, still some uncertainty as to how surface water flows will respond to establishment of the landfill.</p> <p>The affected waterbodies support longfin eel (At Risk - Declining).</p>	
<p>Policy 11: Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.</p>	<p>The volume of groundwater sought is within applicable allocation limits.</p>	
<p>Policy 13: The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends</p>	<p>The proposal includes monitoring of affected waterbodies throughout the life of the consent.</p>	
<p>Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.</p>	<p>There are still questions regarding how the wellbeing of the local community will be affected by the proposal. I do not consider that the application is consistent with this provision as it is unclear how communities will be enabled to provide for their wellbeing as a result of the proposal.</p>	

Partially Operative Regional Policy Statement 2019

Policy 1.1.2 – Social and cultural wellbeing and health and safety
 Provide for the social and cultural wellbeing and health and safety of Otago’s people and communities when undertaking the subdivision, use, development and protection of natural and physical resources by all of the following:

- a) Recognising and providing for Kāi Tahu values;
- b) Taking into account the values of other cultures;
- c) Taking into account the diverse needs of Otago’s people and communities;
- d) Avoiding significant adverse effects of activities on human health;
- e) Promoting community resilience and the need to secure resources for the reasonable needs for human wellbeing;
- f) Promoting good quality and accessible infrastructure and public services.

Kāi Tahu values have been recognised and the recommendations of the CIA have largely been adopted.

There is some question regarding how the wellbeing of the local community will be affected by the proposal.

Significant adverse effects on human health have not been identified.

Whilst the applicant is working towards a circular economy target, access to a waste disposal facility is required in both the short and long term.

Policy 1.2.1 – Integrated resource management
 Achieve integrated management of Otago’s natural and physical resources, by all of the following:

- a) Coordinating the management of interconnected natural and physical resources;
- b) Taking into account the impacts of management of one natural or physical resource on the values of another, or on the environment;
- c) Recognising that the value and function of a natural or physical resource may extend beyond the immediate, or directly adjacent, area of interest;

The Applicant’s assessment has considered the integrated management of freshwater. However, there are some gaps in the information presented, some uncertainty remains, and the proposed conditions are not sufficiently developed to ensure the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

<p>e) Ensuring that effects of activities on the whole of a natural or physical resource are considered when that resource is managed as subunits.</p> <p>f) Managing adverse effects of activities to give effect to the objectives and policies of the Regional Policy Statement.</p> <p>g) Promoting healthy ecosystems and ecosystem services.</p>		
<p>Policy 2.1.2 Treaty principles: Ensure that local authorities exercise their functions and powers, by:</p> <p>c) Taking into account Kāi Tahu values in resource management decision-making processes and implementation;</p> <p>d) Recognising and providing for the relationship of Kāi Tahu's culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka;</p> <p>f) Having particular regard to the exercise of kaitiakitaka;</p> <p>h) Taking into account iwi management plans.</p>	<p>These matters were all taken into account, recognised and provided for in the CIA and through the adoption of (most of) the recommendations of the CIA. The proposal is inconsistent with Policy 56 of the NRMP, however, Policy 2.1.2 of the PORPS only requires that the NRMP is taken into account.</p>	
<p>Policy 2.2.1 – Kāi Tahu wellbeing</p> <p>Manage the natural environment to support Kāi Tahu wellbeing by all of the following:</p> <p>a) Recognising and providing for their customary uses and cultural values in Schedules 1A and B; and</p> <p>b) Safe-guarding the life-supporting capacity of natural resources.</p>	<p>Customary uses and cultural values were recognised and provided for in the CIA and through the adoption of (most of) the recommendations of the CIA.</p> <p>While effects on mauri from contaminants entering water and from altering the existing hydrology are offset in part by mitigation measures such as riparian planting and pest management (which enhance mauri), these measures do not directly address the adverse effects on mauri.</p>	

Policy 3.1.1 – Fresh water

- a) Maintain good quality water and enhance water quality where it is degraded, including for:
 - i. Important recreation values, including contact recreation: and
 - ii. Existing drinking and stock water supplies
- b) Maintain or enhance aquatic:
 - i. Ecosystem health;
 - ii. Indigenous habitats; and,
 - iii. Indigenous species and their migratory patterns.
- d) Maintain or enhance, as far as practicable:
 - i. Natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers:
 - iv. Amenity and landscape values of rivers, lakes, and wetlands:
- e) Control the adverse effects of pest species, prevent their introduction and reduce their spread.

The Applicant's proposed consent conditions are not sufficiently developed to provide certainty that monitoring data will be collected in a consistent manner, that it will be sufficiently comprehensive to enable assessment on effects on water quality to be confidently undertaken, that sampling will be undertaken to appropriate quality assurance standards, that suitable objectives for trigger levels will be established, or that exceedances of trigger levels will be addressed adequately to ensure that the effects on water quality are managed appropriately.

The affected waterbodies support longfin eel (At Risk - Declining).

The proposal has the potential to result in the loss of stream and wetland habitat as a consequence of reduced flows in the catchment and subsequent hydrological changes may occur along up to 300 m of the downstream tributary of Ōtokia Creek (and associated swamp and valley floor wetlands). The point where this creek transitions to perennial may shift 45 m further downstream.

The applicant has identified that the proposal will alter the water supply to the swamp wetland (less than 10 m below the landfill toe) by effectively intercepting up to 20% of the existing annual runoff into the wetland and by lowering the groundwater table in the vicinity of the wetland. This may also impact on the downstream valley floor marsh wetland.

There is a low degree of confidence with regard to the applicant's magnitude and level of ecological effects conclusions. This means that an assessment of the overall offset package is unable to be

	<p>finalised, and a conclusion is unable to be reached as to whether it is appropriate and will result in no net loss (and a preferable net gain) in ecological/biodiversity values. It is, however, possible that agreement could be reached on appropriate conditions that require the use of offset and compensation tools to appropriately address residual adverse effects.</p>	
<p>Policy 3.1.3 – Water allocation and use Manage the allocation and use of fresh water by undertaking all of the following:</p> <ul style="list-style-type: none"> a) Recognising and providing for the social and economic benefits of sustainable water use; b) Avoiding over-allocation, and phasing out existing over-allocation, resulting from takes and discharges; c) Ensuring the efficient allocation and use of water by: <ul style="list-style-type: none"> i. Requiring that the water allocated does not exceed what is necessary for its efficient use 	<p>The volume of groundwater sought is within applicable allocation limits.</p>	
<p>Policy 3.1.6 – Air quality Manage air quality to achieve the following:</p> <ul style="list-style-type: none"> a) Maintain good ambient air quality that supports human health, or enhance air quality where it has been degraded; b) Maintain or enhance amenity values. 	<p>Subject to minor refinement of the proposed conditions, adverse effects on air quality can be managed so that there will be no noxious, dangerous, offensive or objectionable odour or dust to the extent that it causes an adverse effect at or beyond the boundary of the site.</p>	
<p>Policy 3.1.9 – Ecosystems and indigenous biological diversity</p>	<p>The applicant’s proposed consent conditions are not sufficiently developed to provide certainty that monitoring data will be:</p>	

Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to:

a) Maintain or enhance:

i. Ecosystem health and indigenous biological diversity including habitats of indigenous fauna;

b) Maintain or enhance as far as practicable:

i. Areas of predominantly indigenous vegetation;

iii. Areas buffering or linking ecosystems;

c) Recognise and provide for:

i. Hydrological services, including the services provided for by tall tussock grassland;

ii. Natural resources and processes that support indigenous biological diversity;

d) Control the adverse effects of pest species, prevent their introduction and reduce their spread.

Policy 3.1.11 – Environmental enhancement

Encourage, facilitate and support activities that contribute to the resilience and enhancement of the natural environment, by where applicable:

b) Protecting or restoring habitat for indigenous species;

c) Regenerating indigenous species;

e) Protecting or restoring wetlands;

f) Improving the health and resilience of:

i. Ecosystems supporting indigenous biological diversity;

ii. Important ecosystem services, including pollination;

- collected in a consistent manner,
- that it will be sufficiently comprehensive to enable assessment on effects on water quality to be confidently undertaken,
- that sampling will be undertaken to appropriate quality assurance standards,
- that suitable objectives for trigger levels will be established, or
- that exceedances of trigger levels will be addressed adequately to ensure that the effects on water quality are managed appropriately.

The proposal has the potential to result in the loss of stream and wetland habitat as a consequence of reduced flows in the catchment and subsequent hydrological changes may occur along up to 300 m of the downstream tributary of Ōtokia Creek (and associated swamp and valley floor wetlands). The point where this creek transitions to perennial may shift 45 m further downstream.

The applicant has identified that the proposal will alter the water supply to the swamp wetland (less than 10 m below the landfill toe) by effectively intercepting up to 20% of the existing annual runoff into the wetland and by lowering the groundwater table in the vicinity of the wetland. This may also impact on the downstream valley floor marsh wetland.

The subject site is an area that supports eastern falcon (At Risk – Recovering), longfin eel (At Risk - Declining), and indigenous

h) Buffering or linking ecosystems, habitats and areas of significance that contribute to ecological corridors;
 i) Controlling pest species.

Policy 3.2.2 – Managing significant vegetation and habitats
 Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna, by all of the following:

b) Beyond the coastal environment, maintaining those values that contribute to the area or habitat being significant;
 c) Avoiding significant adverse effects on other values of the area or habitat;
 d) Remedying when other adverse effects cannot be avoided;
 e) Mitigating when other adverse effects cannot be avoided or remedied;
 f) Encouraging enhancement of those areas and values that contribute to the area or habitat being significant;
 g) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.

Policy 3.2.16 – Managing the values of wetlands
 Protect the function and values of wetlands by all of the following:

a) Maintaining the significant values of wetlands;
 b) Avoiding, remedying or mitigating other adverse effects;
 c) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;
 d) Encouraging enhancement that contributes to the values of the wetland;
 e) Encouraging the rehabilitation of degraded wetlands.

lizard species including southern grass skink (At Risk – Declining) and possibly jewelled gecko (At Risk – Declining).

Significant adverse effects on these values could be avoided by discharging of waste at an alternative location.

There is a low degree of confidence with regard to the applicant’s magnitude and level of ecological effects conclusions. This means that an assessment of the overall offset package is unable to be finalised, and a conclusion is unable to be reached as to whether it is appropriate and will result in no net loss (and a preferable net gain) in ecological/biodiversity values.

<p>Policy 4.1.4 - Assessing activities for natural hazard risk</p> <p>Assess activities for natural hazard risk to people, property and communities, by considering all of the following:</p> <ul style="list-style-type: none"> a) The natural hazard risk identified, including residual risk; b) Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods; c) The long-term viability and affordability of those measures; d) Flow-on effects of the risk to other activities, individuals and communities; e) The availability of, and ability to provide, lifeline utilities, and essential and emergency services, during and after a natural hazard event. <p>Policy 4.1.6 - Minimising increase in natural hazard risk</p> <p>Minimise natural hazard risk to people, communities, property and other aspects of the environment by:</p> <ul style="list-style-type: none"> a) Avoiding activities that result in significant risk from natural hazard; b) Enabling activities that result in no or low residual risk from natural hazard; d) Encouraging the location of infrastructure away from areas of hazard risk where practicable; e) Minimising any other risk from natural hazard. 	<p>Subject to minor refinement of the proposed conditions, potential adverse effects relating to geotechnical matters can be managed appropriately through the proposed consent conditions.</p>	

<p>Policy 4.3.2 – Nationally and regionally significant infrastructure Recognise the national and regional significance of all of the following infrastructure:</p> <p>f) Ports and airports and associated navigation infrastructure;</p>	<p>Under the definitions in the PORPS, Dunedin International Airport is classed as both nationally significant infrastructure and regionally significant infrastructure.</p> <p>The proposed Smooth Hill Landfill does not meet either of these classifications under the PORPS because landfills do not fall under the definition of municipal infrastructure.</p>	
<p>Policy 4.3.3 – Functional needs of infrastructure that has national or regional significance Provide for the functional needs of infrastructure that has regional or national significance, including safety.</p>	<p>There is a very high risk to the functional needs of the Dunedin International Airport in regard to aviation safety. The risk of bird strike has not been adequately assessed, and the applicant's proposed consent conditions are sufficiently developed to ensure that the very high risk to aviation safety will be avoided.</p>	
<p>Policy 4.3.4 - Adverse effects of nationally and regionally significant infrastructure Manage adverse effects of infrastructure that has national or regional significance, by:</p> <p>a) Giving preference to avoiding its location in all of the following:</p> <p>iv. Areas of significant indigenous vegetation and significant habitats of indigenous fauna beyond the coastal environment;</p> <p>b) Where it is not practicable to avoid locating in the areas listed in a) above because of the functional needs of that infrastructure:</p> <p>i. Avoid adverse effects on the values that contribute to the significant or outstanding nature of a) i-iii;</p> <p>iii. Avoid, remedy or mitigate, as necessary, adverse effects in order to maintain the outstanding or significant nature of a) iv-viii;</p>	<p>The proposed landfill does not meet the definition of regionally significant infrastructure and so this policy does not apply.</p>	

<p>c) Avoid, remedy or mitigate, as necessary, adverse effects on highly valued natural features, landscapes and seascapes in order to maintain their high values;</p> <p>d) Avoiding, remedying or mitigating other adverse effects;</p> <p>e) Considering offsetting for residual adverse effects on indigenous biological diversity.</p> <p>Where there is a conflict, Policy 4.3.4 prevails over the policies under Objectives 3.2 (except for policy 3.2.12), 5.2 and Policy 4.3.1.</p>		
<p>Policy 4.3.5 – Protecting infrastructure with national or regional significance</p> <p>Protect infrastructure with national or regional significance, by all of the following:</p> <p>a) Restricting the establishment of activities that may result in reverse sensitivity effects;</p> <p>b) Avoiding significant adverse effects on the functional needs of such infrastructure;</p> <p>c) Avoiding, remedying or mitigating other adverse effects on the functional needs of such infrastructure;</p> <p>d) Protecting infrastructure corridors from activities that are incompatible with the anticipated effects of that infrastructure, now and for the future.</p> <p>Policy 4.6.2 – Use, storage and disposal of hazardous substances</p> <p>Manage the use, storage and disposal of hazardous substances, by all of the following:</p>	<p>Establishing the landfill at the proposed location is likely to result in reverse sensitivity effects in regards to adverse effects on the Dunedin International Airport. These two activities are incompatible.</p> <p>The risk of bird strike has not been adequately assessed, and the applicant’s proposed consent conditions are sufficiently developed to ensure that the very high risk to aviation safety will be avoided. The Civil Aviation Authority ‘Guidance Material for land use at or near airports’ (2008) notes that the International Civil Aviation Organisation (ICAO) Bird Control and Reduction Manual recommends that [municipal solid waste landfill] sites be located no closer than 13 km from the airport property.</p>	

<ul style="list-style-type: none"> a) Providing secure containment for the storage of hazardous substances; b) Minimising risk associated with natural hazard events; c) Ensuring the health and safety of people; d) Avoiding, remedying or mitigating adverse effects on the environment; e) Providing for the development of facilities to safely store, transfer, process, handle and dispose of hazardous substances; f) Ensuring hazardous substances are treated or disposed of in accordance with the relevant regulatory requirements; g) Restricting the location and intensification of activities that may result in reverse sensitivity effects near authorised facilities for hazardous substance bulk storage, treatment or disposal; h) Encouraging the use of best management practices. 		
<p>Policy 4.6.3 – Hazardous substance collection, disposal and recycling</p> <p>Promote and facilitate the establishment of hazardous substance collection, disposal and recycling services across the region.</p>	<p>The landfill will be able to accept hazardous waste (contaminated soil).</p>	
<p>Policy 4.6.6 – Waste management</p> <p>Promote an integrated approach to the management of the use, storage and disposal of waste materials.</p>	<p>Disposal of waste has been considered in the broader context of waste management for the district.</p>	

<p>Policy 4.6.7 – Waste minimisation responses Encourage activities to give effect to the waste minimisation hierarchy of responses, by:</p> <ul style="list-style-type: none"> a) Giving preference to reducing waste generated; then b) Reusing waste; then c) Recycling waste; then d) Recovering resources from waste; then e) Treatment; then f) Disposing residual waste to a disposal facility. 	<p>The applicant has explored other options for managing waste and is working towards a circular economy target. However, access to a waste disposal facility is required in both the short and long term. There could be further treatment and recovery of resources from the waste (separation of putrescible material) that would help to alleviate some of the significant adverse effects anticipated.</p>	
<p>Policy 4.6.8 – Waste storage, recycling, recovery, treatment and disposal Manage the storage, recycling, recovery, treatment and disposal of waste materials by undertaking all of the following:</p> <ul style="list-style-type: none"> a) Providing for the development of facilities and services for the storage, recycling, recovery, treatment and disposal of waste materials; b) Ensuring the health and safety of people; c) Minimising adverse effects on the environment; d) Minimising risk associated with natural hazard events; e) Restricting the location of activities that may result in reverse sensitivity effects near waste management facilities and services 	<p>Establishing the landfill at the proposed location is likely to result in reverse sensitivity effects in regards to adverse effects on the Dunedin International Airport. These two activities are incompatible.</p> <p>The risk of bird strike has not been adequately assessed, and the applicant's proposed consent conditions are sufficiently developed to ensure that the very high risk to aviation safety will be avoided.</p> <p>The Civil Aviation Authority 'Guidance Material for land use at or near airports' (2008) notes that the International Civil Aviation Organisation (ICAO) Bird Control and Reduction Manual recommends that [municipal solid waste landfill] sites be located no closer than 13 km from the airport property.</p>	

<p>Policy 4.6.9 New Contaminated land</p> <p>Avoid the creation of new contaminated land or, where this is not practicable, minimise adverse effects on the environment.</p>	<p>The proposal will result in the creation of a new contaminated site. Adverse effects on the environment have not been minimised as far as practicable.</p>	
<p>Policy 5.2.3 – Managing historic heritage</p> <p>Protect and enhance places and areas of historic heritage, by all of the following:</p> <ul style="list-style-type: none"> a) Recognising that some places or areas are known or may contain archaeological sites, wāhi tapu or wāhi taoka which could be of significant historic or cultural value; b) Applying these provisions immediately upon discovery of such previously unidentified archaeological sites or areas, wāhi tapu or wāhi taoka; c) Avoiding adverse effects on those values that contribute to the area or place being of regional or national significance; d) Minimising significant adverse effects on other values of areas and places of historic heritage; e) Remedying when adverse effects on other values cannot be avoided; f) Mitigating when adverse effects on other values cannot be avoided or remedied; g) Encouraging the integration of historic heritage values into new activities; h) Enabling adaptive reuse or upgrade of historic heritage places and areas where historic heritage values can be maintained. 	<p>Heritage New Zealand is the final arbiter on whether archaeological authorities are issued, and HNZ effectively peer review every archaeological assessment submitted. The applicant has stated that there will be engagement with HNZ prior to modifying the site, and that an archaeological authority will be sought. Proposed condition 69 will ensure that any new archaeological discoveries are appropriately managed.</p>	

<p>Policy 5.4.1 – Offensive or objectionable discharges</p> <p>Manage offensive or objectionable discharges to land, water and air by:</p> <ul style="list-style-type: none"> a) Avoiding significant adverse effects of those discharges; c) Avoiding, remedying or mitigating other adverse effects of those discharges. 	<p>Subject to minor refinement of the proposed conditions, adverse effects on air quality can be managed so that there will be no noxious, dangerous, offensive or objectionable odour or dust to the extent that it causes an adverse effect at or beyond the boundary of the site.</p> <p>There is a proposed consent condition that requires there to be no noxious, dangerous, offensive or objectionable odour or dust to the extent that it causes an adverse effect at or beyond the boundary of the site.</p>	
<p>Policy 5.4.2 – Adaptive management approach</p> <p>Apply an adaptive management approach, to avoid, remedy or mitigate actual and potential adverse effects that might arise and that can be remedied before they become irreversible, by both:</p> <ul style="list-style-type: none"> a) Setting appropriate indicators for effective monitoring of those adverse effects; and b) Setting thresholds to trigger remedial action before the effects result in irreversible damage. 	<p>The applicant has undertaken a very limited programme of investigations to document groundwater and surface water quality. The proposal to collect further baseline data to develop a robust picture of groundwater and surface water quality and to enable the development of trigger levels that are protective of surface water quality is supported. However, it is noted that this could have been completed as part of the application process and could have reduced some of the uncertainties as to effects and scope.</p>	
<p>Policy 5.4.3 Precautionary approach to adverse effects</p> <p>Apply a precautionary approach to activities where adverse effects may be uncertain, not able to be determined, or poorly understood but are potentially significant or irreversible.</p>	<p>The applicant's conclusions are supported by a limited programme of investigations, resulting in a lack of certainty that adverse effects will be avoided, remedied, mitigated, offset or compensated. Some of this uncertainty could be managed though consent conditions, but the applicant's proposed conditions are not currently sufficiently developed to provide this certainty. Granting the application in its current form would, therefore, be contrary to this policy.</p>	

Policy 5.4.6 Offsetting for indigenous biological diversity
Consider indigenous biological diversity offsetting, when:

- a) Residual adverse effects of activities cannot be avoided, remedied or mitigated;
- b) The offset achieves no net loss and preferably a net gain in indigenous biological diversity;
- c) The offset ensures there is no loss of individuals of Threatened taxa other than kānuka (*Kunzea robusta* and *Kunzea serotina*), and no reasonably measurable loss within the ecological district to an At Risk-Declining taxon, other than mānuka (*Leptospermum scoparium*), under the New Zealand Threat Classification System (“NZTCS”);
- d) The offset is undertaken where it will result in the best ecological outcome, preferably;
 - i. Close to the location of development; or
 - ii. Within the same ecological district or coastal marine biogeographic region;
- e) The offset is applied so that the ecological values being achieved are the same or similar to those being lost;
- f) The positive ecological outcomes of the offset last at least as long as the impact of the activity, preferably in perpetuity;
- g) The offset will achieve biological diversity outcomes beyond results that would have occurred if the offset was not proposed;
- h) The delay between the loss of biological diversity through the proposal and the gain or maturation of the offset’s biological diversity outcomes is minimised.

The subject site is an area that supports eastern falcon (At Risk – Recovering), longfin eel (At Risk - Declining), and indigenous lizard species including southern grass skink (At Risk – Declining) and possibly jewelled gecko (At Risk – Declining).

There is a low degree of confidence with regard to the applicant’s magnitude and level of ecological effects conclusions. This means that an assessment of the overall offset package is unable to be finalised, and a conclusion is unable to be reached as to whether it is appropriate and will result in no net loss (and a preferable net gain) in ecological/biodiversity values.

Policy 5.4.6A – Biological Diversity Compensation Consider the use of biological diversity compensation:

a) When:

- i) Adverse effects of activities cannot be avoided, remedied, mitigated or offset; and
- ii) The residual adverse effects will not result in:
 1. The loss of an indigenous taxon (excluding freshwater fauna and flora) or of any ecosystem type from an ecological district or coastal marine biogeographic region;
 2. Removal or loss of viability of habitat of a threatened or at risk indigenous species of fauna or flora under the New Zealand Threat Classification System (“NZTCS”);
 3. Removal or loss of viability of a naturally rare or uncommon ecosystem type that is associated with indigenous vegetation or habitat of indigenous fauna;
 4. Worsening of the NZTCS conservation status of any threatened or at risk indigenous freshwater fauna.

b) By applying the following criteria:

- i) The compensation is proportionate to the adverse effect;
- ii) The compensation is undertaken where it will result in the best practicable ecological outcome, preferably:
 1. Close to the location of development;
 2. Within the same ecological district or coastal marine biogeographic region;
- iii) The compensation will achieve positive biological diversity outcomes that would not have occurred without that compensation;

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| <p>iv) The positive ecological outcomes of the compensation last for at least as long as the adverse effects of the activity; and</p> <p>v) The delay between the loss of biological diversity through the proposal and the gain or maturation of the compensation's biological diversity outcomes is minimised.</p> | |
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Proposed Regional Policy Statement 2021

MW–P2 – Treaty principles

Local authorities exercise their functions and powers in accordance with Treaty principles, by:

- (1) recognising the status of Kāi Tahu and facilitating Kāi Tahu involvement in decision-making as a Treaty partner,
- (2) including Kāi Tahu in resource management processes and implementation to the extent desired by mana whenua,
- (3) recognising and providing for Kāi Tahu values and resource management issues, as identified by *mana whenua*, in resource management decision-making processes and plan implementation,
- (4) recognising and providing for the relationship of Kāi Tahu culture and traditions with their ancestral lands, *water*, sites, *wāhi tapu*, and other taoka by ensuring that Kāi Tahu have the ability to identify these relationships and determine how best to express them,
- (5) ensuring that *regional* and *district plans* recognise and provide for Kāi Tahu relationships with Statutory Acknowledgement Areas, *tōpuni*, *nohoaka* and customary fisheries identified in the NTCSA 1998, including by actively protecting the mauri of these areas,
- (6) having particular regard to the ability of Kāi Tahu to exercise kaitiakitaka,
- (7) actively pursuing opportunities for:
 - (a) delegation or transfer of functions to Kāi Tahu, and
 - (b) partnership or joint management arrangements, and
- (8) taking into account iwi management plans when making resource management decisions.

Tangata whenua (or at least Kai Tahu ki Ōtakau) have been actively involved in the development of, and have provided written approval to, the proposal. Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki and Te Hokonui Rūnanga have not been involved in the process.

Kāi Tahu values have been recognised and the recommendations of the CIA have largely been adopted.

IM-P3 – Providing for *mana whenua* cultural values in achieving integrated management Recognise and provide for Kāi Tahu’s relationship with natural resources by:

- (1) enabling *mana whenua* to exercise *rakatirataka* and *kaitiakitaka*,
- (2) facilitating active participation of *mana whenua* in resource management decision making,
- (3) incorporating *mātauraka Māori* in decision making, and
- (4) ensuring resource management provides for the connections of Kāi Tahu to *wāhi tūpuna*, *water* and *water bodies*, the coastal environment, *mahika kai* and habitats of *taoka* species.

AIR-P6 – Impacts on *mana whenua* values

Avoid *discharges* to air that adversely affect *mana whenua* values by having particular regard to values and areas of significance to *mana whenua*.

ECO-P1 – *Kaitiakitaka*

Recognise the role of Kāi Tahu as *kaitiaki* of Otago’s indigenous *biodiversity* by:

- (1) involving Kāi Tahu in the management of indigenous *biodiversity* and the identification of indigenous species and ecosystems that are *taoka*,
- (2) incorporating the use of *mātauraka Māori* in the management and monitoring of indigenous *biodiversity*, and
- (3) providing for access to and use of indigenous *biodiversity* by Kāi Tahu, including *mahika kai*, according to *tikaka*.

HAZ-NH-P11 – *Kaitiaki* decision making

<p>Recognise and provide for the role of Kāi Tahu as kaitiaki over <i>wāhi tūpuna</i>, Māori reserves and freehold land that is susceptible to <i>natural hazards</i> by involving <i>mana whenua</i> in decision making and management processes.</p> <p>LF–WAI–P2 – Mana whakahaere</p> <p>Recognise and give practical effect to Kāi Tahu rakatirataka in respect of <i>fresh water</i> by:</p> <ol style="list-style-type: none"> (1) facilitating partnership with, and the active involvement of, <i>mana whenua</i> in <i>freshwater</i> management and decision-making processes, (2) sustaining the environmental, social, cultural and economic relationships of Kāi Tahu with <i>water bodies</i>, (3) providing for a range of customary uses, including mahika kai, specific to each <i>water body</i>, and (4) incorporating mātauraka into decision making, management and monitoring processes. 		
<p>MW–P3 – Supporting Kāi Tahu well-being</p> <p>The natural environment is managed to support Kāi Tahu well-being by:</p> <ol style="list-style-type: none"> (1) protecting customary uses, Kāi Tahu values and relationships of Kāi Tahu to resources and areas of significance, and restoring these uses and values where they have been degraded by human activities, (2) safeguarding the mauri and life-supporting capacity of natural resources, and (3) working with Kāi Tahu to incorporate mātauraka in resource management. 	<p>The CIA submitted with the application states that effects on mauri from contaminants entering water and from altering the existing hydrology are offset in part by mitigation measures such as riparian planting and pest management (which enhance mauri), but that these measures do not directly address the adverse effects on mauri.</p> <p>There is a low degree of confidence with regard to the applicant’s magnitude and level of ecological effects conclusions. This means that an assessment of the overall offset package is unable to be finalised, and a</p>	

<p>ECO-P3 – Protecting <i>significant natural areas</i> and taoka</p> <p>Except as provided for by ECO-P4 and ECO-P5, protect <i>significant natural areas</i> and indigenous species and ecosystems that are taoka by:</p> <p>(1) avoiding adverse <i>effects</i> that result in:</p> <p>(a) any reduction of the area or values (even if those values are not themselves significant) identified under ECO-P2(1), or</p> <p>(b) any loss of Kāi Tahu values, and</p> <p>(2) after (1), applying the <i>biodiversity effects management hierarchy</i> in ECO-P6, and</p> <p>(3) prior to <i>significant natural areas</i> and indigenous species and ecosystems that are taoka being identified in accordance with ECO-P2, adopt a precautionary approach towards activities in accordance with IM-P15.</p>	<p>conclusion is unable to be reached as to whether it is appropriate and will result in no net loss (and a preferable net gain) in ecological/biodiversity values.</p>	
<p>IM-P2 – Decision priorities</p> <p>Unless expressly stated otherwise, all decision making under this RPS shall:</p> <p>(1) firstly, secure the long-term life-supporting capacity and mauri of the natural environment,</p> <p>(2) secondly, promote the health needs of people, and</p> <p>(3) thirdly, safeguard the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</p>	<p>There is a low degree of confidence with regard to the applicant’s magnitude and level of ecological effects conclusions. This means that an assessment of the overall offset package is unable to be finalised, and a conclusion is unable to be reached as to whether it is appropriate and will result in no net loss (and a preferable net gain) in ecological/biodiversity values.</p> <p>Regarding water quality, the applicant’s proposed consent conditions are not sufficiently developed to provide certainty that adverse effects on water quality will be managed appropriately.</p>	

	It is not, therefore, clear at this stage whether the proposal will provide for the long-term life-supporting capacity and mauri of the natural environment.	
<p>IM-P15 – Precautionary approach</p> <p>Adopt a precautionary approach towards proposed activities whose <i>effects</i> are uncertain, unknown or little understood, but could be significantly adverse, particularly where the areas and values within Otago have not been identified in plans as required by this RPS.</p>	The applicant's conclusions are supported by a limited programme of investigations, resulting in a lack of certainty that adverse effects will be avoided, remedied, mitigated, offset or compensated. Some of this uncertainty could be managed through consent conditions, but the applicant's proposed conditions are not currently sufficiently developed to provide this certainty. Granting the application in its current form would, therefore, be contrary to this policy.	
<p>AIR-P1 – Maintain good ambient air quality</p> <p>Good ambient air quality is maintained across Otago by:</p> <p>(1) ensuring <i>discharges</i> to air comply with ambient air quality limits where those limits have been set, and</p> <p>(2) where limits have not been set, only allowing <i>discharges</i> to air if the adverse <i>effects</i> on ambient air quality are no more than minor.</p> <p>AIR-P3 – Providing for discharges to air</p> <p>Allow discharges to air provided they do not adversely affect human health, amenity and <i>mana whenua</i> values and the life supporting capacity of ecosystems.</p> <p>AIR-P4 – Avoiding certain discharges</p>	Subject to minor refinement of the proposed conditions, adverse effects on air quality can be managed so that there will be no noxious, dangerous, offensive or objectionable odour or dust to the extent that it causes an adverse effect at or beyond the boundary of the site.	

<p>Avoid discharges to air that cause offensive, objectionable, noxious or dangerous effects.</p>		
<p>LF-WAI-O1 – Te Mana o te Wai</p> <p>The mauri of Otago’s water bodies and their health and well-being is protected, and restored where it is degraded, and the management of land and water recognises and reflects that:</p> <p>(1) water is the foundation and source of all life – na te wai ko te hauora o ngā mea katoa,</p> <p>(2) there is an integral kinship relationship between water and Kāi Tahu whānui, and this relationship endures through time, connecting past, present and future,</p> <p>(3) each water body has a unique whakapapa and characteristics,</p> <p>(4) water and land have a connectedness that supports and perpetuates life, and</p> <p>(5) Kāi Tahu exercise rakatirataka, manaakitaka and their kaitiakitaka duty of care and attention over wai and all the life it supports.</p> <p>LF-WAI-P1 – Prioritisation</p> <p>In all management of <i>fresh water</i> in Otago, prioritise:</p> <p>(1) first, the health and well-being of <i>water bodies</i> and <i>freshwater</i> ecosystems, te hauora o te wai and te hauora o te taiao, and the exercise of <i>mana whenua</i> to uphold these,</p> <p>(2) second, the health and well-being needs of people, te hauora o te tangata; interacting with <i>water</i> through ingestion (such as <i>drinking water</i> and consuming harvested resources) and immersive activities (such as harvesting resources and bathing), and</p>	<p>The CIA submitted with the application states that effects on mauri from contaminants entering water and from altering the existing hydrology are offset in part by mitigation measures such as riparian planting and pest management (which enhance mauri), but that these measures do not directly address the adverse effects on mauri.</p> <p>There is a low degree of confidence with regard to the applicant’s magnitude and level of ecological effects conclusions. This means that an assessment of the overall offset package is unable to be finalised, and a conclusion is unable to be reached as to whether it is appropriate and will result in no net loss (and a preferable net gain) in ecological/biodiversity values.</p> <p>The Applicant’s assessment has considered the integrated management of freshwater and land. However, there are some gaps in the information presented, some uncertainty remains, and the proposed conditions are not sufficiently developed to ensure the health and well-being of water bodies, freshwater ecosystems, and receiving environments.</p>	

(3) third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.

LF-WAI-P3 – Integrated management/ki uta ki tai

Manage the use of *fresh water* and *land* in accordance with tikaka and kawa, using an integrated approach that:

- (1) recognises and sustains the connections and interactions between *water bodies* (large and small, surface and ground, fresh and coastal, permanently flowing, intermittent and ephemeral),
- (2) sustains and, wherever possible, restores the connections and interactions between *land* and *water*, from the mountains to the sea,
- (3) sustains and, wherever possible, restores the habitats of mahika kai and indigenous species, including taoka species associated with the *water body*,
- (4) manages the *effects* of the use and development of *land* to maintain or enhance the health and well-being of *fresh water* and *coastal water*,
- (5) encourages the coordination and sequencing of regional or urban growth to ensure it is sustainable,
- (6) has regard to foreseeable *climate change risks*, and
- (7) has regard to cumulative *effects* and the need to apply a precautionary approach where there is limited available information or uncertainty about potential adverse *effects*.

LF-WAI-P4 – Giving effect to *Te Mana o te Wai*

All persons exercising functions and powers under this RPS and all persons who use, develop or protect resources to which this RPS applies must 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

<p>when making decisions affecting <i>fresh water</i>, including when interpreting and applying the provisions of the LF chapter.</p>		
<p>LF–FW–P9 – Protecting <i>natural wetlands</i> Protect <i>natural wetlands</i> by:</p> <p>(1) avoiding a reduction in their values or extent unless:</p> <p>(a) the <i>loss of values</i> or extent arises from:</p> <ul style="list-style-type: none"> (i) the customary harvest of food or resources undertaken in accordance with tikaka Māori, (ii) restoration activities, (iii) scientific research, (iv) the sustainable harvest of sphagnum moss, (v) the construction or maintenance of <i>wetland utility structures</i>, (vi) the maintenance or operation of <i>specific infrastructure</i>, or <i>other infrastructure</i>, (vii) <i>natural hazard works</i>, or <p>(b) the Regional Council is satisfied that:</p> <ul style="list-style-type: none"> (i) the activity is necessary for the construction or upgrade of <i>specified infrastructure</i>, (ii) the <i>specified infrastructure</i> will provide significant national or regional benefits, (iii) there is a <i>functional need</i> for the <i>specified infrastructure</i> in that location, (iv) the <i>effects</i> of the activity on indigenous <i>biodiversity</i> are managed by applying either ECO–P3 or ECO–P6 (whichever is applicable), and (v) the other <i>effects</i> of the activity (excluding those managed under (1)(b)(iv)) are managed by applying the <i>effects management hierarchy</i>, and 	<p>The proposed activity is likely to result in the partial drainage of the swamp wetland, and may also impact on the extent of the valley floor wetland. There still is not enough specific information on the tolerance of these wetland to any potential alteration of hydraulic regime to make a conclusion regarding the quantum of ecological effects.</p> <p>Clause (1)(vi) does not apply as this does not provide for the ‘construction’ of infrastructure.</p> <p>Whilst the landfill may meet the definition of specified infrastructure, there is not a functional need for it to be located at the Smooth Hill site and so clause (b) does not apply.</p> <p>A low degree of confidence with regard to the applicant’s magnitude and level of ecological effects conclusions means that an assessment of the overall offset package is unable to be finalised, and a conclusion is unable to be reached as to whether it is appropriate and will result in no net loss (and a preferable net gain) in ecological/biodiversity values. Clause 2 has not, therefore, been satisfied.</p>	

<p>(2) not granting resource consents for activities under (1)(b) unless the Regional Council is satisfied that:</p> <p>(a) the application demonstrates how each step of the <i>effects management hierarchies</i> in (1)(b)(iv) and (1)(b)(v) will be applied to the <i>loss of values</i> or extent of the <i>natural wetland</i>, and</p> <p>(b) any consent is granted subject to conditions that apply the <i>effects management hierarchies</i> in (1)(b)(iv) and (1)(b)(v).</p>		
<p>ECO-P4 – Provision for new activities</p> <p>Maintain Otago’s indigenous <i>biodiversity</i> by following the sequential steps in the effects management hierarchy set out in ECO-P6 when making decisions on plans, applications for resource consent or notices of requirement for the following activities in <i>significant natural areas</i>, or where they may adversely affect indigenous species and ecosystems that are taoka:</p> <p>(1) the development or upgrade of <i>nationally</i> and <i>regionally significant infrastructure</i> that has a <i>functional</i> or <i>operational need</i> to locate within the relevant <i>significant natural area(s)</i> or where they may adversely affect indigenous species or ecosystems that are taoka,</p> <p>(2) the development of <i>papakāika</i>, marae and ancillary facilities associated with customary activities on Māori land,</p> <p>(3) the use of Māori land in a way that will make a significant contribution to enhancing the social, cultural or economic well-being of <i>takata whenua</i>,</p> <p>(4) activities that are for the purpose of protecting, restoring or enhancing a <i>significant natural area</i> or indigenous species or ecosystems that are taoka, or</p> <p>(5) activities that are for the purpose of addressing a severe and immediate <i>risk</i> to public health or safety.</p>	<p>The subject site is an area that supports eastern falcon (At Risk – Recovering), longfin eel (At Risk - Declining), and indigenous lizard species including southern grass skink (At Risk – Declining) and possibly jewelled gecko (At Risk – Declining).</p> <p>The landfill does not meet the definition of regionally significant infrastructure and there is no functional need for it to be located at the Smooth Hill site, so clause (1) does not apply.</p> <p>Clauses 2) - 5) do not apply.</p> <p>In conclusion, this policy does not apply.</p>	

<p>ECO–P6 – Maintaining indigenous <i>biodiversity</i></p> <p>Maintain Otago’s indigenous <i>biodiversity</i> (excluding the coastal environment and areas managed under ECO–P3) by applying the following <i>biodiversity</i> effects management hierarchy in decision-making on applications for <i>resource consent</i> and notices of requirement:</p> <ol style="list-style-type: none"> (1) avoid adverse <i>effects</i> as the first priority, (2) where adverse <i>effects</i> demonstrably cannot be completely avoided, they are remedied, (3) where adverse <i>effects</i> demonstrably cannot be completely avoided or remedied, they are mitigated, (4) where there are residual adverse <i>effects</i> after avoidance, remediation, and mitigation, then the residual adverse <i>effects</i> are offset in accordance with APP3, and (5) if <i>biodiversity</i> offsetting of residual adverse <i>effects</i> is not possible, then: <ol style="list-style-type: none"> (a) the residual adverse <i>effects</i> are compensated for in accordance with APP4, and (b) if the residual adverse <i>effects</i> cannot be compensated for in accordance with APP4, the activity is avoided. 	<p>The subject site is an area that supports eastern falcon (At Risk – Recovering), longfin eel (At Risk - Declining), and indigenous lizard species including southern grass skink (At Risk – Declining) and possibly jewelled gecko (At Risk – Declining).</p> <p>A low degree of confidence with regard to the applicant’s magnitude and level of ecological effects conclusions means that an assessment of the overall offset package is unable to be finalised, and a conclusion is unable to be reached as to whether it is appropriate and will result in no net loss (and a preferable net gain) in ecological/biodiversity values.</p>	
<p>ECO–P10 – Integrated management</p> <p>Implement an integrated and co-ordinated approach to managing Otago’s ecosystems and indigenous <i>biodiversity</i> that:</p> <ol style="list-style-type: none"> (1) ensures any permitted or controlled activity in a <i>regional</i> or <i>district plan</i> rule does not compromise the achievement of ECO–O1, (2) recognises the interactions <i>ki uta ki tai</i> (from the mountains to the sea) between the terrestrial <i>environment</i>, <i>fresh water</i>, and the <i>coastal marine area</i>, including the migration of fish species between <i>fresh</i> and <i>coastal waters</i>, 	<p>The Applicant’s assessment has considered the integrated management of freshwater and land. However, there are some gaps in the information presented, some uncertainty remains, and the proposed conditions are not sufficiently developed to ensure the health and well-being of water bodies, freshwater ecosystems, and receiving environments.</p>	

<p>(3) promotes collaboration between individuals and agencies with <i>biodiversity</i> responsibilities,</p> <p>(4) supports the various statutory and non-statutory approaches adopted to manage indigenous <i>biodiversity</i>,</p> <p>(5) recognises the critical role of people and communities in actively managing the remaining indigenous <i>biodiversity</i> occurring on private <i>land</i>, and</p> <p>(6) adopts regulatory and non-regulatory regional pest management programmes.</p>		
<p>EIT-INF-P10 – Recognising resource requirements</p> <p>Decision making on the allocation or use of <i>natural and physical resources</i> must take into account the needs of <i>nationally and regionally significant infrastructure</i>.</p>	<p>Under the definitions in the PRPS, Dunedin International Airport is classed both as nationally significant infrastructure and regionally significant infrastructure.</p> <p>The proposed Smooth Hill Landfill does not meet either of these classifications under the PRPS.</p>	
<p>EIT-INF-P12 – Upgrades and development</p> <p>Provide for upgrades to, and development of, <i>nationally or regionally significant infrastructure</i> while ensuring that:</p> <p>(1) <i>infrastructure</i> is designed and located, as far as practicable, to maintain functionality during and after <i>natural hazard</i> events,</p> <p>(2) it is, as far as practicable, co-ordinated with long-term <i>land</i> use planning, and</p> <p>(3) increases efficiency in the delivery, operation or use of the <i>infrastructure</i>.</p>	<p>The proposed Smooth Hill Landfill is not classed as nationally or regionally significant infrastructure under the PRPS and so this policy does not apply.</p>	

EIT-INF-P13 – Locating and managing *effects of infrastructure*

When providing for new *infrastructure* outside the coastal environment:

(1) avoid, as the first priority, locating *infrastructure* in all of the following:

- (a) *significant natural areas*,
- (b) outstanding natural features and landscapes,
- (c) *natural wetlands*,
- (d) *outstanding water bodies*,
- (e) areas of high or outstanding natural character,
- (f) areas or places of significant or outstanding *historic heritage*,
- (g) wāhi tapu, wāhi taoka, and areas with protected customary rights, and
- (h) areas of high recreational and high amenity value, and

(2) if it is not possible to avoid locating in the areas listed in (1) above because of the *functional or operational needs* of the *infrastructure* manage adverse *effects* as follows:

- (a) for *nationally or regionally significant infrastructure*:
 - (i) in *significant natural areas*, in accordance with ECO-P4,
 - (ii) in *natural wetlands*, in accordance with the relevant provisions in the NESF,
 - (iii) in *outstanding water bodies*, in accordance with LF-P12,
 - (iv) in other areas listed in EIT-INF-P13 (1) above, minimise the adverse *effects* of the *infrastructure* on the values that contribute to the area's importance, and
- (b) for all *infrastructure* that is not *nationally or regionally significant*, avoid adverse *effects* on the values that contribute to the area's outstanding nature or significance.

Siting the landfill at the proposed location will not avoid effects on natural wetlands, although it is recognised that clause (1)(c) is to avoid locating infrastructure *in* natural wetlands, which is not proposed.

This policy does not, therefore, apply.

<p>EIT-INF-P14 - Decision making considerations</p> <p>When considering proposals to develop or upgrade infrastructure:</p> <p>(1) require consideration of alternative sites, methods and designs if adverse effects are potentially significant or irreversible, and</p> <p>(2) utilise the opportunity of substantial upgrades of infrastructure to reduce adverse effects that result from the existing infrastructure, including on sensitive activities.</p>	<p>The applicant has stated that export of waste (to undefined location) is a viable alternative option i.e. that it is not impracticable to implement. The applicant has also indicated that disposal at existing private landfills may be an option, and that reduction of putrescible waste i.e. additional treatment of the waste stream prior to discharge is also an option.</p>	
<p>EIT-INF-P15 – Protecting <i>nationally or regionally significant infrastructure</i></p> <p>Seek to avoid the establishment of activities that may result in reverse sensitivity <i>effects</i> on <i>nationally or regionally significant infrastructure</i>, and/or where they may compromise the <i>functional or operational needs</i> of <i>nationally or regionally significant infrastructure</i>.</p>	<p>Establishing the landfill at the proposed location is likely to result in reverse sensitivity effects in regards to adverse effects on the Dunedin International Airport. These two activities are incompatible.</p> <p>There is a very high risk to the functional needs of the Dunedin International Airport in regard to aviation safety. The risk of bird strike has not been adequately assessed, and the applicant's proposed consent conditions are sufficiently developed to ensure that the very high risk to aviation safety will be avoided.</p> <p>The Civil Aviation Authority 'Guidance Material for land use at or near airports' (2008) notes that the International Civil Aviation Organisation (ICAO) Bird Control and Reduction Manual recommends that [municipal solid waste landfill] sites be located no closer than 13 km from the airport property.</p>	

<p>HAZ–NH–P2 – <i>Risk assessments</i> Assess the level of <i>natural hazard risk</i> by determining a range of <i>natural hazard</i> event scenarios and their potential consequences in accordance with the criteria set out within APP6.</p> <p>HAZ–NH–P3 – <i>New activities</i> Once the level of <i>natural hazard risk</i> associated with an activity has been determined in accordance with HAZ–NH–P2, manage new activities to achieve the following outcomes:</p> <p>(1) when the <i>natural hazard risk</i> is significant, the activity is avoided, (2) when the <i>natural hazard risk</i> is tolerable, manage the level of <i>risk</i> so that it does not become significant, and (3) when the <i>natural hazard risk</i> is acceptable, maintain the level of <i>risk</i>.</p>	<p>Subject to minor refinement of the proposed conditions, potential adverse effects relating to geotechnical matters can be managed appropriately through the proposed consent conditions.</p>	
<p>HAZ–CL–P15 – <i>New contaminated land</i> Avoid the creation of new <i>contaminated land</i> or, where this is not practicable, minimise adverse <i>effects</i> on the <i>environment</i> and <i>mana whenua</i> values.</p>	<p>The proposal will result in the creation of a new contaminated site. Adverse effects on the environment and mana whenua values have not been minimised as far as practicable.</p>	
<p>HAZ–CL–P16 – <i>Waste minimisation responses</i> Apply the principles of the <i>waste management hierarchy</i> (reduce, reuse, recycle, recover, residual <i>waste management</i>) to the management of all <i>waste streams</i>.</p> <p>HAZ–CL–P17 – <i>Disposal of waste materials</i> Provide for the development and operation of facilities and services for the storage, recycling, recovery and treatment of <i>waste materials</i> but only for the</p>	<p>The applicant has explored other options for managing waste and is working towards a circular economy target. However, access to a waste disposal facility is required in both the short and long term.</p> <p>There could be further treatment and recovery of resources from the waste (separation of putrescible material) that would help to alleviate some of the significant adverse effects anticipated.</p>	

<p>disposal of <i>waste</i> materials if those materials cannot be recycled, recovered or treated for re-use.</p>		
<p>HAZ-CL-P18 – <i>Waste</i> facilities and services When providing for the development of facilities and services for the storage, recycling, recovery, treatment and disposal of <i>waste</i> materials:</p> <ol style="list-style-type: none"> (1) avoid adverse <i>effects</i> on the health and safety of people, (2) minimise the potential for adverse <i>effects</i> on the <i>environment</i> to occur, (3) minimise <i>risk</i> associated with <i>natural hazard</i> events, and (4) restrict the establishment of activities that may result in reverse sensitivity <i>effects</i> near <i>waste</i> management facilities and services. 	<p>Establishing the landfill at the proposed location is likely to result in reverse sensitivity effects in regards to adverse effects on the Dunedin International Airport. These two activities are incompatible.</p> <p>The risk of bird strike has not been adequately assessed, and the applicant's proposed consent conditions are sufficiently developed to ensure that the very high risk to aviation safety will be avoided.</p> <p>The Civil Aviation Authority 'Guidance Material for land use at or near airports' (2008) notes that the International Civil Aviation Organisation (ICAO) Bird Control and Reduction Manual recommends that [municipal solid waste landfill] sites be located no closer than 13 km from the airport property.</p>	

Otago Regional Plan: Waste		
<p>Policy 4.4.1 – To recognise and provide for the relationship Kai Tahu have with natural and physical resources by:</p> <ul style="list-style-type: none"> a) Acknowledging that future generations will inherit the results of good and bad waste management practices; b) Providing for the management of Otago’s waste stream in a manner that takes into account Kai Tahu cultural values; and c) Maintaining consultation with Kai Tahu on issues relating to waste minimisation. 	<p>Kāi Tahu values have been recognised and the recommendations of the CIA have largely been adopted.</p> <p>Whilst the applicant is working towards a circular economy target, access to a waste disposal facility is required in both the short and long term.</p>	
<p>Policy 4.4.2 – To encourage, support and facilitate integrated waste management by (in order of priority):</p> <ul style="list-style-type: none"> a) Minimising the effects on the environment by reducing the quantity and / or toxicity of material entering the waste stream; b) Reusing materials; c) Recycling materials, where practicable, that cannot be reused; d) Recovering resources from materials in the waste stream; and e) Disposing of the residual waste in an environmentally safe manner. 	<p>The applicant has explored other options for managing waste and is working towards a circular economy target, however, access to a waste disposal facility is required in both the short and long term. There could be further treatment and recovery of resources from the waste (separation of putrescible material) that would help to alleviate some of the significant adverse effects anticipated.</p>	
<p>Policy 4.4.3 - To gather information on the waste stream in the Otago region.</p>	<p>The applicant has provided information regarding the predicted waste volume based on data collected and will continue to collect this data.</p>	
<p>Policy 4.4.4 - To encourage the composting of appropriate organic waste material.</p>	<p>There will be no composting facilities on site due to it being attractive to birds and vermin. There could, however, be further treatment and recovery of resources from the waste (separation of putrescible material for</p>	

	composting elsewhere) that would help to alleviate some of the significant adverse effects anticipated.	
Policy 6.4.1 - To promote the safe transportation, and the use, treatment, storage and disposal of hazardous substances and hazardous wastes in such a manner that avoids adverse environmental effects.	Adverse effects will not be completely avoided.	
Policy 6.4.7 - To promote regionally coordinated collection, storage, treatment and disposal of hazardous waste.	The applicant has not indicated whether waste will be accepted from elsewhere in the region.	
<p>Policy 6.4.12 – To recognise and provide for the relationship Kāi Tahu have with Otago’s natural and physical resources through:</p> <p>a) Providing for the management and disposal of Otago’s hazardous substances and hazardous wastes in a manner which takes into account Kāi Tahu cultural values; and</p> <p>b) Supporting hazardous waste disposal methods which avoid, remedy or mitigate adverse effects on the environment and the mauri of its natural and physical resources; and</p> <p>c) Protecting waahi tapu and waahi taoka from hazardous waste management practices; and</p> <p>d) Ensuring that Kāi Tahu access to waahi tapu and waahi taoka is not compromised by waste management practices; and</p> <p>e) Acknowledging that future generations will inherit the results of good and bad waste management practices; and</p> <p>f) Maintaining consultation with Kāi Tahu on issues relating to hazardous substances and hazardous waste management.</p>	<p>Kāi Tahu values have been recognised and the recommendations of the CIA have largely been adopted.</p> <p>Whilst the applicant is working towards a circular economy target, access to a waste disposal facility is required in both the short and long term.</p> <p>While effects on mauri from contaminants entering water and from altering the existing hydrology are offset in part by mitigation measures such as riparian planting and pest management (which enhance mauri), these measures do not directly address the adverse effects on mauri.</p> <p>Proposed offsetting or mitigation management plans need to be provided to mana whenua for review and consultation prior to implementation.</p> <p>Proposed condition 69 will ensure that any new archaeological discoveries are appropriately managed.</p>	

<p>Policy 7.4.1 – To recognise and provide for the relationship Kāi Tahu have with Otago’s natural and physical resources through:</p> <ul style="list-style-type: none"> a) Providing for the management and disposal of Otago’s wastes in a manner that takes into account Kāi Tahu cultural values; and b) Supporting waste disposal methods which avoid, remedy or mitigate adverse effects on the environment and the mauri of its natural and physical resources; and c) Protecting waahi tapu and waahi taoka from waste management practices; and d) Ensuring that Kāi Tahu access to waahi tapu and waahi taoka is not compromised by waste management practices; and e) Acknowledging that future generations will inherit the results of good and bad waste management practices; and f) Maintaining consultation with Kāi Tahu on issues relating to landfill management. 		
<p>Policy 7.4.3 – To ensure that landfills and discharges from silage production and composting operations are sited at locations and managed in a manner whereby adverse effects on the environment are avoided, remedied, or mitigated.</p>	<p>Whilst many of the potential adverse effects of locating the landfill at Smooth Hill have been addressed, uncertainty still remains regarding adverse effects on water quality and biodiversity values, and the risk to aviation is still considered to be very high.</p>	
<p>Policy 7.4.4 – To monitor discharges to land, water, and air from new, operating and closed landfills, and from silage production and composting.</p>	<p>The proposal includes monitoring throughout the life of the consent.</p>	

<p>Policy 7.4.5 – To identify and quantify waste inputs into operating, and new landfills.</p>	<p>The applicant has provided information regarding the predicted waste volume based on data collected and will continue to collect this data.</p>	
<p>Policy 7.4.6 – To require that all new, operating, and closed landfills are managed in compliance with approved management and post-closure procedures.</p>	<p>A Landfill Management Plan will be implemented.</p>	
<p>Policy 7.4.8 - To promote alternatives to landfills as a means of waste disposal.</p>	<p>The explanation behind this policy states, “<i>Landfills should be considered only where other alternatives such as waste minimisation, cleaner production, recycling, or other methods of waste disposal have failed or are impracticable to implement</i>”.</p> <p>Although this policy does not require consent to be declined, given, specific examples of alternatives are identified, those alternatives where relevant may need to be considered for a landfill activity in order to be consistent with Policy 7.4.8.</p> <p>The applicant has stated that export of waste (to undefined location) is a viable alternative option i.e. that it is not impracticable to implement. The applicant has also indicated that disposal at existing private landfills may be an option, and that reduction of putrescible waste i.e. additional treatment of the waste stream prior to discharge is also an option.</p>	
<p>Policy 7.4.11 (introduced by Plan Change 1) – To minimise the adverse effects of discharges from new and operating landfills by requiring that:</p>	<p>Section 4.4 of the Waste Minimisation Institute New Zealand’s Technical Guidelines for Disposal to Land (August 2018) states that an assessment of the suitability</p>	

<p>a) the siting, design, construction, operation and management of new and operating landfills is in accordance with the Waste Minimisation Institute New Zealand's Technical Guidelines for Disposal to Land (August 2018) and</p> <p>b) a site-specific management plan is prepared and implemented in accordance with the Waste Minimisation Institute New Zealand's Technical Guidelines for Disposal to Land (August 2018) that includes (but is not limited to):</p> <ul style="list-style-type: none">i) methods for leachate management, collection, treatment and disposal;ii) methods for stormwater capture and control from both off-site and on-site sources; andiii) methods to minimise contamination of the receiving environment; andiv) controls to manage hazardous waste and avoid any discharge of hazardous wastes or the leaching of contaminants from hazardous wastes.	<p>of a site for a landfill should consider airport safety, and that the Civil Aviation Authority 'Guidance Material for land use at or near airports' (2008) notes that the International Civil Aviation Organisation (ICAO) Bird Control and Reduction Manual recommends that [municipal solid waste landfill] sites be located no closer than 13 km from the airport property.</p>
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Otago Regional Plan: Water

Policy 5.4.2 – In the management of any activity involving surface water, groundwater or the bed or margin of any lake or river, to give priority to avoiding, in preference to remedying or mitigating:

1) Adverse effects on:

- a) Natural values identified in Schedule 1A;
 - b) Water supply values identified in Schedule 1B;
 - c) Registered historic places identified in Schedule 1C, or archaeological sites in, on, under or over the bed or margin of a lake or river;
 - d) Spiritual and cultural beliefs, values and uses of significance to Kai Tahu identified in Schedule 1D;
 - e) The natural character of any lake or river, or its margins;
 - f) Amenity values supported by any water body; and
- 2) Causing or exacerbating flooding, erosion, land instability, sedimentation or property damage.

Otokia Creek is identified for the following natural and ecosystem values:

- Presence of significant fish spawning areas;
- Presence of significant areas for development of juvenile fish;
- Absence of aquatic pest plants
- Provides access within the main stem of the catchment through to the sea unimpeded by artificial means, such as weirs, and culverts
- Presence of indigenous fish species threatened with extinction;
- Provides significant habitat for banded kokopu.

Schedule 1D of the RPW identifies the spiritual and cultural beliefs, values and uses associated with water bodies of significance to Kai Tahu. Otokia Creek is identified as having the following values:

- Kaitiakitanga: the exercise of guardianship by Kai Tahu, including the ethic of stewardship.
- Mauri: life force.
- Waahi tapu and/or Waiwhakaheke: sacred places; sites, areas and values of spiritual values of importance to Kai Tahu.
- Waahi taoka: treasured resource; values, sites and resources that are valued.
- Mahika kai: places where food is procured or produced.

	<ul style="list-style-type: none"> • Kohanga: important nursery/spawning areas for native fisheries and/or breeding grounds for birds. • Trails: sites and water bodies which formed part of traditional routes, including tauraka waka (landing place for canoes); • Cultural materials: water bodies that are sources of traditional weaving materials (such as raupo and paru) and rongoa (medicines). <p>The applicant's proposed consent conditions are not sufficiently developed to provide certainty that effects on water quality will be avoided (in preference to remedying or mitigating).</p>	
<p>Policy 5.4.2A - The loss of river extent and values is avoided, unless the council is satisfied:</p> <p>(a) That there is a functional need for the activity in that location; and</p> <p>(b) The effects of the activity are managed by applying the effects management hierarchy.</p>	<p>The proposal has the potential to result in the loss of stream and wetland habitat as a consequence of reduced flows in the catchment and subsequent hydrological changes may occur along up to 300 m of the downstream tributary of Ōtokia Creek (and associated swamp and valley floor wetlands). The point where this creek transitions to perennial may shift 45 m further downstream. There is, however, still some uncertainty as to how surface water flows will respond to establishment of the landfill.</p> <p>There is no functional need for the landfill to be located at Smooth Hill.</p>	

<p>Policy 5.4.4 - To recognise Kai Tahu's interests in Otago's lakes and rivers by promoting opportunities for their involvement in resource consent processing.</p>	<p>Tangata whenua (or at least Kai Tahu ki Ōtakau) have been actively involved in the development of, and have provided written approval to, the proposal. Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki and Te Hokonui Rūnanga have not been involved in the process.</p>	
<p>Policy 5.4.8 – To have particular regard to the following features of lakes and rivers, and their margins, when considering adverse effects on their natural character:</p> <ul style="list-style-type: none"> a) The topography, including the setting and bed form of the lake or river; b) The natural flow characteristics of the river; c) The natural water level of the lake and its fluctuation; d) The natural water colour and clarity in the lake or river; e) The ecology of the lake or river and its margins; and f) The extent of use or development within the catchment, including the extent to which that use and development has influenced matters (a) to (e) above. 	<p>These matters have been given to regard to.</p>	
<p>Policy 6.4.0A – To ensure that the quantity of water granted to take is no more than that required for the purpose of use.</p>	<p>The primary purpose of abstraction groundwater collected in the sub-surface drainage system is to ensure dewatered conditions beneath the landfill. The applicant will, therefore, need to abstract as much groundwater as necessary (up to 87 m³/day) to ensure that dewatered conditions are maintained.</p>	
<p>Policy 6.4.1A – A groundwater take is allocated as:</p> <ul style="list-style-type: none"> a) Surface water, subject to a minimum flow, if the take is from any aquifer in Schedule 2C; or 	<p>The sub-surface drainage system is expected to intercept groundwater within the shallow groundwater system in the northern section of the landfill footprint, near the toe. This</p>	

<p>b) Surface water, subject to a minimum flow, if the take is within 100 metres of any connected perennial surface water body; or</p> <p>c) Groundwater and part surface water if the take is 100 metres or more from any connected perennial surface water body, and depletes that water body most affected by at least 5 litres per second as determined by Schedule 5A; or</p> <p>d) Groundwater if (a), (b) and (c) do not apply.</p>	<p>water (up to 87 m³/day) will be abstracted and used as part of the non-potable water supply for the site or discharged to the unnamed tributary of Ōtokia Creek.</p> <p>The abstraction is not from a Schedule 2C aquifer and so clause a) does not apply.</p> <p>The point where the unnamed tributary of Ōtokia Creek tributary transitions to perennial has not been identified but is expected to be more than 100 m from the point of abstraction. The swamp wetland, which will be within 100 m of the point of abstraction, is not expected to have standing surface water year-round. Clause b) does not, therefore, apply,</p> <p>Given that the rate of abstraction is 1 L/s when averaged out over 24 hours, clause c) will not apply.</p> <p>The take will, therefore, be allocated as groundwater under clause d).</p>
<p>Policy 6.4.10A1 - Enable the taking of water allocated as groundwater by Policy 6.4.1A, by:</p> <p>a) Determining the volume available for taking as the maximum allocation limit less the assessed maximum annual take for an aquifer calculated using Method 15.8.3.1; and</p> <p>b) Applying aquifer restrictions where specified in Schedule 4B.</p> <p>Policy 6.4.10A2 - Define the maximum allocation limit for an aquifer as:</p> <p>a) That specified in Schedule 4A; or</p> <p>b) For aquifers not in Schedule 4A, 50% of the mean annual recharge calculated under Schedule 4D.</p>	<p>The annual allocation sought by the applicant is 1,600 m³/yr. There are no known groundwater permits that authorised the take of groundwater from the same source, therefore the maximum allocation limit is determined in accordance with Policy 6.4.10A2.</p> <p>The aquifer is not specified in Schedule 4A.</p> <p>The mean annual groundwater recharge (MAR) predicted using groundwater modelling (method allowed for by Schedule 4D.2(g)) is approximately 2% of rainfall, equating to 30,095 m³/yr, when based on an annual average rainfall of 809 mm across the 18.6 ha landfill footprint.</p> <p>The allocation limit (which is 50% of the mean annual recharge) therefore equates to 15,000 m³/yr, although the</p>

	<p>Applicant has suggested that MAR could be as low as 6,000 m³/yr (allocation 3,000 m³/yr). Either way, the allocation sought is within the allocation limit.</p>	
<p>Policy 6.4.16 – In granting resource consents to take water, or in any review of the conditions of a resource consent to take water, to require the volume and rate of take to be measured in a manner satisfactory to the Council unless it is impractical or unnecessary to do so.</p>	<p>A recommended condition of consent ensures that the take of groundwater will be measured in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 and Amendment Regulations 2020</p>	
<p>Policy 7.B.1 Manage the quality of water in Otago lakes, rivers, wetlands and groundwater by:</p> <ul style="list-style-type: none"> a) Describing, in Table 15.1 of Schedule 15, characteristics indicative of good quality water; and b) Setting, in Table 15.2 of Schedule 15, receiving water numerical limits and targets for achieving good quality water; and c) Maintaining, from the dates specified in Schedule 15, good quality water; and d) Enhancing water quality where it does not meet Schedule 15 limits, to meet those limits by the date specified in the Schedule; and e) Recognising the differences in the effects and management of point and non-point source discharges; and f) Recognising discharge effects on groundwater; and g) Promoting the discharge of contaminants to land in preference to water. <p>Policy 7.B.2 – Avoid objectionable discharges of water or contaminants to maintain the natural and human use values, including Kāi Tahu</p>	<p>The applicant has undertaken a very limited programme of investigations to document groundwater and surface water quality. The proposal to collect further baseline data to develop a robust picture of groundwater and surface water quality and to enable the development of trigger levels that are protective of surface water quality is supported, although it is noted that we would usually expect to see this work completed before the application is lodged.</p> <p>The applicant's proposed consent conditions are not sufficiently developed to provide certainty that monitoring data will be:</p> <ul style="list-style-type: none"> • collected in a consistent manner, • that it will be sufficiently comprehensive to enable assessment on effects on water quality to be confidently undertaken, • that sampling will be undertaken to appropriate quality assurance standards, 	

values, of Otago lakes, rivers, wetlands, groundwater and open drains and water races that join them.

Policy 7.B.4 – When considering any discharge of water or contaminants to land, have regard to:

- a) The ability of the land to assimilate the water or contaminants; and
- b) Any potential soil contamination; and
- c) Any potential land instability; and
- d) Any potential adverse effects on water quality; and
- e) Any potential adverse effects on use of any proximate coastal marine area for contact recreation and seafood gathering.

Policy 7.B.6 – When assessing any consent to discharge contaminants to water, consider the need for and the extent of any zone for physical mixing, within which water will not meet the characteristics and limits described in Schedule 15, by taking account of:

- a) The sensitivity of the receiving environment; and
- b) The natural and human use values, including Kāi Tahu values; and
- c) The natural character of the water body; and
- d) The amenity values supported by the water body; and
- e) The physical processes acting on the area of discharge; and
- f) The particular discharge, including contaminant type, concentration and volume; and
- g) The provision of cost-effective community infrastructure; and
- h) Good quality water as described in Schedule 15.

- that suitable objectives for trigger levels will be established, or
- that exceedances of trigger levels will be addressed adequately to ensure that the effects on water quality are managed appropriately.

Policy 7.B.7 – Encourage land management practices that reduce the adverse effects of water or contaminants discharged into water.




Policy 7.B.8 - Encourage adaptive management and innovation that reduces the level of contaminants in discharges.

Policy 7.C.1 - When considering applications for resource consents to discharge contaminants to water, to have regard to opportunities to enhance the existing water quality of the receiving water body at any location for which the existing water quality can be considered degraded in terms of its capacity to support its natural and human use values.

Policy 7.C.2 - When considering applications for resource consents to discharge contaminants to water, or onto or into land in circumstances which may result in any contaminant entering water, to have regard to:

- a) The nature of the discharge and the sensitivity of the receiving environment to adverse effects;
- b) The financial implications, and the effects on the environment of the proposed method of discharge when compared with alternative means; and
- c) The current state of technical knowledge and the likelihood that the proposed method of discharge can be successfully applied.

Policy 7.C.3 - When considering any resource consent to discharge a contaminant to water, to have regard to any relevant standards and guidelines in imposing conditions on the discharge consent.

<p>Policy 7.C.11 - To require the holder of any consent for a dam constructed for the storage of contaminants to completely remedy any adverse effect of the failure or overtopping of the dam structure, either during or after its construction.</p>	<p>The applicant has specified methods to ensure that the Attenuation Basin will not overflow in an uncontrolled manner, but has not specified what would be done in the event that the dam fails,</p>	
<p>Policy 10A.2.2 (introduced by Plan Change 7) - Irrespective of any other policies in this Plan concerning consent duration, only grant resource consents for takes and/or uses of freshwater, where this activity was not previously authorised by a Deemed Permit or by a water permit expiring prior to 31 December 2025, for a duration of no more than six years.</p>	<p>The term sought for the groundwater permit is 6 years.</p>	
<p>Policy 10.4.1 – Otago’s regionally significant wetland values are:</p> <ul style="list-style-type: none"> A1 Habitat for nationally or internationally rare or threatened species or communities; A2 Critical habitat for the life cycles of indigenous fauna which are dependent on wetlands; A3 High diversity of wetland habitat types; A4 High degree of wetland naturalness; A5 Wetland scarce in Otago in terms of its ecological or physical character; A6 Wetland which is highly valued by Kai Tahu for cultural and spiritual beliefs, values and uses, including waahi taoka and mahika kai; A7 High diversity of indigenous wetland flora and fauna; A8 Regionally significant wetland habitat for waterfowl; and A9 Significant hydrological values including maintaining water quality or low flows, or reducing flood flows. 	<p>Whilst the proposal will not affect any Regionally Significant Wetlands, it does have the potential to affect regionally significant wetland values. The affected waterbodies support longfin eel (At Risk - Declining).</p>	

Policy 10.4.2 – Avoid the adverse effects of an activity on a Regionally Significant Wetland or a regionally significant wetland value, but allow remediation or mitigation of an adverse effect only when the activity:

- a) Is lawfully established; or
- b) Is nationally or regionally significant important infrastructure, and has specific locational constraints; or
- c) Has the purpose of maintaining or enhancing a Regionally Significant Wetland or a regionally significant wetland value.

Policy 10.4.8 - The loss of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:

(a) The loss of extent or values arises from any of the following:

- (i) The customary harvest of food or resources undertaken in accordance with tikanga Maori
 - (ii) Restoration activities
 - (iii) Scientific research
 - (iv) The sustainable harvest of sphagnum moss
 - (v) The construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020
 - (vi) The maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020
 - (vii) Natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020;
- or

(b) The regional council is satisfied that:

Whilst the proposal will not affect any Regionally Significant Wetlands, it does have the potential to affect regionally significant wetland values. The affected waterbodies support longfin eel (At Risk - Declining).

The applicant has identified that the proposal will alter the water supply to the swamp wetland (less than 10 m below the landfill toe) by effectively intercepting up to 20% of the existing annual runoff into the wetland and by lowering the groundwater table in the vicinity of the wetland. This may also impact on the downstream valley floor marsh wetland. There still isn't enough specific information on the tolerance of these wetlands to any potential alteration of hydraulic regime to make a conclusion regarding the quantum of ecological effects.

This uncertainty could be managed though consent conditions requiring hydrological and ecological monitoring in the receiving environment and clearly identified adaptive management responses. However, recommended monitoring of water levels in the swamp wetland has not been included in the proposed consent conditions, and monitoring of water levels alone will be insufficient to detect changes in the extent of the wetlands.

The proposed landfill would not be classed as regionally significant infrastructure under the PORPS or the PRPS, and it is not subject to specific locational constraints that mean it cannot be sited elsewhere.

- (i) The activity is necessary for the construction or upgrade of specified infrastructure; and
- (ii) The specified infrastructure will provide significant national or regional benefits; and
- (iii) There is a functional need for the specified infrastructure in that location; and
- (iv) The effects of the activity are managed through applying the effects management hierarchy.

Kāi Tahu ki Otago Natural Resource Management Plan 2005

Wai Māori Policies

- To require an assessment of instream values for all activities affecting water.
- To promote the cultural importance of water to Kāi Tahu ki Otago in all water management within the Otago Region and Lower Waitaki Catchment.
- To protect and restore the mauri of all water.
- To encourage the use of the Cultural Health Index as a tool for monitoring waterways.
- To encourage all stormwater be treated before being discharged.
- To encourage Kāi Tahu ki Otago input into the development of monitoring programmes.
- To require monitoring of all discharges be undertaken on a regular basis and all information, including an independent analysis of monitoring results, be made available to Kāi Tahu ki Otago.
- To encourage Management Plans for all discharge activities that detail the procedure for containing spills and including plans for extraordinary events.
- To require all discharge systems be well maintained and regularly serviced. Copies of all service and maintenance records should be available to Kāi Tahu ki Otago upon request.
- To require re-vegetation with locally sourced indigenous plants for all disturbed areas. Re-vegetation should be monitored by an assessment of the vegetative cover at one growing season after establishment and again at three seasons from establishment.
- To require groundwater monitoring for all discharges to land.

Tangata whenua (or at least Kai Tahu ki Ōtakau) have been actively involved in the development of, and have provided written approval to, the proposal. Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki and Te Hokonui Rūnanga have not been involved in the process.

Kāi Tahu values have been recognised and the recommendations of the CIA have largely been adopted.

The CIA submitted with the application states that effects on mauri from contaminants entering water and from altering the existing hydrology are offset in part by mitigation measures such as riparian planting and pest management (which enhance mauri), but that these measures do not directly address the adverse effects on mauri.

<ul style="list-style-type: none"> To promote integrated riparian management throughout entire catchments. 		
<p><i>Wai Māori Policy that the application is contrary to:</i></p> <ul style="list-style-type: none"> Policy 56: To oppose the draining of wetlands. All wetlands are to be protected. 	<p>The Applicant has identified that the proposal will alter the water supply to the swamp wetland (less than 10 m below the landfill toe) by effectively intercepting up to 20% of the existing annual runoff into the wetland and by lowering the groundwater table in the vicinity of the wetland. This may also impact on the downstream valley floor marsh wetland.</p>	
<p><i>Wāhi Tapu Policies</i></p> <ul style="list-style-type: none"> To require consultation with Kāi Tahu ki Otago for activities that have the potential to affect wāhi tapu. To promote the establishment of processes with appropriate agencies that: <ul style="list-style-type: none"> i. enable the accurate identification and protection of wāhi tapu. ii. provide for the protection of sensitive information about the specific location and nature of wāhi tapu. iii. ensure that agencies contact Kāi Tahu ki Otago before granting consents or confirming an activity is permitted, to ensure that wāhi tapu are not adversely affected. To discourage all discharges near wāhi tapu. To recognise Kāi Tahu ki Otago kaitiakitaka over the protection and recording of archaeological sites. 	<p>Proposed condition 69 will ensure that any new archaeological discoveries are appropriately managed.</p>	

<p><i>Mahika Kai and Biodiversity Policies</i></p> <ul style="list-style-type: none"> • To promote the protection of remaining indigenous fish habitat by: <ul style="list-style-type: none"> ○ Identifying waterways that exclusively support indigenous fish. ○ Prohibiting the introduction of exotic species where they currently do not exist. ○ Ensuring fish passage (both ingress and egress). ○ Removing exotic species from waterways of particular importance where this is achievable and appropriate according to Kāi Tahu ki Otago. • To protect and enhance existing wetlands, support the reinstatement of wetlands and promote assistance for landowners for fencing-off wetlands. • To promote the development of a cultural monitoring tool for vegetation and ecosystem health. • To require that hazardous operations and the use, transportation and storage of hazardous substances are not to impact mahika kai and other cultural values. 	<p>The affected waterbodies support longfin eel (At Risk - Declining). The proposal has the potential to result in the loss of stream and wetland habitat as a consequence of reduced flows in the catchment and subsequent hydrological changes may occur along up to 300 m of the downstream tributary of Ōtokia Creek (and associated swamp and valley floor wetlands). The point where this creek transitions to perennial may shift 45 m further downstream. There is, however, still some uncertainty as to how surface water flows will respond to establishment of the landfill.</p> <p>There is a low degree of confidence with regard to the applicant's magnitude and level of ecological effects conclusions. This means that an assessment of the overall offset package is unable to be finalised, and a conclusion is unable to be reached as to whether it is appropriate and will result in no net loss (and a preferable net gain) in ecological/biodiversity values. It is, however, possible that agreement could be reached on appropriate conditions that require the use of offset and compensation tools to appropriately address residual adverse effects.</p>	
<p><i>Cultural Landscapes</i></p> <ul style="list-style-type: none"> • To require all earthworks, excavation, filling or the disposal of excavated material to: <ul style="list-style-type: none"> i. Avoid adverse impacts on significant natural landforms and areas of indigenous vegetation; ii. Avoid, remedy, or mitigate soil instability; and accelerated erosion; 	<p>Kāi Tahu values have been recognised and the recommendations of the CIA have largely been adopted.</p>	

<p>iii. Mitigate all adverse effects.</p> <ul style="list-style-type: none"> • To require site rehabilitation plans for land contaminated by landfills, tip sites, treatment plants, industrial waste, and agricultural waste. • To require monitoring of methane levels for all closed landfills and that analysed data be sent to KTKO Ltd. 		
<p><i>Air and Atmosphere Policies</i></p> <ul style="list-style-type: none"> • To require earthworks and discharges to air consider the impact of dust and other air-borne contaminants on health, mahika kai, cultural landscapes, indigenous flora and fauna, wāhi tapu and taoka. • To require Cultural Assessments for any discharges to air. • To promote the planting of indigenous plants to offset carbon emissions. 	<p>Kāi Tahu values have been recognised and the recommendations of the CIA have largely been adopted.</p> <p>The proposal does not include planting of indigenous plants to offset the landfill's carbon emissions.</p>	