

# **Section 32 Evaluation Report**

## **Consideration of alternatives, benefits and costs**

**Parts that relate to the part of the Proposed Otago Regional Policy Statement 2021 considered to be a Freshwater Planning Instrument under Section 80A of the Resource Management Act 1991**

*This Section 32 Evaluation Report should be read in conjunction with the Proposed Otago Regional Policy Statement 2021*

Key

<b>Appearance</b>	<b>Explanation</b>
Black text with no shading	Parts of the Section 32 Evaluation Report that relate to parts of the Proposed Otago Regional Policy Statement notified on 26 June 2021 that <b>are not</b> a freshwater planning instrument.
Black text with blue shading	Parts of the Section 32 Evaluation Report that relate to parts of the Proposed Otago Regional Policy Statement notified on 26 June 2021 that <b>are</b> a freshwater planning instrument.

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## Abbreviations

Air Plan	Regional Plan: Air for Otago
CDC	Clutha District Council
CMA	Coastal marine area
Coast Plan	Regional Plan: Coast for Otago
FMU	Freshwater Management Unit
HSNO Act	Hazardous Substances and New Organisms Act 1996
HSW Act	Health and Safety at Work 2015
LWRP	Land and Water Regional Plan
NES	National Environmental Standard
NESAQ	National Environmental Standards for Air Quality 2004
NESCS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NESETA	National Environmental Standard for Electricity Transmission Activities 2009
NESF	National Environmental Standards for Freshwater 2020
NESMA	National Environmental Standards for Marine Aquaculture 2020
NESPF	National Environmental Standards for Plantation Forestry 2017
NESHDW	National Environmental Standard for Sources of Human Drinking Water 2007
NESTF	National Environmental Standards for Telecommunication Facilities 2008
NOF	National Objectives Framework
NPS	National Policy Statement
NPSET	National Policy Statement on Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2020
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NPSUD	National Policy Statement on Urban Development 2020
NTCSA	Ngāi Tahu Claims Settlement Act 1998
NZCPS	New Zealand Coastal Policy Statement 2010
ORC	Otago Regional Council
PORPS 2019	Partially Operative Regional Policy Statement 2019
PORPS 2021	Proposed Otago Regional Policy Statement 2021
RLAA	Resource Legislation Amendment Act 2017
RPS	Regional Policy Statement

RPS 1998	Regional Policy Statement for Otago 1998
RMA	Resource Management Act 1991
TAs	Territorial authorities: Central Otago District Council, Clutha District Council, Dunedin City Council, Queenstown-Lakes District Council and Waitaki District Council
Waste Plan	Regional Plan: Waste for Otago
Water Plan	Regional Plan: Water for Otago

## 1. Introduction

### 1.1. Purpose

1. The Resource Management Act 1991 (RMA) requires councils, when proposing new plans or policy statements, or changes to plans or policy statements, to prepare an evaluation report in accordance with section 32 of the RMA. The purpose of this report is to set out the evaluation that ORC has undertaken of the Proposed Otago Regional Policy Statement 2021 (PORPS 2021).
2. Section 32 requires that the objectives of the PORPS 2021 are examined for their appropriateness in achieving the purpose of the RMA and that the benefits, costs and risks of new provisions (primarily policies and methods) need to be clearly identified and assessed. This report documents the analysis under section 32 so stakeholders and decision-makers can understand the rationale for policy choices.
3. The PORPS 2021 underpins the planning framework in Otago, directing and informing the content of both regional and district plans, and in some cases other types of plans and strategies (such as the Regional Land Transport Plan). It is therefore a critical document for the management of natural and physical resources in Otago.

### 1.2. Structure

4. This report has been structured as follows:

**Part A:** Introduction

**Part B:** Development and consultation

**Part C:** Issues

**Part D:** Objectives

**Part E:** Evaluation

**Part F:** Planning context

**Part G:** Appendices

5. Part D contains the bulk of the report and has been split into subsections that mirror the structure of the PORPS 2021 for ease of reference.

### 1.3. Background

6. Otago's first Regional Policy Statement became operative on 1 October 1998. A review of the RPS 1998 was commenced in 2014 with the intent of developing a new regional policy statement to replace the RPS 1998. The full review and development process is outlined on ORC's website<sup>1</sup> and included, in summary:

- a. Consultation on issues and options (2014)
- b. Consultation draft (2015)

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<sup>1</sup> See <https://www.orc.govt.nz/plans-policies-reports/regional-plans-and-policies/regional-policy-statement/regional-policy-statement-review>

- c. Notification and submissions (2015)
- d. Hearings (2015)
- e. Decision by Council (2016)
- f. Appeals (2016 until present)

7. Most of the PORPS was made operative in 2019, with the exception of Chapter 3 which was still under appeal at the time. The remainder of the PORPS, excluding a package of provisions relating to port activities at Port Chalmers and Dunedin which is still under appeal<sup>2</sup>, was made operative in 2021.
8. The structure and drafting style of the PORPS 2019 was a considerable shift from the RPS 1998 and came under criticism during the mediation and appeals process. In particular, there was concern that the relationship between the chapters was unclear, which created a potential for provisions to be interpreted on their own rather than as a suite that collectively achieve the purpose of the RMA.<sup>3</sup>

### 1.3.1. National Planning Standards

9. The first set of National Planning Standards (the Planning Standards) was Gazetted in April 2019 and included a mandatory structure and format for planning documents, including regional policy statements. The Planning Standards require the structure and format standards to be implemented in regional policy statements by May 2022, or earlier if a new regional policy statement is notified after April 2019.
10. The structure required by the Planning Standards is significantly different to the structure adopted in the PORPS 2019. It is not possible to simply ‘rearrange’ its provisions into the headings provided by the Planning Standards – implementing the Standards requires revisiting many of the provisions and separating parts of them into different chapters. Complying with the structural requirements of the Planning Standards requires a rewrite of the PORPS 2019. As this would require the use of a normal Schedule 1 process, there are opportunities to address any other issues with the PORPS 2019 at the same time.

### 1.3.2. Review of ORC’s planning functions

11. In May 2019, a review of ORC’s planning functions was commissioned by the Minister for the Environment and undertaken by his appointee, Honorary Professor Peter Skelton. After receiving Professor Skelton’s report and recommendations (see Appendix 1), in November 2019 the Minister for the Environment concluded by way of a letter that ORC’s current freshwater management framework was not fit for purpose and not in line with the previous NPSFM 2014, amended in 2017. This letter is attached as Appendix 2). The Minister made a number of recommendations to ORC on the future of its freshwater planning framework. These were accepted by ORC in December 2019 and include agreement to:

- a. take all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications, including those that are to replace any deemed permits;
- b. Develop and adopt a programme of work to achieve the following:

<sup>2</sup> Policy 4.3.7, Methods 3.1.6, 3.1.10, 3.1.18, 4.1.3, 4.1.22, 5.1.2, and the definitions of “port activity” and “ship”.

<sup>3</sup> *Alliance Group Limited v Otago Regional Council* [2019] NZEnvC 42 at [8].



- i. By November 2020 [later amended to June 2021 with the Minister’s approval], a complete review of the current Regional Policy Statement that is publicly notified, with the intention that it be made operative before the review of its LWRP is notified.
- ii. By 31 December 2023, notification of a new LWRP for Otago that includes region-wide objectives, strategic policies, region-wide activity policies and provisions for each of the Freshwater Management Units, covering all the catchments within the region.
- iii. Prepare a plan change by 31 March 2020 that will provide an adequate interim planning and consenting framework to manage freshwater up until the time that new discharge and allocation limits are set, in line with the requirements in the relevant NPSFM at that time.

12. This report comprises part of the requirements of matter (b)(i) and early preparatory work on a new regional plan for land and water resources (matter (b)(ii) above) is underway. ORC is currently progressing matter (b)(iii) through Plan Changes 7 and 8 to the Regional Plan: Water for Otago and Plan Change 1 to the Regional Plan: Waste for Otago. Those plan changes were considered nationally significant by the Minister for the Environment and were notified by the Environmental Protection Authority in July 2020.

#### 1.3.3. New national direction

13. Since decisions were made on the PORPS 2019, there have been a number of changes in national direction, including amendments to existing national policy statements and consultation on new national direction, including:

- a. New National Policy Statement for Freshwater Management 2020,
- b. New National Environmental Standard for Fresh Water 2020,
- c. New Regulations for stock exclusion from water bodies,
- d. Amendments to Regulations for the Measurement and Reporting of Water Takes,
- e. New National Policy Statement for Urban Development 2020,
- f. A proposed National Policy Statement for Highly Productive Land,
- g. A proposed National Policy Statement for Indigenous Biodiversity, and
- h. Proposed amendments to the National Environmental Standards for Air Quality.

14. For freshwater management in particular, there has been considerable change in the requirements for regional policy statements and the PORPS 2019 is some way from complying with the new direction. This may also be the case for other topics, such as biodiversity, however it is difficult to know at this stage as the Government has not made final decisions on the proposals.

15. The Government also plans to repeal the RMA and replace it with three new pieces of legislation.<sup>4</sup> Given this is yet to occur, the RMA remains the current legislative basis for the PORPS.

#### 1.3.4. Review of the existing regional policy statements

16. A review of the RPS 1998 had already been undertaken in 2014 to inform the development of the replacement RPS. A targeted review of the PORPS 2019 was undertaken in March 2020.

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<sup>4</sup> <https://www.beehive.govt.nz/release/rma-be-repealed-and-replaced>

As the PORPS 2019 had little time to be implemented by that date (and, in some cases, some provisions have not yet become operative so have not been implemented), the review was primarily a planning evaluation of the compliance of the PORPS 2019 with higher order documents and the effectiveness of the provisions.

17. The review found that the structure of the PORPS 2019 led to issues with the effectiveness of the provisions. For example, having only a few very broad objectives provides little direction to the policies about the actions required to achieve the objectives. This means policies, in many cases, are attempting to specify both the outcomes sought and the courses of action to achieve them, rather than only the latter.
18. Another example is the approach of having one set of methods which are cross-referenced as relevant under each policy. The methods are therefore also very broad, and often lack clarity about the roles and responsibilities of the different local authorities, particularly for issues where there needs to be integrated management across jurisdictional boundaries.

#### 1.4. Requirements of section 32 of the RMA

19. ORC is required to prepare an evaluation report for the PORPS 2021 in accordance with section 32 of the RMA.<sup>5</sup> Section 32(1) sets out the requirements for an evaluation report, which are:
  - a. Examining the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA;
  - b. Examining whether the provisions in the proposal are the most appropriate way to achieve the objectives by –
    - i. identifying other reasonably practicable options for achieving the objectives; and
    - ii. assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
    - iii. summarising the reasons for deciding on the provisions; and
  - c. containing a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.
20. Section 32(6) contains definitions of “objectives” and “provisions”. In accordance with those definitions, the objectives assessed under section 32(1)(a) are the objectives contained in the PORPS 2021 and the provisions assessed under section 32(1)(b) are the policies or provisions that implement, or give effect to, the objectives. For the PORPS 2021, this includes the policies and methods.
21. Section 32(2) states that an examination of the appropriateness of the provisions must:
  - a. Identify and assess the benefits and costs of the environmental, economic, social and cultural effects anticipated from the implementation of the provisions, including the opportunities for:
    - i. Economic growth that are anticipated to be provided or reduced; and
    - ii. Employment that are anticipated to be provided or reduced;
  - b. If practicable, quantify the benefits and costs; and

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<sup>5</sup> Clause 5, Schedule 1 to the RMA

- c. Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
22. The evaluation report must also summarise any advice on the proposal received from iwi authorities, including the Council’s response to that advice and any provisions that are intended to give effect to the advice.

## 2. Development and consultation

23. ORC confirmed the commencement of a review of the PORPS 2019 at an extraordinary Council meeting on 27 November 2019. Since then, ORC has sought to develop the PORPS 2021 by working closely with iwi and providing a number of opportunities for public consultation. This section outlines the involvement of iwi in the development process as well as the public consultation undertaken.

### 2.1. Iwi involvement

24. All of the Otago region is within the Ngāi Tahu Whanui takiwā<sup>6</sup> which includes 18 Papatipu Rūnaka. There are four relevant iwi management plans lodged with ORC:

- a. Te Rūnanga o Ngāi Tahu Freshwater Policy 1999
- b. Kāi Tahu ki Otago Natural Resources Management Plan 2005
- c. Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008
- d. Waitaki Iwi Management Plan 2019

25. Apart from Te Rūnanga o Ngāi Tahu Freshwater Policy 1999, the plans apply to parts of the Otago region in line with the rohe of Papatipu Rūnaka. For Kāi Tahu ki Otago, these are:

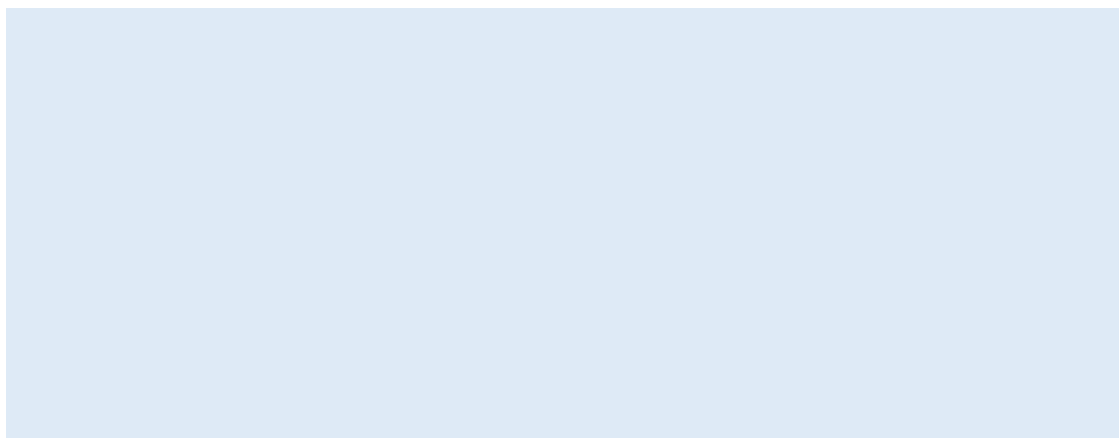
- a. Te Rūnanga o Moeraki;
- b. Kāi Huirapa Rūnaka ki Puketeraki;
- c. Te Rūnanga o Ōtākou; and
- d. Hokonui Rūnanga.

26. For Ngāi Tahu ki Murihiku they are:

- a. Te Rūnanga o Awarua;
- b. Te Rūnanga o Oraka/Aparima;
- c. Te Rūnanga o Hokonui; and
- d. Te Rūnaka o Waihōpai.

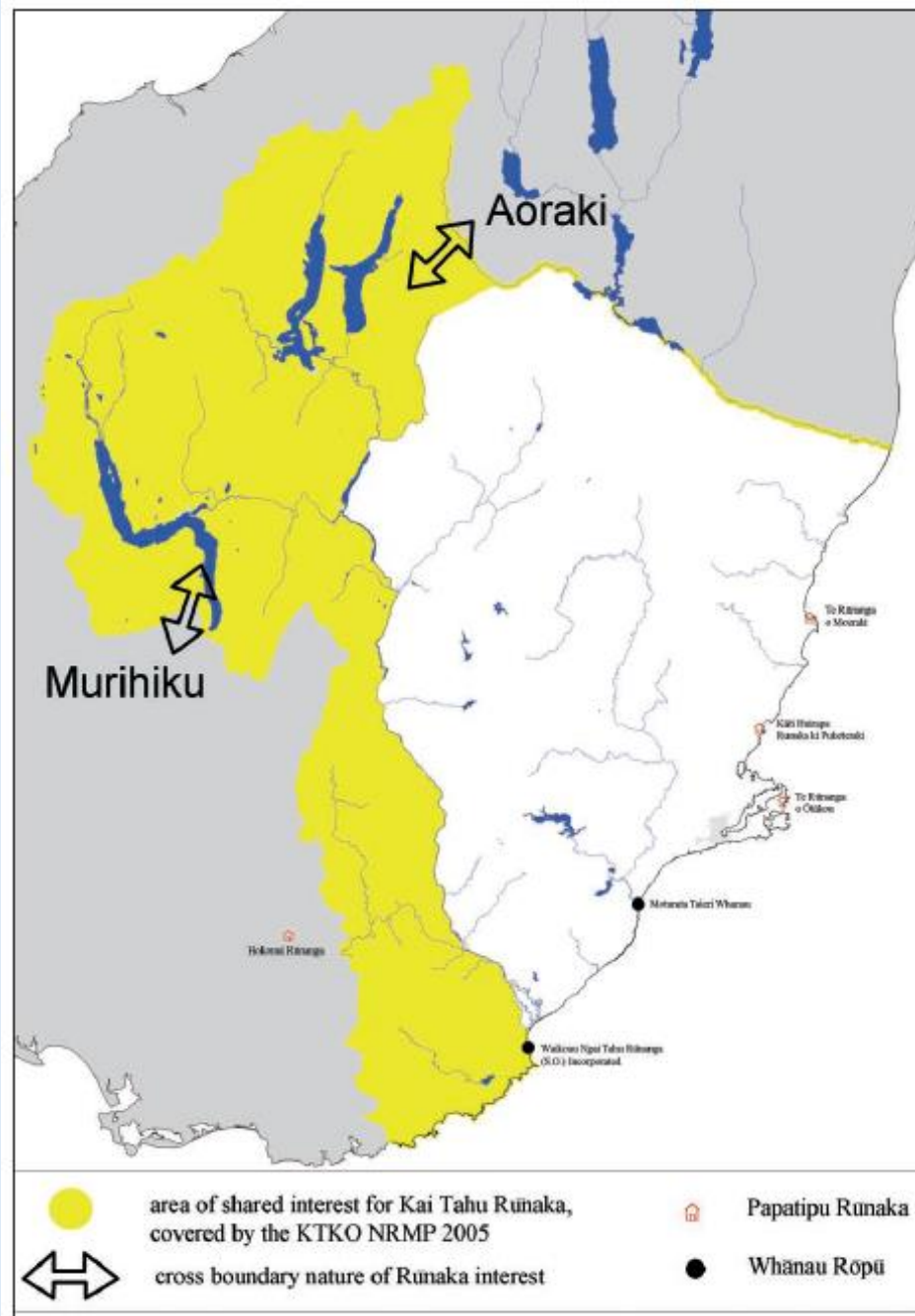
27. For Waitaki, the Papatipu Rūnaka within the Otago region is Te Rūnanga o Moeraki.

28. Kāi Tahu ki Otago and Ngāi Tahu ki Murihiku both have interests in the Otago region, as shown by the map below.



<sup>6</sup> As described in section 5 of the Te Rūnanga o Ngāi Tahu Act 1996.

Figure 1: Kāi Tahu ki Otago and Ngāi Tahu ki Murihiku shared interests



Sources: Kāi Tahu ki Otago Natural Resources Management Plan 2005 (p. 12) and Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (p. ii).

29. The relationship between ORC and Kāi Tahu occurs through several official channels across different governance levels. Each official channel is underpinned by various agreements and memoranda of understanding.

30. At a regional level, ORC and Kāi Tahu are part of Te Rōpū Taiao Otago, a regional coordinating group consisting of Otago Mayors, the Chairperson of ORC and Kāi Tahu Rūnaka Chairs. ORC also participates in Southland Te Rōpū Taiao hui to inform how ORC will engage with Southland Rūnanga.
31. At a council level, the Strategy and Planning Committee has appointed two Mana Whenua representatives each with full voting rights. There is also a Mana to Mana Group which provides a forum for Councillors and Rūnaka Chairs to meet regularly to identify and agree key areas for engagement and partnership. Further relationships govern day to day business and particular projects. The Land and Water Regional Plan (LWRP) governance structure includes mana whenua representatives on the Governance Group and the regional working group level.
32. ORC staff regularly engage with mana whenua on a range of key issues through the Papatipu Rūnaka consultancy services Aukaha (representing the Papatipu Rūnanga of Kāi Tahu ki Otago) and Te Ao Marama Inc (representing the Papatipu Rūnanga of Ngāi Tahu ki Murihiku). These entities provide a first point of contact and facilitate engagement in resource management processes.
33. ORC has worked closely with Aukaha and Te Ao Marama Inc in the development of the PORPS 2021. There have been differences in the way that engagement has occurred due to the preferences and capacity of the organisations.
34. ORC's engagement with Aukaha and Te Ao Marama has occurred through:
  - a. Aukaha and Te Ao Marama drafting or revising a number of sections of the PORPS, including the resource management issues of significance for iwi, Mana Whenua chapter, and Historical and Cultural Values chapter;
  - b. Aukaha and Te Ao Marama reviewing and providing advice on the draft policy direction papers prepared for consultation with the Reference Groups (Phase 3, see section 2.3 of this report for more information);
  - c. Te Ao Marama attending the Reference Group meetings;
  - d. ORC summarising and providing to Aukaha for comment the key changes in policy direction as a result of each Reference Group meeting;
  - e. Aukaha and Te Ao Marama advising on the meaning of Te Mana o Te Wai in Otago and co-drafting provisions for the Land and Freshwater chapter with ORC;
  - f. Involvement in consultation on the freshwater visions in late 2020 (see section 2.4 of this report for more information on this process);
  - g. Reviewing the draft RPS in late 2020/early 2021 prior to clause 3 consultation commencing;
  - h. ORC providing Aukaha, Te Ao Marama and Te Rūnanga o Ngāi Tahu with the draft RPS as part of consultation under clause 3 of Schedule 1 of the RMA 1991; and
  - i. Providing ongoing verbal and written feedback on and participating in co-drafting some provisions for the draft RPS in April and May 2021 as part of consultation under clause 4A of Schedule 1 of the RMA 1991.

## 2.2. Phases 1 and 2: January to March 2020

### 2.2.1. Phase 1: January – February 2020

35. This phase of the community consultation process involved distributing an online survey using 'YourSay'. The survey was distributed via a boosted Facebook campaign, regional newspapers and embedded in the February edition of the On-Stream newsletter. Additional advertising of the survey occurred through regional newspapers and an ORC media release. ORC received 312 survey responses.

36. Communities throughout Otago were encouraged to identify values, concerns and general comments relating to nine issue statements which had been drafted following a workshop with Councillors in January 2020. The nine issue statements were:

- a. Natural hazards pose a risk to many Otago communities;
- b. Climate change is likely to damage our economy and environment;
- c. Pest species pose an ongoing threat to indigenous biodiversity, economic activities and landscapes;
- d. Urban growth affects productive land, treasured natural assets, infrastructure and community wellbeing;
- e. Water demand exceeds capacity in some places;
- f. Otago's coast is a rich natural, cultural and economic resource that is under threat from a range of terrestrial and marine activities;
- g. Lakes Wanaka, Wakatipu, Hawea and Dunstan attract visitors and new residents, putting pressure on their unique environment;
- h. Economic and domestic activities use natural resources, but do not always properly account for the environmental stresses and future effects they cause; and
- i. The environmental costs of our activities are stacking up and may soon reach a tipping point.

37. Respondents were also asked to indicate how significant they felt the issue statement was and to comment on why. The data gathered from the Survey was then coded and thematically analysed.

### 2.2.2. Phase 2: March 2020

38. Phase two of the consultation process involved five facilitated workshops held in March 2020. Four of these were open to the public, and one was by invitation only. Workshops were held in Oamaru, Dunedin (two meetings – one of which was open to the public), Tapanui and Balclutha.

39. The workshops included two main activities:

- a. **Identifying outcomes:** Attendees mapped the future resource management outcomes they wished to see achieved in relation to the issues from Phase 1.
- b. **Identifying policy approaches:** Attendees discussed and plotted potential policy approaches to achieve the outcomes identified above, using some example scenarios. The aim of this activity was to provide guidance in two respects:
  - i. How permissive or prescriptive the policy approach should be in relation to an outcome;

- ii. The degree of environmental improvement sought, ranging from meeting environmental bottom lines (minimum standards) through to achieving (or maintaining) a high level of environmental quality (a more natural state).

40. Two further events were also planned for Queenstown and Alexandra. The COVID-19 pandemic resulted in these two workshops not proceeding and forced a reconsideration of the approach to consultation. This occurred through a Council meeting in April 2020 and resulted in the establishment of Phase 3.

### 2.2.3. Feedback

41. The online community consultation undertaken as part of Phase 1 confirmed the relevance of the key issues as set out above. At the Oamaru workshop, two more themes were identified in addition to the nine themes developed during the phase one consultation. These were *improving water quality* and *protecting biodiversity*. These were added to the subsequent workshops and feedback sought in the same manner as for the other issues.

42. Broadly, the key findings from Phases 1 and 2 were:

- a. Precautionary approaches to policy that enable environmentally sustainable outcomes for both urban and rural activities with the support of both public and private sectors.
- b. Upgrading infrastructure, particularly waste, wastewater and stormwater management infrastructure. This was a strong theme across issues related to urban growth, natural hazards and resilience, economic impacts and coast.
- c. Tighter regulations on urban development, ceasing developments on productive land and in known flood risk areas, and reducing urban sprawl in favour of high-density urbanised areas.
- d. Increasing water storage capabilities for the region was a strong outcome for water demand issues.
- e. The ORC to be more active in biodiversity loss issues and pest control management through regulation and incentives for landowners and community groups.
- f. Investing in alternative public transport options to reduce car-based emissions and incentivise alternative heating sources for residential developments to reduce wood or coal burning. These were to improve air quality and help mitigate climate change effects.
- g. Increased collaborative research and education outcomes across all the issue topics made available to the community. This outcome was particularly relevant for issues relating to coastal pressures, climate change and biodiversity loss.

43. ORC has prepared a full report on the findings from the Phase 1 and 2 consultation which is attached as Appendix 3 to this report. The findings from Phase 1 are set out in section 6 (pages 7 to 24) and from Phase 2 in section 7 (pages 24 to 30).

### 2.3. Phase 3: June – August 2020

44. The COVID-19 pandemic affected the ability of Phase 2 consultation to continue due to the restrictions on travel and social contact. ORC discussed alternative forms of consultation at the Council meeting on 22 April 2020 and decided to establish a Reference Group for each of the RPS topics and that each Reference Group would meet and provide input on the proposed policy direction for that topic.



45. Terms of Reference were established,<sup>7</sup> and 11 Reference Groups appointed.<sup>8</sup> The objectives of the Reference Groups were to:

- a. Provide input into policy direction based on the knowledge, expertise and experience each member brings to each particular topic;
- b. Consider the policy implications of policy directions papers on the use, development and protection of natural and physical resources;
- c. Critically review policy direction papers relevant to the topic/chapter of the new RPS and provide written feedback to ORC.

46. Policy direction papers were produced, and Reference Group workshops held in two tranches. The first tranche occurred as follows:

*Table 1: Tranche 1 Reference Groups*

Topic	Date
Tranche 1	
Historical and cultural values	22 June 2020
Air	23 June 2020
Urban form and development	23 June 2020
Natural character Natural features and landscapes	25 June 2020
Hazards and risks	26 June 2020
Tranche 2	
Energy, infrastructure and transport	20 July 2020
Coastal environment	21 July 2020
Land and fresh water	23 July 2020
Ecosystems and indigenous biodiversity	24 July 2020
Integrated management	27 July 2020

47. ORC has prepared a Summary Report on the findings from Phase 3 consultation which is attached as Appendix 4 to this report. Summarised feedback from the Reference Group meetings is set out in section 2 (pages 6 to 21) and policy direction in section 3 (pages 22 to 26). The Summary Report also outlines the membership of each Reference Group, including their participation in the process.<sup>9</sup>

#### 2.4. Phase 4: Freshwater visions consultation

48. In August 2020, the Government published a new NPSFM which took effect in September 2020. The NPSFM requires long-term visions for freshwater to be set in each region, at the

<sup>7</sup> See <https://www.orc.govt.nz/media/8479/rps-reference-groups-tor.pdf>

<sup>8</sup> The 11 topics to which the Groups corresponded were: Urban form and development; air; hazards and risks; historical and cultural values; natural character; natural features and landscapes; coastal environment; integrated management; energy, infrastructure and transport; land and freshwater; ecosystems and indigenous biodiversity.

<sup>9</sup> Some members were not able to attend the workshops but provided feedback separately.

FMU, part FMU or catchment level, and included as objectives in the relevant RPS.<sup>10</sup> Those visions must set goals that are ambitious and reasonable and identify a timeframe to achieve those goals that is ambitious and reasonable.<sup>11</sup> Visions are to be developed through engagement with communities and tangata whenua, be informed by an understanding of the history of and environmental pressures on the water, and express what communities and tangata whenua want the water to be like in the future.<sup>12</sup>

49. The PORPS 2021 was originally due to be notified in November 2020 in accordance with ORC's commitment to the Minister for the Environment (see section 1.3.2 for more information), however with the release of the NPSFM and the additional consultation required to develop freshwater visions, the Minister for the Environment agreed to extend the deadline for notification to June 2021. This allowed for consultation on freshwater visions to occur through October and November 2020.

50. Consultation occurred through:

- a. 23 community workshops at 18 locations across Otago covering all FMUs (attended by 237 people);
- b. an online survey (with 216 responses);
- c. written feedback and face to face meetings with iwi representatives;
- d. other submissions or reports received as an adjunct to these processes (such as the Shaping Our Future report (Shaping Our Future, 2019), prepared by the Upper Clutha community, which represented a significant amount of research and community consultation).

51. The Manuherekia rohe (part of the Clutha Mata-au FMU) was not included in the workshop process because it was already undergoing its own pre-existing comprehensive consultation process on the long-term management of freshwater in the area. There is also considerable existing information about the values and aspirations for the rohe.

52. ORC has prepared a Consultation Report which sets out the methodology and findings of the consultation on freshwater visions. The report is attached as Appendix 5. Detailed written feedback was also received from Kāi Tahu ki Otago and Ngāi Tahu ki Murihiku which are attached as Appendices 6 and 7 respectively.

## 2.5. Phase 5: RMA pre-notification consultation

53. In addition to consultation discussed above for Phases 1 to 4, ORC has also undertaken consultation as directed by Schedule 1 of the RMA.

### 2.5.1. Clause 3, Schedule 1

54. Clause 3(1) of Schedule 1 of the RMA includes a requirement to consult certain parties during the preparation of a proposed policy statement, including (but not limited to) the Minister for the Environment, other Ministers who may be affected, local authorities and takata whenua through iwi authorities. In addition to seeking feedback from parties listed in Clause 3(1), other stakeholders and Reference Group members were also consulted as provided by Clause

<sup>10</sup> Clause 3.3(1) and (2)(a) of the NPSFM.

<sup>11</sup> Clause 3.3(2)(b) and (c) of the NPSFM.

<sup>12</sup> Clause 3.3(3) of the NPSFM.

3(2). A draft copy of the PORPS 2021 provisions were sent on 12 February 2021 to the following parties for comment:

Ministry for the Environment	Queenstown Lakes District Council
Ministry of Conservation	Waitaki District Council
Ministry of Transport	Deer Industry New Zealand
Ministry of Health	Federated Farmers
Ministry of Education	Horticulture NZ
Ministry of Primary Industries	Viticulture NZ
Ministry for Energy and Resources	Irrigation NZ
Ministry for Infrastructure	Heritage NZ
Ministry for Arts, Culture and Heritage	Trustpower
Ministry for Local Government	Contact Energy
Ministry for Tourism	Pioneer Energy
Ministry for Climate Change	Tourism Industry Aotearoa
Ministry of Fisheries	Meridian Energy
Te Rūnanga o Ngāi Tahu	Aurora Energy
Te Ao Marama Inc	Beef and Lamb
Aukaha	Dairy NZ
Environment Canterbury	Port Otago Ltd
Environment Southland	Transpower
West Coast Regional Council	Forest and Bird
Central Otago District Council	Wise Response Inc.
Clutha District Council	Environmental Defence Society
Dunedin City Council	Fish and Game

55. For Reference Groups, a two hour Zoom workshop was also undertaken, with the additional option for participants to provide written feedback.

56. The ORC received a wide range of written feedback from a total of 42 sources, which was considered and consolidated with Reference Group feedback into a revised draft of the PORPS prior to Clause 4A consultation.

#### 2.5.2. [Clause 4A, Schedule 1](#)

57. Clause 3B of the RMA sets out the requirements for consultation with an iwi authority. Clause 4A of the RMA requires a local authority to provide a copy of a proposed policy statement to an iwi authority consulted under clause 3(1)(d) and allow adequate time and opportunity for the iwi authorities to consider the draft policy statement and provide advice on it. This enables an iwi authority to identify the resource management issues that are of concern to it, as well as providing guidance to the local authority on how these issues have been, or are to be, addressed.

58. The draft RPS was provided to Te Rūnanga o Ngāi Tahu, Kāi Tahu ki Otago (through Aukaha) and Ngāi Tahu ki Murihiku (through Te Ao Marama) on 6 April 2021. A hui was held on 21 April 2021 and attended by representatives from Kāi Tahu ki Otago, Ngāi Tahu ki Murihiku and ORC. The focus of the hui was providing iwi views on particular chapters of the RPS: Mana Whenua,

Integrated Management, Coastal Environment, Ecosystems and Indigenous Biodiversity, and Land and Freshwater.

59. Written feedback from iwi authorities was provided over the three weeks following the hui, firstly in the form of a table outlining amendments sought by Kāi Tahu and reasons, and secondly through ‘track changed’ chapters showing the wording preferred by Kāi Tahu. This feedback canvassed the entirety of the RPS and was a mixture of specific amendments sought to provisions and explanations for Kāi Tahu positions.
60. In relation to the freshwater visions contained in the LF – Land and Freshwater chapter, ORC and Aukaha staff met on 7 May 2021 to co-draft revisions to those provisions which were then provided to Te Ao Marama staff for feedback. Following that, Aukaha staff reviewed the visions alongside rūnaka views that had been developed during the original visions consultation in late 2020. That was then provided to ORC on 12 May 2021.
61. To support the analysis in this evaluation report, Ngāi Tahu ki Murihiku, through Te Ao Marama, have provided a summary table as an indicative guide of how the PORPS 2021 meets key outcomes and aspirations of Ngāi Tahu ki Murihiku as recorded in relevant tribally recognised documents and position statements. This is attached as Appendix 8. Te Ao Marama staff shared the draft advice with ORC staff as it was being prepared, which allowed minor issues to be identified and resolved in the PORPS 2021. Although the PORPS 2021 does not fully meet all Ngāi Tahu ki Murihiku aspirations, the advice demonstrates that there has been genuine engagement with Kāi Tahu throughout the development of the PORPS and as a result many of the policy positions adopted in the PORPS support Ngāi Tahu ki Murihiku aspirations and values.

### 3. Issues

62. Issues are existing or potential problems that must be resolved to promote the purpose of the RMA. Environmental issues usually concern conflicts between users of resources, allocation of resources, or effects on the environment (Quality Planning, 2013). Issues can arise from the cumulative effects of many resource uses or from a series of individual proposals. Issues may also relate to the need to take positive action to correct policy failures or the absence of policy, or the need to promote or reward positive effects (Quality Planning, 2013).

63. Regional policy statements must state:

- a. The significant resource management issues for the region;<sup>13</sup> and
- b. The resource management issues of significance to iwi authorities in the region.<sup>14</sup>

64. Section 32 of the RMA does not require an evaluation of issues. However, issue statements underpin the policy direction in a planning document as they are the starting point for policy development. This section outlines the issues, explains how they were developed and summarises the analysis undertaken to determining their appropriateness, relevance and significance.

#### 3.1. Significant resource management issues for the region

65. Regional policy statements must state the significant resource management issues for the region.<sup>15</sup> In January 2020, a workshop was held with ORC councillors and staff to draft an initial list of issues for public consultation, as described previously in paragraph 36. These issues were tested with the public through the Phase 1 consultation. Public feedback was that two issues (related to water quality and biodiversity) that had formed part of broader issues should be identified as standalone issues. ORC’s report on the consultation from Phases 1 and 2 (attached as Appendix 3) contains more detailed information on the feedback provided on the issue statements, starting at page 13.

66. Issues were also discussed (albeit more broadly) at the Reference Group workshops held during June and July 2020. Although the participants were not asked to comment specifically on the issues as drafted, many of the common themes in each workshop were reflected in the issue statements. A summary report on this consultation is attached as Appendix 4 to this report.

67. As a result of consultation, the original issue statements were amended. The Significant Resource Management Issues for the Region (SRMR) section in Part 2 of the PORPS 2021 comprises a statement of the issues as well as a summary of their environmental, economic, and social impacts. That content is not repeated here and should be referred to for further explanation about the issue statements. Table 2 below sets out the final issue statements from the PORPS 2021.

*Table 2: Significant resource management issues for the region*

SRMR-I1	Natural hazards pose a risk to many Otago communities.
SRMR-I2	Climate change is likely to impact our economy and environment.

<sup>13</sup> Section 62(1)(a), RMA.

<sup>14</sup> Section 62(1)(b), RMA.

<sup>15</sup> Section 62(1)(a) f

SRMR–I3	Pest species pose an ongoing threat to indigenous biodiversity, economic activities and landscapes.
SRMR–I4	Poorly managed urban and residential growth affects productive land, treasured natural assets, infrastructure and community wellbeing.
SRMR–I5	<i>Freshwater</i> demand exceeds capacity in some places.
SRMR–I6	Declining water quality has adverse effects on the environment, our communities and the economy.
SRMR–I7	Biodiversity loss: rich and varied biodiversity has been lost and degraded due to human activities or the presence of pests and predators.
SRMR–I8	Otago’s coast is a rich natural, cultural and economic resource that is under threat from a range of terrestrial and marine activities.
SRMR–I9	Otago lakes are subject to pressures from tourism and population growth.
SRMR–I10	Economic and domestic activities in Otago use natural resources but do not always properly account for the environmental stresses or the future impacts they cause.
SRMR–I11	Cumulative impacts and resilience – the environmental costs of our activities in Otago are adding up with tipping points potentially being reached.

### 3.2. Resource management issues of significance to iwi authorities

68. Resource management issues of significance to iwi authorities have been identified by Aukaha and Te Ao Marama as the region’s iwi authorities. The corresponding section of the PORPS 2021 has been prepared by Aukaha and Te Ao Marama. These are listed below and described briefly, but a comprehensive explanation of these issues is provided in the PORPS 2021 and should be referred to alongside this report.

#### 3.2.1. WAI – Wai Māori

69. Water plays a significant role in Kāi Tahu spiritual beliefs and cultural traditions. Kāi Tahu have an obligation through whakapapa to protect wai and all the life it supports. Whānau have observed the health of water degrade through time and consider it is crucial that this degradation is reversed.

70. Specific issues for Wai Māori are:

- a. RMIA–WAI–I1 – The loss and degradation of water resources through drainage, abstraction, pollution and damming has resulted in material and cultural deprivation for Kāi Tahu ki Otago.
- b. RMIA–WAI–I2 – Current water management does not adequately address cultural values and interests.
- c. RMIA–WAI–I3 – The effects of land and water use activities on freshwater habitats have resulted in adverse effects on the diversity and abundance of mahika kai resources and harvesting activity.
- d. RMIA–WAI–I4 – Effective participation of Kāi Tahu in freshwater management is hampered by poor recognition of mātauraka.
- e. RMIA–WAI–I5 – Poor integration of water management, across agencies and across a catchment, hinders effective and holistic freshwater management.

### 3.2.2. MKB – Mahika kai and biodiversity

71. The cold climate in southern Te Waipounamu and the consequent difficulty of growing crops made it difficult for tūpuna to establish permanent settlements and as a result Kāi Tahu in this area traditionally had a hunter-gatherer lifestyle, and went where the mahika kai was abundant and in season. This lifestyle was unique to southern Kāi Tahu and mahika kai retains a central place in Kāi Tahu cultural identity. All indigenous species and habitats are treasured by Kāi Tahu as taoka in their own right, as well as for the mahika kai values associated with some species.
72. Specific issues for mahika kai and biodiversity are:
- a. RMIA–MKB–I1 – The diversity and abundance of terrestrial and aquatic indigenous species has been reduced due to adverse effects of resource use and development.
  - b. RMIA–MKB–I2 – Regulatory and physical barriers have impeded the ability of Kāi Tahu to access mahika kai and to undertake customary harvest.
  - c. RMIA–MKB–I3 – Impacts of climate change on both species/habitat viability and increasing pest (flora/fauna) encroachments
  - d. RMIA–MKB–I4 – Shortage of protected and secure areas for biodiversity.
  - e. RMIA–MKB–I5 – Lack of information on species health and viability.

### 3.2.3. Wāhi tūpuna

73. Wāhi tūpuna (ancestral landscapes) across Otago are made up of interconnected sites and areas reflecting the history and traditions associated with the long settlement of Kāi Tahu in Otago. Areas of significance that form part of wāhi tūpuna include, but are not limited to:
- a. Wāhi tapu
  - b. Kāika nohoaka (settlements)
  - c. Wāhi kohātu and wāhi mahi kohātu (quarry sites)
  - d. Wāhi ikoa (place names)
  - e. Ara tawhito (traditional travel routes)
  - f. Mauka (mountains)
74. Specific issues for wāhi tūpuna are:
- a. RMIA–WTU–I1 – The values of wāhi tūpuna are poorly recognised in resource management in Otago.

### 3.2.4. Wāhi tapu

75. Tribal land was not just the source of economic wellbeing. For Māori it was also the burial ground of the placenta and of the bones of ancestors, the abode of tribal atua and a storybook through place names and traditions. This is reflected in Te Reo Māori, as the word ‘whenua’ means both ‘placenta’ and ‘land’. Ancestral lands were therefore regarded with deep veneration. For Kāi Tahu, wāhi tapu refers to the places that hold the respect of the people in accordance with tikaka or history including:
- a. Mauka (mountains)
  - b. Urupā (burial places)
  - c. Tuhituhi neherā (rock art)
  - d. Umu (ovens)

- e. Nohoaka (seasonal camp sites)

76. Specific issues for wāhi tapu are:

- a. RMIA–WTA–I1 – Land use activities have resulted in disturbance and degradation of wāhi tapu sites and the cultural and spiritual values associated with these areas.
- b. RMIA–WTA–I2 – Access to wāhi tapu and the ability to undertake customary activities on these sites has been impeded.

### 3.2.5. Air and atmosphere

77. Air is an integral part of the environment that must be valued, used with respect, and passed on intact to the next generation. Pollution of the air and atmosphere adversely affects the mauri of this taoka and other taoka such as plants and animals. In Kāi Tahu traditions, air and atmosphere emerged through the creation traditions and Te Ao Marama. The air is an integral part of the environment that must be valued, used with respect, and passed on intact to the next generation. Pollution of the atmosphere adversely affects the mauri of this taoka and other taoka such as plants and animals.

78. Specific issues for air and atmosphere are:

- a. RMIA–AA–I1 – The cultural impacts of discharges to air are poorly recognised in resource management.

### 3.2.6. Coastal environment (Taku tai moana me te wai Māori)

79. The coastal environment is particularly significant for Kāi Tahu in the southern South Island. The spiritual and cultural significance of taku tai moana me te wai māori (saltwater and freshwater) and the interconnection between land and sea environments are not always well recognised in management of the coastal environment.

80. Specific issues for the coastal environment are:

- a. RMIA–CE–I1 – Mahika kai and coastal systems are adversely affected by lack of integrated management across the land-water interface.
- b. RMIA–CE–I2 – Discharges into coastal waters and marine dumping of waste degrade mahika kai and the mauri of the waters.
- c. RMIA–CE–I3 – The ability for Kāi Tahu ki Otago to access and harvest kaimoana has been impeded by the effects of activities in the coastal and marine environment.
- d. RMIA–CE–I4 – Habitat disturbance and modification has contributed to decline in populations of indigenous marine species, including marine mammals.
- e. RMIA–CE–I5 – Wāhi tapu and wāhi tūpuna values in the coastal environment are poorly recognised and protected.

### 3.2.7. Pounamu

81. Kāi Tahu customs are intricately linked to this special taoka. There is currently no Regional Pounamu Plan for Otago. Management of this taoka is currently dependent on the provisions of the Ngāi Tahu (Pounamu Vesting) Act 1997 and a rāhui pounamu is in place in the Otago region.

82. Specific issues for pounamu are:



- a. RMIA–PO–11 – Pounamu resources need protection from the effects of land use activities.

## 4. Evaluation of objectives

83. An objective is a statement of what is to be achieved through the resolution of a particular issue. Objectives clearly state what is aimed for in overcoming the issue or promoting a positive outcome, or what the community has expressed as being desirable in resolving an issue (Quality Planning, 2013).

### 4.1. Methodology

84. Section 32(1)(a) requires an examination of the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA. Section 32(6) clarifies that for a proposal that contains objectives, those are the objectives which must be evaluated. The purpose of the RMA is:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this RMA, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –*
  - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

85. Section 32 does not require different options for objectives to be identified however it is considered that, at a minimum, proposed objectives should be assessed against the status quo (in this case the PORPS 2019). The Ministry for the Environment’s guidance on section 32 outlines three criteria for evaluating objectives (Ministry for the Environment, 2017):

- a. relevance;
- b. feasibility; and
- c. acceptability.

### 4.2. Status quo

86. The objectives of the PORPS 2019 represent the status quo for resource management. They are listed in Table 3 below for reference.

Table 3: Objectives from the PORPS 2019

PORPS 2019 Objectives	
1.1	Otago’s resources are used sustainably to promote economic, social and cultural wellbeing for its people and communities.
1.2	Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago.
2.1	The principles of Te Tiriti o Waitangi are taken into account in resource management processes and decisions.
2.2	Kāi Tahu values, interests and customary resources are recognised and provided for.
3.1	The functions and values of Otago’s ecosystems and natural resources are recognised, maintained or enhanced where degraded.

3.2	Otago’s significant and highly valued natural resources are identified, and protected or enhanced where degraded.
4.1	Risks that natural hazards pose to Otago’s communities are minimised.
4.2	Otago’s communities are prepared for and able to adapt to the effects of climate change.
4.3	Infrastructure is managed and developed in a sustainable way.
4.4	Energy resources and supplies are secure, reliable and sustainable.
4.5	Urban growth and development is well designed, occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments.
4.6	Hazardous substances, contaminated land and waste materials do not harm human health or the quality of the environment in Otago.
5.1	Public access to areas of value to the community is maintained or enhanced.
5.2	Historic heritage resources are recognised and contribute to the region’s character and sense of identity.
5.3	Sufficient land is managed and protected for economic production.
5.4	Adverse effects of using and enjoying Otago’s natural and physical resources are minimised.

87. One of the main criticisms of the PORPS 2019 is that the objectives have been drafted at a broad, high level and do not contain enough detail about the specific outcomes sought, either in an environmental sense or from the management framework. To address this issue, the objectives in the PORPS 2021 contain more detail and seek to specify as far as possible the outcomes sought from implementing the RPS. Collectively they aim to provide a clear vision for Otago that is not evident in the PORPS 2019.

### 4.3. Evaluation

#### 4.3.1. MW – Mana whenua

88. Te Tiriti o Waitangi establishes a partnership between Kāi Tahu and the Crown. The RMA requires that the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka, is recognised and provided for<sup>9</sup> and that the principles of the Treaty of Waitangi are taken into account. The ORPS seeks to facilitate Kāi Tahu engagement in resource management in Otago in a way that gives effect to the principles of Te Tiriti o Waitangi, with particular emphasis on partnership and active protection. The MW chapter of the ORPS sets out this outcome in MW-O1, which is evaluated in Table 4 below.

Table 4: Assessment of MW objectives

Objective	Assessment
<p><b>MW-O1 – Principles of Te Tiriti o Waitangi</b></p> <p>The principles of Te Tiriti o Waitangi are given effect in resource management processes and decisions, utilising a partnership approach between councils</p>	<p>This objective responds to section 8 of the RMA, requiring local authorities to take into account the principles of Te Tiriti o Waitangi in all RMA processes and decision-making. In doing so, it responds to a number of issues of significance to iwi, in particular RMIA-WAI-I4 and RMIA-MKB-I2. It articulates the partnership approach required to take into account the principles of Te Tiriti.</p>

and Papatipu Rūnaka to ensure that what is valued by mana whenua is actively protected in the region.	Section 8 continues to be a highly relevant matter for local authorities.
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89. The provisions of direct relevance to this evaluation, and which are evaluated in detail, in Section 5.3 of this Report, are:
- a. MW–P1 – Treaty obligations
  - b. MW–P2 – Treaty principles
  - c. MW–P3 – Supporting Kāi Tahu wellbeing
  - d. MW–P4 – Sustainable use of Māori land
  - e. MW–M1 – Collaboration with Kāi Tahu
  - f. MW–M2 – Work with Kāi Tahu
  - g. MW–M3 – Kāi Tahu relationships
  - h. MW–M4 – Kāi Tahu involvement in resource management
  - i. MW–M5 – Regional and district plans
  - j. MW–M6 – Incentives and education
  - k. MW–M7 – Advocacy and facilitation
90. While there may be some uncertainty about how the principles of Te Tiriti will apply in every situation, that uncertainty would exist whether this objective was considered or not given the overriding requirements of s8. This objective is consistent with the outcomes sought by Kāi Tahu for Otago and has been carried over from the existing PORPS 2019 meaning there will be limited or no change in costs from the status quo. MW–O1 is therefore considered feasible and acceptable.
91. Policies MW–P1 to MW–P4 and methods MW–M1 to MW–M7 are included in the PORPS 2021 to achieve the outcome sought by this objective. The evaluation of those provisions in section 5.3 considers them to improve effectiveness and efficiency, and comply with the National Planning Standards, by bringing the tangata whenua/mana whenua provisions into a single chapter, without any material increase in environmental, social, cultural or economic cost. The objective is, therefore, relevant and acceptable in terms of issues of significance to iwi, achievable, and does not impose undue cost. It is the most appropriate way to meet the obligation expressed in section 8 of the RMA and therefore positively and directly contributes to achieving the purpose of the RMA.

#### 4.3.2. IM – Integrated management

92. The integrated management of the natural and physical resources of the Otago region is at the heart of the planning approach to resource management as expressed in the PORPS. Section 59 of the RMA states:
- The purpose of a regional policy statement is to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region*
93. Integrated management, in this context, is focussed on the notion that everything is connected. It is therefore appropriate to take into account and provide for those interconnections and interdependencies in the approach to resource management in Otago. In the context of Part 2 of the RMA (particularly section 5) integrated management will ensure that natural and physical resources are sustained for future generations, communities will be

able to provide for their economic social and cultural wellbeing, and all relevant effects of activities on the environment will be addressed.

Table 5: Assessment of IM objectives

Objective	Assessment
<p><b>IM-O1 – Long term vision</b></p> <p>The management of natural and physical resources in Otago, by and for the people of Otago, including Kāi Tahu, and as expressed in all resource management plans and decision-making, achieves healthy, resilient, and safeguarded natural systems, and the ecosystem services they offer, and supports the well-being of present and future generations, <i>mō tātou, ā, mō kā uri ā muri ake nei</i>.</p>	<p>This objective broadly sets out the goal of sustainable management for Otago, drawing together the issues identified by iwi and the community.</p> <p>It is one of a suite of objectives, the collective purpose of which is to achieve sustainable integrated management of resources within the Otago Region. In addition, it directly responds to input received from consultation that managing resources in isolation has the potential to create unforeseen outcomes; result in failure to properly manage resources; and result in failure to achieve the outcomes sought.</p> <p>The objective has at its core prioritising the life supporting capacity of the environment because if this is not achieved it follows that the health needs of people will be compromised or not provided and people and communities will not be able to provide for their social, economic or cultural wellbeing, which would be inconsistent with the purpose of the RMA (s5).</p>
<p><b>IM-O2 – Ki uta ki tai</b></p> <p>Natural and physical resource management and decision-making in Otago embraces <i>ki uta ki tai</i>, recognising that the environment is an interconnected system, which depends on its connections to flourish, and must be considered as an interdependent whole.</p>	<p>IM-O2 recognises the need for the PORPS 2021 to achieve integrated management in accordance with s59 of the RMA and recognise the interconnections between resources. It does this through a <i>te ao Māori</i> philosophy, <i>ki uta ki tai</i>, recognising that all parts of the environment are connected and interrelated.</p> <p>This objective reflects Kāi Tahu values and responds to a number of issues of significance to iwi, including RMIA-WAI-15 and RMIA-CE-11. <i>Ki uta ki tai</i> is an expression of integrated management which aligns closely with the statutory purpose of the PORPS 2021 under the RMA and will enhance the likelihood of achieving the purpose of the RMA.</p>
<p><b>IM-O3 – Environmentally sustainable impact</b></p> <p>Otago’s communities carry out their activities in a way that preserves environmental integrity, form, function, and resilience, so that the life-supporting capacities of air, water, soil, ecosystems, and indigenous biodiversity endure for future generations.</p>	<p>This objective, in combination with the others in this IM Chapter, establishes a framework for all decision-making so that the goal of sustainable management of the natural and physical resources of the Region, as defined in s5 of the RMA, is achieved. It responds to issues of significance to iwi, particularly RMIA-WAI-13, RMIA-MKB-11 and RMIA-CE-14. It also addresses other issues of regional significance, such as SRMR-110 and SRMR-111.</p>
<p><b>IM-O4 – Climate change</b></p> <p>Otago’s communities, including Kāi Tahu, understand what <i>climate change</i> means for their future, and climate change responses in the region, including adaptation and mitigation actions, are aligned with national level climate change responses and are recognised as integral to achieving the outcomes sought by this RPS.</p>	<p>This objective outlines how Otago’s communities will respond to the effects of climate change in accordance with s7(i) of the RMA. It also responds to issues of significance to iwi, particularly RMIA-MKB-13 and RMIA-CE-16, and other regionally significant issues, particularly SRMR2. Responding to climate change has been a common theme throughout the consultation undertaken in the development of the PORPS 2021.</p>

94. In the context of the PORPS 2021, the integrated management objectives, along with the policies and methods that implement those objectives, form a suite of ‘process’ provisions whose primary focus is on defeating a ‘silo approach’ to resource management. They achieve this by requiring, when interpreting and applying all other provisions in the PORPS 2021, the adoption of a broad and holistic perspective that is focussed on the protection and enhancement of the life supporting capacity of the environment.
95. The reason for this particular focus is that unless the life supporting capacity of the environment is protected and enhanced it is not possible to provide for the health needs of people and there is no foreseeable long-term way for people and communities to provide for their social, economic and cultural wellbeing.
96. These objectives, and the policies and methods that implement them, also give further expression to and assist with the achievement of the resource management outcomes sought by mana whenua.
97. The provisions of the PORPS 2021 that implement the IM objectives are set out below. The detailed evaluation of these provisions is set out in Section 5.4 of this report.
  - a. IM–P1 – Integrated approach
  - b. IM–P2 – Decision priorities
  - c. IM–P3 – Providing for mana whenua cultural values in achieving integrated management
  - d. IM–P4 – Setting a strategic approach to ecosystem health
  - e. IM–P5 – Managing environmental interconnections
  - f. IM–P6 – Acting on best available information
  - g. IM–P7 – Cross boundary management
  - h. IM–P8 – Climate change impacts
  - i. IM–P9 – Community response to climate change impacts
  - j. IM–P10 – Climate change adaptation and mitigation
  - k. IM–P11 – Enhancing environmental resilience to effects of climate change
  - l. IM–P12 – Contravening environmental bottom lines for climate change mitigation
  - m. IM–P13 – Managing cumulative effects
  - n. IM–P14 – Human impact
  - o. IM–P15 – Precautionary approach
  - p. IM–M1 – Regional and district plans
  - q. IM–M2 – Relationships
  - r. IM–M3 – Identification of climate change impacts and community guidance
  - s. IM–M4 – Climate change response
  - t. IM–M5 – Other methods
98. Given their overarching position within the PORPS 2021, the IM objectives are to be achieved through implementing the policies and methods set out within the *IM – Integrated management* chapter along with applying the principles expressed in that Chapter when reading, interpreting and implementing all other provisions within the PORPS 2021. By approaching the PORPS 2021 and its implementation in this manner all its provisions will positively contribute to achieving the purpose of the RMA.
99. Section 5.4 of this report contains an evaluation of the policies and methods set out in the *IM – Integrated management* chapter of the PORPS 2021. Other sections in Part 5 of this Report contain the evaluation of the other provisions (policies and methods) that will also contribute to the attainment of these overarching integrated management objectives.

100. The purpose of the PORPS 2021 is to achieve the purpose of the RMA. The format and style of the PORPS 2021, as required by the Planning Standards, lends itself to the inclusion of a suite of integrated management provisions so that sight is not lost of the single purpose of the RMA. Implementation of these integrated management objectives will not be without costs. These costs will arise through the preparation of subordinate regulation and, ultimately, through the various processes (application preparation and processing) in respect of resource consents. They are not, however, able to be classified as unexpected. The requirement for an integrated approach to resource management within Otago has been present since 1991 when the RMA became law.
101. While there might be costs linked to an integrated management approach, there are also benefits. In the main, the benefits accrue to the environment and arise from the adoption of holistic approaches to the use, development, and protection of natural and physical resources where all the implications of each proposal are considered. At a regional level, these benefits are considered to significantly outweigh any costs of having to implement an integrated approach to resource management. The evaluations set out in Section 5 of this report also indicate that the provisions of the PORPS 2021 are effective methods to achieve the objectives, demonstrating that the proposed objectives are feasible.
102. When taken in the context of the PORPS 2021 as a whole, and in recognition of sections 5, 30 and 59 of the RMA 1991, the integrated management objectives are a necessary inclusion, and are therefore considered to be appropriate and acceptable. Given these IM objectives are process focussed, and direct an approach to resource management that is to be achieved across all domains and topics within the PORPS, their particular focus and phrasing is considered to be the most appropriate way of achieving the single purpose of the RMA.

#### 4.3.3. AIR – Air

103. The management of discharges to air is a function of regional councils, as specified in section 30(f) of the RMA. The AIR chapter of the PORPS contains two objectives, which collectively provide for sustainable management of air in the Otago region. Table 6 below details the assessment of the objectives for the AIR chapter. The objectives give effect to the RMA and National Environmental Standards for Air Quality 2004. At a regional level, the objectives also address significant resource management issues raised during consultation, and in response to clause 3 and 4A consultation.

Table 6: Assessment of AIR objectives

Objective	Assessment
<p><b>AIR–O1 – Ambient air quality</b> Ambient air quality provides for the health and well-being of the people of Otago, amenity and mana whenua values, and the life-supporting capacity of ecosystems.</p>	<p>AIR–O1 sets out the long-term goal for Otago’s air resource and drives the policy framework for improving the air quality in Otago. It responds to community views in relation to SRMR–I8 and SRMR–I10 as well as issues of significance to iwi, particularly RMIA–AA–I1. Section 5(b) of the RMA requires safeguarding the life supporting capacity of air, which is reflected in the wording of AIR–O1.</p> <p>Section 30 of the RMA specifies that it is a function of the Regional Council to manage regional air quality. AIR–O1 additionally gives effect to sections 6(e) and 7(b), (c) and (f) of the RMA by providing for mana whenua values, amenity, and life supporting capacity of</p>

	ecosystems. The objective also addresses Section 13 and Schedule 1 of the NESAQ which requires ambient air quality to meet set standards.
<p><b>AIR–O2 – Discharges to air</b> Human health, amenity and mana whenua values and the life supporting capacity of ecosystems are protected from the adverse effects of discharges to air.</p>	<p>Section 15 of the RMA specifies strict controls on discharging contaminants into the environment, including into air. AIR–O2 specifies that human health, amenity, mana whenua values and the life supporting capacity of ecosystems are all protected from adverse effects of discharges to air, consistent with requirements of s5 of the RMA.</p> <p>The objective also responds to a specific issue with adverse effects of discharges to air on mana whenua values as highlighted by iwi in relation to RMIA–AA–1. It also responds to parts of the issues of regional significance, including SRMR–14, SRMR–10 and SRMR–11. There are considerable benefits for the environment and for human health in this approach, which will assist with achieving the purpose of the RMA.</p>

104. The provisions contained in the AIR chapter of the PORPS 2021 that implement the objectives are set out below. These provisions are evaluated in Section 5.5 of this report.

- a. AIR–P1 – Maintain good ambient air quality
- b. AIR–P2 – Improve poor ambient air quality
- c. AIR–P3 – Providing for discharges to air
- d. AIR–P4 – Avoiding certain discharges
- e. AIR–P5 – Managing certain discharges
- f. AIR–P6 – Impacts on mana whenua values
- g. AIR–M1 – Review airshed boundaries
- h. AIR–M2 – Regional plans
- i. AIR–M3 – Territorial authorities
- j. AIR–M4 – Monitoring and reporting
- k. AIR–M5 – Incentives and other mechanisms

105. AIR–O1 sets out the values that ambient air quality must provide for, as a result of resolving air quality issues within Otago. AIR–O2 specifically relates to discharges and provides for these so long as the values identified in AIR–O1 are protected. AIR–O1 and AIR–O2 are appropriate objectives for protecting air quality in Otago consistent with the requirements and direction set out in sections 5, 6(e) and 7(b), (c) and (f) of the RMA. The objectives appropriately direct the management of air quality in a way that accords with NESAQ (as required by s61(1)(e) of the RMA) and responds to community feedback, specifically SRMR–4, SRMR–8, SRMR–10 and RIMA–WTU–1. While there are implementation costs both for regional and district councils, the benefits to human health and the associated reduction in economic costs, are significant. The efficiency and effectiveness evaluation in Section 5.5 of this report also shows that the provisions are effective, meaning that the objectives are feasible. Overall, the objectives are considered appropriate in terms of achieving the purpose of the RMA, are relevant and acceptable as they are a response to community feedback and accord with the requirements of the NESAQ.

#### 4.3.4. CE – Coastal environment

106. The coastal environment in Otago is highly valued by the community for its many different values and functions. The dynamic and interdependent nature of the coastal environment



requires a broad policy approach in order to achieve the purpose of the RMA and give effect to the New Zealand Coastal Policy Statement (NZCPS). The CE – Coastal environment chapter contains five objectives that respond to the direction set out in Part 2 of the RMA and the NZCPS. The objectives are assessed in Table 7 below:

Table 7: Evaluation of CE objectives

Objective	Assessment
<p><b>CE-O1 – Safeguarding the coastal environment</b></p> <p>The integrity, form, functioning and resilience of the coastal environment is safeguarded so that:</p> <ol style="list-style-type: none"> <li>(1) the mauri of coastal water is protected and restored where it has degraded,</li> <li>(2) coastal water quality supports healthy ecosystems, natural habitats, water-based recreational activities, existing activities, and customary uses, included practices associated with mahika kai and kaimoana,</li> <li>(3) the dynamic and interdependent natural biological and physical process in the coastal environment are maintained or enhanced,</li> <li>(4) representative or significant areas of biodiversity are protected, and</li> <li>(5) surf breaks of national significance are protected.</li> </ol>	<p>This objective sets out the broad outcomes sought for the coastal environment that will be achieved by safeguarding its integrity, form, function and resilience. Protecting areas of significant indigenous vegetation and significant indigenous fauna, outstanding natural features, landscapes and seascapes, and natural character in the coastal environment are matters of national importance under Sections 6 of the RMA that must be recognised and provided for. Objective 1 of the NZCPS requires that the integrity, form, functioning and resilience of the coastal environment is safeguarded and its ecosystems, including marine and intertidal areas, estuaries, dunes and land, are sustained. This objective is particularly relevant for achieving the purpose of the RMA, in that it specifically provides for the relevant matters in Section 6 and 7 of the RMA and gives effect to Objective 1 of the NZCPS. CE-O1 also responds to significant resource management issues raised by iwi (RMIA-CE-I2 through to RMIA-CE-I5) and issues raised by the community (SRMR-I8) during consultation on the RPS, indicating that the objective is also relevant and acceptable to the Otago community.</p>
<p><b>CE-O2 – Maintaining or enhancing highly valued areas of the coastal environment</b></p> <p>Public access, recreation opportunities, and highly valued natural features and landscapes in the coastal environment are maintained and enhanced.</p>	<p>This objective recognises that access to the coastal environment, recreational opportunities and the associated natural features and landscapes are a significant resource management issue for the region, as set out in RMIA-CE-I3, SRMR-I8 and SRMR-I10. CE-O2 is consistent with the requirements set out in s6 (b), (d) and s7(c) of the RMA and gives effect to Objective 4 of the NZCPS.</p>
<p><b>CE-O3 – Natural character, features and landscapes</b></p> <p>Areas of natural character, natural features, landscapes and seascapes within the coastal environment are protected from inappropriate activities, and restoration is encouraged where the values of these areas have been compromised</p>	<p>This objective is ORC’s response to the requirements of s6(a) and (b) of the RMA to protect areas of natural character natural features, landscapes and seascapes within the coastal environment. The NZCPS provides further direction on these matters in Objective 2, and includes additional requirements for encouraging restoration of the coastal environment. CE-O3 gives effect to this objective by also encouraging restoration where values have been compromised. The relevance and acceptability of CE-O3 to the Otago community and to iwi is demonstrated through the key issues RMIA-CE-I5 and SRMR-I8.</p>
<p><b>CE-O4 – Kāi Tahu associations with Otago’s coastal environment</b></p>	<p>The coastal environment is particularly significant for Kāi Tahu in the southern South Island. CE-O4 seeks to recognise and provide</p>

<p>The enduring cultural association of Kāi Tahu with Otago’s coastal environment is recognised and provided for, and <i>mana whenua</i> are able to exercise their kaitiaki role within the coastal environment.</p>	<p>for the relationship that Kāi Tahu has with the Otago coastal environment (consistent with s6(e) of the RMA, as a matter of national importance), and provide for <i>mana whenua</i> to exercise their kaitiaki role within the coastal environment (having regard to s7(a) in achieving the purpose of the RMA). CE–O4 also gives effect to Objective 4 of the NZCPS by requiring that the role of <i>takata whenua</i> as kaitiaki is recognised. As CE–O4 aligns with the direction set out in the RMA and higher order documents, the objective is considered relevant and appropriate. In addition, it also directly responds to the significant resource management issues raised by iwi for the coastal environment, including RMIA–CE–I1 through to RMIA–CE–I5 indicating that the objective is an acceptable management approach for enabling the continued associations of Kāi Tahu with the coastal environment.</p>
<p><b>CE–O5 – Activities in the coastal environment</b></p> <p>Activities in the coastal environment:</p> <ol style="list-style-type: none"> <li>(1) make efficient use of space occupied in the coastal marine area,</li> <li>(2) are of a scale, density and design compatible with their location,</li> <li>(3) are only provided for within appropriate locations and limits, and</li> <li>(4) maintain or enhance public access to and along the <i>coastal marine area</i>, including for customary uses.</li> </ol>	<p>Objective CE-O5 sets up a management framework for activities that may occur in the coastal environment, in a manner that provides for the matters set out in sections 6(d) and 7(b) and (f) of the RMA. This objective is also consistent with Objective 6 of the NZCPS, which seeks to enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety through subdivision, use and development of the coastal environment. The alignment between CE-O5 and Part 2 of the RMA, the NZCPS and significant resource management issue SRMR–I8 is indicative of its relevance and significance to Otago.</p>

107. The relevant PORPS 2021 provisions that implement these objectives are listed below:

- a. CE–P1 – Links with other chapters
- b. CE–P2 – Identifying areas of the coastal environment
- c. CE–P3 – Coastal water quality
- d. CE–P4 – Natural character
- e. CE–P5 – Coastal indigenous biodiversity
- f. CE–P6 – Natural features, landscapes and seascapes
- g. CE–P7 – Surf breaks
- h. CE–P8 – Public access
- i. CE–P9 – Activities on land within the coastal marine area
- j. CE–P10 – Activities within the coastal marine area
- k. CE–P11 – Aquaculture
- l. CE–P12 – Reclamation
- m. CE–P13 – Kaitiakitaka
- n. CE–M1 – Identifying the coastal environment
- o. CE–M2 – Identifying other areas
- p. CE–M3 – Regional plans
- q. CE–M4 – District plans
- r. CE–M5 – Other incentives and mechanisms

108. The evaluation of these provisions in Section 5.6 of this report concludes that they are the most efficient and effective way to achieve the objectives, and they align with the Planning

Standards by bringing all of the provisions specifically related to the coastal environment into a single chapter. There is also increased alignment with the direction set out in the NZCPS and they respond directly to significant resource management issues for iwi and for the Otago community. These objectives are necessary to give effect to the RMA and the NZCPS, however they are also considered relevant and acceptable in terms of a response to issues of significance to iwi and the community.

109. The efficiency and effectiveness evaluation in Section 5.6 demonstrates that the provisions are efficient (i.e. the environmental, social, cultural and economic benefits outweigh the costs of implementing the provisions). Section 5.6 of this report also concludes that the provisions are effective in achieving the objectives, demonstrating that the objectives are achievable. The objectives are therefore considered to be the most appropriate way to meet the obligations expressed in sections 6, 7 and 8 of the RMA and therefore positively and directly contribute to achieving the purpose of the RMA.

#### 4.3.5. LF – Land and freshwater

110. The LF chapter has four sections: LF–WAI – Te Mana o te Wai, LF–VM – Visions and management, LF–FW – Freshwater and LF–LS – Land and soils. The LF–VM, LF–FW and LF–LS sections must give effect to the objectives and policies in LF–WAI in accordance with the NPSFM. There are 13 objectives in total which are assessed in Table 8 below.

##### 4.3.5.1. LF–WAI – Te Mana o Te Wai

111. This section of the LF chapter has only one objective which is assessed in Table 8 below.

Table 8: Evaluation of LF–WAI objective

Objective	Assessment
<p><b>LF–WAI–O1 – Te Mana o te Wai</b></p> <p>The mauri of Otago’s water bodies and their health and well-being is protected, restored where it is degraded, and the management of land and water recognises and reflects that:</p> <ol style="list-style-type: none"> <li>(1) water is the foundation and source of all life - na te wai ko te hauora o ngā mea katoa,</li> <li>(2) there is an integral kinship relationship between water and Kāi Tahu whānui, and this relationship endures through time, connecting past, present and future,</li> <li>(3) each water body has a unique whakapapa and characteristics,</li> <li>(4) water and land have a connectedness that supports and perpetuates life, and</li> <li>(5) Kāi Tahu have kaitiakitaka duty of care and attention over wai and all the life it supports.</li> </ol>	<p>LF–WAI–O1 underpins ORC’s policy response for giving effect to the NPSFM and plays a critical role in expressing how freshwater management in Otago will give effect to the concept of Te Mana o te Wai as set out in the NPSFM. It sets out the foundation for all freshwater management in the region and will be the first ‘step’ for ORC in implementing the NPSFM through its planning framework. The NPSFM sets out how freshwater resources are to be managed in order to achieve the purpose of the RMA 1991.</p> <p>For mana whenua, the condition of water is seen as a reflection of the condition of the people. Iwi have identified a range of issues with freshwater management currently and this objective responds to those, particularly RMIA–WAI–I4 and WAI–I5. Management of freshwater was also identified as an issue for the region through community consultation and this objective responds to that, particularly in relation to SRMR–I5, SRMR–I6, SRMR–I7 and SRMR–I9. This objective underpins Otago’s planning framework for freshwater management and is vital for expressing Kāi Tahu values.</p>

112. This objective is implemented primarily by the first three policies in the LF–WAI section: LF–WAI–P1, LF–WAI–P2 and LF–WAI–P3. Policy LF–WAI–P4 sets out that all other provisions in the LF–WAI chapter are required to give effect to the objectives and policies in the LF–WAI section. There are two methods implementing the policies specifically: LF–WAI–M1 which outlines how mana whenua must be involved in freshwater management and LF–WAI–M2 which states that all other methods in the LF chapter also contribute to implementing the policies in the LF–WAI section. These policies and methods are evaluated in Section 5.7 of this report.
113. This objective sits above the rest of the chapter, primarily because of the requirements of Objective 1 and Policy 1 in the NPSFM to give effect to Te Mana o te Wai. Implementing Te Mana o te Wai as directed by the PORPS 2021 will be a paradigm shift for water management in Otago and will result in significant economic and social costs due to the changes in land and water uses that will be required. However, there will also be significant environmental and cultural benefits which is consistent with the NPSFM.
114. This objective is considered to be the most appropriate way to achieve the purpose of the Act as it relates to freshwater as it implements the NPSFM which sets out the sustainable management framework for freshwater resources, underpinned by Te Mana o te Wai.

#### 4.3.5.2. LF–VM – Visions and management

115. This section of the LF chapter has five objectives which are assessed in Table 9 below.

Table 9: Evaluation of LF-VM objectives

Objective	Assessment
<p><b>LF–VM–O2 – Clutha Mata-au FMU vision</b></p> <p>In the Clutha Mata-au FMU:</p> <p>(1) management of the FMU recognises that:</p> <p>(a) the Clutha River / Mata-au is managed as a single connected system ki uta ki tai, and</p> <p>(b) the source of the wai is pure, coming directly from Tawhirimatea to the top of the mauka and into the awa,</p> <p>(2) freshwater is managed in accordance with the LF–WAI objectives and policies,</p> <p>(3) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,</p> <p>(4) water bodies support thriving mahika kai and Kāi Tahu whānui have access to mahika kai,</p>	<p>Clause 3.3 of the NPSFM requires regional councils to develop long-term visions for freshwater in their regions and include them as objectives in their RPS. Freshwater visions may be set at FMU, part of an FMU or catchment level. ORC has identified the Clutha Mata-au as an FMU but has also identified five sub-unts within the FMU, called rohe. LF-VM-O2 is one vision that sets out goals for the FMU as a whole in the first six sub-clauses as well as additional goals for each of the rohe, reflecting that the rohe are distinct areas with different challenges but all contribute towards the overall health and well-being of the Clutha Mata-au River. The Clutha Mata-au FMU is an area of shared interest between Kāi Tahu ki Otago and Ngāi Tahu ki Murihiku.</p> <p>Specific consultation with Kāi Tahu and the public was undertaken in late 2020. Kāi Tahu ki Otago outlined their expectations for all water bodies in Otago, which can be summarised as:</p> <ul style="list-style-type: none"> <li>• The wai is health-giving.</li> <li>• The waterways are restored to the way they were when tupuna knew them.</li> <li>• Mahika kai is flourishing, native fish can migrate easily and as naturally as possible, and taoka species and their habitats are protected.</li> <li>• Over-allocation is reversed and water is available for mana whenua aspirations.</li> <li>• The interconnection of fresh and coastal waters is recognised.</li> </ul>

<p>(5) indigenous species migrate easily and as naturally as possible along and within the river system,</p> <p>(6) the national significance of the Clutha hydro-electricity generation scheme is recognised,</p> <p>(7) in addition to (1) to (6) above:</p> <p>(a) in the Upper Lakes rohe, the high quality waters of the lakes and their tributaries are protected, recognising the significance of the purity of these waters to Kāi Tahu and to the wider community,</p> <p>(b) in the Dunstan, Manuherehia and Roxburgh rohe:</p> <p>(i) flows in water bodies sustain and, wherever possible, restore the natural form and function of main stems and tributaries to support Kāi Tahu values and practices, and</p> <p>(ii) innovative and sustainable land and water management practices support food production in the area and reduce discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and</p> <p>(iii) sustainable abstraction occurs from main stems or groundwater in preference to tributaries,</p> <p>(c) in the Lower Clutha rohe:</p> <p>(i) there is no further modification of the shape and behaviour of the water bodies and opportunities to restore the natural form and function of water bodies are</p>	<ul style="list-style-type: none"> <li>• The quality and quantity of groundwater is protected.</li> <li>• Mana whenua are integrally involved in freshwater management.</li> <li>• Land users work together to restore catchments.</li> </ul> <p>Kāi Tahu ki Otago also highlighted four particular priorities for the Clutha Mata-au:</p> <ul style="list-style-type: none"> <li>• Mata-au is one catchment and needs to be managed as such.</li> <li>• Management recognises and reflects that the wai comes directly from Tawhirimatea (the sky) to the top of the mauka and into the awa so is pure at source – the quality along the full length of the waterway should reflect this.</li> <li>• There is no further degradation of lakes.</li> <li>• There are no sedimentation effects on the ocean.</li> </ul> <p>Ngāi Tahu ki Murihiku also sought a range of outcomes for the river, including:</p> <ul style="list-style-type: none"> <li>• Restoring its mauri, health and well-being</li> <li>• Adopting a Treaty partnership approach to governing and managing lands in the catchment, upholding Kāi Tahu values and utilising matauraka.</li> <li>• Valuing natural form and function, prioritising water for waterbodies and increasing areas and populations of indigenous flora and fauna to improve access to healthy and abundant mahika kai</li> <li>• Providing for a range of Kāi Tahu associations and uses, high quality drinking water supplies, hydroelectricity generation, climate resilient economic activities and valued social and recreational activities.</li> </ul> <p>Consultation with the public occurred mostly at the rohe level. Key themes raised were:</p> <ul style="list-style-type: none"> <li>• Retaining the current high quality of the Upper Lakes.</li> <li>• Resolving any water quality and quantity issues in the Dunstan, Manuherehia, Roxburgh and Lower Clutha rohe so that the water bodies are healthy and provide habitats for freshwater flora and fauna, and provide opportunities for drinking water and recreation.</li> <li>• In the Lower Clutha rohe, concern about the effects of discharges from urban environments.</li> <li>• In the Dunstan, Manuherehia, Roxburgh, and Lower Clutha rohe, recognising the importance of those catchments to communities for their food production opportunities and the need for irrigation water to support those activities.</li> </ul> <p>LF-VM-O2 was co-drafted by Aukaha and ORC staff as part of feedback from Kāi Tahu ki Otago through clause 4A consultation and input was also received from Te Ao Marama staff. The objective attempts to draw together the very wide-ranging aspirations of both Kāi Tahu and Otago’s communities in a way that gives effect to Te Mana o te Wai, the NPSFM and the NPSREG. The vision includes different timeframes for achieving the goals for different rohe in accordance with the requirements of the</p>
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<p>promoted wherever possible,</p> <p>(ii) preserving and restoring the ecosystem connections between freshwater, wetlands and the coastal environment,</p> <p>(iii) land management practices reduce discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and</p> <p>(iv) there are no direct discharges of wastewater to water bodies, and</p> <p>(8) the outcomes sought in (7) are to be achieved within the following timeframes:</p> <p>(a) by 2030 in the Upper Lakes rohe,</p> <p>(b) by 2045 in the Dunstan, Roxburgh and Lower Clutha rohe, and</p> <p>(c) by 2050 in the Manuherekia rohe.</p>	<p>NPSFM. ORC’s science work programme for identifying limits for FMUs has categorised Otago’s FMUs and rohe into four categories based on degree of modification from natural state (i.e. use and hydrological complexity) and values, recognising that the FMUs differ in terms of their information requirements and will require different prioritisation of science resources (Everett-Hincks, 2020). The four categories are explained as follows:</p> <div data-bbox="675 439 1313 887" style="border: 1px solid black; padding: 5px;"> <p>The four categories are:</p> <p>(a) Catchments with generally low hydrological modification, high water quality and high values (Catlins FMU and Upper Lakes Rohe (Mata-Au FMU));</p> <p>(b) Mostly smaller coastal catchments with impact on water quality from cultural uses (Dunedin Coastal FMU);</p> <p>(c) Catchments with either high hydrological modification or degraded water quality (Dunstan Rohe (Mata-Au FMU), Roxburgh Rohe (Mata-Au FMU), and Lower Clutha Rohe (Mata-Au FMU)); and</p> <p>(d) Catchments with very complex hydrology and diverse pressures on competing values (Taieri FMU, North Otago FMU, and Manuherekia (Mata-Au FMU)).</p> </div> <p style="text-align: center;"><i>Figure 2: FMU and rohe categories for science work programme</i></p> <p>Feedback from clause 3 consultation supported having shorter or longer timeframes for different rohe depending on the challenges those areas are facing and the ‘gap’ between current state and achieving the stated vision. Given the science work programme for the FMUs and rohe is based on the categories above, it was considered that those categories could be used as a proxy for the likely difficulty in achieving the visions. For example, catchments with pressures on competing values are likely to face greater challenges in achieving their visions than catchments with low modification, few issues with water quality or quantity and little to no pressure for use.</p> <p>It is acknowledged that these timeframes do not align with iwi aspirations which are:</p> <ul style="list-style-type: none"> <li>• For Kāi Tahu ki Otago, no further loss from now, practice change within 10 years, and outcomes fully achieved within 20 years.</li> <li>• For Ngāi Tahu ki Murihiku, an expectation that within 10 years there will be complete cessation in direct discharges of wastewater within the takiwā.</li> </ul> <p>Clause 3.3(2)(c) requires setting timeframes to achieve the goals in freshwater visions that are both ambitious and reasonable. Given the significant changes in resource management practice that will need to occur to fully achieve LF-VM-O2, it is considered that the timeframes preferred by iwi are potentially too ambitious and may not be reasonable. As ORC is only in the early stages of implementing the NPSFM, including the NOF process of identifying values and setting environmental outcomes, attribute states and limits, there is uncertainty around the specific improvements that may be required within the FMU and each rohe and the implications for activities in these areas. There may</p>
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	<p>be opportunities to set more specific timeframes for particular actions as ORC prepares its new LWRP.</p>
<p><b>LF-VM-O3 – North Otago FMU vision</b>                  By 2050 in the North Otago FMU:</p> <ol style="list-style-type: none"> <li>(1) freshwater is managed in accordance with the LF-WAI objectives and policies, while recognising that the Waitaki River is influenced in part by catchment areas within the Canterbury region,</li> <li>(2) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained and Kāi Tahu maintain their connection with and use of the water bodies,</li> <li>(3) healthy riparian margins, wetlands, estuaries and lagoons support thriving mahika kai, indigenous habitats and downstream coastal ecosystems,</li> <li>(4) indigenous species can migrate easily and as naturally as possible to and from the coastal environment,</li> <li>(5) land management practices reduce discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and</li> <li>(6) innovative and sustainable land and water management practices support food production in the area and improve resilience to the effects of climate change.</li> </ol>	<p>Clause 3.3 of the NPSFM requires regional councils to develop long-term visions for freshwater in their regions and include them as objectives in their RPS. Freshwater visions may be set at FMU, part of an FMU or catchment level. This vision is set at the FMU level, incorporating the whole of the North Otago FMU which has not been divided further into sub-units or rohe. Specific consultation with Kāi Tahu and the public was undertaken in late 2020. Kāi Tahu ki Otago outlined their expectations for all water bodies in Otago (discussed in the assessment of LF-VM-O2 above). Kāi Tahu ki Otago also highlighted three particular priorities for the North Otago FMU:</p> <ul style="list-style-type: none"> <li>• Pollution of the Waihemo (Shag), Waianakarua and Kakanui Rivers and Trotters Gorge Creek, and their tributaries, is reduced.</li> <li>• Wetlands are restored throughout the North Otago catchments.</li> <li>• Riparian margins are healthy and protected from the effects of stock grazing and pests.</li> </ul> <p>Key themes from consultation with the public were:</p> <ul style="list-style-type: none"> <li>• Water quality issues, particularly the Kakanui and its estuary.</li> <li>• Aspirations to use the water bodies for swimming, fishing and mahika kai and allowing future generations to do the same.</li> <li>• The desire for flourishing biodiversity, including by improving riparian margins.</li> <li>• The importance of agriculture to the North Otago economy and the need for certainty of access to water.</li> </ul> <p>Community feedback focused strongly on the importance of agricultural land uses and traversed many potential options for improving the security of water supplies for irrigation, including off-stream storage. This level of detail is not reflected in the vision as it is more appropriately provided through the LWRP which will explore the options for achieving the visions. It was also considered that a focus on these uses of water (which are priority 3 under Objective 1 of the NPSFM) may not give effect to Te Mana o te Wai.</p> <p>As explained in the evaluation of Objective LF-VM-O2, the timeframe adopted reflects the categorisation of FMUs and rohe adopted in the prioritisation of ORC’s science work programme. It is acknowledged that the timeframe for achieving these goals does not align with Kāi Tahu ki Otago aspirations which are for no further loss from now, practice change within 10 years, and outcomes fully achieved within 20 years. As discussed in relation to the evaluation of LF-VM-O2, there are likely to be significant changes required to achieve this vision and a longer timeframe is considered to be most appropriate. However, as discussed previously, there will be opportunities through the LWRP to consider setting interim or target timeframes.</p> <p>LF-VM-O3 was co-drafted by Aukaha and ORC staff as part of feedback from Kāi Tahu ki Otago through clause 4A consultation.</p>

	<p>The drafting of this objective has reflected the views of Kāi Tahu and the community in a way that gives effect to Te Mana o te Wai and the NPSFM.</p>
<p><b>LF-VM-O4 – Taieri FMU vision</b>                  By 2050 in the Taieri FMU:</p> <ol style="list-style-type: none"> <li>(1) freshwater is managed in accordance with the LF-WAI objectives and policies,</li> <li>(2) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,</li> <li>(3) healthy wetlands are restored in the upper and lower catchment wetland complexes, including the Waipori/Waihola wetlands, Tunaheketaka / Lake Taieri, scroll plain, and tussock areas,</li> <li>(4) the gravel bed of the lower Taieri is restored and sedimentation of the Waipori/Waihola complex is reduced,</li> <li>(5) creative ecological approaches contribute to reduced occurrence of didymo,</li> <li>(6) the water bodies support healthy populations of galaxiid species,</li> <li>(7) there are no direct discharges of wastewater to water bodies, and</li> <li>(8) innovative and sustainable land and water management practices support food production in the area and improve resilience to the effects of climate change.</li> </ol>	<p>Clause 3.3 of the NPSFM requires regional councils to develop long-term visions for freshwater in their regions and include them as objectives in their RPS. Freshwater visions may be set at FMU, part of an FMU or catchment level. This vision is set at the FMU level, incorporating the whole of the Taieri FMU which has not been divided further into sub-units or rohe. Specific consultation with Kāi Tahu and the public was undertaken in late 2020. Kāi Tahu ki Otago outlined their expectations for all water bodies in Otago (discussed in the assessment of LF-VM-O2 above).</p> <p>Kāi Tahu ki Otago also highlighted three particular priorities for the Taieri FMU:</p> <ul style="list-style-type: none"> <li>• Healthy wetlands are restored in the upper catchment wetland complex and tussock areas.</li> <li>• Waipori/Waihola wetlands are restored.</li> <li>• There is no sewage discharge to Lake Waihola.</li> <li>• In the long term, the gravel bed of the Lower Taieri is restored and sedimentation of the Waipori/Waihola complex is reversed.</li> </ul> <p>Key themes from consultation with the public were:</p> <ul style="list-style-type: none"> <li>• Protecting highly valued and distinctive features such as the scroll plain and wetlands.</li> <li>• Retaining threatened species of galaxiid that reside in the FMU.</li> <li>• The threat posed by didymo to the health of the Taieri’s water resources.</li> <li>• The importance of agriculture to the economy of the area and the need to adopt sustainable and innovative land and water management practices to support ongoing agricultural activity.</li> </ul> <p>Similarly to the North Otago FMU, communities spent time discussing potential management options for the future to support ongoing use of water. These are not reflected in the vision as the pathways to achieving the visions will be developed through the LWRP.</p> <p>As explained in the evaluation of Objective LF-VM-O2, the timeframe adopted reflects the categorisation of FMUs and rohe adopted in the prioritisation of ORC’s science work programme. It is acknowledged that the timeframe for achieving these goals does not align with Kāi Tahu ki Otago aspirations which are for no further loss from now, practice change within 10 years, and outcomes fully achieved within 20 years. As discussed in relation to the evaluation of LF-VM-O2, there are likely to be significant changes required to achieve this vision and a longer timeframe is considered to be most appropriate. This is particularly the case for restoring wetlands, which is acknowledged to be an ambition goal. However, as discussed previously, there will be opportunities through the LWRP to consider setting interim or target timeframes.</p> <p>LF-VM-O4 was co-drafted by Aukaha and ORC staff as part of feedback from Kāi Tahu ki Otago through clause 4A consultation.</p>



	<p>The drafting of this objective has reflected the views of Kāi Tahu and the community in a way that gives effect to Te Mana o te Wai and the NPSFM.</p>
<p><b>LF-VM-O5 – Dunedin &amp; Coast FMU vision</b></p> <p>By 2040 in the Dunedin &amp; Coast FMU:</p> <ol style="list-style-type: none"> <li>(1) freshwater is managed in accordance with the LF-WAI objectives and policies,</li> <li>(2) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,</li> <li>(3) healthy estuaries, lagoons and coastal waters support thriving mahika kai and downstream coastal ecosystems, and indigenous species can migrate easily and as naturally as possible to and from these areas,</li> <li>(4) there is no further modification of the shape and behaviour of the water bodies and opportunities to restore the natural form and function of water bodies are promoted wherever possible, and</li> <li>(5) discharges of contaminants from urban environments are reduced so that water bodies are safe for human contact.</li> </ol>	<p>Clause 3.3 of the NPSFM requires regional councils to develop long-term visions for freshwater in their regions and include them as objectives in their RPS. Freshwater visions may be set at FMU, part of an FMU or catchment level. This vision is set at the FMU level, incorporating the whole of the Dunedin &amp; Coast FMU which has not been divided further into sub-units or rohe. Specific consultation with Kāi Tahu and the public was undertaken in late 2020. Kāi Tahu ki Otago outlined their expectations for all water bodies in Otago (discussed in the assessment of LF-VM-O2 above). Kāi Tahu ki Otago also highlighted three particular priorities for the Dunedin &amp; Coast FMU:</p> <ul style="list-style-type: none"> <li>• The FMU boundaries should include the Waikouaiti River (which currently falls within the North Otago FMU).</li> <li>• Pollution of the harbour is reduced.</li> <li>• Hidden waterways are recognised – in the long term, waterways are naturalised as much as possible, and potentially some piped areas are opened up.</li> </ul> <p>The boundaries of the FMUs were developed in consultation with Kāi Tahu and have been decided by Council. While Kāi Tahu preference for the Waikouaiti River to be included within the Dunedin &amp; Coast FMU is understood, this change has not been made in order to recognise ORC’s decision on the boundaries.</p> <p>Key themes from consultation with the public were:</p> <ul style="list-style-type: none"> <li>• A desire for healthy and functional ecosystems with good water quality, including in connected coastal areas.</li> <li>• Recognition of the impact of urban discharges on the quality of water in the FMU and a need to improve those discharges, including by longer-term infrastructure planning.</li> <li>• The protection of highly productive land so that opportunities for agriculture continue.</li> </ul> <p>There were a range of diverse views during consultation which are difficult to summarise and reconcile. For example, some participants felt that water bodies should be restored back to “the way they were”, whereas others believed that was impractical and that the goal should be for healthy water bodies and ecosystems, even if that is not a return to an earlier time.</p> <p>LF-VM-O5 was co-drafted by Aukaha and ORC staff as part of feedback from Kāi Tahu ki Otago through clause 4A consultation. The drafting of this objective has reflected the views of Kāi Tahu and the community in a way that gives effect to Te Mana o te Wai and the NPSFM.</p>
<p><b>LF-VM-O6 – Catlins FMU vision</b></p> <p>By 2030 in the Catlins FMU:</p> <ol style="list-style-type: none"> <li>(1) freshwater is managed in accordance with the LF-WAI objectives and policies,</li> <li>(2) supports the ongoing relationship of Kāi Tahu with wāhi tūpuna,</li> </ol>	<p>Clause 3.3 of the NPSFM requires regional councils to develop long-term visions for freshwater in their regions and include them as objectives in their RPS. Freshwater visions may be set at FMU, part of an FMU or catchment level. This vision is set at the FMU level, incorporating the whole of the Catlins FMU which has not been divided further into sub-units or rohe. The Catlins FMU is an</p>

<p>(3) supports thriving mahika kai and access of Kāi Tahu whānui to mahika kai,</p> <p>(4) preserving the high degree of naturalness and ecosystem connections between the forests, freshwater and coastal environment,</p> <p>(5) water bodies and their catchment areas support the health and well-being of coastal water, ecosystems and indigenous species, including downstream kaimoana, and</p> <p>(6) healthy, clear and clean water supports opportunities for recreation and sustainable food production for future generations.</p>	<p>area of shared interest between Kāi Tahu ki Otago and Ngāi Tahu ki Murihiku.</p> <p>Specific consultation with Kāi Tahu and the public was undertaken in late 2020. Kāi Tahu ki Otago outlined their expectations for all water bodies in Otago (discussed in the assessment of LF-VM-O2 above). No specific comments were made by Kāi Tahu ki Otago about the Catlins FMU, however Ngāi Tahu ki Murihiku have sought a range of outcomes for the FMU, including:</p> <ul style="list-style-type: none"> <li>• Adopting a Treaty partnership approach to governing and managing lands in the catchment.</li> <li>• Prioritising restoration of indigenous biodiversity, taoka and mahika kai species instream, on connected lands and in coastal environments to provide for an uninterrupted biodiversity network within a generation.</li> <li>• Water bodies are free of barriers to fish passage and endemic indigenous vegetation is present on all banks and margins to protect from sedimentation.</li> <li>• Water bodies are free of invasive and pest species and retain their natural form and function.</li> <li>• Water is drinkable and direct discharges of wastewater and stormwater are phased out.</li> <li>• Economic activity is based on and nurtures a high quality natural environment.</li> </ul> <p>Key themes from consultation with the public were:</p> <ul style="list-style-type: none"> <li>• Retaining the FMU’s unique natural character and landscapes, including the water quality and biodiversity values of the water bodies.</li> <li>• Fishing, mahika kai and recreational activities such as kayaking and swimming are important to the community.</li> <li>• Retaining the agricultural base for the local economy and recognising the potential to increase tourism opportunities.</li> </ul> <p>Similarly to the North Otago and Taieri FMUs, communities spent time discussing the various actions that may support achieving the aspirations for the water in the long-term, including better investment in infrastructure, increased pest control and exploring opportunities for increased citizen involvement in science programmes and monitoring. These are not reflected in the vision as the pathways to achieving the visions will be developed through the LWRP.</p> <p>LF-VM-O6 was co-drafted by Aukaha and ORC staff as part of feedback from Kāi Tahu ki Otago through clause 4A consultation and input was also received from Te Ao Marama staff. The objective attempts to draw together the aspirations of both Kāi Tahu and Otago’s communities in a way that gives effect to Te Mana o te Wai and the NPSFM.</p>
<p><b>LF-VM-O7 – Integrated management</b></p> <p>Land and water management applies the ethic of ki uta ki tai and land and water are managed as integrated natural resources, recognising the connections and interactions between freshwater,</p>	<p>The purpose of an RPS is to achieve the purpose of the Act, including by setting out policies and methods to achieve integrated management of the natural and physical resources of the region. This objective contributes to that requirement by setting out that the management of land and water resources</p>

<p>land and the coastal environment, and between surface water, groundwater and coastal water.</p>	<p>must be integrated and apply the ethic of ki uta ki tai in order to recognise the connections and interactions between them.</p> <p>This objective responds to the integrated management element of Te Mana o Te Wai. Clause 1.3(1) of the NPSFM notes that “Te Mana o Te Wai is about restoring and preserving the balance between the water, the wider environment and the community.” Integrated management is a key method for achieving this. Although LF–VM–07 is broader in scope, it also reflects the requirement in Policy 3 of the NPSFM to manage freshwater 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 (such as the coastal environment).</p> <p>Lack of integration, and particularly insufficient management of the effects of land use, have been identified as significant issues for iwi (see RMIA–WAI–I3 and RMIA–WAI–I5) and this objective responds to those. While integrated management was not specifically raised by the community in consultation, the effects of an ‘unintegrated’ approach have been raised in a number of the issues, for example SRMR–I4, SRMR–I5, SRMR–I6, SRMR–I9, SRMR–I10 and SRMR–I11.</p>
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116. Freshwater visions set out the long-term aspirations for the catchment, including the water bodies and freshwater ecosystems. They are strategic objectives that look beyond the lifetime of current planning documents and guide the development of plan provisions. Objectives LF–FW–O2 to LF–VM–O6 set freshwater visions at the FMU level and Objective LF–VM–O7 outlines the integrated approach required to achieve the visions and Te Mana o te Wai. Policy LF–VM–P5 sets out the FMU and rohe to be used for freshwater management in Otago and define their boundaries. Policy LF–VM–P6 then defines the relationship between FMU and rohe to clarify how their provisions will relate to one another in practice. There is one method for achieving the policies, LF–VM–M3. As well as these provisions, the objectives in this section will be implemented by all of the provisions of the LF chapter and particularly through the development of the LWRP.
117. The NPSFM sets out sustainable management of New Zealand’s freshwater resources. The objectives in this section give effect to the NPSFM, including Te Mana o te Wai, and have been developed based on consultation with the community and close and ongoing collaboration with Kāi Tahu. All of the provisions of the LF chapter will contribute to achieving these objectives and are evaluated in section 5.7 of this report. There will be significant economic and social costs of achieving these objectives due to the changes in land and water use that will be required. However, there will also be significant environmental and cultural benefits as a result of improving the health and well-being of freshwater bodies and ecosystems across the region as required by the NPSFM. Although ambitious, they are considered feasible and there will be opportunities through the development of the LWRP (and implementation of the NOF) for communities to be involved in considering the range of methods available to achieve these outcomes.
118. National Policy Statements, such as the NPSFM, are intended to expand on and clarify the interpretation of the purpose of the RMA. Given ORC must implement the NPSFM, and these objectives have been prepared to do that, they are considered to be the most appropriate way to achieve the purpose of the RMA.

#### 4.3.5.3. LF–FW – Freshwater

119. This section of the LF chapter has four objectives which are assessed in Table 10 below.

Table 10: Evaluation of LF-FW objectives

Objective	Assessment
<p><b>LF–FW–O8 – Freshwater</b></p> <p>In Otago’s water bodies and their catchments:</p> <ol style="list-style-type: none"> <li>(1) the health of the wai supports the health of the people and thriving mahika kai,</li> <li>(2) water flow is continuous throughout the whole system,</li> <li>(3) the interconnection of freshwater (including groundwater) and coastal waters is recognised,</li> <li>(4) native fish can migrate easily and as naturally as possible and taoka species and their habitats are protected, and</li> <li>(5) the significant and outstanding values of Otago’s outstanding water bodies are identified and protected.</li> </ol>	<p>Following on from the long-term and aspirational freshwater visions in the LF-VM section, LF–FW–O8 contains a consolidated outcome sought for all freshwater, reflecting the policy direction outlined in the LF-WAI section for Te Mana o te Wai. Sub-clause (5) reflects the direction in Policy 8 of the NPSFM. It is noted that this approach to identifying some water bodies as ‘more significant’ than others is not consistent with Kāi Tahu views on wai, however the RPS is required to give effect to the NPSFM, including Policy 8.</p> <p>Water, and its management, has been identified as a significant issue for iwi, including that water has been degraded, management does not adequately address cultural values and interests, and there have been adverse effects on the diversity and abundance of mahika kai. See RMIA–WAI–I1 to RMIA–WAI–I5 for a more detailed explanation. This objective also responds to a number of issues identified by the community during consultation in early 2020, particularly SRMR–I5 and SRMR–I6.</p>
<p><b>LF–FW–O9 – Natural wetlands</b></p> <p>Otago’s natural wetlands are protected or restored so that:</p> <ol style="list-style-type: none"> <li>(1) mahika kai and other mana whenua values are sustained and enhanced now and for future generations,</li> <li>(2) there is no decrease in the range and diversity of indigenous ecosystem types and habitats in natural wetlands,</li> <li>(3) there is no reduction in their ecosystem health, hydrological functioning, amenity values, extent or water quality, and if degraded they are improved, and</li> <li>(4) their flood attenuation capacity is maintained.</li> </ol>	<p>Policy 6 of the NPSFM requires that there is no further loss of the extent of natural inland wetlands, their values are protected, and their restoration is promoted. This objective applies to the broader category of natural wetlands rather than the narrower sub-category of natural inland wetlands, meaning the direction will apply to those natural wetlands that are partly within the coastal marine area. This was a preference expressed by the Reference Group (Land and Freshwater) who preferred a regionally consistent approach to the management of wetlands.</p> <p>The term ‘loss of value’ in relation to wetlands is defined in the NPSFM and applies to either any value identified through the NOF process or any of the following: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, amenity. LF–FW–O9 picks up on these values and outlines in more detail than Policy 6 the outcome sought for wetlands with respect to their values. Sub-clause (4) does not appear explicitly in the NPSFM, however this was considered important in Otago given the location of many wetlands and the benefits they provide in managing floods. LF–FW–O9 is considered to be consistent with the direction in the NESF for wetlands.</p> <p>Wetlands are a type of water body so all of the significant issues for iwi in relation to water are applicable to wetlands (see RMIA–WAI–I1 to RMIA–WAI–I5). Wetlands are also important for their biodiversity values, so issue RMIA–MKB–I1 is also applicable. Similarly, this objective also responds to issues raised by the community in relation to water and biodiversity (see SRMR–I5, SRMR–I6 and SRMR–I7).</p>

<p><b>LF-FW-O10 – Natural character</b></p> <p>The natural character of wetlands, lakes and rivers and their margins is preserved and protected from inappropriate subdivision, use and development.</p>	<p>Preserving the natural character of wetlands, lakes, rivers and their margins, and protecting them from inappropriate subdivision, use, and development is a matter of national importance under section 6(a) of the RMA. The NPSFM does not explicitly manage natural character, but there are a number of policies that will assist with preserving natural character:</p> <ul style="list-style-type: none"> <li>• Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.</li> <li>• Policy 7: The loss of river extent and values is avoided to the extent practicable.</li> <li>• Policy 8: The significant values of outstanding water bodies are protected.</li> <li>• Policy 9: The habitats of indigenous freshwater species are protected.</li> </ul> <p>Under the NOF, natural form and character is a value which must be considered but is not compulsory. However, the quality and availability of habitat (which includes the physical form, structure and extent of the water body and its bed, banks and margins) is a component of ecosystem health which is a compulsory value.</p> <p>Loss of natural character is part of the issues raised by Kāi Tahu, particularly RMIA-WAI-I1, RMIA-WAI-I3 and RMIA-MKB-I1. It is also a component of some of the wider issues identified by the community, including SRMR-I7, SRMR-I9 and SRMR-I11.</p>
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120. The policies and methods that implement these objectives are evaluated in section 5.7 of this report and are:

- a. LF-FW-P7 – Freshwater
- b. LF-FW-P8 – Identifying natural wetlands
- c. LF-FW-P9 – Protecting natural wetlands
- d. LF-FW-P10 – Restoring natural wetlands
- e. LF-FW-P11 – Identifying outstanding water bodies
- f. LF-FW-P12 – Protecting outstanding water bodies
- g. LF-FW-P13 – Preserving natural character
- h. LF-FW-P14 – Restoring natural character
- i. LF-FW-P15 – Stormwater and wastewater discharges
- j. LF-FW-M5 – Outstanding water bodies
- k. LF-FW-M6 – Regional plans
- l. LF-FW-M7 – District plans
- m. LF-FW-M8 – Action plans
- n. LF-FW-M9 – Monitoring
- o. All methods in the LF-WAI, LF-VM and LF-LS sections
- p. APP1 – Criteria for identifying outstanding water bodies

121. The LF-FW objectives set out more specific outcomes sought in order to implement Te Mana o te Wai and achieve the long-term freshwater visions in the LF-VM section. The objectives respond to specific direction in the NPSFM and relevant matters from section 6 of the RMA that are not fully canvassed in the NPSFM, primarily natural character. As with the LF-WAI and LF-VM sections, there will be significant economic and social costs from implementing

the provisions in the LF–FW section. These are considered to be justified in light of the significant environmental and cultural benefits that will also be achieved. Given ORC must implement the NPSFM, and these objectives have been prepared to do that, they are considered to be the most appropriate way to achieve the purpose of the RMA.

#### 4.3.5.4. LF–LS – Land and soil

122. This section of the LF chapter has two objectives which are assessed in Table 11 below.

Table 11: Evaluation of LF-LS objectives

Objective	Assessment
<p><b>LF–LS–O11 – Land and soil</b></p> <p>The life-supporting capacity of Otago’s soil resources is safeguarded and the availability and productive capacity of highly productive land for primary production is maintained now and for future generations.</p>	<p>Section 5 of the RMA defines sustainable management as requiring, in part, safeguarding the life-supporting capacity of soil. Under section 30, regional councils are responsible for controlling the use of land for the purpose of soil conservation. Under section 31, territorial authorities are responsible for the control of any actual or potential effects of the use, development or protection of land. This objective articulates an outcome for land and soil resources that is consistent with those statutory requirements.</p> <p>In consultation on the issues in Otago, communities expressed concern about the future of Otago’s land and soil resources. This was particularly in relation to the effects of pest species (see SRMR–I3) and urban growth (see SRMR–I4) which were identified as significant threats to Otago’s productive land and soil resources. The importance of productive land to Otago’s communities was highlighted again through consultation on the freshwater visions in late 2020, with many communities seeking recognition of the food production occurring across the region. Consultation under clause 3 of Schedule 1 of the RMA 1991 echoed these sentiments and sought additional protection of land and soil resources. This objective addresses the feedback from communities and outlines the goal sought for these resources, reflecting primarily the views of the public.</p>
<p><b>LF–LS–O12 – Use of land</b></p> <p>The use of land in Otago maintains soil quality and contributes to achieving environmental outcomes for freshwater quality and quantity.</p>	<p>Section 5 of the RMA 1991 defines sustainable management as requiring, in part, safeguarding the life-supporting capacity of soil. Under section 30, regional councils are responsible for controlling the use of land for the purpose of soil conservation, the maintenance and enhancement of water quality and ecosystems in water bodies. Territorial authorities are responsible for the control of any actual or potential effects of the use, development or protection of land under section 31. In order to contribute to freshwater outcome, regional councils and territorial authorities both have roles to play in managing land.</p> <p>Objective 1 of the NPSFM requires natural and physical resources to be managed in a way that prioritises, first, the health and wellbeing of waterbodies and freshwater ecosystems, second, the health needs of people, and third, the ability of people and communities to provide for their social, economic and cultural wellbeing, now and in the future. This principle also applies to land management, which can have a significant impact on the health of water bodies and their ecosystems. Following on from this, Policy 3 of the NPSFM requires freshwater to be managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the</p>

	<p>effects on receiving environments. This objective responds to that direction by recognising that achieving freshwater objectives also requires managing land.</p> <p>The effects of land use on water has been identified as a significant issue for Kāi Tahu. This includes degradation of water resources from pollution (see RMIA–WAI–I1) and adverse effects on mahika kai resources (see RMIA–WAI–I3 and RMIA–MKB–I1). Similar issues were raised during consultation with the community on Otago’s issues (see SRMR–I6).</p>
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123. The policies and methods that implement these objectives are evaluated in section 5.7 of this report and are:

- a. LF–FW–P16 – Integrated management
- b. LF–FW–P17 – Soil values
- c. LF–FW–P18 – Soil erosion
- d. LF–FW–P19 – Highly productive land
- e. LF–FW–P20 – Land use change
- f. LF–FW–P21 – Land use and freshwater
- g. LF–FW–P22 – Public access
- h. LF–FW–M11 – Regional plans
- i. LF–FW–M12 – District plans
- j. LF–FW–M13 – Management of beds and riparian margins
- k. All methods in the LF–WAI, LF–VM and LF–FW sections

124. These objectives are considered to be the most appropriate way to achieve the purpose of the RMA, as it relates to land and soil, as they aim to safeguard the physical resources themselves while recognising the impacts of using those resources on freshwater resources. Soil and productive land are important assets for Otago’s communities, supporting a range of economic uses including food production. It is appropriate to maintain the quality and availability of those resources in order for people and communities (now and in the future) to provide for their economic and social wellbeing. Given the strong connection between land uses and the health of freshwater, it is necessary to manage land with a view to the impacts on the wider environment, particularly as part of implementing the NPSFM.

125. As with the LF–WAI, LF–VM and LF–FW sections, there will be economic and social costs from implementing the provisions in the LF–LS section. These are considered to be justified in light of the environmental and cultural benefits and long-term social and economic benefits that will be achieved. These objectives assist with implementing the NPSFM and recognising the need to manage land and soil resources as a component of sustainable management as defined in section 5 of the RMA 1991. The objectives are therefore considered to be the most appropriate way to achieve the purpose of the RMA.

#### 4.3.6. ECO – Ecosystems and biodiversity

126. The ECO chapter has three objectives which are assessed in Table 12 below.

Table 12: Evaluation of ECO objectives

Objective	Assessment
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<p><b>ECO–01 – Indigenous biodiversity</b></p> <p>Otago’s indigenous biodiversity is healthy and thriving and any decline in its quality, quantity and diversity is halted.</p>	<p>The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is a matter of national importance under section 6(c) of the RMA. Under section 7(d), ORC is also required to have particular regard to the intrinsic values of ecosystems. Both regional councils and territorial authorities have functions relating to the maintenance of indigenous biodiversity under sections 30 and 31. This objective responds to those statutory directives.</p> <p>The NZCPS and NPSFM set out direction for indigenous biodiversity in the coastal environment and in freshwater respectively, but there is no equivalent instrument for terrestrial indigenous biodiversity outside the coastal environment. The outcome set out in ECO–01 is at a higher level than the NZCPS and NPSFM but is broadly consistent with the outcomes sought by those instruments.</p> <p>Loss of biodiversity is a key issue for Kāi Tahu, particularly as it affects mahika kai. This is explained in RMIA–MKB–I1 to RMIA–MKB–I6, which outline a range of concerns regarding biodiversity in addition to loss, including regulatory and physical barriers, the impacts of climate change, a shortage of protected areas, inconsistent approaches to biodiversity protection and a lack of information about species health and viability.</p> <p>Biodiversity loss was also a concern raised during consultation with the community in early 2020 (SRMR–I7). There are also concerns about the impacts of pest species on biodiversity (SRMR–I3) and the general impacts of activities on the environment, cumulative and otherwise (SRMR–I10 and SRMR–I11).</p>
<p><b>ECO–02 – Restoring or enhancing</b></p> <p>A net increase in the extent and occupancy of Otago’s indigenous biodiversity results from restoration or enhancement.</p>	<p>Section 5 of the RMA defines sustainable management as requiring, in part, safeguarding the life-supporting capacity of ecosystems. Given the widespread loss of biodiversity across Otago, there are potentially many areas where the life-supporting capacity has not been safeguarded and, in some cases, lost entirely due to removal or clearance of habitats. There is no requirement in the RMA to restore or enhance biodiversity – this objective goes beyond what is required by the legislation. However, it will contribute to a range of matters of national important and other matters of importance:</p> <ul style="list-style-type: none"> <li>• The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (section 6(c)).</li> <li>• The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga (section 6(e)).</li> <li>• The intrinsic values of ecosystems (section 7(d)).</li> <li>• The maintenance and enhancement of the quality of the environment (section 7(f)).</li> </ul> <p>The desire to see not just a halt in decline but a move into restoration was a clear desire from the community, as communicated via consultation both on the issue statements in early 2020 and feedback from the Reference Group (Ecosystems and Indigenous Biodiversity). Loss of biodiversity, and the way it has been managed, is identified as a significant resource management issue for the Otago region (SRMR–I7) and a</p>



	<p>significant resource management issue for iwi (RMIA-MKB-I1, RMIA-MKB-I4, RMIA-MKB-I5 and RMIA-MKB-I6. Restoring biodiversity is also consistent with the Kāi Tahu ki Otago Natural Resources Management Plan 2005<sup>16</sup> and Te Tangi a Taurira.<sup>17</sup></p>
<p><b>ECO–O3 – Kaitiakitaka</b> Mana whenua are recognised as kaitiaki of Otago’s indigenous biodiversity, and Otago’s communities are recognised as stewards, who are responsible for:</p> <p>(1) te hauora o te koiora (the health of indigenous <i>biodiversity</i>), te hauora o te taoka (the health of species and ecosystems that are taoka), and te hauora o te taiao (the health of the wider environment), while</p> <p>(2) providing for te hauora o te tangata (the health of the people).</p>	<p>Recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga is a matter of national importance under section 6(e) of the RMA. ORC must also have particular regard to kaitiakitaka and the ethic of stewardship under section 7(a) and (aa). This objective responds to those matters and outlines the interconnections between biodiversity, people and the wider environment.</p> <p>In the coastal environment, this objective gives effect to parts of Objective 3 and Policy 2 of the NZCPS which outline (in more detail than this objective can) the kaitiaki role of takata whenua. For freshwater ecosystems, this objective is consistent with the principles of kaitiakitaka and stewardship that underpin the concept of Te Mana o Te Wai.<sup>18</sup></p> <p>Feedback from iwi on a draft of the RPS in early 2021 identified that, at that time, the ECO chapter did not adequately recognise the role of mana whenua as kaitiaki or mana whenua considerations generally. That was emphasised further at the hui on 21 April 2021, following which this objective (and other amendments to the chapter) was co-drafted by ORC and Aukaha staff. The role of landowners and communities in managing biodiversity was highlighted during consultation on the issue statements in early 2020 and again during the Reference Group (Ecosystems and Indigenous Biodiversity) workshop. Both kaitiakitaka and stewardship are principles that also underpin Te Mana o te Taiao: Aotearoa New Zealand Biodiversity Strategy 2020.<sup>19</sup></p>

127. These objectives are implemented by the following provisions which are evaluated in section 5.8 of this report:

- a. ECO–P1 – Kaitiakitaka
- b. ECO–P2 – Identifying significant natural areas and taoka
- c. ECO–P3 – Protecting significant natural areas and taoka
- d. ECO–P4 – Provision for new activities
- e. ECO–P5 – Existing activities in significant natural areas
- f. ECO–P6 – Maintaining indigenous biodiversity
- g. ECO–P7 – Coastal indigenous biodiversity
- h. ECO–P8 – Enhancement
- i. ECO–P9 – Wilding conifers
- j. ECO–P10 – Integrated management
- k. ECO–M1 – Statement of responsibilities
- l. ECO–M2 – Identification of significant natural areas

<sup>16</sup> See objective 5.5.3(vi) of the Kāi Tahu ki Otago Natural Resources Management Plan 2005.

<sup>17</sup> See policies 3.3.1.4(8), 3.3.1.6(7), 3.4.12(4) and (5), 3.5.17(1) and (5), and 3.6.2(10) of Te Tangi a Taurira.

<sup>18</sup> See clause 1.3(4)(b) and (e) of the NPSFM.

<sup>19</sup> See section 7.3.1 of Te Mana o te Taiao: Aotearoa New Zealand Biodiversity Strategy 2020.

- m. ECO–M3 – Identification of taoka
  - n. ECO–M4 – Regional plans
  - o. ECO–M5 – District plans
  - p. ECO–M6 – Engagement
  - q. ECO–M7 – Monitoring
  - r. ECO–M8 – Other incentives and mechanisms
  - s. APP2 – Significance criteria for indigenous biodiversity
  - t. APP3 – Criteria for biodiversity offsetting
  - u. APP4 – Criteria for biodiversity compensation
  - v. APP5 – Species prone to wilding conifer spread
128. Collectively, these objectives articulate outcomes sought for Otago’s indigenous biodiversity that are consistent with the purpose of the RMA. Objective ECO–O1 outlines a future state for Otago’s biodiversity that would safeguard the life-supporting capacity of ecosystems. Objective ECO–O2 goes further than the requirements set out under the RMA by requiring restoration or enhancement in order to see a recovery in the quality and extent of biodiversity in Otago, not only a halt in decline. That will assist with restoring the life-supporting capacity of some ecosystems, particularly where they have been degraded or lost. Objective ECO–O3 recognises the relationship of Kāi Tahu with biodiversity and their role as kaitiaki. It also speaks to the role of people and communities in managing biodiversity. These objectives respond both to legislative directions from the RMA and to the feedback provided by Kāi Tahu and the public during various consultation periods during the development of the PORPS 2021.
129. Driven by national policy direction as well as community feedback, the ECO provisions collectively increase the stringency of biodiversity management across Otago. As shown in the evaluation of the provisions in section 5.8, this will have significant economic and social costs, largely from restrictions on the use of resources both now and in the future. However, there will be significant environmental and cultural benefits if the objectives are achieved which is considered to be appropriate given the scale of loss of biodiversity in Otago. The objectives are considered to be the most appropriate way of achieving the purpose of the RMA as it relates to indigenous biodiversity.

#### 4.3.7. EIT – Energy, infrastructure and transport

130. The EIT chapter addresses key resource management issues for Otago related to energy, infrastructure and transport. The chapter has three sections: EIT–EN–Energy, EIT–INF–Infrastructure and EIT–TRAN–Transport. Each section contains its own objectives, policies and methods but it is relevant to note that there is cross-over between a number of the provisions that fall within the definition, or are a subset of, “infrastructure”. There are 9 objectives assessed below.

##### 4.3.7.1. EIT–EN – Energy

131. This section of the EIT chapter contains three objectives which are assessed in Table 13 below.

*Table 13: Evaluation of EIT–EN objectives*

Objective	Assessment
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<p><b>EIT-EN-01 – Energy and social and economic well-being</b></p> <p>Otago’s communities and economy are supported by renewable energy generation within the region that is safe, secure, and resilient.</p>	<p>The benefits derived from the use and development of renewable energy is a matter to which decision-makers under the RMA are to have particular regard (Section 7(j)). The importance of renewable energy generation to Otago’s communities was also evident from consultation in early 2020. This objective provides for people and communities to provide for their long-term health and wellbeing by seeking provision of renewable electricity generation that is safe, secure and resilient. It is to be read in conjunction with EIT-EN-02, which sets out how generation is to be achieved, and there is no priority between the two objectives. It recognises the contribution of existing renewable electricity generation in the region, including substantial hydroelectricity generation activities, and the potential for new generation activities to contribute to employment and investment, as well as the need to provide those activities in a way that provides for safety.</p>
<p><b>EIT-EN-02 – Renewable energy electricity generation</b></p> <p>The generation capacity of renewable electricity generation activities in Otago:</p> <ol style="list-style-type: none"> <li>(1) is maintained and, where practicable, maximised, within environmental limits, and</li> <li>(2) contributes to meeting New Zealand’s national target for renewable electricity generation.</li> </ol>	<p>Objective EIT-EN-02 provides for the sustainable management of resources, recognising the need to maintain generation capacity in the Otago region, but that in doing so, it occurs within environmental limits. This ensures that the potential of other natural resources are sustained to meet the reasonably foreseeable needs of future generations. These environmental limits are developed further in the policies under the chapter, as well as in the infrastructure chapter.</p> <p>The contribution to meeting national targets for renewable electricity generation recognises the need to contribute to minimising human impacts on climate change, which enables people to provide for their social, cultural and economic wellbeing in the long term. The development of renewable electricity generation, particular where it replaces fossil fuel sources, will have a positive effect on climate change, a matter to which decision-makers are to have particular regard to under s 7(i), as well as s 7(j), which relates to the benefits to be derived from the use and development of renewable energy.</p> <p>This objective is the key objective for implementing the single objective set out in the NPSREG. That objective seeks to recognise the national significance of renewable electricity generation activities by providing for their development, operation, maintenance and upgrade, so that electricity generated from renewable sources increases or exceeds the national target for renewable electricity generation.</p>
<p><b>EIT-EN-03 – Energy use</b></p> <p>Development is located and designed to facilitate the efficient use of energy and to reduce demand where possible, minimising the contribution that Otago makes to total greenhouse gas emissions.</p>	<p>This objective seeks that development is undertaken in an efficient manner, resulting in both a form and function that minimises the use of fuels or energy, particular those that would contribute to greenhouse gas emissions. This includes achieving transport efficiency (including provision for multimodal transport), providing for compact housing development and well-designed urban development that can utilise passive solar gain, as phasing out of non-renewable energy generation.</p> <p>Efficient development will sustain the potential of natural and physical resources, particularly the demand for both fossil fuels and electricity generation facilities (both renewable and non-renewable). In particular, this objective reflects the direction in s 7(ba) to have particular regard to the efficient end use of energy,</p>

	and the finite characteristics of natural and physical resources (s 7(g)).
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132. These objectives are considered to be the most appropriate objectives to achieve the purpose of the RMA in relation to Energy. The objectives are implemented through a range of policies and methods as set out in section 5.9.1 of this report. These include:
- a. EIT–EN–P1 – Operation and maintenance
  - b. EIT–EN–P2 – Recognising renewable electricity generation activities in decision-making
  - c. EIT–EN–P3 – Development and upgrade of renewable electricity generation activities
  - d. EIT–EN–P4 – Identifying new sites or resources
  - e. EIT–EN–P5 – Non-renewable energy generation
  - f. EIT–EN–P6 – Managing effects
  - g. EIT–EN–P7 – Reverse sensitivity
  - h. EIT–EN–P8 – Small and community scale distributed electricity generation
  - i. EIT–EN–P9 – Energy conservation and efficiency
  - j. EIT–EN–M1 – Regional plans
  - k. EIT–EN–M2 – District plans
  - l. EIT–EN–M3 – Education and information
133. In addition to these energy specific policies and methods, there are also a range of other resource-based policies and methods which manage or protect specific resources, including historical and cultural values, natural features and landscapes, the coastal environment, urban form and development, and indigenous biodiversity. All of these topics have policies and methods that will impact on the provision of renewable electricity generation activities, and the implementation of energy efficient development.
134. As a package, the objectives seek to achieve more than the provisions set out in PORPS 2019 for energy. That objective very simply seeks that energy resources are secure, reliable and sustainable.
135. Taking into account the evaluation of the above objectives, and how they are proposed to be implemented through the policies and methods, the proposed objectives are considered to be the most appropriate for implementing the purpose of the RMA as set out in s5, being the sustainable management of natural and physical resources, along with the principles in the RMA as set out in sections 6, 7 and 8. As set out in the evaluation in Section 5.9.1, the approach is feasible, acceptable and without unjustified cost relative to the benefit that will accrue.

#### 4.3.7.2. EIT–INF – Infrastructure

136. This section of the EIT chapter has three objectives which are assessed in Table 14 below.

Table 14: Evaluation of EIT–INF objectives

Objective	Assessment
<p><b>EIT–INF–O4 – Provision of infrastructure</b></p> <p>Effective, efficient and resilient infrastructure enables the people and communities of Otago to provide for their social and cultural well-being, their health and safety, and supports sustainable economic development and</p>	<p>This objective recognises the need for efficient use and development of infrastructure (s7(b)), and the finite characteristics of natural and physical resources (s 7(g)).</p> <p>This objective ties into the key elements of s5 of the RMA and recognises that provision of infrastructure is one of the key ways that enables people and communities to provide for their wellbeing and health and safety, including by enabling transport of goods and services, provision of municipal infrastructure, and</p>

<p>growth within the region, within environmental limits.</p>	<p>provision of major infrastructure works such as windfarms and hydroelectricity generation facilities.</p> <p>Of key importance is that the development of such infrastructure takes place within environmental limits. There may be situations where significant resources are impacted, however, the approach to be used in these circumstances is provided for in the policies. This approach is consistent with giving meaning to how adverse effects are to be avoided, remedied or mitigated, which is one of the key aspects of providing for sustainable management and the use of natural and physical resources, as set out in s 5(2)(c).</p> <p>The recognition of environmental limits is important to provide for the matters set out in s 6, which sets out a number of matters of national importance which decision-makers are required to recognise and provide for.</p>
<p><b>EIT-INF-05 – Integration</b></p> <p>Development of nationally and regionally significant infrastructure, as well as land use change, occurs in a co-ordinated manner to minimise adverse effects on the environment and increase efficiency in the delivery, operation and use of the infrastructure.</p>	<p>Objective EIT-INF-05 seeks to ensure that development of infrastructure occurs in a co-ordinated manner. This is particularly important for the delivery of growth areas and new urban development. However efficient outcomes for infrastructure are also important for roading and other types of infrastructure as well. This may include innovative ways to improve efficiency for generating activities, or transport for example.</p> <p>Minimising adverse effects on the environment will assist with ensuring that natural resources are used in a way, or at a rate, that sustains those resources to meet the reasonably foreseeable needs of future generations (i.e. provide for intergenerational equity). It will also assist with the safeguarding the life supporting capacity of air, water, soils and ecosystems.</p> <p>Such approaches are consistent with the purpose of the RMA as set out in s5.</p> <p>In addition to those matters set out in the purpose of the RMA, the objective also recognises the need for efficient use and development of natural and physical resources, which in this situation is the infrastructure assets themselves (s 7(b) and (ba)).</p>
<p><b>EIT-INF-06 – Long-term planning for electricity transmission infrastructure</b></p> <p>Long-term investment in, and planning for, electricity transmission infrastructure, and its integration with land use, is sustained.</p>	<p>This objective has principally been developed to implement the NPSET, and broadly covers the need to be able to plan development of National Grid assets as well as sub-transmission network infrastructure.</p> <p>The key method for implementing this policy is through the identification of corridors for transmission infrastructure. Such corridors are essential to allow for the development of the network, to provide for the health and safety of residents, or other sensitive users of land, and to limit the potential for reverse sensitivity effects on the National Grid network.</p> <p>The objective is considered the most appropriate for implementing the purpose of the RMA given the provision for enabling people and communities to provide for their wellbeing as well as their health and safety; a key aspect of s 5(2). The identification of corridors for transmission infrastructure will assist with achieving such outcomes.</p>

137. These objectives are considered to be the most appropriate objectives to achieve the purpose of the RMA in relation to infrastructure. The objectives are implemented through a range of policies and methods as set out in section 5.9.2 of this report. These include:

- a. EIT-INF-P10 – Recognising resource requirements
  - b. EIT-INF-P11 – Operation and maintenance
  - c. EIT-INF-P12 – Upgrades and development
  - d. EIT-INF-P13 – Locating and managing effects of infrastructure
  - e. EIT-INF-P14 – Decision-making considerations
  - f. EIT-INF-P15 – Protecting nationally or regionally significant infrastructure
  - g. EIT-INF-P16 – Providing for electricity transmission and the National Grid
  - h. EIT-INF-M4 – Regional plans
  - i. EIT-INF-M5 – District plans
  - j. EIT-INF-M6 – Advocacy
138. In addition to these infrastructure specific policies and methods, there are also a range of other resource-based policies and methods which manage or protect specific resources, including historical and cultural values, natural features and landscapes, the coastal environment, urban form and development in urban areas, and indigenous biodiversity. All of these topics have policies and methods that will impact on the provision of infrastructure development activities.
139. As a package, the objectives seek to achieve more than the provisions set out in the operative policy statement for infrastructure. That objective very simply seeks that infrastructure is managed and developed in a sustainable way.
140. Taking into account the evaluation of the above objectives, and how they are proposed to be implemented as set in Part E through the policies and methods, the proposed objectives are considered to be the most appropriate for implementing the purpose of the act as set out in s5, being the sustainable management of natural and physical resources, along with the principles in the act as set out in sections 6, 7 and 8. As set out in the evaluation in Section 5.9.2, the approach is feasible, acceptable and without unjustified cost relative to the benefit that will accrue.

#### 4.3.7.3. EIT-TRAN – Transport

141. This section of the EIT chapter has four objectives that are assessed in Table 15 below.

*Table 15: Evaluation of EIT-TRAN objectives*

Objective	Assessment
<p><b>EIT-TRAN-O7 – Effective, efficient and safe transport</b></p> <p>Otago has an integrated air, land and sea transport network that is effective, efficient and safe and that connects communities and their activities within Otago, with other regions, and internationally and is resilient to natural hazards.</p>	<p>This objective seeks to enable people and communities to be able to provide for their wellbeing by having an integrated, safe and efficient transport network, enabling them to provide for their social, cultural and economic wellbeing. As a desired outcome, it will enable people and goods to move freely around the region, minimising transaction costs and reducing contribution of fossil fuel emissions to climate change. In particular, recognition of health and safety is a key principle of s 5(2).</p> <p>The objective in particular recognises that the management of significant risks from natural hazards on the transport network is provided for as a matter of national importance under s 6(h), and as such, seeks resilience to natural hazards in the network. It also recognises the need for the efficient use and development of the transport network as a physical resource (s 7(b)) and the efficiency of the end use of energy (s 7(ba)).</p>

<p><b>EIT-TRAN-O8 – Transport system</b></p> <p>The transport system within Otago supports the movement of people, goods and services, is integrated with land use, provides a choice of transport modes and is adaptable to changes in demand.</p>	<p>By providing for more efficient transport and choice of modes that are integrated with land use, the proposed objective will enable people and communities to provide for their economic and cultural wellbeing. It will also assist with responding to the different transport needs of communities, including changes in these needs over time.</p>
<p><b>EIT-TRAN-O9 – Effects of the transport system</b></p> <p>The contribution of transport to Otago’s greenhouse gas emissions is reduced and communities are less reliant on fossil fuels for transportation.</p>	<p>Management of climate change is a key issue that is faced in relation to sustainable management. Minimisation of greenhouse gas emissions through appropriate development of the transport system will lead to long term improved outcomes in terms of climate change and impacts from natural hazards that will result from sea level rise and changes to weather patterns. This is a matter that is particularly recognised by s7(i).</p>
<p><b>EIT-TRAN-O10 – Commercial port activities</b></p> <p>Commercial port activities operate safely and efficiently, and within environmental limits.</p>	<p>This objective provides for the operation of commercial port activities in a manner that is safe, efficient and within environmental limits. By providing for commercial port activities, this objective enables people and communities to provide for their social, economic, and cultural well-being, consistent with the definition of sustainable management set out in s5(2), where health and safety is also a key principle.</p> <p>Ensuring that commercial port activities are managed sustainably is an issue that was consulted on with the community during the Phase 1 consultation, and is considered to be a significant resource management issue for the Otago region (SRMR-110).</p>

142. The provisions that implement these objectives are evaluated in Section 5.9.3 of this report, and are listed below:
- a. EIT-TRAN-P18 – Integration of the transport system
  - b. EIT-TRAN-P19 – Transport system design
  - c. EIT-TRAN-P20 – Public transport
  - d. EIT-TRAN-P21 – Operation of the transport system
  - e. EIT-TRAN-P22 – Sustainable transportation
  - f. EIT-TRAN-P23 – Commercial port activities
  - g. EIT-TRAN-M7 – Regional plans
  - h. EIT-TRAN-M8 – District plans
  - i. EIT-TRAN-M9 – Regional land transport plan
143. The efficiency and effectiveness of these above provisions set out in Section 5.9.3 demonstrates that the policies and methods are effective at achieving the proposed objectives, where the cultural, social, environmental and economic benefits of appropriately managing and providing for transport infrastructure outweigh the costs undertaking these activities while providing for appropriate environmental, health and safety outcomes. The objectives are therefore considered feasible, without undue cost.
144. After considering the objectives and the provisions that implement them, EIT-TRAN-O7 to EIT-TRAN-O10 are considered to be the most appropriate way to achieve the purpose of the RMA, to the extent relevant to managing transport infrastructure. In particular, the objectives enable people and communities to be able to provide for their wellbeing by having an integrated, safe and efficient transport network, enabling them to provide for their social,

cultural and economic wellbeing. Overall, these objectives positively contribute to achieving the purpose of the RMA.

#### 4.3.8. HAZ – Hazards and risks

145. The HAZ chapter addresses key resource management issues for Otago related to natural hazards and risks. This chapter has two sections: *HAZ–NH – Natural hazards* and *HAZ–CL – Contaminated land*. There are 3 objectives in total which are assessed below.

##### 4.3.8.1. HAZ – NH – Natural hazards

146. This section of the HAZ chapter contains two objectives which are assessed in Table 16 below.

Table 16: Evaluation of HAZ–NH objectives

Objective	Assessment
<p>HAZ–NH–O1 – Natural hazards</p> <p>Levels of risk from natural hazards risks to people, property and communities within Otago do not exceed a tolerable level.</p>	<p>The management of significant risks from natural hazards is a matter of national importance under the RMA that councils must recognise and provide for in accordance with s6(h) of the RMA. The NZCPS requires councils to avoid increasing risk in coastal hazard areas and to encourage development that reduces the risk of effects from hazards, while also providing direction on managing hazards.</p> <p>Consultation with the Otago community indicated that natural hazards and the risk they pose is a significant resource management issue for the region. This objective provides a response to the issues raised by the community (in particular SRMR-I1), and the requirements of Part 2 of the RMA to ensure that levels of risk from natural hazards do not exceed a tolerable level. The objective is therefore acceptable to the community and relevant. The provisions that give effect to this objective provide guidance in how to determine appropriate levels of risk, including tolerability, without undue environmental, social, economic and cultural costs, demonstrating that this objective is feasible.</p>
<p>HAZ–NH–O2 – Adaption</p> <p>Otago’s people, property and communities are prepared for and able to adapt to the effects of natural hazards, including climate change.</p>	<p>In addition to the requirement for councils to manage significant risks from natural hazards (as a matter of national importance in accordance with s6(h) of the RMA), s7(i) of the RMA requires that people exercising functions, including councils, must have particular regard to the effects of climate change. HAZ-NH-O2 is Otago Regional Council’s response to the national direction provided in Part 2 of the RMA, and the significant resource management issues for Otago, as raised by the community in consultation on the RPS. In particular, SRMR-I2 outlines that Otago’s climate is changing, and will continue to change for the foreseeable future, with likely impacts on the environment, the economy and cultural and social wellbeing. As this objective is directly relevant to direction set out in Sections 6(h) and 7(i) of the RMA and significant resource management issues SRMR-I1 and SRMR I2, it is considered to be both relevant and acceptable.</p> <p>The provisions in this section of the RPS provide direction for mitigating natural hazards and managing protection structures (including engineering interventions), where the benefits have been demonstrated to outweigh the costs of doing so. As such, this objective is also considered to be feasible.</p>



147. The provisions that implement these objectives are evaluated in Section 5.10.2 of this report, and are listed below:
- a. HAZ–NH–P1 – Identifying areas subject to natural hazards
  - b. HAZ–NH–P2 – Risk assessments
  - c. HAZ–NH–P3 – New activities
  - d. HAZ–NH–P4 – Existing activities
  - e. HAZ–NH–P5 – Precautionary approach to natural hazard risk
  - f. HAZ–NH–P6 – Protecting features and systems that provide hazard mitigation
  - g. HAZ–NH–P7 – Mitigating natural hazards
  - h. HAZ–NH–P8 – Lifeline utilities and facilities for essential or emergency services
  - i. HAZ–NH–P9 – Protection of hazard mitigation measures
  - j. HAZ–NH–P10 – Coastal hazards
  - k. HAZ–NH–P11 - Kaitiaki decision making
  - l. HAZ–NH–M1 – Statement of responsibilities
  - m. HAZ–NH–M2 – Local authorities
  - n. HAZ–NH–M3 – Regional plans
  - o. HAZ–NH–M4 – District plans
  - p. HAZ–NH–M5 – Other incentives and mechanisms
  - q. APP6 – Methodology for natural hazard risk assessment
148. The efficiency and effectiveness evaluation in Section 5.10.2.8 concludes that the policies and methods are effective at achieving the proposed objective, where the benefits of managing natural hazards and risks outweigh the costs of doing so. This demonstrates that the objectives are feasible. The assessment in the above table shows the relevance of the objectives in relation to the direction set out in the RMA and the significant resource management issues for Otago.
149. After considering the objectives and the provisions that implement them, HAZ–NH–O1 and HAZ–NH–O2 are considered to be the most appropriate way to achieve the purpose of the RMA, to the extent relevant to managing natural hazards and risks. Overall, these objectives positively contribute to achieving the purpose of the RMA.

#### 4.3.8.2. HAZ–CL – Contaminated land

150. This section of the HAZ chapter contains one objective which is assessed in Table 17 below.

*Table 17: Evaluation of HAZ–CL objectives*

Objective	Assessment
<p><b>HAZ–CL–O3 – Contaminated land</b></p> <p>Contaminated land and waste materials are managed to protect human health, mana whenua values and the environment in Otago.</p>	<p>In relation to Section 5 of the RMA, HAZ–CL–O3 promotes the sustainable management of natural and physical resources and enables people and communities to provide for their wellbeing and for their health and safety.</p> <p>Section 5(2)(b) identifies safeguarding the life-supporting capacity of air, water, soil and ecosystems as a key component of sustainable management. In protecting the environment from the effects of contaminated land, the objective seeks to safeguard the life-supporting capacity of the environment, in particular soil, water and ecosystems.</p> <p>In relation to Section 7(b) of the RMA, the objective gives particular regard to the efficient use and development of natural</p>

	<p>resources as it specifically does not seek to avoid adverse effects of already contaminated land, rather that contaminated land and waste materials are managed to protect human health, mana whenua values and the environment.</p> <p>In relation to Sections 7(c), 7(d), 7 (f) and 7(g) the objective gives particular regard to the maintenance and enhancement of amenity values, the intrinsic values of ecosystems, the maintenance and enhancement of the quality of the environment, and the finite characteristics of natural resources (in particular soil and water).</p> <p>The NESCS sets a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed, and if necessary, the land is remediated or the contaminants contained to make the land safe for human use.</p> <p>HAZ-CL-O3 also responds directly to the significant resource management issues identified by the Otago community during consultation. In particular, SRMR-I10 identifies that economic and domestic activities in Otago use natural resources but do not always account for the environmental stresses or future impacts they use.</p> <p>Taking into account the direction set out in Part 2 of the RMA, higher order documents and the issues raised by the community, the outcomes sought by HAZ-CL-O3 are considered relevant and acceptable.</p>
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151. The provisions that implement HAZ-CL-O3 are:

- a. HAZ-CL-P12 – Identifying contaminated land
- b. HAZ-CL-P13 – Managing contaminated land
- c. HAZ-CL-P14 – New contaminated land
- d. HAZ-CL-P15 – Waste minimisation responses
- e. HAZ-CL-P16 – Disposal of waste materials
- f. HAZ-CL-P17 – Waste facilities and services
- g. HAZ-CL-M6 – Regional plans
- h. HAZ-CL-M7 – District plans
- i. HAZ-CL-M8 – Waste Management and Minimisation Plans
- j. HAZ-CL-M9 – Other incentives and mechanisms

152. Section 0 of this report contains an evaluation of the efficiency and effectiveness of the above provisions in achieving the proposed objectives. The evaluation demonstrates that the policies and methods are effective at achieving the proposed objective, where the benefits of managing contaminated land and waste materials to protect human health, mana whenua values and the environment outweigh the costs of doing so. After considering the objectives and the provisions to achieve them, HAZ-NH-O3 is considered to be the most appropriate way to achieve the purpose of the RMA, to the extent relevant when managing waste and contaminated land.

#### 4.3.9. HCV – Historical and cultural values

153. The HCV chapter contains two parts, HCV-WT – Wāhi tūpuna and HCV-HH – Historic heritage. The HCV-WT chapter specifically addresses wāhi tūpuna and the authority of mana whenua over associated matters, and the HCV-HH addresses a broader range of Otago’s historical and

heritage identity. There are three objectives across the two sections. An assessment of each is set out below. Broadly, the objectives aim to give effect to the RMA in a manner that is consistent with the Heritage New Zealand Pouhere Taonga Act 2014.

#### 4.3.9.1. HCV–WT – Wāhi tūpuna

154. This section of the HCV chapter has two objectives which are assessed in Table 18 below.

Table 18: Evaluation of HCV–WT objectives

Objective	Assessment
<p><b>HCV–WT–O1 – Kāi Tahu cultural landscapes</b></p> <p>Wāhi tūpuna and their associated cultural values are identified and protected.</p>	<p>HCV–WT–O1 and HCV–WT–O2 are specifically related to wāhi tūpuna matters and the authority of Mana whenua. Recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga is a matter of national importance under section 6(e) of the RMA.</p> <p>ORC must also have particular regard to kaitiakitaka and the ethic of stewardship under s7(a) and (aa) of the RMA. Both objectives respond to those matters in a way that is consistent with the obligations set out in the Heritage New Zealand Pouhere Taonga Act 2014. In addition, the objectives respond to the significant resource management issues for Iwi and the significant resource management issues for Otago as they relate to wāhi tūpuna. In particular, the objectives aim to address RMIA–WTU, RMIA–WTA, SRMR–I4, SRMR–I10, and SRMR–I11</p>
<p><b>HCV–WT–O2 – Rakatirataka</b></p> <p>The rakatirataka of mana whenua over wāhi tūpuna is recognised, and mana whenua are able to exercise kaitiakitaka within these areas.</p>	

155. The provisions that implement these objectives are evaluated in Section 5.11 of this report, and are listed below:

- a. HCV–WT–P1 – Recognise and identify wāhi tūpuna
- b. HCV–WT–P2 – Management of wāhi tūpuna
- c. HCV–WT–M1 – Identification
- d. HCV–WT–M2 – Regional and district plans
- e. HCV–WT–M3 – Collaboration with Kāi Tahu
- f. APP7 – Identifying wāhi tūpuna

156. HCV–WT–O1 and HCV–WT–O2 set out the overarching approach for the protection and management of wāhi tūpuna across Otago, while ensuring mana whenua can exercise kaitiakitaka. The outcomes sought by these objectives are consistent with the requirements set out in sections 6 and 7 of the RMA.

157. The evaluation of provisions set out in Section 0 concludes that the provisions are effective, in particular, the requirement for local authorities to work alongside iwi to identify wāhi tūpuna ensures that they are correctly identified and mapping the extent of wāhi tūpuna will improve the certainty about their location and the management approach to be applied. While implementing these provisions will bear some costs (including the identification process by local authorities), the cultural and environmental benefits outweigh those costs. The requirements for identifying and managing wāhi tūpuna, as outlined in the policies and methods, increases the certainty that HCV–WT–O1 and HCV–WT–O2 will be met. The objectives are relevant and acceptable in terms of responding to the direction set out in sections 6 and 7 of the RMA, are feasible and do not impose undue cost. Overall, these objectives positively contribute to achieving the purpose of the RMA.

#### 4.3.9.2. HCV–HH – Historic heritage

Table 19: Evaluation of HCV–HH objectives

Objective	Assessment
<p><b>HCV–HH–03 – Historic heritage resources</b></p> <p>Otago’s unique historic heritage contributes to the region’s character, sense of identity, and social, cultural and economic well-being, and is preserved for future generations.</p>	<p>HCV–HH–03 directly responds to the requirements of s6(f) of the RMA to protect historic heritage from inappropriate subdivision, use and development, as a matter of national importance. This objective aims to preserve heritage for future generations, responding to issues raised by the community on significant resource management issues for the Otago region, in particular SRMR–I4.</p> <p>The requirement to recognise and provide for the matters set out in s6 of the RMA means that outcomes sought by HCV–HH–03 are necessary and relevant in achieving the purpose of the RMA.</p>

158. The provisions that implement HCV–HH–03 are evaluated in Section 5.11.3 of this report, and are listed below:

- a. HCV–HH–P3 – Recognising historic heritage
- b. HCV–HH–P4 – Identifying historic heritage
- c. HCV–HH–P5 – Managing historic heritage
- d. HCV–HH–P6 – Enhancing historic heritage
- e. HCV–HH–P7 – Integration of historic heritage
- f. HCV–HH–M4 – Regional plans
- g. HCV–HH–M5 – District Plans
- h. HCV–HH–M6 – Incentives and education
- i. APP8 – Criteria for identification of items, places and areas of historic heritage

159. HCV–HH–03 sets up an overarching policy framework that provides a detailed management regime for the protection of historic heritage in Otago, that are to be implemented through subsequent regional and district planning documents. Objective HCV–HH–03 directly responds to the direction set out in the RMA by requiring the preservation of heritage for future generations and is therefore considered acceptable and relevant. With reference to the evaluation of provisions, the policies and methods integrate and logically stem out from the objective for easy navigation and clear direction in a manner that is consistent with both the RMA and the Heritage New Zealand Pouhere Taonga Act 2014. Collectively, the clear and consistent approach to identification and classification of historic heritage increases the certainty that Objective HCV–HH–03 will be met, demonstrating that the objective is feasible and can be achieved without unjustified costs. This objective positively contributes to achieving the purpose of the RMA.

#### 4.3.10. NFL – Natural features and landscapes

160. The NFL chapter of the RPS sets out the objectives and management approach for outstanding and highly valued natural features and landscapes in the Otago region. There is one objective in this section of the RPS, which is evaluated in Table 20 below.

Table 20: Evaluation of NFL objectives

Objective	Assessment
<p>NFL-O1 – Outstanding and highly valued natural features and landscapes</p> <p>The areas and values of Otago’s outstanding and highly valued natural features and landscapes are identified, and the use and development of Otago’s <i>natural and physical resources</i> results in:</p> <p>(1) the protection of outstanding natural features and landscapes, and</p> <p>(2) the maintenance or enhancement of highly valued natural features and landscapes.</p>	<p>Protecting outstanding natural features and landscapes from inappropriate subdivision, use and development is a matter of national importance in the RMA, that councils are required to recognise and provide for, in accordance with s6(b) of the RMA. The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga is also a matter of national importance. Although wāhi tūpuna are addressed in the HCV-WT chapter of the RPS, they are an important component of managing natural features and landscapes.</p> <p>The NPSET sets out objectives and policies for managing the effects of the electricity transmission network. Policy 8 states that in rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities. Policy 4 requires decision-makers to have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.</p> <p>The NPSREG contains an objective and policies to enable the sustainable management of renewable electricity generation. Policy C1 requires decision-makers to have regard to a range of matters, including the need to locate the renewable electricity generation activity where the renewable energy resource is available and the location of existing structures and infrastructure in relation to the renewable electricity generation activity.</p> <p>NFL-O1 is Otago Regional Council’s response to the requirements set out in s6(b) of the RMA in a way that also gives effect to the NPSREG and NPSET. The protection of outstanding and highly valued natural features and landscapes is considered relevant and an acceptable management approach, as it gives effect to the direction set out in the RMA, but also to the significant resource management issues raised by iwi and the Otago community during consultation. SRMR-I4, SRMR-I7- SRMR-I11.</p>

161. The NFL chapter contains a number of policies and methods that implement NFL-O1, as follows:

- a. NFL-P1 – Identification
- b. NFL-P2 – Protection
- c. NFL-P3 – Maintenance
- d. NFL-P4 – Restoration
- e. NFL-P5 – Wilding conifers
- f. NFL-P6 – Coastal features and landscapes
- g. NFL-M1 – Identification
- h. NFL-M2 – Regional plans
- i. NFL-M3 – District plans
- j. NFL-M4 – Other incentives and mechanisms
- k. APP9 – Identification criteria for outstanding and highly valued natural features, landscapes and seascapes

162. Section 5.12 of this report contains an evaluation of whether the provisions are the most efficient and effective way to give effect to the proposed objective. The evaluation concludes that the policies and methods are effective, and providing identification criteria will ensure that there is consistency in how the provisions are applied. While there will be implementation costs associated with the provisions (including costs for local authorities for identifying areas), the environmental, cultural and social benefits outweigh these.
163. After considering the NFL objective and the provisions to achieve it, NFL–O1 is considered to be relevant, acceptable and feasible. NFL–O1 positively contributes to achieving the purpose of the RMA.

#### 4.3.11. UFD – Urban form and development

164. The UFD chapter of the PORPS sets out the objectives and management approach for urban form and development within the Otago Region. There are five objectives in this section of the RPS, which are evaluated in the Table below.

Table 21: Evaluation of UFD objectives

Objective	Assessment
<p><b>UFD–O1 – Form and function of urban areas</b></p> <p>The form and functioning of Otago’s urban areas:</p> <p>(1) reflects the diverse and changing needs and preferences of Otago’s people and communities, now and in the future, and</p> <p>(2) maintains or enhances the significant values and features identified in this RPS, and the character and resources of each urban area.</p>	<p>UFD–O1 outlines the role that Otago’s urban areas play in providing for growth and change, while also maintaining and enhancing the values that make each area attractive to growth and change in the first place. This objective contributes to giving effect to objectives 1, 2, 3, 4 and 6 of the NPSUD as well as Policy 1 by setting out the outcomes sought for the form and functioning of Otago’s urban areas.</p> <p>Kāi Tahu did not specifically identify issues with urban environments; their concerns relate more to the effect urban environments can have on the natural environment. This objective responds to community views in relation to SRMR–I4, SRMR–I10 and SRMR–I11.</p>
<p><b>UFD–O2 – Development of urban areas</b></p> <p>The development and change of Otago’s urban areas:</p> <p>(1) improves housing choice, quality, and affordability,</p> <p>(2) allows business and other non-residential activities to meet the needs of communities in appropriate locations,</p> <p>(3) respects and wherever possible enhances the area’s history, setting, and natural and built environment,</p> <p>(4) delivers good urban design outcomes, and improves liveability,</p>	<p>UFD–O2 builds on UFD–O1 by providing the long-term goals for development and change of Otago’s urban area, including how this can be managed to achieve overall improvements across key environmental, cultural and social measures.</p> <p>UFD–O2 contributes to giving effect to Objectives 1 and 4 and Policy 1 of the NPSUD. Additionally, UFD–O2 gives effect to sections 6(b), (c), (h) and 7(b) of the RMA by requiring development and change to manage the exposure of risk from natural hazards and ensure sustainable and efficient use of natural resources.</p> <p>This objective addresses some of the issues Kāi Tahu identified as significant, including the effects of urban development on freshwater (RMIA–WAI–I3), mahika kai (RMIA–MKB–I1) and the visibility of the sky and wāhi tūpuna features (RMIA–AA–I1). It also responds to community feedback on the issues, particularly SRMR–I4, SRMR–I6, SRMR–I9, SRMR–I10 and SRMR–I11.</p>

<p>(5) improves connectivity within urban areas, particularly by active transport and public transport,</p> <p>(6) minimises conflict between incompatible activities,</p> <p>(7) manages the exposure of risk from natural hazards, in accordance with the HAZ–NH – Natural hazards section of this RPS,</p> <p>(8) results in sustainable and efficient use of water, energy, land, and infrastructure,</p> <p>(9) achieves integration of land use with existing and planned development infrastructure and additional infrastructure and facilitates the safe and efficient ongoing use of regionally significant infrastructure,</p> <p>(10) achieve consolidated, well designed and located, and sustainable development in and around existing urban areas as the primary focus for accommodating the region’s urban growth and change, and</p> <p>(11) is guided by the input and involvement of mana whenua.</p>	
<p><b>UFD–03 – Strategic planning</b></p> <p>Strategic planning is undertaken in advance of significant development, expansion or redevelopment of urban areas to ensure that</p> <p>(1) there is sufficient development capacity supported by integrated infrastructure provision for Otago’s housing and business needs in the short, medium and long term,</p> <p>(2) development is located, designed and delivered in a way and at a rate that recognises and provides for locationally relevant regionally significant features and values identified by this RPS, and</p> <p>(3) the involvement of mana whenua is facilitated, and their values and aspirations are provided for.</p>	<p>UFD–03 requires strategic planning be undertaken prior to significant development expansion or redevelopment of urban areas. The purpose of strategic planning is to ensure there is sufficient development capacity supported by integrated infrastructure, consideration of all the other matters highlighted by the PORPS, as well as facilitating the involvement of mana whenua to ensure their values and aspirations are provided for. This objective is reflective of the direction and approach of the NPSUD, specifically objectives 1, 5 and 6 and policy 9.</p> <p>This objective addresses some of the issues Kāi Tahu identified as significant, including the effects of urban development on freshwater (RMIA–WAI–I3), mahika kai (RMIA–MKB–I1) and the visibility of the sky and wāhi tūpuna features (RMIA–AA–I1). UFD–O3 also responds to SRMR–I4, SRMR–I10 and SRMR–I11.</p>
<p><b>UFD–04 – Development in rural areas</b></p> <p>Development in Otago’s rural areas occurs in a way that:</p>	<p>UFD–04 provides a specific approach to development in rural areas and builds on the other UFD objectives. At a high level, this objective requires development in rural areas to avoid impacts on significant values and features identified in other sections of the PORPS, while ensuring the values of rural areas, including the</p>

<p>(1) avoids impacts on significant values and features identified in this RPS;</p> <p>(2) avoids as the first priority, land and soils identified as highly productive by LF-LS-P16 unless there is an operational need for the development to be located in rural areas;</p> <p>(3) only provides for urban expansion, rural lifestyle and rural residential development and the establishment of sensitive activities, in locations identified through strategic planning or zoned within district plans as suitable for such development; and</p> <p>(4) outside of areas identified in (3), maintains and enhances the natural and physical resources that support the productive capacity, rural character, and long-term viability of the rural sector and rural communities.</p>	<p>features they contain, is important for achieving integrated management across the region. UFD-O4 aligns with the purpose and principals of the RMA, specifically section 5 and section 7 (b), (c) and (f) by requiring development in rural areas to ensure it is identified as being suitable for development or occurs in a way that maintains and enhances the natural and physical resources that support rural areas.</p> <p>This objective addresses some of the issues Kāi Tahu identified as significant, including the effects of urban development on freshwater (RMIA-WAI-I3), mahika kai (RMIA-MKB-I1) and the visibility of the sky and wāhi tūpuna features (RMIA-AA-I1). This objective responds to SRMR-I4 and SRMR-I10 by establishing a framework for development in rural areas.</p>
<p><b>UFD-O5 – Urban development and climate change</b></p> <p>The impacts of climate change are responded to in the development and change of Otago’s urban areas so that:</p> <p>(1) the contributions of current communities and future generations to climate change impacts are reduced,</p> <p>(2) community resilience increases,</p> <p>(3) adaptation to the effects of climate change is facilitated,</p> <p>(3) energy use is minimised, and energy efficiency improves, and</p> <p>(4) establishment and use of small and community-scale distributed electricity generation is enabled.</p>	<p>UFD-O5 specifically identifies the way that urban development and change can be managed to both limit the contribution to climate change impacts (mitigation) and enable adaptation to its reasonably foreseeable impacts.</p> <p>UFD-O5 specifically responds to SRMR-I2 and SRMR-I4 by requiring the impacts of climate change be responded to during the development and change of Otago’s urban areas. Objective 8 and policy 6(e) of the NPSUD requires urban environments to be resilient to the current and future effects of climate change, as sought by UFD-O5. It is also required to have particular regard to the effects of climate change in accordance with section 7(i) of the RMA.</p>

165. The relevant PORPS provisions that implement these objectives are found in the policies and methods of the UFD chapter and are listed below:

- a. UFD-P1 – Strategic planning
- b. UFD-P2 - Sufficiency of development capacity
- c. UFD-P3 – Urban intensification
- d. UFD-P4 – Urban expansion
- e. UFD-P5 – Commercial activities
- f. UFD-P6 – Industrial activities



- g. UFD–P7 –Rural areas
  - h. UFD–P8 – Rural lifestyle and rural residential zones
  - i. UFD–P9 – Iwi, hapū and whānau
  - j. UFD–P10 – Criteria for significant development capacity
  - k. UFD–M1 – Strategic planning
  - l. UFD–M2 – District Plans
  - m. UFD–M3 – Design of public spaces and surrounds
  - n. APP10 – Bottom lines for development capacity
166. Specific evaluation of these policies and methods is contained in Section 5.13 of this report.
167. Objectives UFD–O1 to UFD–O5 are considered the most appropriate way to achieve the purpose of the RMA by enabling people and communities to provide for their wellbeing and safeguarding the life supporting capacity of ecosystems through a considered and strategic approach to urban growth and development. The objectives are in response to community feedback, specifically SRMR–I10, SRMR–I11, SRMR–I2 and SRMR–I4. While there are likely to be costs, the benefit of well-functioning urban areas environmentally, economically and socially are expected to be significant. The efficiency and effectiveness evaluation in Section 5.13 of this report also shows that the provisions are effective, meaning that the objectives are feasible. Overall, the objectives are considered appropriate in terms of achieving the purpose of the RMA, are relevant and acceptable as they are a response to community feedback and accord with the NPSUD.

#### 4.4. Conclusion

168. As a package, the PORPS 2021 objectives are considered to be more appropriate than the objectives in the PORPS 2019 because they respond to the full suite of national direction currently in force, which assists with giving effect to the purpose of the RMA, as well as resource management issues identified by Kāi Tahu and the wider community. They outline more specific outcomes sought for the region and, in response to feedback from Kāi Tahu and the community, in some cases seek to strengthen what is sought in comparison to the PORPS 2019. They are also compliant with the National Planning Standards and reduce uncertainty about the outcomes to be achieved in comparison to the objectives in the PORPS 2019.
169. Many of the objectives are not dissimilar to the current PORPS 2019 objectives, in particular the outcomes sought for *AIR – Air*, *EIT – Energy, infrastructure and transport*, *HAZ – Hazards and risks*, *HCV – Historical and cultural values* and *NFL – Natural features and landscapes*. Where there have been significant changes, this has been primarily in response to new national direction, for example for *LF – Land and freshwater*, *ECO – Ecosystems and biodiversity*, and *UFD – Urban form and development*. Given the obligation on ORC to give effect to national policy statements, which assist with achieving the purpose of the RMA 1991, those changes are considered to be more appropriate than the PORPS 2019.
170. It is acknowledged that achieving some of the objectives in the PORPS 2021 will come at significant cost. This is particularly the case for *LF – Land and freshwater* and *ECO – Ecosystems and biodiversity* due to the constraints that implementation will place on the ability of people to use and develop the region’s natural resources. This is likely to result in significant economic, and associated social, costs. There are also likely to be increased costs for all local authorities, particularly in identifying various areas or matters of significance as required by the PORPS 2021 (for example, natural features and landscapes, areas of natural character, and assessing natural hazard risks). However, in all of these cases, there will also be significant

environmental and cultural benefits. This is considered to be appropriate in order to achieve the purpose of the RMA 1991.

171. As the issues identify, the historic and current use of Otago's natural and physical resources have resulted in a range of adverse effects on those resources, and in some cases have resulted in degradation or loss of those resources. For Kāi Tahu, this has affected their mana, which is (in part) a reflection of the natural environment: *Toitū te Marae o Tane, toitū te Marae o Takaroa, toitū te Iwi* (protect and strengthen the realms of the land and sea, and they will protect and strengthen the people). In consideration of the requirement in section 5 of the RMA 1991 to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations and to safeguard the life-supporting capacity of air, water, soil, and ecosystems, the objectives are considered to be appropriate.

## 5. Evaluation of provisions

### 5.1. Introduction

172. Part 5 sets out the evaluations that have occurred under section 32 of the RMA in relation to the provisions of the PORPS 2021. For ease of reference, the structure of this section mirrors the structure of the PORPS 2021:

- a. MW – Mana whenua
- b. IM – Integrated management
- c. AIR – Air
- d. CE – Coastal environment
- e. LF – Land and freshwater
- f. ECO – Ecosystems and indigenous biodiversity
- g. EIT – Energy, infrastructure and transport
- h. HAZ – Hazards and risks
- i. HCV – Historical and cultural values
- j. NFL – Natural features and landscapes
- k. UFD – Urban form and development

173. Section 1.4 sets out the requirements of section 32 evaluation reports. This part of the report focuses on examining whether the provisions in the proposal (i.e. the policies and methods) are the most appropriate way to achieve the objectives by:

- a. Identifying other reasonably practicable options for achieving the objectives; and
- b. Assessing the efficiency and effectiveness of the provisions in achieving the objectives;
- c. Summarising the reasons for deciding on the provisions.

174. In accordance with section 32(2), that examination also includes:

- a. Identifying and assessing the benefits and costs of the environmental, economic, social and cultural effects anticipated from the implementation of the provisions, including the opportunities for:
  - i. Economic growth that are anticipated to be provided or reduced; and
  - ii. Employment that are anticipated to be provided or reduced;
- b. Where practicable, quantifying the benefits and costs; and
- c. Assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

175. Some chapters contain sub-sections which have been adopted in these evaluations in order to ensure the assessments are at an appropriate level of detail.

### 5.2. Limitations

176. This report focuses on identifying costs and benefits, who they will fall on, and attempts to indicate their scale or, where possible, quantify them. However, there is a lack of information about many topics. That is largely due to the short timeframes set for completing the work and the lack of information about the implementation of the PORPS 2019. There is also uncertainty about the current states and trends of many natural resources in the region. In some instances, these information gaps have been partly addressed by reports commissioned

on a specific topic to support the development of this RPS (for example, the HAZ – Hazards and risks chapter and ECO – Ecosystems and indigenous biodiversity). However, in some cases there remains a lack of information.

177. The evaluations in the following sections use any relevant information made available to the authors but it is acknowledged that this is not comprehensive.

### 5.3. MW – Mana whenua

#### 5.3.1. Introduction

178. Kāi Tahu are takata whenua of the Otago region. Te Tiriti o Waitangi establishes a partnership between Kāi Tahu and the Crown. Section 8 of the RMA requires that parties involved, under the RMA, in managing natural and physical resources, take into account the principles of Te Tiriti o Waitangi (the Treaty of Waitangi). The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taoka is also identified as a matter of national importance in section 6 and required to be recognised and provided for in the PORPS 2021. Particular regard must also be had to kaitiakitaka under section 7(a).
179. The *MW – Mana whenua* chapter seeks to establish appropriate recognition of this partnership, the treaty principles and sets out general considerations for the incorporation of Kāi Tahu values and interests into resource management planning, consenting, and implementation processes. The policies in this section are designed to achieve MW–O1 by setting out the actions that must be undertaken by local authorities to ensure the principles of Te Tiriti o Waitangi are given effect in resource management processes and decisions. The policies also require the development and implementation of planning tools which recognise the role of Kāi Tahu in resource management and ensure their engagement with and participation in resource management.
180. The relevant provisions for this section are:
- a. MW–P1 – Treaty obligations
  - b. MW–P2 – Treaty principles
  - c. MW–P3 – Supporting Kāi Tahu wellbeing
  - d. MW–P4 – Sustainable use of Māori land
  - e. MW–M1 – Collaboration with Kāi Tahu
  - f. MW–M2 – Work with Kāi Tahu
  - g. MW–M3 – Kāi Tahu relationships
  - h. MW–M4 – Kāi Tahu involvement in resource management
  - i. MW–M5 – Regional and district plans
  - j. MW–M6 – Incentives and education
  - k. MW–M7 – Advocacy and facilitation

#### 5.3.2. Current issues

181. In order to appropriately take into account the Treaty principles, recognise the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taoka, and have particular regard to kaitiakitaka, there is a need, firstly, to understand these principles and the values of Kāi Tahu. Secondly, in order to fulfil these obligations, there is a need for direction on how these should be applied to resource management in Otago. This information is currently included in the PORPS 2019 but is contained in different chapters.

182. The National Planning Standards require there to be a specific takata whenua/mana whenua chapter. The ‘Introduction and General Provisions Standard’ requires that the provisions in this chapter are to include context and process-related provisions; whereas other mana whenua provisions are to be integrated as appropriate throughout the regional policy statement. The National Planning Standards also list a number of matters that should be considered for inclusion within the mana whenua chapter.
183. The layout of the PORPS 2019 and its approach to these matters does not align with the direction in the National Planning Standards as to where this type of content is to be located.

### 5.3.3. Objectives

184. Section 32(1)(b) requires an examination of whether the provisions in a proposal are the most appropriate way to achieve the objective. The objective relevant for this topic is:

Table 22: MW - Mana whenua objectives

MW–01 – Principles of Te Tiriti o Waitangi	The principles of Te Tiriti o Waitangi are given effect in resource management processes and decisions, utilising a partnership approach between councils and Papatipu Rūnaka to ensure that what is valued by mana whenua is actively protected in the region.
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### 5.3.4. Reasonably practicable options

185. Two reasonably practicable options were identified to achieve the objectives:
- a. **Option 1:** Status quo (PORPS 2019)
  - b. **Option 2:** PORPS 2021 – *preferred*

#### 5.3.4.1. Option 1: Status quo

186. The status quo contains largely the same content as proposed in the PORPS 2021. However, under the status quo, this content is not contained in a single mana whenua chapter and is instead spread throughout the document and the provisions within it.
187. The PORPS 2019 includes direction to take into account the principles of Te Tiriti o Waitangi in resource management processes and decisions (Objective 2.1) and includes provisions that outline treaty obligations and how these will be provided for. The PORPS 2019 also provides for Kāi Tahu relationships with wāhi tūpuna and seeks to enable the sustainable development of Maori land. Schedule 1 of the PORPS 2019 sets out Kāi Tahu values and interests, and states that these values and interests must be considered in planning and consenting decisions. Schedule 2 of the PORPS 2019 describes the Statutory acknowledgement areas in the Otago region.
188. The National Planning Standards require there to be a specific takata whenua/mana whenua chapter and require that context and process-related provisions are included in this chapter. The status quo therefore does not align with the requirements of the National Planning Standards.

#### 5.3.4.2. Option 2: PORPS 2021 – *preferred*

189. Option 2 involves taking the content from the PORPS 2019 that relates to the matters identified in the National Planning Standards for consideration in the *MW – Mana whenua*

chapter, including context and process-related provisions, and inserting them into a single chapter. In addition, this chapter sets out some of the means by which many of the resource management issues of significance to iwi authorities in the region are to be resolved.

190. The issues and concerns described in the RMA section need to be read and understood in the context of the *MW – Mana whenua* chapter. The *MW – Mana whenua* chapter describes the integral relationship between Kāi Tahu and the natural world, including the relationship with particular resources, and the values that influence the Kāi Tahu approach to resource management.
191. As the PORPS 2019 Chapter 2 provisions are largely procedural in nature, they align reasonably well with the requirements outlined in the National Planning Standards for the tangata whenua/mana whenua chapter.
192. This option also incorporates minor changes or additions to ensure consistency with the style of the PORPS 2021.

### 5.3.5. Consultation summary

#### 5.3.5.1. Clause 3

193. As outlined in section 2.5.1 of this report, the PORPS 2021 provisions were provided to a number of parties for comment in accordance with Schedule 1 of the RMA. Two parties responded to this part of the PORPS 2021. Most of the feedback that was given related to wording changes within the provisions, mostly relating to Te Reo terms.
194. Some responses were looking to reduce the strength of particular provisions concerning protection of Kāi Tahu values, Kāi tahu capacity for involvement in consenting processes (MW–M3), and resourcing Kāi Tahu involvement in resource management processes (MW–M4), seeing this section as noticeably more strongly worded than the equivalent in the PORPS 2019.
195. Given Kāi Tahu were best placed to address these comments due to their significant involvement in drafting the provisions, clause 3 feedback was passed on to Kāi Tahu for consideration as part of clause 4A consultation. On advice from Kāi Tahu, ORC adopted some minor changes in response to feedback, however did not make any changes of significance, as it considers the provisions to be pitched at an appropriate strength.

#### 5.3.5.2. Clause 4A

196. The draft RPS was provided to Te Rūnanga o Ngāi Tahu, Aukaha and Te Ao Marama on 6 April 2021. Feedback on this particular chapter was provided in writing, in the form of a table outlining amendments sought by Kāi Tahu and reasons, and in the form of a revised chapter setting out correct use and spelling of te reo words and phrases.

As a result of the feedback and coupled with further consideration of the *MW – Mana whenua* chapter provisions, amendments have been made to the objective and policies. Most of the amendments concern correcting the spelling and expression of Te Reo and require no further comment here. In some other instances, amendments have been made to clarify the intent of the provision, employ greater certainty of expression and outcome and improve the direction recorded in the provision.

### 5.3.6. Efficiency and effectiveness evaluation

197. Table 23 below identifies and assesses the benefits and costs of the environmental, cultural, social and economic effects that are anticipated from the implementation of the provisions proposed under Option 2 above.

Table 23: Benefits and costs for MW – Mana whenua

BENEFITS		COSTS	
<b>Environmental</b>			
<ul style="list-style-type: none"> <li>▪ Largely unchanged from those of the status quo.</li> <li>▪ Kāi Tahu values tend to have a strong basis in ecosystem health, so better provision for such values may have wider environmental benefits.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Largely unchanged from those of the status quo.</li> <li>▪ Kāi Tahu native reserve land tends to be in coastal or rural areas, where development may risk negatively impacting environmental values.</li> </ul>		
<b>Cultural</b>			
<ul style="list-style-type: none"> <li>▪ More clearly provides direction and information on how the objective is to be achieved.</li> <li>▪ Cultural expression for Kāi Tahu is supported and enhanced.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Largely unchanged from those of the status quo, however the provisions require local authorities to consider resourcing options for Kāi Tahu participation in resource management, which may offset some of the financial costs of participation.</li> </ul>		
<b>Social</b>			
<ul style="list-style-type: none"> <li>▪ Largely unchanged from those of the status quo.</li> <li>▪ Policies may better facilitate Kāi Tahu involvement in resource management than the status quo.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Largely unchanged from those of the status quo.</li> </ul>		
<b>Economic</b>			
<ul style="list-style-type: none"> <li>▪ Retains status quo benefits.</li> <li>▪ Has the potential benefit of improving economic outcomes through adopting a more holistic approach to the management and use of natural and physical resources.</li> <li>▪ A sustainable long-term approach to the use and management of natural and physical resources has the potential to improve economic growth and employment opportunities throughout the region.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Largely unchanged from those of the status quo.</li> <li>▪ Recognising and providing for Kāi Tahu values and resource management issues in resource management decision-making processes may limit some economic activities, or result in additional compliance costs.</li> </ul>		

Table 24 below assesses the effectiveness and efficiency of the proposed provisions in achieving the objectives.

Table 24: Efficiency and effectiveness evaluation for MW – Mana whenua

<b>Efficiency</b>	The provisions are more efficient at achieving the objective sought as they are contained in one place and comply with the National Planning Standards.
<b>Effectiveness</b>	Including the provisions in one chapter more effectively sets out how the outcome will be achieved. This option is also effective at meeting the direction in the National Planning Standards. More generally, additional context surrounding the Ngā Tahu Claims Settlement Act 1998 and Kāi Tahu values improves understanding and may facilitate better implementation in resource management decision-making processes.

### 5.3.7. Risk of acting or not acting

198. Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. As noted above, limited changes are proposed to the content of what is contained in the *MW – Mana whenua* chapter, from the status quo. The risk of not changing the location of this content is that the National Planning Standards would not be complied with.

### 5.3.8. Conclusion

199. The proposed *MW – Mana whenua* chapter brings together information and direction contained in various different parts of the PORPS 2019. This structural change is directed by the National Planning Standards. Bringing these provisions into a single chapter more effectively links context with issues with outcomes sought and consequently improves understanding of this part of the PORPS 2021, and its contribution to attainment of the single purpose of the RMA 1991.



## 5.4. IM – Integrated management

### 5.4.1. Introduction

200. The purpose of a regional policy statement is to provide an overview of the resource management issues of the region and the policies and methods to achieve integrated management of the natural and physical resources of the region.<sup>20</sup> Integrated management is an approach to environmental management that seeks to manage resources together under one regime rather than creating silos by managing different areas, resources, or effects separately.
201. The National Planning Standards provide for (but do not require) an RPS to include a chapter on integrated management, within Part 2 – Resource Management Overview. This allows for provisions to be included that address integrated management of resources across domains and topics, and as such ORC has incorporated such a chapter.
202. The relevant provisions for this section are:
- a. IM–P1 – Integrated approach
  - b. IM–P2 – Decision priorities
  - c. IM–P3 – Providing for mana whenua values in achieving integrated management
  - d. IM–P4 – Setting a strategic approach to ecosystem health
  - e. IM–P5 – Managing environmental interconnections
  - f. IM–P6 – Acting on best available information
  - g. IM–P7 – Cross boundary management
  - h. IM–P8 – Climate change impacts
  - i. IM–P9 – Community response to climate change impacts
  - j. IM–P10 – Climate change adaptation and mitigation
  - k. IM–P11 – Enhancing environmental resilience to effects of climate change
  - l. IM–P12 – Contravening environmental bottom lines for climate change mitigation
  - m. IM–P13 – Managing cumulative effects
  - n. IM–P14 – Human impact
  - o. IM–P15 – Precautionary approach
  - p. IM–M1 – Regional and district plans
  - q. IM–M2 – Relationships
  - r. IM–M3 – Identification of climate change impacts and community guidance
  - s. IM–M4 – Climate change response
  - t. IM–M5 – Other methods

### 5.4.2. Current issues

203. The PORPS 2019 provides limited direction on how integrated management is to be achieved, particularly in relation to providing specific direction on matters that cross domains and topics. In some cases, the provisions restate statutory matters, for example, the requirement for managing effects of activities to give effect to the RPS.
204. Objective 1.1 of the PORPS 2019 requires Otago’s resources to be used sustainably to promote economic, social, and cultural wellbeing for its people and communities. Objective 2.1 of the PORPS 2019 seeks to recognise and provide for the integrated management of natural and

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<sup>20</sup> Section 59 of the RMA.

physical resources to support the wellbeing of people and communities in Otago. These objectives are similar, and do not go much further than re-stating the purpose of the RMA set out in section 5(2).

205. Policy 1.1.1 of the PORPS 2019 directs that provision is made for economic wellbeing by enabling the resilient and sustainable use and development of natural and physical resources; and Policy 1.1.2 directs that provision is made for social and cultural wellbeing and health and safety when undertaking subdivision, use, development and protection of resources, by the following measures:
- 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.
206. Policy 1.2.1 of the PORPS 2019 directs achievement of integrated management of resources, by:
- 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;
  - d. Ensuring that resource management approaches across administrative boundaries are consistent and complementary;
  - e. Ensuring that effects of activities on the whole of a natural or physical resource are considered when that resource is managed as subunits.
  - f. Managing adverse effects of activities to give effect to the objectives and policies of the Regional Policy Statement.
  - g. Promoting healthy ecosystems and ecosystem services;
  - h. Promoting methods that reduce or negate the risk of exceeding sustainable resource limits
207. As with the other chapters in the PORPS 2019, the methods to implement these are generic (through relationships, plans, advocacy and facilitation). Additionally, these provisions are pitched at a high level; are insufficiently directive of either outcome or implementation method to secure the desired outcomes; do little more than repeat or paraphrase a higher order instrument; and are not well aligned with current significant resource management issues.

#### 5.4.3. Objectives

208. Section 32(1)(b) requires an examination of whether the provisions in a proposal are the most appropriate way to achieve the objectives. The objectives relevant for this topic are included in Table 25 below.

Table 25: Integrated management objectives

IM-O1 – Long term vision	The management of natural and physical resources in Otago, by and for the people of Otago, including Kāi Tahu, and as expressed in all resource management plans and decision-making, achieves healthy, resilient, and safeguarded natural systems, and the ecosystem services they offer, and supports the well-being of present and future generations, <i>mō tātou, ā, mō kā uri ā muri ake nei</i> .
IM-O2 – Ki Uta Ki Tai	Natural and physical resource management and decision-making in Otago embraces <i>ki uta ki tai</i> , recognising that the environment is an interconnected system, which depends on its connections to flourish, and must be considered as an interdependent whole.
IM-O3 – Environmentally sustainable impact	Otago’s communities carry out their activities in a way that preserves environmental integrity, form, function, and resilience, so that the life-supporting capacities of air, water, soil, ecosystems, and indigenous biodiversity endure for future generations.
IM-O4 – Climate change	Otago’s communities, including Kāi Tahu, understand what <i>climate change</i> means for their future, and climate change responses in the region, including adaptation and mitigation actions, are aligned with national level climate change responses and are recognised as integral to achieving the outcomes sought by this RPS.

#### 5.4.4. Reasonably practicable options

209. Three reasonably practicable options were identified to achieve the objectives:

- a. **Option 1:** Status quo (PORPS 2019)
- b. **Option 2:** No integrated management chapter
- c. **Option 3:** PORPS 2021 – *preferred*

##### 5.4.4.1. Option 1: Status quo

210. The status quo and associated issues are outlined in section 5.4.2. As outlined in that section, the status quo is not considered to be effective or efficient. The PORPS 2019 presents several considerations for undertaking integrated management but gives little indication of how to apply them or weigh them against each other. The detail is left to lower order plans, providing little further guidance than the RMA. This approach is unlikely to result in consistent application of those approaches across Otago.

211. Further, this approach does not help resolve any tensions that may exist between RPS policies, or present a clear vision for integrated management outcomes in Otago.

##### 5.4.4.2. Option 2: No integrated management chapter

212. This option would rely on integration being achieved through a level of understanding of how a regional policy statement is packaged and to be read, an understanding of how to relate the range of provisions spread across different domain and topic chapters, and how to resolve conflicts or tensions between them, rather than having an integration focussed chapter including integrated provisions spanning different domains and topics.

213. This is considered unlikely to be effective at achieving the various domain and topic objectives, as it is less likely to enable consideration of how resources are to be managed across different domains and topics and would not provide overarching guidance on how provisions work

together. It would also not address the issues identified by mana whenua that relate to a fragmented or siloed approach to managing natural and physical resources, or the complex and all-encompassing effects of climate change, which are pertinent to environmental management at every level.

#### 5.4.4.3. Option 3: PORPS 2021 – preferred

214. The issues of significance for Otago that have been identified through the development of the PORPS 2021 will not be solved by addressing one resource or one part of the environment in isolation of the others. There are connections between the issues that require an integrated approach to addressing them. For example, SRMR–I8 highlights the threats to Otago’s coastal environment, however addressing that issue will require other actions, such as addressing declining water quality (SRMR–I6). In addition to these interconnections, climate change is an issue that will affect all of Otago, although likely in quite different ways. It is therefore important for the PORPS 2021 to state how the effects of climate change will be managed and how planning for climate change should occur.
215. Lack of an holistic and integrated approach to managing the environment is also a key theme in the issues of significance to iwi. This is particularly apparent in relation to freshwater management (see, for example, RMIA–WAI–I5) but is raised in relation to a number of topics (see, for example, RMIA–MKB–I2, RMIA–CE–I1). Fragmented management does not provide for Kāi Tahu cultural values, particularly the philosophy of holistic resource management (or ki uta ki tai) which recognises that all environmental elements are interconnected and must be managed as a whole.
216. The provisions proposed in Option 3 provide more direction for how integrated outcomes are to be achieved. In particular, they set out how the chapter is to be applied alongside the rest of the PORPS 2021, the interconnections and interdependencies within the environment, involvement of mana whenua in resource management, the fundamental importance of environmental health to human wellbeing, and holistic assessment of human effects on the environment. They also address climate change as the key threat to environmental stability. The provisions seek to ensure explicit recognition and implementation of these facets into decision making.
217. IM–P1 sets out how the provisions in the RPS work together, requiring all RPS provisions relevant to a particular issue or decision to be considered together according to the terms in which they are expressed, and to achieve IM–O1 to IM–O4. This establishes a hierarchy, with the IM objectives forming what are commonly considered “strategic objectives” sitting at the forefront of the document and all subsequent provisions working together to achieve them.
218. If tensions arise between provisions in other domains or topics, IM–P2 provides a pathway for resolving them. This approach is based on the management hierarchy laid out in the NPSFM 2020, reflecting the fundamental importance of environmental health, considering first the long-term life-supporting capacity of the environment, second people’s health, and third other facets of wellbeing.
219. In order to achieve integrated management, Policy IM–P3 sets out how the relationship of Kāi Tahu ki Otago with all natural resources is to be recognised and provided for, outlining the pathway to achieving IM–O2. IM–P4 directs the requirements for planning frameworks to be used to promote healthy ecosystems and ecosystem services, requiring protection of their intrinsic values and a long-term strategic and responsive approach. Recognising that

- management of different resources cannot be segregated from each other, IM–P5 sets out the matters that must be taken into account when managing interconnected resources.
220. Perfect information is never available when making resource management decisions, however there can be considerable risks in choosing not to act due to a lack of information. IM–P6 requires the avoidance of unreasonable delay in decision-making by using the best information available at the time. In a similar practical vein, IM–P7 requires coordinating management across jurisdictional boundaries and, whenever possible, between overlapping or related agency responsibilities. Collectively, IM–P3 to IM–P7 are the steps to achieving objectives IM–O1 and IM–O3.
221. IM–P8, IM–P9, IM–P10 and IM–P11 address IM–O4 by directing how the effects of climate change are to be identified and how the planning response to climate change will occur. IM–P8 requires identifying climate change impacts, including from a te ao Māori perspective, assessing how those impacts may change over time and anticipating those changes in resource management processes and decisions. The community’s response to climate change impacts is further elaborated in IM–P9. In addition, the response is timebound, at least in respect of when that response is occurring, with a clear link to Otago’s contribution to assist with the attainment of central government climate change response outcomes. IM–P10 requires implementing adaptation and mitigation methods that achieve specified results, including minimising the effects of climate change processes or risks to existing activities. IM–P11 seeks to enhance resilience by providing for activities that reduce human impacts on the environment.
222. There are many provisions in the PORPS 2021 that establish ‘bottom lines’ for management of resources. IM–P12 allows decision makers to consider allowing activities to not comply with those bottom lines in order to provide enduring regionally or nationally significant mitigation of climate change impacts. This policy can only be applied if the four criteria in the policy are met, which are intended to ensure that the effects are minimised and the activity does not impede the achievement of other objectives in the PORPS 2021, neighbouring regions’ objectives, or national or regional climate change mitigation activities. In any case, bottom lines contained in a higher order document may not be contravened.
223. Environmental bottom lines must be taken seriously. IM–P12 deliberately sets a very high bar for any activity to access it. Very few activities should be eligible for this pathway, and it may be that it remains unused. It has been included to recognise that the effects of climate change are a key threat to Otago and New Zealand’s long-term environmental, social, cultural, and economic wellbeing that will be difficult to respond to through traditional planning frameworks. Significant long-term mitigation of climate change effects may be worth localised adverse environmental effects.
224. IM–P13 supports achieving IM–O1 to IM–O3. Integrated management is particularly important for dealing with effects that accumulate over time and across space. This policy directs that cumulative effects, which can be difficult to identify and assess, are properly recognised and managed.
225. To support achieving IM–O3, IM–P14 identifies measures to be undertaken to minimise human impacts on Otago’s ecosystems and preserve opportunities for future generations. Finally, IM–P15 requires a precautionary approach where it is unclear what the effects of activities might be.

226. There are five methods to implement the policies. IM–M1 sets out the requirements of regional and district plans. These requirements address integrated management as a whole and would therefore underpin the more detailed or resource-specific components of plans.
227. To implement IM–P2, IM–P4 and IM–P7, and achieve IM–O2, Method IM–M2 requires partnership with Kāi Tahu, working together with other agencies to implement the PORPS 2021 consistently, and collaboration with Otago’s communities. Responding to climate change specifically, method IM–M3 requires ORC to identify the types and locations of climate change impacts through a climate change risk assessment and to develop guidance for the communities of the Region by 2025. More broadly, IM–M4 requires all councils (led by ORC), in partnership with Kāi Tahu and in consultation with Otago’s communities, to develop climate change responses that can guide adaptation and mitigation. Responses must identify resources vital to resilience and wellbeing as well as vulnerable resources and communities (and adaptation pathways for them where possible) and require development of plans and agreements for implementation. This is the primary tool for achieving IM–O4.
228. Method IM–M5 is not mandatory; it includes provisions that are non-regulatory or that it would not be practicable for ORC to enforce but that would nonetheless contribute to achieving the integrated management objectives. It states that local authorities should align their plans and strategies to achieve objective IM–O1 and facilitate community involvement in achieving this objective through non-regulatory means. It also says local authorities should encourage changes to business practice that will enable them to function in a zero-carbon economy, and advocate for activities that reduce, mitigate, or eliminate risk of environmental degradation. These actions will assist with achieving IM–O1 to IM–O4.
229. As stated in IM–P1, ORC expects that implementing all PORPS 2021 provisions collectively and in an integrated manner will be required to achieve objective IM–O1.

#### 5.4.5. Consultation summary

##### 5.4.5.1. Clause 3

230. As outlined in section 2.5.1 of this report, the PORPS 2021 provisions were provided to a number of parties for comment in accordance with Schedule 1 of the RMA. The *IM – Integrated management* chapter received a significant amount of feedback from 15 parties, including the Reference Group (Integrated management). Much of this feedback concerned minor wording and editing remarks which sought to add clarity, or additional content in keeping with the overall drafting approach these have been included as appropriate.
231. Among these changes were recognising and providing for ecosystem complexity and connections in IM–P4, making provision for activities that are resilient to or reduce climate change risk in IM–P9, and making explicit provision for neighbouring regions’ objectives in IM–P11.
232. Some feedback sought significant changes to the chapter including the redrafting of the long-term vision (IM–O1) and a rewrite of IM–P1 and IM–P2 (formerly IM–P5), provisions which determine how the PORPS 2021 should work together as a whole. The long-term vision was redrafted to better clarify the premium put on natural systems’ long-term health, avoiding ambiguity around the term “environment” and making the link between environmental health and human wellbeing clearer.

233. Respondents had been uncertain about how IM–P1 and IM–P5 (now IM–P2) interacted, in particular how provisions should be treated as “equal” under IM–P1, but tensions should be resolved by the priorities under IM–P5. The policies were repositioned to sit next to each other, clarifying their relationship. IM–P1 was redrafted to clarify that all provisions in the PORPS 2021 needed to be considered together according to the terms used, and that the *IM – Integrated management* objectives have universal relevance throughout the RPS. IM–P5 (now IM–P2) was redrafted to more closely align with the Te Mana o te Wai hierarchy in the NPSFM 2020.
234. Some suggestions for changes in approach were not adopted. Some respondents were concerned that there should be explicit provision for existing use rights. ORC considered that these rights are adequately provided for under the RMA and did not need to be repeated here.
235. There was also concern that community well-being was not well enough represented and should be recognised through a specific objective. ORC considered that well-being is well addressed throughout the PORPS 2021 and integrated as a part of other *IM – Integrated management* objectives. A key philosophy of this section is that long-term health of natural systems is a fundamental requirement for all other well-beings. The objectives’ wording and approach is intended to recognise this.
236. Some respondents also considered that the climate change provisions needed to be aligned with the recent Climate Change Commission report recommendations (Climate Change Commission 2021), or significantly broadened in anticipation of future change. ORC considered that, in the absence of an explicit policy direction from central government and given the importance of climate change as an issue for Otago’s future, the thrust of the policies was appropriate as drafted, though some minor changes were made as described above.

#### 5.4.5.2. Clause 4A

237. As has been previously noted, the draft RPS was provided to Te Rūnanga o Ngāi Tahu, Aukaha and Te Ao Marama on 6 April 2021. A hui was held on 21 April 2021 and attended by representatives from Kāi Tahu ki Otago, Ngāi Tahu ki Murihiku and ORC. The focus of the hui was providing iwi views on particular chapters, including the *IM – Integrated management* chapter. Further feedback, in writing, was provided outlining amendments sought by Kāi Tahu and reasons for those requests.
238. As a result of the feedback, and coupled with further consideration of the *IM – Integrated management* chapter provisions, amendments have been made to the objectives and policies. Many of the amendments concern correct use and expression of Te Reo. Others have been made to more completely reflect the partnership between Kāi Tahu and Council, the involvement of Kāi Tahu in the management of the natural and physical resources of the region, and the underpinning approach to resource management embodied in mātauraka.
239. Objective IM–O1 caused some concern because in the Māori world view there is no separation between people and the environment. This objective has been recast to better align it with its role within the PORPS 2021, and in doing so attention has been paid to the concept of whakapapa, to the extent that this can be achieved in this context.
240. Policy IM–P1 has been amended to better express its fundamental role which is one of linking together the various components of the PORPS 2021. As a rule, such ‘linking’ policies tend to lack clarity and purpose when it comes to addressing specific resource management

issues. The addition of subclause (1) satisfies this concern and gives clarity to the outcome sought.

- 241. During discussions at the hui the inclusion of both rakatirataka and kaitiakitaka in Policy IM–P3(1) was questioned. Given that the former is concerned with decision-making and the latter is concerned with implementing those decisions, it was concluded that retaining both is appropriate.
- 242. A question was raised concerning the inclusion of ‘non-local’ knowledge in IM–P6. The phrasing of this policy is not exclusive but rather is inclusive of the types of knowledge identified. Given this, there is no limit placed on where knowledge to inform decision making might be sourced. Following further consideration, it has been decided to retain the wording without amendment.
- 243. At the hui concern was raised about the openness of IM–P12 to an interpretation that offsetting need not be local when proposals that have national benefits, but local costs, are being evaluated. Clause (3) has been amended to make clear the outcome sought, as a first priority, is local offsetting.
- 244. Finally, and with regard to IM–M4, which concerns the identification of climate change impacts and community guidance, Kāi Tahu sought specific recognition that risk assessment through a te ao Māori lens may require a different methodology. Broadening of the approach in this manner is appropriate and the method has been amended to reflect this.

#### 5.4.6. Efficiency and effectiveness evaluation

- 245. Table 26 below identifies and assesses the benefits and costs of the environmental, cultural, social and economic effects that are anticipated from the implementation of the provisions proposed under Option 3 above.

Table 26: Benefits and costs for IM – Integrated management

BENEFITS	COSTS
Environmental	
<ul style="list-style-type: none"> <li>▪ Option 3 is expected to result in a more integrated approach to resource management across Otago, which will have a range of environmental benefits as interconnections and interdependencies are better recognised.</li> <li>▪ IM–P2 prioritises the life supporting capacity of the environment above human needs in decision-making. This will support the health of the environment by ensuring it is provided for first, before human uses.</li> <li>▪ Clearer guidance around management of cumulative effects, interconnectedness of resources and use of imperfect information is also expected to ensure a more straightforward, transparent planning system and better environmental outcomes.</li> <li>▪ Option 3 is likely to result in a more focused and proactive approach to addressing the effects of climate change, including adaptation and mitigation.</li> </ul>	<ul style="list-style-type: none"> <li>▪ IM–P11 allows for non-compliance with an environmental baseline set out in the RPS, in specified circumstances, for activities that will provide enduring regionally or nationally significant mitigation of climate change impacts. The potential environmental effects of this are, however, expected to be balanced with the activity’s anticipated benefits for human and environmental wellbeing.</li> </ul>



- Option 3 should result in a reduction in human impacts on the environment.

#### Cultural

- Managing resources in a holistic, integrated way, consistent with ki uta ki tai, will better recognise Kāi Tahu cultural values and assist with protecting taoka and providing for customary use.
- Provisions are expected to better recognise and provide for the relationship of Kāi Tahu with natural resources.
- Requiring partnership with Kāi Tahu to implement Option 3 will improve Kāi Tahu’s level of engagement with and involvement in decision-making, helping to achieve better outcomes for Kāi Tahu.
- Allowing for contraventions of bottom lines may adversely affect the environment, including cultural values and taoka. This is mitigated somewhat by not allowing contravention of bottom lines set in a higher order document, such as the NPSFM.
- Engaging in a partnership relationship is likely to result in additional resourcing costs for Kāi Tahu.
- The decision-making priorities outlined in IM–P2 may restrict opportunities to develop Māori land.

#### Social

- Improved cross-boundary and inter-agency management is expected to improve confidence in these organisations and how they are viewed by the public.
- Clear direction on identification of climate change risks and their management is expected to ensure communities are informed and resilient.
- Improved environmental health and prioritising the long-term health of the environment over human needs is likely to support recreational activities that rely on the natural environment, for example kayaking or fishing.
- Climate change adaptation and mitigation may have significant impacts on the way communities in Otago currently live their lives. For some, these may be negative effects on their social wellbeing as a result, for example, of having to relocate or incur costs in mitigating impacts.
- IM–P2 requires prioritising the long-term life supporting capacity of the natural environment above human needs. This may prevent or otherwise restrict activities which are important for social wellbeing, with associated adverse effects on people and communities, particularly in urban environments.

#### Economic

- A strategic approach to managing the effects of climate change provides more certainty to businesses and communities, supporting investment and economic decision-making.
- The requirement to avoid undue delays in decision-making may reduce the costs of decision-making by reducing uncertainty and the length of processes.
- The requirement to prioritise the life supporting capacity of the environment may help maintain natural resources in a state that enables key economic activities to persist into the future, particularly agriculture and tourism.
- It should also be noted that the impacts of climate change, if not planned for and managed, are potentially catastrophic. Similarly, failing to preserve the life supporting capacity of the environment would have dire consequences.
- There may be significant economic impacts arising from the requirement to prioritise the long-term life supporting capacity of the environment over human needs. Industries that extract natural resources (e.g., animal husbandry) will incur higher costs. However, this is ultimately subject to higher order legislation or direction, much of which supports a range of uses of resources for economic and other purposes (for example, renewable electricity generation).
- It is anticipated that any response to the effects of climate change, other than a ‘do nothing’ response, will result in increased costs for councils and the community (in that there is the need to navigate new regulation, including assessing impact and applying for consents where necessary). These costs can, however, be moderated by adopting an integrated approach.
- There will be costs associated with preparing climate change responses, which are currently not required, though this may well be trumped by coming national level policy changes based on

the Climate Change Commission’s recent report (Climate Change Commission, 2021).

Table 27 below assesses the effectiveness and efficiency of the proposed provisions in achieving the objectives.

Table 27: Efficiency and effectiveness evaluation for IM – Integrated management

<b>Efficiency</b>	Managing resources in an integrated way and proactively addressing the impacts of climate change has potentially significant environmental and cultural benefits, with indirect social and economic benefits. However, there will be costs arising from implementing Option 3, which may also be significant. These are largely in the form of restrictions on the types of activities that can occur, opportunity costs, and administrative costs of implementation. The benefits of implementing Option 3 are considered to outweigh the costs.
<b>Effectiveness</b>	The policies and methods in Option 3 outline the specific actions to be taken to achieve the objectives. Taking a strategic approach to ecosystem health, managing interconnections and implementing a prioritisation in decision-making is expected to be effective in achieving IM–O1 and IM–O3 as the outcomes will largely be positive for Otago’s environment. Providing for cultural values and working in partnership with Kāi Tahu alongside the more environmental-focused provisions will assist with embracing ki uta ki tai as required by IM–O2. Achieving IM–O4 requires fairly fast action which is set out in the relevant policies and methods and the clarity about what is required from local authorities will assist with implementing these provisions. Collectively, the provisions are considered to be effective in achieving the objectives.

#### 5.4.7. Risk of acting or not acting

246. Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. In this case, and in the knowledge that there is not full and fully certain information on the matters in this chapter, there is sufficient and sufficiently certain information on which to decide on the proposed provisions. The provisions in the *IM – Integrated management* chapter are intentionally pitched at a high level. In some cases, the provisions direct what information should be considered in certain circumstances and require identification of specified matters. These directions will in turn improve the information on which future resource management decisions are based. The risks associated with not acting in the manner proposed is that there is limited specific guidance on how integrated management is to be achieved, which undermines the entire regional policy statement’s cohesion.
247. Further, there are unquantified costs associated with climate change response and prioritising the life supporting capacity of the environment. Taking action on these fronts is considered necessary to give effect to the purpose of the RMA 1991, including having particular regard to the effects of climate change. Failure to either preserve the life supporting capacity of the environment or to plan for and manage the effects of climate has potentially catastrophic effects

#### 5.4.8. Conclusion

248. The cost-benefit and effectiveness and efficiency assessments have shown that overall, the PORPS 2021 provisions are expected to be more efficient and effective than the status quo at achieving the objectives of the PORPS 2021. The proposed provisions provide more specific

guidance on how integrated management is to be achieved through the other provisions in the RPS and in future resource management decisions, and ensure that the life supporting capacity of the environment is preserved and the impact of climate change is planned for and managed. While there are likely to be significant costs, these are considered to be justified given the need to preserve life-supporting capacity and prepare for the impacts of climate change. Absence of an integrated management chapter may result in higher costs if there is uncertainty about how the provisions of the PORPS 2021 apply.

## 5.5. AIR – Air

### 5.5.1. Introduction

249. This section of the report assesses the provisions in the PORPS 2021 to manage air. Air pollution resulting from particulate matter, particularly fine particles and odour, can affect human health and wellbeing and cause nuisance and amenity effects including poor visibility or soiling of surfaces. Fine particles are typically a result of human activities such as the combustion of solid fuel (wood or coal) for home heating, industrial and motor vehicle discharges. Some natural processes such as meteorology and topography can further exacerbate or contribute to poor air quality. Human exposure to particulate matter, such as PM<sub>10</sub>, PM<sub>2.5</sub>, sulphur and nitrogen oxides can cause respiratory and cardiovascular disease and premature death (Ministry for the Environment & Stats NZ, 2018).
250. For Kāi Tahu, air is a taoka (treasure) because of the relationship of air to other resources such as water, flora and fauna, and its life supporting capacity. Pollution of the air and atmosphere adversely affects the mauri of this taoka and other taoka such as plants and animals. Kāi Tahu consider that air and atmosphere is an integral part of the environment that must be valued, used with respect and passed on intact to the next generation. Discharges to air can also reduce the visibility of cultural landscape features and the ability to have undisturbed celestial darkness. Offensive discharges to air (such as odour) can affect wāhi tapu and discharge of dust can adversely affect mahika kai sites. It is important that the physical, amenity, aesthetic and life-supporting qualities of taonga are maintained.
251. In Otago, air quality monitoring shows that for most of the year air quality is very good. During winter months however, temperatures drop and emissions from home heating increase. This coupled with the topography of some areas and cold, calm conditions leads to poor winter air quality in many towns and cities across the region. The relevant provisions for this chapter are:
- a. AIR–P1 – Maintain good ambient air quality
  - b. AIR–P2 – Improve poor ambient air quality
  - c. AIR–P3 – Providing for discharges to air
  - d. AIR–P4 – Avoiding certain discharges
  - e. AIR–P5 – Managing certain discharges
  - f. AIR–P6 – Impacts on mana whenua values
  - g. AIR–M1 – Review airshed boundaries
  - h. AIR–M2 – Regional plans
  - i. AIR–M3 – Territorial authorities
  - j. AIR–M4 – Monitoring and reporting
  - k. AIR–M5 – Incentives and other mechanisms

### 5.5.2. Current issues

252. Air pollution can cause impacts on human health, natural ecosystems and biodiversity, visibility, amenity, recreation and cultural values. While it is generally accepted that a reduction in particulate matter discharged to air results in benefits for human health (including a reduction in premature mortality and restricted activity days) there is limited data and few studies available to quantify human health impacts of poor air quality for Otago specifically or New Zealand (Kuschel & al., March 2012). A study undertaken in 2012 found

that the total costs associated with anthropogenic air pollution in New Zealand is estimated to be \$4.28 billion per year or \$1,061 per person, with the following overall contributions attributed to each source:

- a. 56% due to domestic fires,
  - b. 22% due to motor vehicles,
  - c. 12% due to open burning, and
  - d. 10% due to industry (Kuschel & al., March 2012).
253. Research based on data for the *Growing up in New Zealand* child cohort study found that living in a neighbourhood with a higher density of wood burners was associated with the increased risk of non-accidental emergency department visits before the age of three by 28% (Ministry for the Environment & Stats NZ, 2018).
254. For natural ecosystems and biodiversity, particulate matter settles from air onto water, land and other surfaces such as vegetation, reducing the amount of sunlight available for photosynthesis. In terms of visibility and recreation, there are no quantitative measure available to determine effects, however reduced visibility can include people’s perception of air quality, this can result in flow on effects for the likes of tourism (Ministry for the Environment & Stats NZ, 2018).
255. As identified by Kāi Tahu, the cultural impacts of discharges to air are currently poorly recognised in resource management. Clean air is important to the health of mahika kai and people, and odour and other emissions can impact on the tapu of wāhi tapu sites. The impacts of urban settlement, including light pollution and discharges to air, can impact on the visibility of the sky and wāhi tūpuna features.
256. Otago currently has 22 airsheds (Otago Regional Airshed Notice, 2005). During winter months seven of these<sup>21</sup> regularly exceed the NESAQ standard for PM<sub>10</sub> and therefore fall within the definition of “polluted airsheds” in the NESAQ. The Air Plan was made operative in 2003 and the most recent plan change intended to implement the NESAQ was made operative in 2009. The Air Plan includes several provisions targeted to the management of domestic heating appliances and other activities that discharge to air. Of note, a prohibited activity status is provided for domestic heating appliances that do not comply with the requirements set by the NESAQ. A report to ORC in June 2018 assessed the effectiveness of the Clean Heat Clean Air programme developed to implement the 2009 plan change, and concluded that while the number of exceedances dropped in the first few years of the programme, exceedances have since plateaued or started to increase in polluted airsheds. This report is attached as Appendix 9.
257. The PORPS 2019 contains provisions<sup>22</sup> that seek to maintain or enhance ambient air quality, manage offensive or objectionable discharges, and provide for offsetting. The outcomes they seek to achieve remain appropriate, however the general nature of the drafting and lack of specificity in the methods make it difficult to understand the actions required to achieve the outcomes.
258. The Ministry for the Environment has recently consulted on changes to the NESAQ to take into account improved scientific understanding and evidence about the health impacts of particulate matter and to better target controllable sources of air pollution. These changes

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<sup>21</sup> Alexandra, Arrowtown, Cromwell, Clyde, Milton, Mosgiel and Dunedin.

<sup>22</sup> Policy 3.1.6, Policy 5.4.1, Policy 5.4.4, Policy 5.4.7, Method 2.1.4, Method 3.1.9, Method 5.1.3a, Method 5.2.1c, Method 6.2.

will focus on managing PM<sub>2.5</sub> rather than PM<sub>10</sub>, which would likely result in a higher number of exceedances of the NESAQ ambient air quality standard in Otago than currently experienced. This is outlined in an ORC technical report attached as Appendix 10.

259. The Air Plan manages Otago’s 22 airsheds by categorising them into three zones based on likely number of exceedances and meteorological conditions. There has been considerable urban growth in parts of Otago since the airsheds were gazetted, resulting in some physical urban areas falling outside the airshed boundaries (but still contributing to air quality in that airshed). As an example of this, Appendix 11 shows the airshed boundaries of Arrowtown, Kingston and Wanaka in 2009 and 2019. Each aerial photograph taken in 2019 shows areas of development occurring outside but adjacent to the airshed boundary. An additional ten years of air quality monitoring data is now available. The airsheds and zones need to be reviewed in order to remain fit for purpose as a management tool.
260. Kāi Tahu has identified that the cultural impacts of discharges to air are poorly recognised in resource management currently. During community consultation, the effects of outdoor burning and offensive and objectionable air quality effects were raised as an issue that may benefit from specific management within the PORPS 2021.
261. The issues above demonstrate that the current framework (primarily the PORPS 2019 and Air Plan) is not sufficient for achieving Otago’s air quality goals or complying with national direction.

### 5.5.3. Objectives

262. Section 32(1)(b) requires an examination of whether the provisions in a proposal are the most appropriate way to achieve the objectives. The objectives relevant for this topic are included in Table 28 below.

Table 28: Air objectives

AIR–O1 – Ambient air quality	Ambient air quality provides for the health and well-being of the people of Otago, amenity and mana whenua values, and the life-supporting capacity of ecosystems.
AIR–O2 – Discharges to air	Human health, amenity and mana whenua values and the life supporting capacity of ecosystems are protected from the adverse effects of discharges to air.

### 5.5.4. Reasonably practicable options

263. Three reasonably practicable options were identified to achieve the objectives:
- a. **Option 1:** Status quo (PORPS 2019)
  - b. **Option 2:** PORPS 2021 – *preferred*
  - c. **Option 3:** Option 2 (PORPS 2021) and additional controls

#### 5.5.4.1. Option 1: Status quo

264. The status quo is considered to be generally appropriate, however there are areas where improvements could be made to assist the effectiveness and efficiency of the management approach that will be implemented as a result of the upcoming Air Plan Review. Areas

requiring improvement include reviewing airshed boundaries and clarifying the actions to be taken to implement the policies.

#### 5.5.4.2. Option 2: PORPS 2021 – *preferred*

265. The PORPS 2021 proposes an approach for managing air quality that includes two overarching and aspirational objectives. AIR–O1 aims to ensure ambient air quality provides for human health, amenity, mana whenua values and the life supporting capacity of ecosystems. AIR–O2 focuses on ensuring discharges to air do not adversely affect the values identified in AIR–O1. The provisions in the PORPS 2021 are the first step towards achieving AIR–O1 and AIR–O2 but rely primarily on a review of the current Air Plan for full achievement of the objectives.
266. In terms of policies, AIR–P1 requires maintaining good ambient air quality by ensuring discharges to air comply with ambient air quality limits where those limits have been set, and where no limits are set, only allowing discharges to air if the adverse effects (including cumulative effects) of the activity on ambient air quality are minor.
267. AIR–P2 requires improving ambient air quality where it is poor by establishing and maintaining plan provisions that set limits and timeframes for improving ambient air quality, including by managing the spatial distribution of activities and transport, and prioritising actions to reduce PM<sub>10</sub> and PM<sub>2.5</sub> concentrations in polluted airsheds. Actions to achieve this include phasing out of existing domestic solid fuel burning appliances and prevention of discharges from any new domestic solid fuel burning appliances that do not comply with at least the standards set in the NESAQ.
268. AIR–P3 allows discharges provided they do not adversely affect the values stated in AIR–O1 and AIR–O2. AIR–P4 requires avoidance of discharges to air that cause offensive and objectionable, noxious or dangerous effects, while AIR–P5 requires management of discharges to air beyond the boundary of origin in an effort to minimise the adverse effects of discharges to air. AIR–P6 recognises the cultural significance of air quality and requires adverse effects of discharges to air on cultural values are minimised, by having particular regard to adverse effects on Kāi Tahu values or sites of significance to Kāi Tahu.
269. As the first step in implementation, Method AIR–M1 directs ORC to review existing airshed boundaries. This is followed by Methods AIR–M2 and AIR–M3 which specify the provisions required in regional and district plans to implement Policies AIR–P1 to AIR–P6. Method AIR–M4 requires ORC to continue to monitor air quality and report on progress to attaining the NESAQ ambient air quality standards. Incentives and other mechanisms to assist with implementation of Policies AIR–P1 to AIR–P3 and achievement towards the objectives are set out in Method AIR–M5.

#### 5.5.4.3. Option 3: Option 2 (PORPS 2021) and additional controls

270. Option 3 builds on the policy direction in Option 2 and provides a more directive and detailed approach to the management of the air resource in Otago. In addition to the objectives and policies set out in Option 2, Option 3 includes the following additional controls:
- a. Provision for offsetting in accordance with a detailed Schedule as a tool to minimise adverse effects on air quality,
  - b. Mitigation measures that apply to specific activities that discharge contaminants to air (such as outdoor burning), and
  - c. Provisions in relation to the emission of greenhouse gasses.

271. This option was discounted because it was considered that activity-specific measures to achieve the objectives and policies of Option 2 would be more appropriately refined through further investigation and community consultation required as part of the Air Plan Review. Similarly, criteria to define the terms “offensive and objectionable” are generally most applicable to resource consents and accordingly this level of detail would be more appropriate to include as part of the Air Plan Review.
272. In terms of emission of greenhouse gasses, it was considered, at this stage that some uncertainty exists in relation to how the emission of greenhouse gasses is to be managed more broadly under the RMA. It is understood national direction is currently being scoped by the Ministry for the Environment to support local authorities to be consistent in their approach to climate change mitigation. Until there is additional certainty provided for the management of greenhouse gas emissions, addressing such matters at an RPS level is considered to be uncertain.

### 5.5.5. Consultation summary

#### 5.5.5.1. Clause 3 consultation

273. As outlined in section 2.5.1 of this report, the PORPS 2021 provisions were provided to a number of parties for comment in accordance with Schedule 1 of the RMA. Feedback provided typically sought the inclusion of additional activity specific provisions which was an option discounted earlier in the process (Option 3 above).
274. Most of the changes made to the chapter were variations of wording to provide better clarity for intent and context. The overall direction was not changed for the *AIR – Air* chapter, however there were suggestions to provide more detail around monitoring and definitions. The decision was made to leave this detail for the Air Plan. Suggestions were made to change the wording from “*avoid* objectionable and offensive” discharges across boundaries to “*minimise* objectionable and offensive”. No change was made to this wording because it was a deviation from the direction the chapter was taking on discharges to air in general. It was acknowledged that Kāi Tahu values are impacted by not only hazardous and harmful discharges but also offensive and objectionable discharges.
275. There was some confusion around the integration of urban planning and the air chapter by requiring territorial authorities to consider the impacts of personal motor vehicles and spatial distribution of activities on air quality (AIR–M3). The arguments were that smaller urban areas do not have the means or capacity to prioritise public transport and shared transport options due to population size. However, the direction still holds unchanged due to the intent of capturing those larger urbanised centres while encouraging smaller urban areas to plan accordingly. There was strong feedback to prohibit outdoor burning altogether, however no change was made to this effect.

#### 5.5.5.2. Clause 4A consultation

276. The feedback provided by Iwi on the air chapter was concerned with changing the use of ‘Kai Tahu’ to ‘mana whenua’. The reasoning for this change was that the use of mana whenua spoke to the specific Rūnaka in Otago. Additionally, removing the reference to significant ‘sites’ was important as mana whenua hold values that are not limited to specific points on a map, rather holistic interactions and relations between associated values that cross artificial



boundaries. Both changes were adopted as they were considered to improve both the relevance and flow of the air provisions.

### 5.5.6. Efficiency and effectiveness evaluation

277. Table 29 below identifies and assesses the benefits and costs of the environmental, cultural, social and economic effects that are anticipated from the implementation of the provisions proposed under Option 2 above.

Table 29: Benefits and costs for AIR – Air

BENEFITS	COSTS
<b>Environmental</b>	
<ul style="list-style-type: none"> <li>▪ The overall approach in Option 2 will contribute towards achieving good air quality at all times of the year, providing for the health and wellbeing of the people of Otago by meeting the NESAQ standards over time and requiring the maintenance of existing air quality where it already meets the NESAQ standards.</li> <li>▪ Implementing measures to minimise adverse effects and avoidance of effects that are offensive and objectionable, noxious or dangerous is likely to result in improvements in amenity values of the region and the life supporting capacity of ecosystems.</li> </ul>	<ul style="list-style-type: none"> <li>▪ There may be environmental costs associated with increased reliance on alternative heating such as electricity, which might result in costs for other parts of the environment including the use of water for hydroelectricity and the construction effects associated with developing a more robust and resilient electricity transmission network.</li> <li>▪ There is likely an environmental cost associated with the decommissioning and disposal of non-compliant wood burners as part of the phasing out process. This may include a minor increase in waste disposed at landfill or illegally dumped.</li> </ul>
<b>Cultural</b>	
<ul style="list-style-type: none"> <li>▪ Option 2 requires particular regard be had to any adverse effects on Kāi Tahu values or sites of significance to Kāi Tahu, improving the ability of Kāi Tahu to exercise kaitiaki.</li> <li>▪ Option 2 provides a regulatory framework to ensure air quality will be improved where poor or maintained where it is already good. This approach will support the cultural values associated with clean air, including air as taonga and the relationship between clean air and the life supporting capacity of other resources.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Air quality will not be improved quickly, so there will continue to be cultural impacts from poor air quality in some parts of Otago at certain times of year.</li> </ul>
<b>Social</b>	
<ul style="list-style-type: none"> <li>▪ Option 2 is likely to result in reduced PM<sub>10</sub> and PM<sub>2.5</sub> inputs into polluted airsheds. This is likely to result in improved human health. As a result of this, over time there is likely to be lower hospital admissions for respiratory related illnesses due to poor air quality and reductions in premature mortality and restricted activity days.</li> <li>▪ Methods that encourage improved education and social change required to adopt alternative measures for home heating and clean burning fuels proposed as part of Option 2 may result in greater social cohesion between ORC, territorial authorities and the community.</li> <li>▪ Minimising the adverse effects of discharges to air as proposed by Option 2, is likely to result in</li> </ul>	<ul style="list-style-type: none"> <li>▪ If domestic solid fuel burning appliances are phased out without replacement by a cleaner affordable heating source, or replacement heat sources are not as effective, some people may experience a considerable drop in their quality of life and health due to a reduction in home heating.</li> <li>▪ Solid fuel burners can be vital for heating during extreme cold conditions, power outages and/or natural disasters. Phasing them out may result in difficulties for people during times when they would ordinarily rely on solid fuel burners for home heating.</li> <li>▪ Replacing solid fuel burners with cleaner heating sources will come at a cost for people, which may</li> </ul>

positive social benefits such as communities being able to enjoy outdoor recreation without being subject to significant adverse effects on localised air quality from diminished visibility.

affect their quality of life or cause economic hardship for a period of time.

- Social costs could be mitigated by providing financial support for low income or vulnerable households, for example for the capital costs of upgrading home heating appliances as provided for in Method AIR–M5.

#### Economic

- Maintaining or improving air quality will provide economic benefits to the health sector and wider economy given a reduction in hospital admissions for respiratory related illnesses due to poor air quality and reductions in premature mortality and restricted activity days.
- Economic benefits as a result of increased outdoor recreation and tourism may occur as a result of improving air quality where it is poor or maintained air quality where it is good.
- There will likely be an increase in sales of cleaner heating sources which may have economic benefits for retailers and installers.
- Reviewing and amending airshed boundaries will result in environmental benefits as all activities that contribute to poor ambient air quality will be subject to measures to improve ambient air quality.
- Costs will be incurred for individuals to improve ambient air quality in polluted airsheds. For example, the price of an Ultra Low Emission Burner (ULEBs) start from \$2049.00.<sup>23</sup> There may also be building consent costs for installing ULEBs. Some will be required to change their current heating system and others may bear the cost of amending their practices or adopting new mitigation measures. Some economic costs may not be significant as some solid fuel burning appliances become inefficient over time requiring greater amounts of fuel for lower heat output or increased maintenance.
- Economic costs could be mitigated by providing financial support for low income or vulnerable households, for example for the capital costs of upgrading home heating appliances as provided for in Method AIR–M5 or reduced building consent fees to incentivise the replacement of burners.
- There may be potential economic costs resulting from the actions set out to minimise the adverse effects of discharges to air in policy AIR–P3. Some resource users may need to amend their practices or update mitigation measures to ensure avoidance of effects that are offensive and objectionable, noxious or dangerous.
- Compliance costs will likely be incurred by ratepayers as the ORC progressively identifies burning appliances that must be replaced.

Table 30 below assesses the effectiveness and efficiency of the proposed provisions in achieving the objectives.

Table 30: Efficiency and effectiveness evaluation for AIR – Air

<b>Efficiency</b>	Despite there being some short to medium term costs associated with the proposed approach to maintain or improve air quality, the costs will be outweighed by the benefits. These costs to individuals may be offset to an extent by financial incentives and other non-regulatory action by ORC (Method AIR–M5) and the phased approach as directed by AIR–P2. In terms of improving ambient air quality where it is currently degraded, the use of domestic solid fuel burning appliances that do not comply with the NESAQ are already prohibited by the NESAQ and the Air Plan and should not be in use within the Otago Region.
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<sup>23</sup> <https://www.mitre10.co.nz/shop/metrofires-ultra-tiny-rad-uleb-wood-fire-package/p/379578>

	<p>It is considered the prioritisation of actions to reduce PM<sub>10</sub> and PM<sub>2.5</sub> in polluted airsheds including phasing out the use of existing solid fuel burners and preventing the use of any new solid fuel burners that do not comply with at least the standard set in the NESAQ, and the avoidance of offensive and objectionable, noxious and dangerous effects is an efficient approach that balances economic, cultural and social costs while progressing towards achieving Objectives AIR–O1 and AIR–O2.</p> <p>Method AIR–M1 requires, as a first step, ORC to review existing airshed boundaries and apply to gazette amended boundaries no later than 2022. This is considered to be an efficient and equitable approach to ensure the measures to improve air quality within polluted airsheds are targeted to those areas that are sources of the issues.</p> <p>Additionally, it is considered Option 2 provides greater clarity and certainty in relation to the management of air quality within the Otago Region for plan users. This will result in efficiencies and improvements in the implementation of the provisions and overall achievement of AIR–O1 and AIR–O2.</p>
<b>Effectiveness</b>	<p>The benefits to the community of improved air quality and reducing PM<sub>10</sub> and PM<sub>2.5</sub> is considered to outweigh the costs incurred. While there are few studies and limited data available to quantify the impacts of air pollution on human health in an Otago and New Zealand context, data from 2016 shows that air pollution from human-made PM<sub>10</sub> in New Zealand was associated with an estimated 1,277 premature deaths (27.2 per 100,000 people), 676 hospitalisations for respiratory and cardiac illness and 1.49 million restricted activity days (31,839 per 100,000 people) (Stats NZ, 2018). It is generally accepted that a reduction in particulate matter is associated with human health benefits.</p> <p>Emissions resulting from combustion for home heating is recognised as being the primary contributor to poor ambient air quality in the Otago Region (see the technical report in Appendix 9). The policy response and associated methods are targeted to phase out existing domestic solid fuel burning appliances and prevent the use of any new domestic solid fuel burning appliances that do not comply with the NESAQ as a minimum standard. This is considered to be an effective option to assist in the attainment of Objectives AIR–O1 and AIR–O2. While there are costs which could impact on the effectiveness of this option, it is considered the costs could be offset to an extent by the financial incentives to support low income and/or vulnerable households (Method AIR–M5) and the phased approach as directed by AIR–P2.</p> <p>A collaborative approach with territorial authorities, key stakeholders and industry to undertake non-regulatory mechanisms and incentives as set out in Method AIR–M5 is also considered to be a very effective approach to attain Objectives AIR–O1 and AIR–O2 over time, and will go some way to addressing some of the costs identified.</p>

#### 5.5.7. Risk of acting or not acting

278. Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information.
279. The assessment undertaken above is based on air quality monitoring and investigations and the likely impact of future changes to the NESAQ within the Otago region. Given this, the ORC is in a position to include provisions that seek to address known issues and that are appropriate to work towards the achievement of Objectives AIR-O1 and AIR-O2.

280. There is limited information currently available in relation to the significance of effects associated with outdoor burning and industrial, trade or commercial activities that result in discharges of contaminants to air. To manage this, AIR–P3 requires avoiding discharges that cause offensive and objectionable, noxious or dangerous effects beyond the boundary of the property of origin. Additionally, AIR–M4 requires ORC to continue monitoring and reporting air quality and progress towards achieving the requirements of the NESAQ. While the quantified economic costs and benefits are unclear, the argument can be made that the human health risks associated with unmitigated poor air quality result in significant economic and social strain. Therefore, there is a need to comply with both the NESAQ and s5(2)(b) of the RMA.
281. Overall, given the current and future direction of the NESAQ, and the level of information available regarding air quality in polluted airsheds and the current issues set out above, it is considered that the risk of not acting is that there will be no improvement in air quality management and, as a result likely to be sustained human health risks associated with degraded air quality.

#### 5.5.8. Conclusion

282. The cost-benefit and effectiveness and efficiency assessments have shown that overall, the PORPS 2021 provisions are more efficient than the status quo and more effective at achieving the objectives of the PORPS 2021. The proposed policy approach provides a specific RPS-level policy response to the management of air quality and main sources of discharges in the Otago region. The proposed provisions are clear and certain, addresses issues raised by the community, implements the National Planning Standards and sets out the framework for future reviews of the Air Plan to assist in ORC’s obligation to observe and enforce the NESAQ.<sup>24</sup>
283. While there are some costs associated with Option 2, it is considered the costs can be offset to an extent by the range of methods proposed, particularly those in relation to financial costs. Overall, it is considered Option 2 is the most appropriate option to achieve AIR–O1 and AIR–O2.

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<sup>24</sup> Section 44A(7) and 44A(8) of the RMA.

## 5.6. CE – Coastal environment

### 5.6.1. Introduction

284. This section of the report assesses the provisions in the PORPS 2021 for managing the coastal environment. The term ‘coastal environment’ is not defined in the RMA. However, Policy 1 of the NZCPS provides guidance on defining the extent and characteristics of the coastal environment. As a rule of thumb, the inland extent of the coastal environment extends to the first significant ridgeline. The seaward boundary is the twelve nautical mile limit of the territorial sea.
285. A number of activities occur within or affect the coastal environment including urban development, recreational activities, transport infrastructure, energy generation and transmission, food production and other farming activities, plantation forestry, rural industries and mineral extraction. Such activities can be important contributors to the existing and future health and well-being of communities so long as they are located and managed appropriately.
286. Poorly located or managed activities and development can have adverse effects that compromise the carrying capacity of the receiving environment and impact on the values of the coastal environment such as natural character, biophysical processes, water quality, surf breaks, indigenous biodiversity and natural landscapes.
287. Otago’s coastal environment extends 480 kilometres from the Waitaki River in the north to Wallace Beach in the south and is highly valued by mana whenua. The coastal waters and processes were integral to the way of life tūpuna enjoyed, and the coastal environment supports significant mahika kai/kaimoana resources and wāhi tūpuna. This environment was traditionally important for settlement and travel and continues to provide for settlement and mahika kai and fisheries resources. Kaimoana is essential to coastal iwi and hapū relationships with the environment in particular, as part of the tikanga of food gathering and as indicators of the health of coastal environments.
288. There are overlapping responsibilities between regional and district councils for managing the effects from activities in the coastal environment under the RMA. Therefore, adopting an integrated approach is necessary to appropriately manage activities and their environmental effects. Coastal waters are also a receiving environment for freshwater, gravels, sediment and contaminants from the terrestrial landscape. Careful consideration of activities landward of the coastal environment is therefore important. Recognition of the interconnectedness of the whole environment is consistent with the ethic of ki uta ki tai (“from the mountains to the sea”).
289. Several topics are particularly relevant to the coastal environment but have not been addressed in this section of the report, given that these provisions are also applicable to activities located landward of the coastal environment. These topics are: *EIT – Energy, infrastructure and transport* and *HAZ – Hazards and risk*.
290. The relevant provisions for this section are:
- a. CE–P1 – Links with other chapters
  - b. CE–P2 – Identification
  - c. CE–P3 – Coastal water quality
  - d. CE–P4 – Natural character

- e. CE–P5 – Coastal indigenous biodiversity
- f. CE–P6 – Natural features, landscapes and seascapes
- g. CE–P7 – Surf breaks
- h. CE–P8 – Public access
- i. CE–P9 – Activities on land within the coastal marine area
- j. CE–P10 – Activities within the coastal marine area
- k. CE–P11 – Aquaculture
- l. CE–P12 – Reclamation
- m. CE–P13 – Kaitiakitaka
- n. CE–M1 – Identifying the coastal environment
- o. CE–M2 – Identifying other areas
- p. CE–M3 – Regional plans
- q. CE–M4 – District plans
- r. CE–M5 – Other incentives and mechanisms

#### 5.6.2. Current issues

291. There is limited recent information available about Otago’s coastal environment, particularly in relation to the state and trend of its natural resources. In some instances, information about the state and trend of inland resources can provide an indication of what might be expected in the coastal environment (for example, water quality monitoring in lowland areas).
292. Through the appeals on and review of the PORPS 2019, there have been a number of issues identified with the current policy framework, particularly in relation to its implementation of the NZCPS. These issues have been set out within the following sub-topics:
- a. Extent and characteristics of the coastal environment
  - b. Coastal water quality
  - c. Natural character
  - d. Indigenous biodiversity
  - e. Natural features, landscapes and seascapes
  - f. Surf breaks
  - g. Public access
  - h. Activities in the coastal environment

##### 5.6.2.1. Extent and characteristics of the coastal environment

293. Policy 1 of the NZCPS requires the extent of the coastal environment to be identified. The PORPS 2019 largely replicates this direction and includes Method 5.1.1 requiring regional, city and district councils will work to collaboratively to identify the landward extent of the coastal environment. Overall, these provisions are appropriate but there is a lack of clear direction for local authorities about their roles and responsibilities, including how and where the coastal environment is identified.

##### 5.6.2.2. Coastal water quality

294. ORC does not regularly monitor coastal water quality. Freshwater monitoring sites in lowland areas near the coast have varying water quality, suggesting that there is potential for some coastal water quality to be degraded.

295. Policy 3.1.5 of the PORPS 2019 requires coastal water quality and a range of specified values to be maintained or enhanced where they have been degraded. It also requires that all other coastal values and trout and salmon habitat are maintained or enhanced as far as practicable, and pest species are managed appropriately. This policy contains a range of general statements without any clear direction or guidance for their implementation. For example, it is not clear how areas of degraded coastal water quality will be identified or how enhancement will be achieved. There is little recognition of the connections between freshwater and coastal waters.
296. By contrast, Policies 21, 22 and 23 of the NZCPS set out a more directive approach by requiring:
- a. identification of areas of deteriorated coastal water quality using specific criteria;
  - b. provisions to be included in plans to improve water quality;
  - c. stock to be excluded from the CMA;
  - d. engagement with takata whenua to identify areas of coastal waters where they have particular interest;
  - e. the impacts of sedimentation on the coastal environment to be assessed and monitored; and
  - f. the management of human sewage discharges, stormwater discharges, and discharges from ports and other marine facilities.
297. In the PORPS 2019 there is a lack of policy direction on the management of land-based activities that may adversely affect coastal water quality, which does not recognise the connected nature of the coastal environment with activities upstream. The methods do not provide sufficient guidance for implementation. Rather, the direction set out in the methods is more focused on matters related to freshwater management, such as Method 3.1.3, or lacks clarity, such as the identification of coastal values in Method 5.2.1.

#### 5.6.2.3. Natural character

298. Preserving the natural character of the coastal environment is a matter of national importance under section 6 of the RMA 1991. Natural character is also important for supporting Kāi Tahu values and customary uses. The importance of the coastal environment, and the impacts of activities on it, was identified as a significant issue by the community during consultation. There is little information available about the state of natural character in Otago's coastal environment or the trends over time.
299. Policies 13 and 14 of the NZCPS require preserving and restoring natural character. Policy 3.1.12 of the PORPS 2019 requires recognising the values of natural character in the coastal environment, which are to be assessed based on a list of attributes. The methods for implementing this policy include regional and district plans but it is not clear what type of recognition is envisaged or whether it gives effect to the direction in the NZCPS.
300. Broadly, there is a lack of specificity about the roles and responsibilities of Otago's local authorities in implementing the policies. Methods 3.1.6 and 4.1.3 in particular require both regional and district councils to identify and protect natural character in the coastal environment. This may lead to unnecessary duplication as it is not clear how the different councils are to implement the policies in their plans. It is not clear who will be responsible for identifying high natural character or what the specific areas of responsibility are.
301. The PORPS 2019 outlines different management frameworks for outstanding and high natural character, recognising the distinction in Policy 13(1)(a) and (b) of the NZCPS. As outlined

previously, there is a lack of clarity about the roles and responsibilities of the regional and district councils in implementing the frameworks.

#### 5.6.2.4. Indigenous biodiversity

302. In 2017, ORC commissioned a report to analyse options to improve management of indigenous ecosystems and diversity for Otago (Wildlands, 2017). This report included a review of the marine ecosystems extending from mean high water springs (MHWS) to the 12 nautical mile limit of Otago Region. It broadly categorised the Otago coastline into five distinct environments and identified a number of key habitats, including: river mouths, estuaries, intertidal and shallow subtidal habitats, biogenic habitats, deep sub-tidal habitats, and canyon heads. It noted that the Tautuku and Tahakopa estuaries are nationally significant due to their relatively unmodified character. The report also identified that the Otago Region is rich in marine fauna including marine mammals (seals, sea lions, dolphins, whales) and seabirds (penguins, shags, albatross, gulls, petrels), marine algae, and benthic organisms.
303. Threats to biodiversity in Otago's marine environment are comparable to those elsewhere in New Zealand, including from sedimentation and excessive nutrients from land run-off, wastewater discharge, dumping of dredge spoil and rising sea temperatures. In addition, invasive species, such as *Undaria pinnatifida* and fishing methods such as trawling and dredging were also identified as threats to marine biodiversity.
304. In 2020, ORC commissioned two reports into the region's indigenous biodiversity as a first step towards a new management approach: one mapping significant habitats of fauna based on existing information sources (see Wildlands, 2020a in Appendix 12) and one mapping potential natural ecosystems and current ecosystems in the region (see Wildlands, 2020b in Appendix 13). These reports indicate that there are several marine habitats within the region that are potentially significant habitats for indigenous species. They provide a starting point for assessments of significance across the region and it is expected that information gaps and refinement of identified areas will occur as further surveys are undertaken.
305. Ecosystems and indigenous biodiversity in the coastal environment are managed primarily within chapter 3 of the PORPS 2019. Policy 3.1.9 provides general direction on managing ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments. Policy 3.1.10 manages biodiversity in the coastal environment, by replicating the requirements of Policy 11(b) of the NZCPS. Policy 3.2.1 requires that the areas and values of significant indigenous vegetation and significant habitats of indigenous fauna are identified in accordance with the criteria in the relevant schedule. Policy 3.2.2 provides specific direction on managing significant indigenous vegetation and significant habitats of indigenous fauna replicating the requirements within Policy 11(a) of the NZCPS. Chapter 5 of the PORPS 2019 then provides general guidance on managing pest and offsetting for indigenous biological diversity.
306. Overall, the policy direction in the PORPS 2019 is appropriate. However, there is considerable overlap between the general biodiversity provisions and the more specific coastal biodiversity provisions. For example, the relationship between Policies 3.1.9 and 3.1.10 is not explained in the PORPS 2019, but it appears that Policy 3.1.9 applies to all biodiversity, while in coastal environments, Policy 3.1.10 also applies (in addition to 3.1.9). The methods within the RPS 2019 also provide limited guidance about the roles and responsibilities of the local authorities. Finally, the criteria for identifying significant areas are terrestrial-focused and are not considered fit for purpose when assessing marine biodiversity.



#### 5.6.2.5. Natural features, landscapes and seascapes

307. Otago’s natural features and landscapes within the coastal environment are highly valued for a range of reasons, including their cultural and social importance. Broadly, the provisions in the PORPS 2019 remain relevant and appropriate. However, some unclear drafting means there is uncertainty about:
- a. Who will identify outstanding and highly valued natural features and landscapes,
  - b. Whether it is the areas and/or values that are to be identified,
  - c. How identification is to occur (i.e. maps or schedules),
  - d. The management approaches required to achieve the objectives and whether they apply to the values of the areas or the areas themselves, and
  - e. The division of responsibilities between ORC and the territorial authorities

#### 5.6.2.6. Surf breaks

308. Policy 16 of the NZCPS requires the protection of surf breaks of national significance by ensuring that activities in the coastal environment do not adversely affect the surf breaks, and by avoiding adverse effects of other activities on access to, and use and enjoyment of the surf breaks. Schedule 1 of the NZCPS identifies four surf breaks of national significance in Otago: The Spit, Karitane, Whareakeake and Papatowai.
309. The PORPS 2019 requires recognising and protecting Otago’s nationally significant surf breaks. The methods direct this to occur through identification and provisions in regional plans primarily, with provisions in regional and district plans to provide for public access. These provisions generally give effect to Policy 16 of the NZCPS. However, the protection provided to the surf breaks of national significance only protects a small fraction of the surf breaks in the Otago region.
310. The Aotearoa New Zealand Association for Surfing Research (Atkin, 2019) has developed a report which provides: guidelines, background information, and specific methodologies to assist in the sustainable management of surfing resources. This report states that it was the intention of the Board of Inquiry to the NZCPS to have an inclusive approach to surf break protection, in that the list of protected surf breaks is not finite, and more surf breaks may be added over time, and surf breaks are recognised as outstanding natural features in their own. However, there is nothing in the NZCPS to support this. The NZCPS schedule of Surf Breaks of National Significance may be added to when it is next reviewed (scheduled every 10 years). It is very likely that candidates for addition to the NZCPS schedule will come from the breaks that councils identify as regionally significant.
311. A desktop exercise has been undertaken to determine whether there are any surf breaks in Otago that could be considered regionally significant. When determining which surf breaks should be identified as surf breaks of national importance within Schedule 1 of the NZCPS, the Board of Inquiry hearing the submissions on the NZCPS used a system known by surfers as the ‘stoke meter’ or ‘Wavetrack method’. The Wavetrack method rates New Zealand surf breaks on a scale from 1 to 10 for surf quality. A score of 10 is regarded as optimum surf. This approach identified 16 breaks as having a surf quality rating of 10. The Wavetrack method is a descriptive rating developed and used by surfers in New Zealand and elsewhere as an indication of the quality of a wave.

312. When reviewing the surf breaks of the Otago region using the information contained in the Wave Track New Zealand Surf Guide, there are 22 surf breaks listed within the Otago Region. Each of the 22 surf breaks have been rated based on the quality of the wave, many of which may be considered a regionally significant surf break. There is no methodology for identifying regionally significant surf breaks that has been tested through a court process, however several regional councils have undertaken an identification process that mirrors the identification process set out within the Aotearoa New Zealand Association for Surfing Research report (Atkin, 2019). It is expected a similar identification process can be undertaken within the review of the Coastal Plan to identify these regionally significant surf breaks.

#### 5.6.2.7. Public access

313. Public access to the coastal marine area is a matter of national importance.<sup>25</sup> Policy 5.11 of the PORPS 2019 requires the maintenance or enhancement of public access to the natural environment, including to the coast, lakes, rivers and their margins, and where possible areas of cultural or historic significance, unless restricting access is necessary for one or more stated reasons. This combined approach does not recognise the Planning Standards requirement for there to be a separate *Coastal environment* chapter.
314. In addition, the NZCPS includes distinct policy direction when managing walking access (Policies 19) as opposed to vehicle access (Policy 20). These differences are not reflected in the PORPS 2019. Policies 19 and 20 of the NZCPS provide very detailed direction on when restriction on public access is and is not appropriate, and when opportunities to enhance or restore public access should be provided for. ORC has limited regionally specific information on the public's expectation of access, locations where vehicular access is required for boat launching, or locations where recreational vehicular use on beaches, foreshore and seabed may be permitted.

#### 5.6.2.8. Activities in the coastal environment

315. Feedback from community consultation on the coastal environment noted that development along the coast was a concern, especially considering rising sea levels exacerbated by climate change. It was considered by the community that limiting coastal development and increasing setbacks from the CMA could mitigate potential long-term risks. This type of long-term strategic planning is not explicitly provided for in the PORPS 2019, meaning there is little guidance to direct activities and development.
316. There is also little guidance about when and where it is appropriate to provide for specific activities recognised in the NZCPS such as aquaculture.<sup>26</sup> There is only one policy in the PORPS 2019 to manage activities in the CMA: Policy 5.4.9 requires that activities in the CMA minimise adverse effects and lists a cascade of requirements to manage activities in the CMA. Method 3.1.3 requires this to be achieved through the objectives, policies and methods of the regional plan. There is no policy direction on subdivision, use and development on land within the coastal environment on specific uses within the coastal environment such as aquaculture.
317. Some of the urban development provisions in the PORPS 2019 apply in the coastal environment. In particular, Policy 4.5.1 provides direction on the management of urban development, requiring particularly sensitive areas (such as areas of outstanding natural

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<sup>25</sup> Section 6(d) of the RMA.

<sup>26</sup> Policy 8 of the NZCPS 2010.

character) to be avoided. While some of the direction in the PORPS 2019 assists with managing activities in the coastal environment, there could be improvements made to provide a more strategic long-term planning framework and give better effect to the NZCPS.

### 5.6.3. Objectives

318. Section 32(1)(b) requires an examination of whether the provisions in a proposal are the most appropriate way to achieve the objectives. The relevant objectives for this topic are included in Table 31 below.

Table 31: Coastal environment objectives

CE-O1 – Safeguarding the coastal environment	The integrity, form, functioning and resilience of the coastal environment is safeguarded so that: (1) the mauri of coastal water is protected and restored where it has degraded, (2) coastal water quality supports healthy ecosystems, natural habitats, water-based recreational activities, existing activities, and customary uses, included practices associated with mahika kai and kaimoana, (3) the dynamic and interdependent natural biological and physical process in the coastal environment are maintained or enhanced, (4) representative or significant areas of biodiversity are protected, and (5) surf breaks of national significance are protected.
CE-O2 – Maintaining or enhancing highly valued areas of the coastal environment	Public access, recreation opportunities, and highly valued natural features and landscapes in the coastal environment are maintained and enhanced.
CE-O3 – Natural character, features and landscapes	Areas of natural character, natural features, landscapes and seascapes within the coastal environment are protected from inappropriate activities, and restoration is encouraged where the values of these areas have been compromised
CE-O4 – Kāi Tahu associations with Otago’s coastal environment	The enduring cultural association of Kāi Tahu with Otago’s coastal environment is recognised and provided for, and <i>mana whenua</i> are able to exercise their kaitiaki role within the coastal environment.
CE-O5 – Activities in the coastal environment	(1) make efficient use of space occupied in the coastal marine area, (2) are of a scale, density and design compatible with their location, (3) are only provided for within appropriate locations and limits, and (4) maintain or enhance public access to and along the <i>coastal marine area</i> , including for customary uses.

### 5.6.4. Reasonably practicable options

319. Three reasonably practicable options were identified to achieve the objectives:

- a. **Option 1:** Status quo (PORPS 2019)

- b. **Option 2:** PORPS 2021 (clause 3 version)
- c. **Option 3:** PORPS 2021 (as proposed) – *preferred*

#### 5.6.4.1. Option 1: Status quo

320. The status quo and associated issues with the sub-topics are outlined in section 5.6.2. As set out in that section, the status quo is considered to be generally appropriate however there are areas where improvements could be made to improve the effectiveness and efficiency of the management approach.

#### 5.6.4.2. Option 2: PORPS 2021 (clause 3 version)

321. Within the version of the PORPS 2021 prepared for clause 3 consultation, the management of coastal indigenous biodiversity and natural features, landscapes and seascapes were not included in the scope of the chapter. Some clause 3 feedback raised concerns with separating coastal indigenous biodiversity and landscape provisions from the *CE – Coastal environment* chapter. There was also uncertainty about whether that approach was compliant with the directions in standard 2 of the National Planning Standards which directs all coastal environment-related provisions to be included in the *CE – Coastal environment* chapter.

322. It was also noted that the NZCPS provides specific direction on the management of indigenous biodiversity and natural features, landscapes and seascapes within the coastal environment. Managing coastal biodiversity and landscapes in the *CE – Coastal environment* chapter therefore assists with the ease of using the provisions. For these reasons, staff agreed that the coastal indigenous biodiversity and natural features and landscape provisions should be in the *CE – Coastal environment* chapter.

323. Similarly, the version of the PORPS 2021 prepared for clause 3 consultation contained policies and methods on the management of port activities within the coastal chapter. Feedback received during the clause 3 process noted that the policy managing port activities was better located within the transport section of the *EIT – Energy, infrastructure and transport* chapter. Staff agreed that moving the port policy to the energy, infrastructure and transport chapter was logical.

#### 5.6.4.3. Option 3: PORPS 2021 (as proposed) – *preferred*

324. The approach proposed under the PORPS 2021 is set out in relation to each sub-topic below.

##### Extent and characteristics of the coastal environment

325. The PORPS 2021 proposes an approach that is largely consistent with the PORPS 2019, with amendments to clarify the roles and responsibilities of local authorities. Policy CE–P2(1) and CE–M1 direct that ORC must work collaboratively with relevant territorial authorities to, no later than 31 May 2023, identify the landward extent of the coastal environment, which is consistent with the requirements set out in Policy 1 of the NZCPS. CE–M1 also requires that the landward extent of the coastal environment be mapped in the LWRP and RPS.

##### Coastal water quality

326. The PORPS 2021 proposes additional direction for ORC to identify areas of degraded water quality in the CMA, and to set out how these areas will be managed by local authorities. Policy CE–P2(2) directs that areas of deteriorated water quality within the CMA are identified. This is consistent with the requirements of Policy 21 of the NZCPS.

327. Policy CE–P3 sets out how coastal water is to be managed. This includes direction to improve coastal water quality where it is considered to have deteriorated, and otherwise maintain it to ensure that healthy coastal ecosystems, indigenous habitats and migratory patterns are sustained or enhanced. It also directs that Kāi Tahu relationships with and *customary* uses of *coastal water* are sustained, and recreation opportunities are maintained and enhanced. Finally, it directs that in areas of deteriorated water quality where takata whenua have a particular interest, adverse effects on these areas and values are remedied, or otherwise mitigated where remediation is not practicable.
328. Method CE–M3(1) requires ORC to map areas of deteriorated water quality and sets out the criteria as being areas where water quality is either having a significant adverse effect on coastal ecosystems, natural habitats, or water-based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering and cultural activities.
329. Method CE–M3(4) provides specific direction for managing discharges to coastal water. In order to provide for the development of non-regulatory actions to support the achievement of the objectives in this option, Method CE–M5 outlines additional mechanisms or incentives that could be adopted.

#### Natural character

330. There are two main components to this option: identification and management. For identification, this option retains the attributes currently used in the PORPS 2019, as they align with Policy 13 of the NZCPS. Policy CE–P4(1) requires that the areas and values of high and outstanding natural character in the coastal environment are identified. Method CE–M2(1) requires that local authorities work collaboratively together to identify areas of high and outstanding natural character within their jurisdictions, and map the extent of these areas in the relevant regional and district plans.
331. Method CE–M2(4) requires that the identification of high and outstanding natural character is prioritised in areas that are likely to face development or growth pressure over the life of the RPS, or likely to contain outstanding natural character areas or natural features, setting out a list of key coastal areas in Otago that should be specifically considered. The list of areas contained CE–M2(3)(b) are the Coastal Protection Areas included in Schedule 2 of the Coast Plan. The Coastal Protection Areas are areas that are likely to have high or outstanding natural character or indigenous biodiversity values, and are therefore considered to be an appropriate starting point for identifying significant areas.
332. In terms of management, the PORPS 2021 simplifies the approach in the PORPS 2019 by combining the direction for managing outstanding and high natural character into one policy. Policy CE–P4 requires preserving natural character by avoiding adverse effects on areas of outstanding natural character, and avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on natural character in all other areas of the coastal environment. It also enables land use practices and restoration projects that will restore or rehabilitate natural character.

#### Indigenous biodiversity

333. Policy CE–P5 requires identifying areas of biodiversity in the coastal environment and then protecting them using an effects management hierarchy consistent with the requirements of the NZCPS. Given the directive nature of Policy 11 of the NZCPS, there is little scope for the PORPS 2021 to include additional or alternative management approaches. The lack of region-specific information about the matters addressed by Policy 11 means there is also little Otago-

specific direction that could assist with the application of Policy 11, although the mapping reports prepared by Wildlands will provide an important base for the review of the Coastal Plan.

334. Method CE–M2(3) requires that local authorities work collaboratively together to identify areas and values of indigenous biodiversity within their jurisdictions, and map the areas and describe their values in the relevant regional and district plans. Method CE–M2(4) requires that the identification of indigenous biodiversity values and areas is prioritised in areas that are likely to face development or growth pressure over the life of the RPS, or likely to contain areas of significant indigenous biodiversity, setting out a list of coastal areas in Otago that should be specifically considered. The list of areas contained CE-M2(3)(b) are the Coastal Protection Areas included in Schedule 2 of the Coast Plan. The Coastal Protection Areas are areas that are likely to have high or outstanding natural character or indigenous biodiversity values, and are therefore considered to be an appropriate starting point for identifying significant areas.

#### Surf breaks

335. The PORPS 2021 proposes policy direction that largely replicates the existing approach for nationally significant surf breaks, but also addresses regionally significant surf breaks. Policy CE–P2(5) requires the identification of nationally significant surf breaks at Karitane, Papatowai, The Spit and Whareakeake and any regionally significant surf breaks. Method CE–M3(2) directs ORC to map nationally and regionally significant surf breaks.
336. Policy CE–P7(1) directs that nationally significant breaks are protected by avoiding adverse effects on the surf breaks, including on access to and use and enjoyment of them, in accordance with the NZCPS. Policy CE–P7(2) directs that the values of and access to regionally significant surf breaks are maintained. Method CE–M3(5) clarifies that this is to be managed within the regional plan.

#### Public access

337. The PORPS 2021 largely replicates the direction within the PORPS 2019. However, new Policy CE–P8 limits the scope of public access to and along the CMA, including scenarios where restricting access to the CMA is necessary that were not included in the PORPS 2019. In addition, Methods CE–M3(8) and CE–M4(6) require that regional and district plans provide for walking access to and along the coastal marine area, in accordance with Policy 19 of the NZCPS. Methods CE–M3(9) and CE–M4(7) require that regional and district plans control vehicle access to and along the coastal marine area in accordance with Policy 20 of the NZCPS.

#### Activities in the coastal environment

338. Policy 5.4.9 of the PORPS 2019 sought to manage a wide range of areas and values that made the policy complex. Rather than replicating this policy, the PORPS 2021 relies on other chapters to manage the sensitive values within the coastal environment (for example, historic heritage). This approach removes the duplication and requires that the whole of the PORPS 2021 is read together when considering activities within the coastal environment.
339. Policies CE-P9 to CE-P12 provide additional clarity on how development within the coastal environment is to be undertaken. Policy CE-P9 ensures the strategic and co-ordinated use of land within the coastal environment, giving effect to the direction within Policy 6(1) of the NZCPS 2010.

340. Policy CE–P10 manages development within the CMA, giving effect to the direction within Policy 6(2) of the NZCPS by ensuring that the use and development in the CMA enables multiple uses wherever reasonable and practicable. Policy CE–P11 manages the development of aquaculture, giving effect to the direction within Policy 8 of the NZCPS. Method CE–M3(7) directs that the ORC will amend its regional plans to identify areas appropriate for aquaculture and the forms and limits associated with providing for aquaculture that will enable achievement of objectives CE–O1 to CE–O5. Methods CE–M3(3), CE–M3(6), CE–M4(1), and CE–M4(2) direct that local authorities will amend their plans to implement the actions required by Policies CE–P9 and CE–P10.
341. Policy CE–P12 provides specific direction on reclamation which give effect to Policy 10 of the NZCPS. Method CE–M3(10) requires that reclamation activities are managed in accordance with CE–P12, and when reclamation is considered suitable in accordance with CE–P12, have particular regard to Policy 10(2) and (3) of the NZCPS.
342. Policy CE–P13 provides for the kaitiaki role of Kāi Tahu in the coastal environment. This was included in response to clause 4A feedback and is explained in more detail in section 5.6.5.2 below.

### 5.6.5. Consultation summary

#### 5.6.5.1. Clause 3

343. A summary of the process for consultation under clause 3 of Schedule 1 of the RMA, including the full list of parties involved, is provided in section 2.5.1 of this report. Ten parties provided feedback on the *CE – Coastal environment* chapter through clause 3 consultation. The feedback ranged from minor corrections to provisions through to considerable issues with the policy approach adopted. These minor changes related to ensuring there was appropriate links to other parts of the Plan, providing greater acknowledgment of cross-boundary issues, and providing greater direction as to how the NZCPS is to be given effect to.
344. Dunedin City Council questioned whether the more directive policy direction on the management of discharges into the coastal marine area was justified. No changes to the provisions were made given the direction was considered to be consistent with the NZCPS.

#### 5.6.5.2. Clause 4A consultation

345. The feedback provided by iwi on the *CE – Coastal environment* chapter was concerned with providing greater recognition of Kāi Tahu as kaitiaki of the coastal environment. This included additions to CE–O2 to provide recognition that mana whenua are able to exercise their kaitiaki role within the coastal environment, the introduction of a new policy CE–P13 that recognises and provides for the role of Kāi Tahu as kaitiaki of the coastal environment, and an additional limb in CE–P10 that ensures use and development in the CMA maintains or enhances customary uses such as mahika kai and harvesting of kaimoana. The feedback provided by iwi also suggested that additions are required to recognise takata whenua needs for papakāika, marae and associated developments within the coastal environment. Finally, the feedback provided by iwi included a number of technical drafting suggestions that assisted with the readability and structure of the chapter which were adopted.

### 5.6.6. Efficiency and effectiveness evaluation

346. Table 32 below identifies and assesses the benefits and costs of the environmental, cultural, social and economic effects that are anticipated from the implementation of the provisions proposed under Option 3 above.

Table 32: Benefits and costs for the coastal environment

BENEFITS		COSTS	
<b>Environmental</b>			
<ul style="list-style-type: none"> <li>▪ Identifying the extent and characteristics of the coastal environment and mapping in plans will provide more certainty for managing activities and uses, resulting in better environmental outcomes.</li> <li>▪ Identification of areas of degraded water quality and values in the regional coastal plan will support more effective management by improving information about these areas and clarifying actions required to improve them.</li> <li>▪ Maintained and improved water quality in the CMA, and appropriate management of subdivision, use and development in the coastal environment will protect ecosystems, indigenous habitats, migration pathways and species.</li> <li>▪ Identification of areas of natural character, significant indigenous vegetation and significant habitats of indigenous fauna, natural features, landscapes and seascapes, and values, in both regional and district plans will support more effective information and clarify what actions are required to appropriately manage these values in different areas.</li> <li>▪ Local authorities will have improved clarity over the actions they are required to take in order to manage subdivision, use and development in the coastal environment, which will improve its management overall.</li> <li>▪ Protecting additional regionally significant surf breaks will result in further protection of several aspects of the environment that contribute to their quality including coastal water quality, benthic habitats, and other natural features and underwater landscapes.</li> <li>▪ Clear direction on the location and management of activities, including aquaculture, in the coastal environment will provide more certainty, resulting in better environmental outcomes.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Identification and mapping areas of high and outstanding natural character, significant indigenous vegetation and significant habitats of indigenous fauna, natural features, landscapes and seascapes, and degraded coastal water in the coastal environment, has not occurred in parts of Otago and it is likely to take a number of years for this to occur (particularly for the latter). This means that there may be areas in the coastal environment where appropriate protection and/or enhancement is not facilitated in the interim period.</li> <li>▪ The delay between the PORPS 2021 being notified and mapping occurring may mean there is a risk of a ‘gold rush’ where potentially significant areas are altered or modified in advance of their identification as significant, or to avoid that identification. That may reduce the areas or values of some important parts of the coastal environment.</li> </ul>		
<b>Cultural</b>			
<ul style="list-style-type: none"> <li>▪ Mana whenua will be able to exercise kaitiataka through their involvement in decision making and management processes in respect to the coast (including customary fisheries).</li> </ul>	<ul style="list-style-type: none"> <li>▪ There will be costs to iwi and rūnaka in engaging in planning processes to identify a range of different areas, and in the plan provisions for how these areas are managed.</li> </ul>		



- Sites, areas and values of importance to Kāi Tahu within the coastal environment will be identified and protected.
- Iwi and rūnaka will have the ability to be involved in identification processes when the extent and characteristics of the coastal environment are identified.
- Incorporating mātauraka Maōri into the management and monitoring of activities in the coastal environment will support mana whenua in their role as kaitiaki of the coastal environment.
- Identifying the extent and characteristics of the coastal environment requires consideration of items of cultural and historic heritage in the CMA or on the coast. Mapping these features in district plans will provide additional protection.
- Protecting areas of natural character and enabling uses and activities to restore natural character will also assist with protecting and restoring cultural values.
- Maintaining healthy coastal ecosystems and improving areas of degraded water quality will better provide for cultural values and customary use of the CMA.
- Due to locational constraints for activities and uses that may adversely affect natural character and coastal water quality, it is possible there may be adverse effects on places or areas of significance to Kāi Tahu.

#### Social

- Mapping the extent of the coastal environment, significant indigenous vegetation and significant habitats of indigenous fauna, natural features, landscapes and seascapes, areas of natural character and degraded coastal water quality provides certainty to the public about the location and extent of these areas. This is particularly important where areas are on private land.
- Identifying and protecting areas of natural character and coastal water will ensure that their values are maintained for public enjoyment and recreation.
- Recognising and protecting additional surf breaks will better provide for recreational surf activities in the coastal environment.
- There will be restrictions on use and development within or adjacent to certain areas, which may affect the potential for land in the coastal environment to be used for purposes that support social well-being, for example for housing or recreational purposes.
- Further restrictions on public access to the CMA may limit public use and enjoyment of more parts of the coastal environment.

#### Economic

- The methodologies for the identifying the extent of the coastal environment and natural character are not changed under Option 3. Therefore, current work to implement the PORPS 2019 is valid and does not need to be redone.
- The requirement for integrated management between local authorities to identify the extent and characteristics of the coastal environment, and areas of natural character will reduce overall costs from unnecessary duplication of efforts.
- Identifying areas of natural character, significant indigenous vegetation and significant habitats of indigenous fauna, natural features, landscapes and seascapes, will come at a cost for ORC and territorial authorities, however that cost is already required by the PORPS 2019, and some local authorities have already completed the identification process.
- Identifying areas of degraded coastal water will come at a cost for ORC. Monitoring of coastal water quality will likely be required to track

- Consistent criteria and direction across the region will reduce administrative costs and provide greater certainty for communities.
- Protecting values in Otago’s coastal environment will support industries that rely on them (for example, tourism) and related employment opportunities.
- Mapping areas provides certainty about where management approaches apply, potentially reducing the costs of processing and deciding resource consent applications.
- Mapping areas provides certainty to landowners about the types of activities they can undertake on their properties.
- Clear direction to provide for activities, including port activities and aquaculture, will increase their economic viability and provide greater certainty for consenting processes.
- progress which will require ongoing costs for ORC.
- Identifying regionally significant surf breaks will come at a cost for ORC.
- Owners of land within areas of natural character, significant indigenous vegetation and significant habitats of indigenous fauna, natural features, landscapes and seascapes, or in areas that contribute to degraded water quality, will be restricted in the ways they can use and develop their land.
- Reduced flexibility in the range of possible land uses and activities in the coastal environment may negatively affect land values or limit productive uses of the coastal environment.

347. Table 33 below assesses the effectiveness and efficiency of the proposed provisions in achieving the objectives.

*Table 33: Efficiency and effectiveness evaluation for natural character in the coastal environment*

<b>Efficiency</b>	<p>Identifying the extent and characteristics of the coastal environment, areas of high and outstanding natural character, significant indigenous vegetation and significant habitats of indigenous fauna, natural features, landscapes and seascapes, areas of degraded coastal water, regionally significant surf breaks, and subsequent mapping, results in costs for local authorities but provides certainty about the extent of these areas, the values that they provide for, and where and how protection will occur. The benefits in providing additional certainty about what is being managed is considered to outweigh the costs. Further, given that the identification criteria set out within the NZCPS are unchanged from the status quo, there are efficiencies gained in that current or previous work completed by local authorities will not have to be redone.</p> <p>The policy direction in the rest of the chapter is not a significant change from the PORPS 2019 but is considered more efficient due to improvements in clarity. Broadly, Option 3 is also more efficient than Option 1 (status quo) as it clearly specifies the roles of the different local authorities and avoids potential uncertainties and inconsistencies during implementation, reducing the costs of achieving the objectives. Option 3 is also considered to be more efficient than Option 2 on the basis that provisions are likely to be easier to understand when the management of biodiversity and landscapes within the coastal environment are contained within the coastal chapter, so there is a clear line of sight between the RPS and the NZCPS.</p>
<b>Effectiveness</b>	<p>Clear direction on the mapping of the extent and characteristics of the coastal environment, high and outstanding natural character, significant indigenous vegetation and significant habitats of indigenous fauna, natural features, landscapes and seascapes, regionally significant surf breaks, and degraded coastal water will improve the certainty about their location and management approach to be applied, increasing the certainty that the objectives will be met. Further, policy direction on the management of natural character before identification in plans will ensure that any values within these areas are protected in</p>

the implementation phase of the PORPS 2021, contributing to the achievement of Objectives CE–O1 and CE–O5. A more focused approach to maintaining and/or improving water quality in specified areas will improve the implementation of the policies, which in turn improves the achievement of Objectives CE–O1 and CE–O2. Clarifying the specific roles and responsibilities of Otago’s local authorities will improve the implementation of the policies, which in turn improves the achievement of the objectives. Other than these matters, the policy direction is considered more effective than the status quo due to improvements in clarity and purpose.

#### 5.6.7. Risk of acting or not acting

348. Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. In this case, there is limited recent information about the coastal environment. In particular, there is uncertainty about the extent of areas of high and outstanding natural character, degraded water quality in Otago and the appropriate locations for aquaculture. This means that there is some uncertainty about the areas these provisions will apply to and therefore the level of restriction on subdivision, use or development.
349. The risk of acting or not acting is considered to be largely the same under both options as the PORPS 2019 requires identification of these areas based on the same criteria and amount of information. Despite the lack of information, identifying these areas is an important step towards implementing the NZCPS so it is considered appropriate to act in this case.

#### 5.6.8. Conclusion

350. The proposed policy approach in the PORPS 2021 is not significantly different to that included in the PORPS 2019. However, the provisions are clearer, implement the Planning Standards, and give better effect to the NZCPS and other national policy statements. Some additions to the policy direction are included to ensure that the roles and responsibilities of different local authorities are clearly set out, alongside an integrated approach for the management of the coastal environment as a whole. Overall, the PORPS 2021 provisions are generally more efficient than the status quo and more effective at achieving the objectives of the PORPS 2021.

## 5.7. LF – Land and fresh water

### 5.7.1. Introduction

351. The health of freshwater is vital for the health of our environment, people and economy. It is at the heart of our culture and identity. Nationally, including in parts of Otago, freshwater is facing significant pressure. Population growth and land-use intensification in urban and rural environments has increased demand for water for drinking water, irrigation and other economic uses. It has also impacted on the quality of our water, increasing contamination such as by nutrients and sediment and harming ecosystems. In Otago, there are particular challenges arising from extensive and unregulated historic water use associated with mining privileges.
352. Agricultural, forestry and fishing is the second largest industry in Otago at 6.6% of GDP.<sup>27</sup> Otago's primary sector<sup>28</sup> is relatively big compared to New Zealand average. In 2020, 11.2% of the region's GDP was attributable to the primary industry; in comparison the figure was 6.2% for New Zealand. When measured by employment, 7.9% of total employment in Otago was attributable to the primary industries; in comparison the figure was 5.7% for New Zealand. Primary industries rely heavily on land, soil and water resources, but can have adverse effects on them.
353. Since the PORPS 2019 was written, there have been significant changes in the regulatory and policy environment for freshwater management. Nationally, there is a new NPSFM, NESF and Resource Management (Stock Exclusion) Regulations that collectively increase the focus on the ecological health of freshwater bodies and control activities known to have detrimental effects on water quality. In Otago, the investigation by Professor Skelton on behalf of the Minister for the Environment found that the current planning framework is deficient and needs to be replaced (see Appendix 1). As outlined in the findings of that investigation, the PORPS 2021 is the primary vehicle for setting out the region-wide framework for managing freshwater.
354. This chapter has four sections: LF–WAI – Te Mana o te Wai, LF–VM – Visions and management, LF–FW – Freshwater and LF–LS – Land and soils. The LF–VM, LF–FW and LF–LS sections must give effect to the objectives and policies in LF–WAI. This is in accordance with Policy 1 of the NPSFM which requires freshwater management to give effect to Te Mana o te Wai. Unlike other chapters of this RPS with multiple sections, the evaluation of the LF chapter has been undertaken across the chapter as a whole. This is because the sections are interconnected and work together to achieve common objectives.
355. The relevant provisions for this section are:

#### LF–WAI – Te Mana o te Wai

- a. LF–WAI–P1 – Prioritisation
- b. LF–WAI–P2 – Mana whakahaere
- c. LF–WAI–P3 – Integrated management / ki uta ki tai
- d. LF–WAI–P4 – Giving effect to Te Mana o te Wai
- e. LF–WAI–M1 – Mana whenua involvement

<sup>27</sup> Sourced from infometrics data portal as at March 2021

<sup>28</sup> Primary industries include agriculture, forestry, fishing, and mining.

- f. LF–WAI–M2 – Other methods
- LF–VM – Visions and management
- g. LF–VM–P5 – Freshwater management units and rohe
  - h. LF–VM–P6 – Relationship between FMUs and rohe
  - i. LF–VM–M3 – Community involvement
  - j. LF–VM–M4 – Other methods
  - k. MAP1 – Freshwater management units
- LF–FW – Freshwater
- l. LF–FW–P7 – Freshwater
  - m. LF–FW–P8 – Identifying natural wetlands
  - n. LF–FW–P9 – Protecting natural wetlands
  - o. LF–FW–P10 – Restoring natural wetlands
  - p. LF–FW–P11 – Identifying outstanding water bodies
  - q. LF–FW–P12 – Protecting outstanding water bodies
  - r. LF–FW–P13 – Preserving natural character
  - s. LF–FW–P14 – Restoring natural character
  - t. LF–FW–P15 – Stormwater and wastewater discharges
  - u. LF–FW–M5 – Outstanding water bodies
  - v. LF–FW–M6 – Regional plans
  - w. LF–FW–M7 – District plans
  - x. LF–FW–M8 – Action plans
  - y. LF–FW–M9 – Monitoring
  - z. LF–FW–M10 – Other methods
  - aa. APP1 – Criteria for identifying outstanding water bodies
- LF–LS – Land and soil
- bb. LF–FW–P16 – Integrated management
  - cc. LF–FW–P17 – Soil values
  - dd. LF–FW–P18 – Soil erosion
  - ee. LF–FW–P19 – Highly productive land
  - ff. LF–FW–P20 – Land use change
  - gg. LF–FW–P21 – Land use and freshwater
  - hh. LF–FW–P22 – Public access
  - ii. LF–FW–M11 – Regional plans
  - jj. LF–FW–M12 – District plans
  - kk. LF–FW–M13 – Management of beds and riparian margins
  - ll. LF–FW–M14 – Other methods

### 5.7.2. Current issues

356. For Kāi Tahu, freshwater management is a significant issue. Water is recognised as the foundation and source of all life. It plays a significant role in Kāi Tahu spiritual beliefs and cultural traditions and Kāi Tahu have an obligation through whakapapa to protect wai and all the life it supports. The condition of the water is seen as a reflection of the cultural and physical condition of the people. Historical and contemporary land uses have degraded waterbodies in Otago, both in terms of their quantity and quality, leading to adverse effects on the mauri of water bodies and the diversity and abundance of mahika kai resources.

357. Kāi Tahu consider that current water management does not adequately consider the interconnections between water and land and does not address Kāi Tahu values and interests or recognise mātauraka, hampering Kāi Tahu’s effective participation and impacting on the mana of water and people. This is exacerbated by the introduction of the NPSFM 2020 which contains clear direction on the concept of Te Mana o te Wai and how it must be given effect. None of Otago’s planning documents currently express an understanding of Te Mana o te Wai or implement it in the way expected by the NPSFM, in particular the prioritisation of decision-making set out in Objective 1. These are fundamental issues which can only be resolved through a reconsideration of the policy frameworks in each planning document, including the PORPS 2019.
358. The structure of the PORPS 2019 means there are provisions affecting land use and freshwater management found throughout the document, although the primary provisions are contained in Chapter 3. Professor Skelton’s s24A investigation report notes Council’s acknowledgement that the RPS does not fully implement national direction on freshwater management at the time (see Appendix 1). The objectives are broadly stated, and the policies focus more on outlining environmental outcomes to be achieved rather than courses of action. The methods are similarly broad and lack specificity about the actions needed to implement the policies.
359. In addition to the issues with the current planning framework, there are a range of more specific issues with the management of water quantity and water quality in Otago, as well as the management of land and soils. These are set out below.

#### 5.7.2.1. Water quantity

360. A limited number of Otago’s catchments have tailored primary allocation limits set in the Water Plan. Currently, the limits in the Water Plan do not apply to surface water takes from Lakes Dunstan, Hawea, Roxburgh, Wanaka or Wakatipu or the main stems of the Clutha Mata-au or Kawarau Rivers. Collectively, those water bodies are the largest freshwater resource in Otago, meaning that there is no allocation limit or guidance on setting environmental flows or levels for the majority of Otago’s freshwater (Statement of evidence of Tom de Pelsemaeker on behalf of Otago Regional Council, 2020).
361. A comparison of consented primary allocation against the Water Plan’s primary allocation limits indicates that there is potentially significant over-allocation in some of these catchments (Statement of evidence of Tom de Pelsemaeker on behalf of Otago Regional Council, 2020). This has occurred, in part, due to water takes authorised by mining privileges (or deemed permits) originally issued under the Mining Act 1926 and other licences or permits for the construction of water races and dams.<sup>29</sup> There are also some catchments that are fully, or very close to fully, allocated which will need to be managed carefully to ensure over-allocation is avoided. The Water Plan provides direction on managing “under allocated” and “fully allocated” catchments but is unlikely to give effect to the direction in the NPSFM to avoid over-allocation, including by phasing out existing over-allocation.
362. Establishing environmental flows and levels across Otago and addressing any over-allocation will be challenging. Work is currently underway to develop a new Land and Water Regional Plan that will fully implement the requirements of the NPSFM and replace the current planning framework. This work is intended to result in Otago’s planning framework giving full

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<sup>29</sup> Including licences under the Gold Fields Act 1862, Gold Fields Act 1866, Public Works Act 1876, Mining Act 1891 and the Mining Act 1926.

effect to the NPSFM, however it is some time away currently. In the interim period, two targeted plan changes<sup>30</sup> aim to address some of the most significant deficiencies with the Water Plan.

363. Kāi Tahu consider that many of Otago’s waterways are over-allocated from a cultural perspective and issues with water quantity are a component of all of the issues identified by Kāi Tahu with water management (see RMIA–WAI–11 to RMIA–WAI–15). SRMR–15 in the PORPS 2021 summarises these issues when it states that water demand exceeds capacity in some places. In addition, there are a number of other issues of regional significance that are contributed to by water quantity: SRMR–14 (poorly managed urban and residential growth affects productive land, treasured natural assets, infrastructure and community wellbeing), SRMR–17 (rich and varied biodiversity has been lost or degraded due to human activities or the presence of pests and predators), SRMR–110 (economic and domestic activities use natural resources but do not always properly account for the environmental stresses or the future effects they cause) and SRMR–111 (the environmental costs of our activities are stacking up and may soon reach a tipping point).

#### 5.7.2.2. Water quality

364. The Water Plan sets out numerical limits and targets for achieving acceptable water quality across Otago. These were prepared prior to the introduction of the National Objectives Framework (NOF) to the NPSFM. As these limits and targets have not been developed using the process set out in the NPSFM, it is unclear whether they are sufficient for achieving the objective and policies of the NPSFM.

365. Water quality monitoring records data on nitrite-nitrate nitrogen, dissolved reactive phosphorus, ammoniacal nitrogen, *E.coli*, turbidity, total nitrogen and total phosphorus, although not consistently across the catchments – for example, total nitrogen is only recorded in groups 4 and 5. Using data from 2015 to 2020, more than half of the monitored sites were classified as having “excellent” or “good” water quality in accordance with the Water Plan standards. Most rivers graded “excellent” were located in Central Otago and the upper Clutha where land use tends to be low intensity (including conservation land). Poorer water quality was found in river catchments with higher intensity land uses, including farming and urban environments (Otago Regional Council, 2020). The Water Plan has a very limited policy framework for managing land uses that contribute to water quality issues.

366. Degraded water quality underpins a number of the issues of significance to Kāi Tahu (see RMIA–WAI–11 to RMIA–WAI–15). These issues are also summarised in SRMR–16: declining water quality has adverse effects on the environment, our communities and the economy. Similarly to water quantity, issues with water quality also contribute to other issues identified as regionally significant, particularly SRMR–14, SRMR–17, SRMR–18, SRMR–110 and SRMR–111.

#### 5.7.3. Objectives

367. Section 32(1)(b) requires an examination of whether the provisions in a proposal are the most appropriate way to achieve the objectives. The relevant objectives for this topic are included in Table 34 below.

Table 34: Land and Freshwater objectives

<sup>30</sup> Plan Changes 7 (Water Permits) and 8 (Water Quality).

<p>LF–WAI–01 – Te Mana o Te Wai</p>	<p>The mauri of Otago’s water bodies and their health and well-being is protected, restored where it is degraded, and the management of land and water recognises and reflects that:</p> <ol style="list-style-type: none"> <li>(1) water is the foundation and source of all life - na te wai ko te hauora o ngā mea katoa,</li> <li>(2) there is an integral kinship relationship between water and Kāi Tahu whānui, and this relationship endures through time, connecting past, present and future,</li> <li>(3) each water body has a unique whakapapa and characteristics,</li> <li>(4) water and land have a connectedness that supports and perpetuates life, and</li> <li>(5) Kāi Tahu have kaitiakitaka duty of care and attention over wai and all the life it supports.</li> </ol>
<p>LF–VM–02 – Clutha / Mata-au FMU vision</p>	<p>In the Clutha Mata-au FMU:</p> <ol style="list-style-type: none"> <li>(1) management of the FMU recognises that: <ol style="list-style-type: none"> <li>(a) the Clutha River / Mata-au is managed as a single connected system ki uta ki tai, and</li> <li>(b) the source of the wai is pure, coming directly from Tawhirimatea to the top of the mauka and into the awa,</li> </ol> </li> <li>(2) freshwater is managed in accordance with the LF–WAI objectives and policies,</li> <li>(3) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,</li> <li>(4) water bodies support thriving mahika kai and Kāi Tahu whānui have access to mahika kai,</li> <li>(5) indigenous species migrate easily and as naturally as possible along and within the river system,</li> <li>(6) the national significance of the Clutha hydro-electricity generation scheme is recognised,</li> <li>(7) in addition to (1) to (6) above: <ol style="list-style-type: none"> <li>(a) in the Upper Lakes rohe, the high quality waters of the lakes and their tributaries are protected, recognising the significance of the purity of these waters to Kāi Tahu and to the wider community,</li> <li>(b) in the Dunstan, Manuherehia and Roxburgh rohe: <ol style="list-style-type: none"> <li>(i) flows in water bodies sustain and, wherever possible, restore the natural form and function of main stems and tributaries to support Kāi Tahu values and practices, and</li> <li>(ii) innovative and sustainable land and water management practices support food production in the area and reduce discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and</li> <li>(iii) sustainable abstraction occurs from main stems or groundwater in preference to tributaries,</li> </ol> </li> <li>(c) in the Lower Clutha rohe: <ol style="list-style-type: none"> <li>(i) there is no further modification of the shape and behaviour of the water bodies and opportunities to restore the natural form and function of water bodies are promoted wherever possible,</li> <li>(ii) preserving and restoring the ecosystem connections between freshwater, wetlands and the coastal environment,</li> </ol> </li> </ol> </li> </ol>



	<ul style="list-style-type: none"> <li>(iii) land management practices reduce discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and</li> <li>(iv) there are no direct discharges of wastewater to water bodies, and</li> </ul> <p>(8) the outcomes sought in (7) are to be achieved within the following timeframes:</p> <ul style="list-style-type: none"> <li>(a) by 2030 in the Upper Lakes rohe,</li> <li>(b) by 2045 in the Dunstan, Roxburgh and Lower Clutha rohe, and</li> <li>(c) by 2050 in the Manuherekia rohe.</li> </ul>
LF-VM-03 – North Otago FMU vision	<p>By 2050 in the North Otago FMU:</p> <ul style="list-style-type: none"> <li>(1) freshwater is managed in accordance with the LF-WAI objectives and policies, while recognising that the Waitaki River is influenced in part by catchment areas within the Canterbury region,</li> <li>(2) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained and Kāi Tahu maintain their connection with and use of the water bodies,</li> <li>(3) healthy riparian margins, wetlands, estuaries and lagoons support thriving mahika kai, indigenous habitats and downstream coastal ecosystems,</li> <li>(4) indigenous species can migrate easily and as naturally as possible to and from the coastal environment,</li> <li>(5) land management practices reduce discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and</li> <li>(6) innovative and sustainable land and water management practices support food production in the area and improve resilience to the effects of climate change.</li> </ul>
LF-VM-04 – Taieri FMU vision	<p>By 2050 in the Taieri FMU:</p> <ul style="list-style-type: none"> <li>(1) freshwater is managed in accordance with the LF-WAI objectives and policies,</li> <li>(2) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,</li> <li>(3) healthy wetlands are restored in the upper and lower catchment wetland complexes, including the Waipori/Waihola wetlands, Tunaheketaka / Lake Taieri, scroll plain, and tussock areas,</li> <li>(4) the gravel bed of the lower Taieri is restored and sedimentation of the Waipori/Waihola complex is reduced,</li> <li>(5) creative ecological approaches contribute to reduced occurrence of didymo,</li> <li>(6) the water bodies support healthy populations of galaxiid species,</li> <li>(7) there are no direct discharges of wastewater to water bodies, and</li> <li>(8) innovative and sustainable land and water management practices support food production in the area and improve resilience to the effects of climate change.</li> </ul>
LF-VM-05 – Dunedin & Coast FMU vision	<p>By 2040 in the Dunedin &amp; Coast FMU:</p> <ul style="list-style-type: none"> <li>(1) freshwater is managed in accordance with the LF-WAI objectives and policies,</li> <li>(2) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,</li> <li>(3) healthy estuaries, lagoons and coastal waters support thriving mahika kai and downstream coastal ecosystems, and indigenous species can migrate easily and as naturally as possible to and from these areas,</li> </ul>

		<p>(4) there is no further modification of the shape and behaviour of the water bodies and opportunities to restore the natural form and function of water bodies are promoted wherever possible, and</p> <p>(5) discharges of contaminants from urban environments are reduced so that water bodies are safe for human contact.</p>
LF-VM-06 Catlins vision	– FMU	<p>LF-VM-06 – Catlins FMU vision</p> <p>By 2030 in the Catlins FMU:</p> <p>(1) freshwater is managed in accordance with the LF-WAI objectives and policies,</p> <p>(2) supports the ongoing relationship of Kāi Tahu with wāhi tūpuna,</p> <p>(3) supports thriving mahika kai and access of Kāi Tahu whānui to mahika kai,</p> <p>(4) preserving the high degree of naturalness and ecosystem connections between the forests, freshwater and coastal environment,</p> <p>(5) water bodies and their catchment areas support the health and well-being of coastal water, ecosystems and indigenous species, including downstream kaimoana, and</p> <p>(6) healthy, clear and clean water supports opportunities for recreation and sustainable food production for future generations.</p>
LF-VM-07 Integrated management	–	<p>Land and water management applies the ethic of ki uta ki tai and land and water are managed as integrated natural resources, recognising the connections and interactions between freshwater, land and the coastal environment, and between surface water, groundwater and coastal water.</p>
LF-FW-08 Freshwater	–	<p>In Otago’s water bodies and their catchments:</p> <p>(1) the health of the wai supports the health of the people and thriving mahika kai,</p> <p>(2) water flow is continuous throughout the whole system,</p> <p>(3) the interconnection of freshwater (including groundwater) and coastal waters is recognised,</p> <p>(4) native fish can migrate easily and as naturally as possible and taoka species and their habitats are protected, and</p> <p>(5) the significant and outstanding values of Otago’s outstanding water bodies are identified and protected.</p>
LF-FW-09 Natural wetlands	–	<p>Otago’s natural wetlands are protected or restored so that:</p> <p>(1) mahika kai and other mana whenua values are sustained and enhanced now and for future generations,</p> <p>(2) there is no decrease in the range and diversity of indigenous ecosystem types and habitats in natural wetlands,</p> <p>(3) there is no reduction in their ecosystem health, hydrological functioning, amenity values, extent or water quality, and if degraded they are improved, and</p> <p>(4) their flood attenuation capacity is maintained.</p>
LF-LS-010 Natural character	–	<p>The natural character of wetlands, lakes and rivers and their margins is preserved and protected from inappropriate subdivision, use and development.</p>
LF-LS-011 – Land and soil		<p>The life-supporting capacity of Otago’s soil resources is safeguarded and the availability and productive capacity of highly productive land for primary production is maintained now and for future generations.</p>
LF-LS-012 – Use of land		<p>The use of land in Otago maintains soil quality and contributes to achieving environmental outcomes for freshwater quality and quantity.</p>

#### 5.7.4. Reasonably practicable options

368. Three reasonably practicable options were identified to achieve the objectives:

- a. **Option 1:** Status quo (PORPS 2019)
- b. **Option 2:** PORPS 2021 (clause 3 version)
- c. **Option 2:** PORPS 2021 (as proposed) – *preferred*

##### 5.7.4.1. Option 1: Status quo

369. The status quo and associated issues are outlined in section 5.7.2. As set out in that section, the current policy framework is not considered to be appropriate, particularly as it was prepared under an earlier version of the NPSFM which has now been superseded. The provisions will not fully implement the current suite of national direction and there is considerable uncertainty in the expectations for regional and district plans with regard to implementation. The provisions are therefore not considered efficient or effective.

##### 5.7.4.2. Option 2: PORPS 2021 (clause 3 version)

370. The version of the PORPS 2021 prepared for clause 3 consultation was considerably different from the PORPS 2021 as proposed in two respects: the chapter was not broken into sections and there were freshwater visions for the whole of the region as well as each FMU and rohe.

371. In Option 2, there were no sections within the LF chapter – provisions were grouped by provision type (i.e. objectives, policies, methods) rather than by topic. In terms of their application, this meant that all provisions were to be considered together with no provisions having greater weight than others (other than through the directiveness of their content). In response to the feedback received during consultation on the freshwater visions in late 2020, Option 2 contained a series of visions: a region-wide vision for Otago and more specific visions for each of the FMUs and rohe.

372. In January 2021, ORC received initial feedback from Aukaha that the structure of the LF chapter did not adequately recognise the Kāi Tahu ki Otago expression of Te Mana o te Wai. In particular, it was considered that separating the objective for Te Mana o te Wai from the associated policies made the direction of the package of provisions less clear. Aukaha suggested restructuring the chapter to bring the Te Mana o te Wai objective and policies back together and clarifying that the rest of the provisions are subject to the objective and policies, reflecting the direction in Policy 1 of the NPSFM that freshwater management must give effect to Te Mana o te Wai.

373. Feedback on the LF chapter received during clause 3 consultation raised concerns with the freshwater visions, namely that having three 'levels' added considerable complexity to the planning framework. In terms of the content of the visions, some respondents queried whether some of the visions conflicted with others (for example, the rohe and relevant FMU vision both providing direction on a similar matter but differently). Others were concerned about the flow-on effects for the new LWRP, particularly about the ability of that plan to clearly articulate how all of the visions would be met. Finally, there was concern that having one timeframe for all FMUs and rohe did not reflect the current state of the water bodies in those areas. For example, some catchments are near their natural state while others are degraded so achieving the visions for these areas would take more or less time in comparison to each other.

374. Ultimately this option was discounted for the reasons set out above. ORC staff agreed that the Te Mana o te Wai provisions needed to be housed together as a package and that making it clear that the rest of the chapter must give effect to those provisions would better implement the NPSFM. Staff also agreed that the visions as drafted created a more complex policy framework, both in the RPS and for the resulting land and water regional plan to implement.

#### 5.7.4.3. Option 3: PORPS 2021 (as proposed) – preferred

375. Option 3 is the proposed version of the PORPS 2021 with the LF chapter split into four sections: LF–WAI – Te Mana o Te Wai, LF–VM – Visions and management, LF–FW – Freshwater and LF–LS – Land and soils. As explained above, the LF–VM, LF–FW and LF–LS sections must give effect to the objectives and policies in LF–WAI.

#### LF–WAI – Te Mana o Te Wai

376. Policy 1 of the NPSFM requires councils to manage freshwater in a way that gives effect to Te Mana o Te Wai. Objective LF–WAI–O1 sets out the Kāi Tahu expression of Te Mana o Te Wai in Otago. Objective 1 of the NPSFM requires freshwater management to prioritise first, the health and wellbeing of water bodies and freshwater ecosystems; second, the health needs of people; and third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future. This is reflected in Policy LF–WAI–P1 which requires this prioritisation to be implemented in decision-making.

377. Clause 1.3 of the NPSFM sets out the six principles encompassed by the concept of Te Mana o Te Wai, including mana whakahaere, kaitiakitaka and manaakitaka. Policy LF–WAI–P2 sets out how Kāi Tahu rakatirataka will be exercised in freshwater management and Policy LF–WAI–P3 expresses the concept of ki uta ki tai, a holistic approach to managing freshwater resources that recognises the wider environment they are within. Finally, LF–WAI–P4 sets out that the provisions in the remainder of the LF chapter must give effect to the LF–WAI objective and policies when interpreting, applying and making decisions under the LF chapter. Collectively, these provisions express what Te Mana o Te Wai means in Otago and what it requires of any resulting freshwater management framework.

378. The LF–WAI section contains two methods: one setting out how mana whenua will be involved in freshwater management in Otago through a partnership model and one directing that all other methods in the LF–VM, LF–FW and LF–LS sections will also achieve the policies in the LF–WAI section.

#### LF–VM – Visions and management

379. Clause 3.3 of the NPSFM requires regional councils to develop long-term visions for freshwater in their regions and include them in the relevant regional policy statement. There are six objectives in the LF – VM section, including five freshwater visions. These provisions are explained and evaluated in section 4.3.5.2 of this report.

380. The LF–VM policies are largely procedural, outlining the FMUs and rohe and the relationships between them. Policy LF–VM–P6 is integral in setting out this relationship and will underpin the policy framework in the LWRP. After identifying FMUs, the NPSFM<sup>31</sup> requires regional councils to:

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<sup>31</sup> As set out in clause 3.7(2)(b) to (f).

- a. Identify values for each FMU,
- b. set environmental outcomes for each value and include them as objectives in regional plans,
- c. identify attributes for each value and set baseline states for those attributes,
- d. set target attribute states, environmental flows and levels, and other criteria to support the achievement of environmental outcomes, and
- e. set limits as rules and prepare action plans (as appropriate) to achieve environmental outcomes.

381. In order to implement the NPSFM in the LWRP and be clear about what provisions can be developed at the FMUs and rohe, and how they interact, Policy LF–VM–P6 states that:

- a. FMUs must have environmental outcomes and the rohe within an FMU may have additional environmental outcomes,
- b. If a rohe has additional environmental outcomes:
  - i. if the same attributes are identified at both the FMU and rohe level, any target attribute states in the rohe must be no less stringent than those for the same attribute at the FMU level, and
  - ii. additional attributes and target attribute states may be included provided that they give effect to the environmental outcome(s) for the FMU,
- c. Limits and action plans may be developed for FMUs or for rohe or for both,
- d. Any limits or action plans that apply within a rohe:
  - i. prevail over any limit or action plan for the FMU for the same attribute, unless explicitly stated to the contrary,
  - ii. must be no less stringent than any limit set for the FMU for the same attribute, and
  - iii. must not conflict with any limit set for the FMU for attributes that are not same.

382. This policy makes it explicit that rohe provisions are expected to be no less stringent than the underlying FMU provisions, to avoid any potential for taking an ‘unders and overs’ approach to meeting FMU outcomes (for example, some rohe setting lower standards with others ‘offsetting’ those with higher standards so that, overall, the FMU outcomes can be met). This is considered to be consistent with the general philosophy of the NPSFM 2020 and more equitable for Otago’s communities.

383. In response to feedback from Reference Group members, the LF–VM chapter contains a method setting out the ways in which ORC will involve the community in establishing and implementing the LWRP planning framework. There is an additional method directing that all other methods in the LF chapter will also implement the policies in this section.

#### LF–FW – Freshwater

384. In addition to the higher level, more strategic provisions contained in the LF–WAI and LF–VM sections, Option 2 contains a third section focused on freshwater, including both water quality and quantity as well as policy direction on managing specific types of water bodies (for example, wetlands and outstanding water bodies) or matters (for example, natural character). The objectives for this section are explained and evaluated in section 4.3.5.3 of this report.

385. Policy LF–FW–P7 requires environmental outcomes, attribute states (including target attribute states) and limits set in regional plans ensure that specific outcomes are met, which

- largely reflect requirements from the NPSFM. This will contribute to achieving LF–FW–08, as well as the objectives in LF–WAI and LF–VM.
386. The NPSFM, and accompanying NESF, contain clear direction on strengthening protection for natural wetlands, and in particular natural inland wetlands which are natural wetlands that are not in the coastal marine area. To achieve Objective LF–FW–09, Policies LF–FW–P8, LF–FW–P9 and LF–FW–P10 set out how natural wetlands are to be identified, protected and restored (respectively), reflecting the direction in Policy 6 and clauses 3.22(1) and 3.23(1) of the NPSFM. These policies apply to natural wetlands rather than the narrower sub-category of natural inland wetlands which is used in the NPSFM, meaning the direction will apply to those natural wetlands that are partly within the coastal marine area. This was a preference expressed by the Reference Group (Land and Freshwater) who preferred a regionally consistent approach to the management of wetlands. Identifying and mapping natural wetlands under LF–FW–P8 will take considerable time, hence the requirement for protection under LF–FW–P9 is not restricted to only identified natural wetlands. As implementation of LF–FW–P8 progresses, that will inform the implementation of LF–FW–P9.
387. Policy LF–FW–P9 largely mirrors clause 3.22(1) of the NPSFM, however there is a distinction in the way the effects management hierarchy outlined in the NPSFM is applied. The ECO chapter of the PORPS 2021 contains a biodiversity effects management hierarchy that is adopted to protect significant natural areas and indigenous species and ecosystems (in addition to other controls) and to maintain indigenous biodiversity outside those areas. That hierarchy is more stringent than the hierarchy included in the NPSFM and includes criteria for the use of biodiversity offsetting and biodiversity compensation that are also more stringent than the comparable definitions of aquatic offsetting and aquatic compensation in the NPSFM. The provisions in the ECO chapter of the PORPS 2021 are largely consistent with the PORPS 2019 and reflect Environment Court decisions on that RPS.
388. Otago has an extensive network of freshwater lakes, wetlands, rivers, and streams that support diverse populations of indigenous species, including nationally significant populations of Threatened and At Risk freshwater fish (see Wildlands, 2021b in Appendix 14). There has been widespread loss and modification of indigenous habitats in lowland and montane areas in the region, and wetlands (lowland, montane and upland) continue to be vulnerable to clearance and drainage (see Wildlands, 2021b in Appendix 14). Clause 3.1(2)(a) of the NPSFM explicitly provides for local authorities to adopt more stringent measures than required by the NPSFM. Given the significance of Otago’s freshwater indigenous biodiversity and ecosystems and the importance of wetlands to a range of indigenous species, it was not considered appropriate to reduce the stringency of the requirements in the ECO chapter by adopting the NPSFM provisions. Policy LF–FW–P9(1)(b)(iv) and (v) have been drafted so that the biodiversity effects management hierarchy in the ECO chapter (including the criteria for offsets and compensation) apply instead of the NPSFM effects management hierarchy (including the definitions of aquatic offsets and aquatic compensation), but the NPSFM provisions are retained for managing other effects (for example, loss of amenity value).
389. Policy LF–FW–P10 goes beyond what is required by the NPSFM and requires restoration of natural wetlands where they have been degraded or lost. This reflects Kāi Tahu aspirations as well as feedback from the Reference Group that halting decline was not sufficient and Otago needed to restore what has been lost, at least in part. Across New Zealand, approximately 90% of wetlands have been drained since pre-human settlement (Ministry for the Environment & Stats NZ, 2020).

390. Policy LF–FW–P11 identifies a number of outstanding water bodies in Otago as well as criteria for identifying others. The water bodies that have been identified are those which have already been subject to a process which identified their significance in the region: either a Water Conservation Order under section 199 of the RMA, bespoke legislation, or water bodies wholly or partly within an outstanding natural feature or landscape. Additional water bodies can be identified as outstanding water bodies if they meet the criteria included in APP1 which lists the types of values which may be considered outstanding: cultural and spiritual, ecology, landscape, natural character, recreation and physical. It is anticipated that any additional identification work could occur within each FMU or rohe alongside the wider value identification programme. Policy LF–FW–P12 sets out how the significant values of outstanding water bodies are to be protected, providing scope for specific restrictions or prohibitions to be determined through the LWRP. These policies are supported by LF–FW–M5 which sets out how, and by what time, ORC will identify outstanding water bodies and include provisions in regional plans to protect them.
391. Policies LF–FW–P13 and LF–FW–P14 direct how the natural character of lakes and rivers, and their beds and margins, is to be preserved and restored. Policy LF–FW–P13 in particular recognises the requirement in the NPSFM to avoid the loss of values or extent unless specific exclusions apply. This also supports the expansion of the compulsory value for ecosystem health in the NOF, which specifically requires consideration of habitat (including the physical form, structure and extent of the water body, its bed, banks and margins). Similar to Policy LF–FW–P9 for natural wetlands, Policy LF–FW–P13 reflects the direction in clause 3.24(1) of the NPSFM regarding the loss of values or extent of rivers. For the same reasons as for Policy LF–FW–P9, Policy LF–FW–P13 also adopts the more stringent biodiversity effects management hierarchy and criteria for using offsetting and compensation included in the ECO chapter of the PORPS 2021. Although Policy LF–FW–P13 applies to lakes and rivers, subclauses (1) and (2) regarding loss of values or extent are restricted to rivers, consistent with the NPSFM provisions. This recognises the intent of the NPSFM provisions which is to address issues with loss of streams (which are defined as ‘rivers’ under the RMA 1991), primarily through piping, reclamation or permanent diversion, in both urban and rural environments (Ministry for the Environment, 2020).
392. Policy LF–FW–P14 sets out the actions to be promoted to restore natural character where it has been reduced or lost. The policy is not directive as the opportunities to restore natural character will depend on individual circumstances and are therefore better addressed through lower order plans.
393. The impact of discharges of stormwater and wastewater on freshwater bodies is a significant issue for mana whenua. The currently proposed Plan Change 8 to the Water Plan was developed, in part, due to a recognition within ORC that the Water Plan does not adequately manage those discharges (Otago Regional Council, 2020, p. 18). While Plan Change 8 is intended to improve that framework, it was developed as a temporary solution while the LWRP was being developed. Policy LF–FW–P15 sets out the longer-term approach to managing these discharges, which will underpin the development of the specific LWRP provisions. In particular, the policy requires preferring discharges of wastewater to land over water, promoting the reticulation of stormwater and wastewater in urban communities, progressive reductions in overflows in existing systems, and progressive improvement in the quality of discharges where receiving waters are degraded.

394. In addition to the method discussed previously regarding outstanding water bodies, there are four additional methods in this section setting out the specific actions required in regional plans, district plans and action plans, as well as monitoring. The majority of the policies in the LF chapter will be implemented through ORC's new LWRP. Method LF–FW–M6 sets out in detail the provisions required in the LWRP to implement the policies in the LF–FW section and therefore achieve the objectives. This includes the main steps required to implement the NOF (such as identifying values and developing environmental outcomes) as well as more specific direction on water management (such as establishing environmental flow and level regimes, limits on resource use, and managing discharges).
395. District councils have a role to play in assisting with freshwater management and Method LF–FW–M7 sets out the requirements for provisions in district plans. This includes provisions relating to urban design requirements and management of the subdivision, use and development of land to reduce the adverse effects of stormwater discharges.
396. Method LF–FW–M8 sets out when ORC must and when it may choose to develop action plans under the NPSFM. The NPSFM sets out requirements for monitoring freshwater resources which is reflected in Method LF–FW–M9. This method also includes a requirement for cultural health monitoring in order to be able to assess whether the objectives in this chapter are being achieved. The last method, like the other sections in this chapter, directs that all of the other methods will also contribute to implementing the policies.

#### LF–LS – Land and soil

397. The PORPS 2019 contains limited direction on managing land uses that affect water quality and quantity despite the importance of this type of direction to the development of the LWRP. Additionally, feedback received through clause 3 consultation was that the chapter did not include enough of a focus on the use of Otago's land and soils, particularly for productive purposes. In accordance with the Planning Standards, some of the policy direction on protecting rural land is housed in the UFD chapter as the greater threat to that land is encroachment of urban areas which results in permanent loss of the land and soil resources. However, the feedback highlighted some gaps in the LF chapter which have been addressed through Option 3 by including more direction on managing these resources. Objective LF–LS–O11 describes the outcome sought for land and soil while Objective LF–LS–O10 focuses on the need for land management to support achieving outcomes for freshwater.
398. The first policy in this section (LF–LS–P16) requires recognition of the interconnections between soil health, vegetative cover and freshwater quality and quantity. Managing soil resources, in particular, cannot be undertaken in isolation. Policy LF–LS–P17 requires managing the use and development of land and freshwater to maintain a specified list of soil values. This recognises that soil can be valued for more than simply its productive use and those values should be maintained. Soil erosion is problematic for both soil and water health. LF–LS–P18 provides specific direction on managing erosion resulting from land use activities in order to, primarily, retain soil in place and prevent its discharge to water.
399. In 2020, the Government consulted on a draft NPS for Highly Productive Land and is anticipating a final version coming into effect in the second half of 2021. Although the draft has no legal weight, it provides an insight into the type of land management envisaged by the government for productive land. Policy LF–LS–P19 adopts the term 'highly productive land' along with the identification criteria and management requirements outlined in the draft NPS. It also links to the relevant policies in the UFD chapter of the PORPS which contain direction on managing urban encroachment onto rural land.



400. Responding to climate change and achieving freshwater visions is likely to require changes in land uses and land management practices in parts of Otago. This is recognised in Policy LF–LS–P20 which seeks to promote changes in land use or management that improve efficient use of water, resilience to climate change and the health and quality of soil. Following on, and more specifically, Policy LF–LS–P21 requires reducing discharges to water from the use and development of land and active management of land uses that may have adverse effects on water quantity, where those actions are necessary to support the achievement of environmental outcomes for FMUs or rohe.
401. Maintaining public access to and along lakes and rivers is a matter of national importance under section 6 of the RMA that was not well provided for through the PORPS 2019. Policy LF–LS–P22 seeks to recognise and provide for public access by maintaining existing access, promoting opportunities to enhance public access and listing the circumstances under which public access should be restricted, including for public health and safety reasons and to protect valued parts of the environment.
402. Methods LF–LS–M11 and LF–LS–M12 set out the action required in regional and district plans to implement the policies, mostly concerning the management of land for water quality and quantity purposes. Method LF–LS–M13 sets out the joint responsibility for local authorities to manage the beds and riparian margins (in accordance with their functions under the RMA).

#### 5.7.5. Consultation summary

##### 5.7.5.1. Clause 3

403. A summary of the process for consultation under clause 3 of Schedule 1 of the RMA, including the full list of parties involved, is provided in section 2.5.1 of this report. Fifteen parties provided feedback on the LF chapter through clause 3 consultation. The feedback ranged from minor corrections to provisions through to fundamental issues with the policy approach adopted.
404. The most significant feedback related to the approach to drafting the freshwater visions. Primary sector organisations in particular were concerned that the approach of having three ‘levels’ of freshwater visions (region-wide, FMU and rohe) made the policy framework very complex, which would have flow-on effects for the LWRP. They also raised questions about what the relationship between the visions was (especially when two or more ‘levels’ addressed the same matter – for example, form) and whether it was possible to develop a policy framework in the LWRP that could achieve all of the visions. Some parties also queried the timeframes set for achieving the visions – some felt the timeframes in some areas were too generous (for example, where water bodies are in their natural state) while others considered that an ultimate deadline of 2050 was beyond the capability of the community to achieve given the issues facing some catchments.
405. The chapter was significantly redrafted to address these concerns as well as those raised by iwi prior to clause 3 consultation and later through clause 4A consultation. The resulting amendments are set out in Option 3 as described in section 5.7.4.3 of this Report. In summary, the freshwater visions were revised so that they are all at the FMU level, their content is consistent with Te Mana o te Wai and the timeframes for achievement align with a categorisation of the FMUs current underpinning ORC’s Science work programme. The chapter was also split into four sections to improve the clarity of the provisions and the

- relationship between the provisions giving effect to Te Mana o te Wai and the rest of the chapter.
406. Dunedin City Council questioned the boundaries of the FMUs and whether other FMUs outside the Clutha Mata-au should also have rohe. No alternatives were proposed, nor any additional evidence to support either of these outcomes, so no changes were made to FMU or rohe boundaries.
407. Other feedback raised questions about the interpretation of the NPSFM. Providing for the health needs of people is a second order priority for decision-making under Objective 1 of the NPSFM. Meridian Energy Ltd considered that this encompasses renewable electricity generation due to its importance in supporting the health and wellbeing of people and communities. This was not adopted as Objective 1(b) includes an example (“such as drinking water”) that indicates that the health needs are those which arise from direct contact with water (such as consumption and immersion). The LF provisions have been drafted on this basis.
408. Primary sector organisations felt strongly that the LF chapter provisions did not provide enough recognition of the value of productive land and the economic uses of soil. Other respondents felt that the link between land uses and freshwater health was not clear enough. This has been addressed by creating a separate LF–LS – Land and soil chapter as well as a number of new provisions relating to highly productive land and the management of land in Otago.
409. The Department of Conservation sought specific amendment to recognise and provide for *galaxiid* species in Otago, many of which are threatened or at risk. Policy LF–WI–P3, which is part of the Kāi Tahu expression of Te Mana o te Wai in Otago, requires sustaining and (wherever possible) restoring the habitats of indigenous species. That must be given effect to when implementing any (all) of the LF chapter provisions. The freshwater vision for the Taieri FMU (LF–VM–O4) now includes specific reference to *galaxiid* species to acknowledge the regional significance of the habitats in that FMU (see Wildlands, 2020a in Appendix 12). Further, the LF chapter contains a number of other provisions seeking to protect the habitats of indigenous species: all of the freshwater visions in the LF–VM section, as well as Objective LF–FW–O8(4) and Policy LF–FW–P7(2) in the LF–FW chapter.

#### 5.7.5.2. Clause 4A

410. The LF chapter was a focus of the hui with Kāi Tahu ki Otago and Ngāi Tahu ki Murihiku on 21 April 2021. There was support from representatives for the structure of the chapter, particularly having Te Mana o te Wai at the forefront and clarifying that the rest of the chapter must give effect to the Te Mana o te Wai objective and policies. There was general support for the intent of the chapter as a whole, and specific amendments to provisions were discussed and made during the hui where these clarified or improved the drafting. However, the freshwater visions were not considered to reflect the views provided to ORC by Kāi Tahu ki Otago or Ngāi Tahu ki Murihiku as part of the freshwater visions’ consultation in late 2020 and this was discussed in detail.
411. It was made clear during the hui that Kāi Tahu philosophy is not to ‘elevate’ some water bodies above others and so the policy framework for identifying and managing outstanding water bodies was problematic, however it was accepted that this is required by the NPSFM. At the time of the hui, the identification policy included statutory acknowledgements however it was

the view of Kāi Tahu that the process followed to identify statutory acknowledgements under the NTSCA 1998 was considerably different to the type of process proposed for identifying outstanding water bodies in the RPS. These were therefore removed, noting that the criteria for identifying outstanding water bodies included cultural values which would still provide an avenue for assessing their cultural significance to Kāi Tahu.

412. Coastal waters have significant cultural values and Kāi Tahu representatives provided feedback on ways to better align the provisions of the LF and CE chapters to ensure an integrated approach across the fresh and coastal water interface, while acknowledging that there are differences between the NZCPS and the NPSFM. Most of that feedback has been reflected in the CE chapter rather than the LF chapter.
413. No further feedback was provided on the LF chapter in the first batch of iwi feedback received by ORC on 23 April. In discussion with Kāi Tahu staff in the weeks after that, it was agreed that ORC and Aukaha staff would meet to co-draft revisions to the freshwater visions. This occurred on 7 May 2021. The focus of this session was for ORC staff to better understand Kāi Tahu views and reflect these in the freshwater visions. The revised chapter was provided to Te Ao Marama staff for comment and then reviewed again by Aukaha staff for alignment with rūnaka views. The Te Mana o te Wai provisions and freshwater visions included in the PORPS 2021 have therefore been co-drafted by iwi and there has been considerable involvement in the drafting of the remainder of the chapter as well.
414. As discussed in section 2.5.2, Te Ao Marama has provided advice to ORC on how the PORPS 2021 meets key outcomes and aspirations of Ngāi Tahu ki Murihiku. Relevant to the LF chapter, this advice indicates that the PORPS 2021 contributes well to meeting a range of high level Ngāi Tahu ki Murihiku outcomes for freshwater, including mauri, collaborative management, use of ki uta ki tai, upholding Te Mana o te Wai and providing for te hauora o te wai. Ngāi Tahu ki Murihiku consider that the PORPS is acceptable but could go further in some areas, including recognising the significance of taonga species, mechanisms for maintaining and improving mahinga kai, protecting waters of spiritual significance to Ngāi Tahu and the full range of kaitiaki responsibilities of Ngāi Tahu. Finally, there are some outcomes where Ngāi Tahu ki Murihiku consider there is a lot more work to do in the PORPS, including recognising the role of mātaimai and taiāpure, mahinga kia harvesting, representation of mātauranga in science-based analysis, and setting timeframes for restoring wetlands and other areas, improving water quality, and phasing out direct discharges of wastewater and stormwater to water.

#### 5.7.6. Efficiency and effectiveness evaluation

415. Table 35 below identifies and assesses the benefits and costs of the environmental, cultural, social and economic effects that are anticipated from the implementation of the provisions proposed under Option 3 above.

Table 35: Benefits and costs for land and fresh water

BENEFITS	COSTS
<b>Environmental</b>	
<ul style="list-style-type: none"> <li>▪ Implementing Option 3 will give effect to Te Mana o te Wai and prioritise the health and well-being of water bodies and freshwater ecosystems in decision-making. This is expected</li> </ul>	<ul style="list-style-type: none"> <li>▪ The RPS sets deadlines ranging from 2035 to 2050 for achieving the freshwater visions for FMU and rohe. While it is anticipated that some improvements may be made earlier than that, there will be freshwater resources in Otago that</li> </ul>

to result in improvements to the health and well-being of water bodies and ecosystems.

- Improving or maintaining water quality and quantity will have flow-on improvements for coastal water, assisting with sustaining marine environments and the ecosystems they support.
- Improved water quality and quantity, habitats and passage for aquatic indigenous species will support these populations and halt the decline of some species that are considered At Risk or Threatened.
- Strengthened provisions for protecting and restoring natural wetlands will result in a halt in the loss of the extent and values of wetlands and, over time, an increase in extent. Wetlands are important habitats for indigenous species so their protection (and restoration) will have benefits for the health of indigenous species.
- Strengthened provisions for preserving the natural character of Otago's lakes, rivers and wetlands will assist with maintaining the physical attributes of these water bodies that contribute to their holistic wellbeing and intrinsic values (i.e. beyond just the quality/quantity of water).
- Adopting the effects management hierarchy (including criteria for offsetting and compensation) in the ECO chapter of the PORPS 2021 for managing biodiversity loss from wetlands and rivers will improve outcomes for biodiversity.
- Identifying and protecting Otago's outstanding water bodies will ensure that Otago's most iconic and highly valued water bodies are preserved, including (where relevant) their ecological values.
- Expanding the current policy framework to enable greater oversight of land uses that contribute to the health of freshwater will provide for a more integrated and effective management framework.
- Direction on managing land uses that affect soil health will contribute to sustaining Otago's soil resources, including their life-supporting capacity.

#### Cultural

- Implementing Te Mana o te Wai and giving priority to the health and wellbeing of water bodies is expected to lead to improvements to the state of the environment. This has cultural benefits for the wellbeing of mana whenua, including cultural identity and reconnecting people to Otago's water bodies.
- Incorporating mātauraka into decision-making, management and monitoring processes

do not achieve the outcomes stated for some time, potentially decades. This is likely to be where water quality or quantity is currently over-allocated, which will not be determined until the new LWRP is developed.

- Some of the benefits of Option 3 will be delivered in the long-term. In the short-term there are likely to be continued costs to mana whenua as a result of degraded freshwater in some areas, for example by restricting mahika kai and negatively affecting the mauri of water bodies. This in turn will affect the ability of Kāi Tahu to exercise their role as kaitiaki.

supports the partnership approach to managing freshwater in Otago and recognises Kāi Tahu values.

- Improved health of freshwater in Otago will enhance mauri.
- Option 3 will provide more opportunities for mahika kai as a result of improved water body health and protection of the habitats of indigenous species.
- Clearer expression of the role of mana whenua in freshwater management will assist with exercising kaitiakitaka, manaakitaka and rakatirataka.

- The policy direction for stormwater and wastewater discharges does not align with Ngāi Tahu ki Murihiku expectations for a cessation in direct discharges of wastewater and stormwater to water within ten years. These discharges will continue to have negative effects on cultural values.

- It is expected that implementing Option 3, particularly through regional plans, will increase the involvement of mana whenua in plan-making processes, especially at the early stages. If that additional resourcing is not provided or funded by ORC, it will fall on mana whenua. There may also be additional costs for mana whenua if ORC does not have sufficient resources and expertise to implement the policies once they are developed. These costs are likely to occur in the short-term through the preparation of the LWRP and longer term as progress is made towards the 2050 deadline for achieving FMU and rohe visions.

- The level of involvement of mana whenua in planning processes in Otago required by Option 3 is considerable, particularly between 2021 and 2025. That may put stress on mana whenua and affect their health and wellbeing.

- The provisions in Option 3 may restrict the potential for Māori land to be developed or intensified which could negatively affect the economic development of mana whenua.

#### Social

- Implementing Te Mana o te Wai will strengthen the requirement to consider the adverse effects of activities on drinking water supplies. Greater oversight and improved or maintained water quality across Otago will reduce risks to human health from contamination of drinking water supplies and may in some cases reduce hospital costs from admissions.

- Option 3 contains deadlines by which specified rivers and lakes must be suitable for primary contact. Achieving these goals will reduce the risk of infection for those engaging in primary contact activities such as swimming.

- Improved management of land uses that contribute to sedimentation of water bodies is expected to lead to an increase in water clarity in some areas, increasing their value for recreation.

- In addition to the health and wellbeing of freshwater, the provisions in Option 3 that seek to preserve or restore the natural character of water bodies may result in improved amenity

- The delay in achieving environmental outcomes (potentially for decades) may result in continued adverse effects on recreation in the interim, for example where water quantity is not sufficient to support activities such as kayaking or where degraded water quality prevents opportunities for fishing.

- Rural communities will face considerable costs in fully implementing Option 3 and uncertainty until the full planning framework envisaged is implemented, which may contribute to mental health pressures in those communities, particularly in catchments where there is over-allocation and significant changes in water and land use are required.

- If the impact on farm profits in some Otago communities are significant, there may be job losses. Communities affected by job losses may experience a reduction in population numbers and, longer-term, the availability of local services.

which is an important part of people’s enjoyment of the natural environment.

- When resource users are operating within environmental limits, their “social licence” to operate may be improved.

- Option 3 proposes more stringent requirements for discharges of stormwater and wastewater discharges, most of which are managed by TAs. Upgrades to or new systems will largely be funded by rates, which may lead to increases in rates for Otago’s communities. Increases in rates can have considerable negative effects on the health and wellbeing of people, particularly those on low and/or fixed incomes who are not able to absorb increases without a corresponding decrease in their quality of life.

#### Economic

- Otago’s freshwater bodies are tourist drawcards. Ensuring their health and wellbeing into the future, including through improvements where required, will support the long-term sustainability of Otago’s tourism sector.
- Implementation of Option 3 through the LWRP is likely to provide employment opportunities, particularly in rural communities, to undertake the actions required to achieve the environmental outcomes sought. For example, riparian planting, fencing of waterways and farm advisory services.
- Protecting highly productive land and maintaining soil resources will retain land and soil resources that provide economic value and employment opportunities to Otago’s communities.
- In the long term, there will be increased certainty for resource users in Otago which will support long-term economic sustainability and confidence in business investment.
- Public perception of primary production occurring within a healthy environment may lead to value add for primary products.
- Over time, there will be increased certainty for consent applicants and ORC staff assessing applications due to the introduction of limits on resource use and clear objectives for freshwater health.
- If drinking water supplies are protected, and water quality is improved so that more water supplies are suitable for human consumption without treatment, there may be decreases in costs associated with treating drinking water.

- The provisions in Option 3 represent a paradigm shift in freshwater management in the region. There will be significant constraints on the uses of water and land which will, in turn, have considerable impacts on economic growth and employment. The quantum of these costs has not been identified and will depend, in large part, on the provisions developed under the LWRP to implement Option 3. However, the significant shift in policy direction from the current state means it is likely the costs will be significant.
- Otago’s communities will incur costs arising from implementing Option 3, particularly from the development and implementation of the LWRP. In the development stage, this includes the cost of preparing submissions and appearing at hearings. The significance and complexity of the LWRP will likely make this engagement a large commitment for most submitters. Implementation of the LWRP will also result in costs to land and water users in Otago, particularly where limits or targets are considerably more conservative than the current planning framework. This is likely to require a range of changes in land and water use practices which will come at a cost that is unable to be quantified at this stage.
- MfE estimates that regional councils will likely need to employ 1-2 FTE in-house kaupapa Māori specialists per region to fully implement the requirements of Te Mana o Te Wai and the NPSFM, at a cost of approximately \$90,000 - \$200,000 annually (Ministry for the Environment, 2020, p. 166).
- MfE estimates that the current costs for working with mana whenua to identify values (the first step of the NOF process) is between \$20,000 and \$50,000 per FMU where there is a single iwi or established grouping (Ministry for the Environment, 2020, p. 167). Adapting those figures for the Otago context (4 FMUs and 5

rohe), ORC could expect to incur between \$180,000 and \$450,000 in working with mana whenua to identify values in each FMU and rohe. There will be ongoing and increased costs to ORC to continue to work with mana whenua in accordance with the partnership approach set out in Option 3 to complete the remainder of the NOF process across Otago.

- MfE estimates that the cost of involving mana whenua in monitoring programmes for freshwater may be between \$30,000 and \$50,000 per year (Ministry for the Environment, 2020, p. 183). The monitoring requirements in Option 3, including cultural health monitoring, are unlikely to be implemented immediately and it is expected that there would be additional costs in the early stages to engage with mana whenua in setting up the monitoring programme initially.
- In the short-term, before the LWRP is notified, there will be additional costs for resource consent applicants from needing to assess proposals against the PORPS 2021. Given the significant strengthening of the freshwater management framework through Option 3, this may result in applicants having to alter their proposals and/or increase remediation or mitigation measured proposed. In some cases, applications may be declined.
- TAs in particular will incur costs from complying with the direction regarding stormwater and wastewater discharges. While some of these may be accounted for within existing planned upgrades or new systems, it is likely that the majority is currently not budgeted for. These costs are likely to be passed on to communities, at least in part, through increases to rates.
- ORC will incur costs in undertaking the scientific work needed to inform the development of the LWRP, the primary method of implementation for Option 3. ORC is already in the process of increasing their science resourcing from 9.4 to 21 FTEs. Those costs are already budgeted for by ORC, not additional costs as a result of Option 3.

Table 36 below assesses the effectiveness and efficiency of the proposed provisions in achieving the objectives.

*Table 36: Efficiency and effectiveness evaluation for land and fresh water*

<b>Efficiency</b>	Implementation of Option 3 will result in considerable costs for ORC and communities. Those costs will vary depending on the provisions included in the LWRP and the degree of change in water and land use required to meet defined environmental outcomes in the LWRP. While the costs are unquantified at this stage, the significant shift in policy direction
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in Option 3 will constrain or prevent some uses of water and land across the region. To a large extent, those costs are unavoidable due to the requirement to implement the NPSFM which is the primary driver behind the provisions in Option 3. While some of the implementation costs can be quantified, the benefits of this option are much more difficult to quantify as they are mostly environmental, cultural and social. That accords with the direction in Objective 1 of the NPSFM to prioritise, first, the health and wellbeing of water bodies; second, the health needs of people; and third, the ability to provide for the social, economic and cultural wellbeing of people and communities. While the costs of Option 3 are considerable, so too are the benefits and therefore Option 3 is considered to be efficient in achieving the objectives in the PORPS 2021.

**Effectiveness** The policies in Option 3 seek to direct decision-making in freshwater management processes to ensure that the objectives in the LF chapter are met, both in the short and long-term. The specific and clear direction in the policies will be effective in achieving the objectives, notably by setting out how Te Mana o te Wai will be implemented, the role for mana whenua, and the land and water use practices that will be required to meet the objectives. The methods in Option 3 implement the policies by providing clear direction to ORC in particular about the construction of the LWRP which will ultimately be the primary vehicle for implementing Option 3. The package of provisions in Option 3 is considered to be effective at achieving the objectives in the PORPS 2021.

#### 5.7.7. Risk of acting or not acting

416. Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. ORC holds limited information about freshwater quantity and quality, and on land use practices that contribute to freshwater health. The information available indicates that there are quantity and quality issues in parts of Otago, while other parts (generally the upper catchments) are in, or near to, their natural state. Although the evidence is not comprehensive, it is evident that there are issues with freshwater management in Otago that are not able to be resolved through the current planning framework. This is reflected in the feedback from Kāi Tahu and the significant issues for iwi that have been identified in the PORPS 2021. It was also confirmed by Professor Skelton and accepted by the Minister for the Environment through the investigation into ORC's freshwater management and allocation functions in 2019. The risk of not acting is that those issues continue and, in some cases, are exacerbated by continuing current practices under the current management framework. That would not support the health and wellbeing of Otago's freshwater resources or assist with achieving the objective of the NPSFM. Despite the uncertainty and lack of information, the risk of acting is considered to outweigh the risks of not acting.

#### 5.7.8. Conclusion

417. There will be significant (currently unquantified) economic and social costs as a result of implementing the PORPS 2021 due to the constraints it will place on the use of Otago's water and land resources. However, it is accepted that the PORPS 2019 and Water Plan are not appropriate for achieving the purpose of the RMA as it relates to the health and well-being of freshwater bodies and ecosystems. This has been confirmed by the investigation into Otago's freshwater management and allocation functions by Professor Skelton in 2019 which



- concluded that they were not fit for purpose and not in line with the then-current NPSFM (see Appendix 1).
418. Since then, a new NPSFM has come into force with significantly strengthened environmental bottom lines for freshwater resources and clear direction that their health and well-being is to be the first priority in decision-making. The NPSFM 2020 must be given effect (i.e. implemented) by the PORPS 2021 so it is not possible for the PORPS 2021 to adopt less stringent provisions than the NPSFM. This has only served to widen the deficit between Otago's current management framework and the requirements of national instruments. Due to the high level of detail and strong policy direction in the NPSFM, many former options for managing freshwater resources have been narrowed considerably or removed. This had the effect of constraining the policy options available for the PORPS 2021 and the 'bottom lines' set through its provisions. Large parts of the implementation of the policies were also pre-determined by the requirements of the NPSFM and, in some cases, the NESF.
419. The suite of policies proposed is considered to fully implement the NPSFM. While the outcomes sought by the PORPS 2021 are relatively directive, there remain choices to be made through the development of the LWRP about the methods and timeframes adopted to achieve the outcomes which the community will be involved with. This evaluation has demonstrated that there are expected to be considerable benefits and costs from implementing Option 3. Given the requirement for ORC to implement the NPSFM, which underpins the provisions in Option 3, this option is considered efficient as the net benefits will outweigh the costs in the long-term. The provisions provide clear direction to resource users and regulators on the actions required to achieve the objectives. It is considered that the policies and methods will be effective in achieving the objectives, however the detailed programme of work to achieve the objectives will largely occur through the development and implementation of the LWRP rather than the PORPS 2021 itself.

## 5.8. ECO – Ecosystems and indigenous biodiversity

### 5.8.1. Introduction

420. This section of the report assesses the provisions proposed in the PORPS 2021 related to ecosystems and indigenous biodiversity. Biodiversity describes the variety of all living things, including the range of species living in our environments, their genetics, and the ecosystems where they live. The Otago region contains a diverse natural environment, from albatrosses and yellow-eyed penguins on the Otago Peninsula to endangered skinks of Central Otago and kea of the Southern Alps, as well as internationally rare braided rivers. The Otago region, like other areas in New Zealand, has experienced significant loss of indigenous biodiversity, including mahika kai and taoka species, and continues to be subject to significant pressure.
421. The RMA contains specific provisions relating to indigenous biodiversity and there are a number of national policy statements that contain direction relating to the management of indigenous biodiversity. Indigenous biodiversity also crosses into terrestrial, freshwater and marine environments. Section 62(1)(i)(iii) requires that the RPS sets out which local authority is responsible for specifying provisions that control the use of land to maintain indigenous biodiversity. Local authorities have a duty under sections 30 and 31 of the RMA 1991 to have objectives, policies and methods to maintain indigenous biological biodiversity. This creates a need to be clear about the responsibilities for each local authority, as well as ensuring an integrated approach is taken across the policy statement.
422. The relevant provisions for this section are:
- a. ECO–O1 – Ecosystems and indigenous biodiversity
  - b. ECO–O2 – Restoring or enhancing
  - c. ECO–O3 – Kaitiakitaka and stewardship
  - d. ECO–P1 – Kaitiakitaka
  - e. ECO–P2 – Identifying significant natural areas and taoka
  - f. ECO–P3 – Protecting significant natural areas and taoka
  - g. ECO–P4 – Activities within significant natural areas
  - h. ECO–P5 – Existing activities in significant natural areas
  - i. ECO–P6 – Maintaining indigenous biodiversity
  - j. ECO–P7 – Coastal indigenous biodiversity
  - k. ECO–P8 – Enhancement
  - l. ECO–P9 – Wilding conifers
  - m. ECO–P10 – Integrated management
  - n. ECO–M1 – Statement of responsibilities
  - o. ECO–M2 – Identification of significant natural areas
  - p. ECO–M3 – Identification of taoka
  - q. ECO–M4 – Regional plans
  - r. ECO–M5 – District plans
  - s. ECO–M6 – Engagement
  - t. ECO–M7 – Monitoring
  - u. ECO–M8 – Other incentives and mechanisms
  - v. APP2 – Significance criteria for indigenous biodiversity
  - w. APP3 – Criteria for biodiversity offsetting
  - x. APP4 – Criteria for biodiversity compensation

### 5.8.2. Current issues

423. The quality and quantity of the region’s indigenous biodiversity has significantly declined since the arrival of humans and remains under significant pressure from introduced species, pollution, physical changes to the environment and harvesting of wild species (Ministry for the Environment & Stats NZ, 2019). This includes mahika kai, considered an intrinsic part of Kāi Tahu identity and the basis for the Kāi Tahu economy for hundreds of years, and all indigenous species, which are considered taoka species to Kāi Tahu, having been degraded by resource use and development in Otago. Kāi Tahu also experience both physical and regulatory difficulties in accessing mahika kai.
424. Otago’s diversity of ecosystems, weather and geology result in a diversity of vegetation and species, many endemic to the region. Otago has a diverse range of indigenous forest and scrub, from western indigenous forest around Lakes Wakatipu, Wanaka and Hawea, to scrublands on inland and coastal hill country (see Wildlands, 2021b in Appendix 14) Alongside dryland flora, Otago harbours several inland saline ecosystems, including New Zealand’s only inland salt lake, and approximately 3,000 ephemeral wetlands (see Wildlands, 2021b in Appendix 14).
425. Otago’s rivers, particularly the Taieri, hold some of the most diverse indigenous fauna in New Zealand (Department of Conservation, 2016). Many of the region’s streams, especially smaller tributaries, are also the last remaining stronghold for a number of threatened and endemic galaxiid (see Wildlands, 2021b in Appendix 14). Thirteen non-migratory indigenous freshwater species have been confirmed in Otago, including in the Taieri, Teviot, Manuherekia and Cardrona catchments, with some species being confined to one catchment (Department of Conservation, 2016). There are also 24 lizard taxa found in Otago, with all but three species classified as Threatened or At Risk (see Wildlands, 2020a in Appendix 12).
426. In 2020, ORC commissioned two reports into the region’s indigenous biodiversity as a first step towards a new management approach: one mapping significant habitats of fauna based on existing information sources (see Wildlands, 2020a in Appendix 12) and one mapping potential natural ecosystems and current ecosystems in the region (see Wildlands, 2020b in Appendix 13). These reports indicate that there are potentially large parts of the region that are habitats for indigenous species. They provide a starting point for assessments of significance across the region, and it is expected that information gaps and refinement of identified areas will occur as further fauna surveys are undertaken. Several positive trends in indigenous biodiversity in Otago have occurred in recent decades including natural regeneration of woody vegetation, fenced sanctuaries, managed planting and pest control (see Wildlands, 2021b in Appendix 14).
427. The most well-known threats to ecosystems and indigenous biodiversity in Otago are pest plants and animals and human activities (see Wildlands, 2021b in Appendix 14). There are also threats posed by climate change (particularly a predicted decrease in precipitation), fires and natural hazard events such as erosion and flooding (Department of Conservation, 2016). Freshwater and dryland habitats and wetlands are particularly vulnerable to the impacts of changes in or intensification of land uses. Loss and modification of habitat has a profound effect on the distribution and abundance of indigenous fauna (see Wildlands, 2021b in Appendix 14). In Otago, as is the case nationally, there is growing concern about biodiversity loss. During consultation with the community, concern about pest animals and plants and their effects on Otago’s natural environment and biodiversity was a common theme.

428. Ecosystems and indigenous biodiversity are managed primarily through chapter 3 and chapter 5 of the PORPS 2019. At a broad level, chapter 3 seeks to recognise, maintain or enhance the values of significant ecosystems and indigenous biodiversity while chapter 5 outlines the approach to managing biodiversity that is not considered significant. Overall, the policy direction is appropriate (for example, requiring the protection of significant areas and maintenance of other areas). However, the objectives are broad and the policies do not specify how or when maintenance or enhancement should occur. The methods are general and often repeat the content of the policies and there is a lack of clarity about the roles and responsibilities of the local authorities. The criteria for identifying significant areas are terrestrial-focused and came under criticism during the appeal process for not being fit for purpose for marine biodiversity in particular.
429. Since notification of the PORPS 2019, the Government has released a draft National Policy Statement for Indigenous Biodiversity and published a new Aotearoa New Zealand Biodiversity Strategy 2020. The new NPSFM 2020 now applies, which is relevant for freshwater ecosystems and biodiversity. The policy environment has therefore changed significantly and generally drives towards improving protections, halting loss and restoring biodiversity nationwide.

### 5.8.3. Objectives

430. Section 32(1)(b) requires examining whether the provisions in the proposal are the most appropriate way of achieving the objectives. The relevant objectives for this topic are included in Table 37 below.

Table 37: Ecosystems and indigenous biodiversity objectives

ECO–O1 Ecosystems and indigenous biodiversity	– and	Otago’s indigenous biodiversity is healthy and thriving and any decline in quality, quantity and diversity has halted.
ECO–O2 Restoring enhancing	– or	A net increase in the extent and occupancy of Otago’s indigenous <i>biodiversity</i> results from restoration or enhancement.
ECO–O3 Kaitiakitaka stewardship	– and	<p>Mana whenua are recognised as kaitiaki of Otago’s indigenous biodiversity, and Otago’s communities are recognised as stewards, who are responsible for:</p> <p>(1) te hauora o te koiora (the health of indigenous biodiversity), te hauora o te taoka (the health of species and ecosystems that are taoka), and te hauora o te taia (the health of the wider environment), while</p> <p>(2) providing for te hauora o te tangata (the health of the people).</p>

### 5.8.4. Reasonably practicable options

431. Two reasonably practicable options were identified to achieve the objectives:
- a. **Option 1:** Status quo (PORPS 2019)
  - b. **Option 2:** Non-regulatory
  - c. **Option 3:** PORPS 2021 (clause 3 version)
  - d. **Option 4:** PORPS 2021 (as proposed) – *preferred*

#### 5.8.4.1. Option 1: Status quo

432. The status quo and associated issues are outlined in section 5.8.2. As set out in that section, parts of the status quo are considered to be generally appropriate, however there are areas where improvements could be made assist the effectiveness and efficiency of the management approach and to better align with national policy.

#### 5.8.4.2. Option 2: Non-regulatory

433. During the first Reference Group session on this topic, many participants felt that a preferable policy approach would be to have a reasonably narrow regulatory framework (i.e. the minimum required to comply with the RMA and higher order documents) supported by a significant programme of non-regulatory work. That work would be led, organised and primarily funded by ORC and was considered to be more likely to deliver better ‘on the ground’ results for biodiversity.
434. That option was discounted for two reasons. Firstly, the draft NPSIB has demonstrated that the Government is looking to implement a comprehensive regulatory framework for managing biodiversity that ORC would be required to implement. It is unlikely Option 2 would have met those requirements. Secondly, at the time this option was discussed with councillors the Council’s Long-term Plan 2021-31 was in its early stages of development and there was considerable uncertainty about whether the funds required for a non-regulatory approach would or could be made available. Ultimately, this option was not considered to be effective or efficient for those reasons.

#### 5.8.4.3. Option 3: Clause 3 version

435. The version of the PORPS 2021 prepared for clause 3 consultation adopted a more stringent approach to managing significant natural areas and included management of coastal indigenous biodiversity. In Option 3, the policy for protecting significant natural areas required the avoidance of specific adverse effects within these areas, and then an effects management hierarchy requiring (in order) remedying or mitigating other adverse effects, offsetting, compensation, and if there are still adverse effects then the activity cannot proceed.
436. Feedback through clause 3 consultation raised concerns with the stringency of this approach, which essentially prevented any level of adverse effect within a significant natural area. That was considered to be unrealistic for some activities, namely significant infrastructure and existing activities within significant natural areas. It was also highlighted that the approach was not consistent with the draft NPSIB which provided a pathway for particular activities within significant natural areas.
437. Feedback from iwi highlighted that Option 3 did not adequately outline the kaitiaki role of Kāi Tahu in relation to indigenous biodiversity or appropriately recognise mana whenua values. At the time of clause 3 consultation, there had not been an opportunity for ORC staff and staff from Aukaha and Te Ao Marama to discuss this issue further, so it was acknowledged by ORC staff that this was a gap in the policy framework that needed to be addressed.
438. In Option 3, the management of coastal indigenous biodiversity was included in the scope of the chapter. Some clause 3 feedback raised concerns with separating coastal indigenous biodiversity from the CE – Coastal environment chapter. There was also uncertainty about whether that approach was compliant with the directions in standard 2 of the National

Planning Standards which directs all coastal environment-related provisions to be included in the CE – Coastal environment chapter.

439. This option was discounted for the reasons set out above. Staff agreed that the approach in Option 3 for managing significant natural areas was considerably more restrictive than the draft NPSIB anticipated and did not adequately recognise the need to use these areas for a range of new and existing activities. Similarly, it was considered that as the policy for managing coastal indigenous biodiversity was standalone, it would be more logical to locate that within the CE chapter with cross-references to the ECO objectives. ORC staff considered that the clause 4A consultation period would provide an opportunity to work with Kāi Tahu to address the lack of policy direction on Kāi Tahu roles and values in the chapter.

#### 5.8.4.4. Option 4: PORPS 2021 (as proposed) – preferred

440. Option 4 seeks to retain elements of the PORPS 2019 provisions that continue to be appropriate and relevant while improving the clarity and drafting of those provisions and aligning the policy framework more closely with the draft NPSIB. It is acknowledged that this document is currently in draft form and has no legal weight, however it does indicate the Government's most recent policy position on managing indigenous biodiversity and has been developed over many years with input from a range of stakeholders and experts.
441. Responding to iwi feedback regarding the lack of recognition of Kāi Tahu roles and values in Option 3, ECO-P1 in Option 4 outlines how the kaitiaki role of Kāi Tahu will be recognised, including by involving Kāi Tahu in the management of indigenous biodiversity, incorporating mātauraka Māori in the management and monitoring of indigenous biodiversity and providing for access to and use of indigenous biodiversity by Kāi Tahu.
442. Policy ECO-P2 requires SNAs to be identified using the criteria in APP2 which is largely the same as the criteria in the PORPS 2019 and comparable to the criteria in the draft NPSIB. It also requires the identification of indigenous species and ecosystems that are taoka in accordance with ECO-M3, which requires a process to be agreed with takata whenua for identification.
443. Option 4 then retains the two of the main components from the PORPS 2019: identification of significant areas and a management framework for significant and non-significant areas. To reflect current practice, this option adopts the terminology of "significant natural areas" (SNAs) instead of the PORPS 2019 terminology of "significant indigenous vegetation and significant habitats of indigenous fauna." A definition of "significant natural areas" is included to clarify this.
444. Policy ECO-P3 requires protecting SNAs and taoka species and ecosystems by avoiding adverse effects that result in either a reduction of the identified area or values or loss of Kāi Tahu values, and then applying the effects management hierarchy set out in ECO-P6. The policy also requires the adoption of a precautionary approach (set out in Policy IM-P14) where identification has not occurred, recognising that there is still considerable work to be done to identify SNAs and taoka species and ecosystems across Otago.
445. In response to clause 3 feedback, Option 4 contains two policies setting out how new and existing activities within SNAs or that may adversely affect indigenous species or ecosystems that are taoka are to be provided for. Policy ECO-P4 directs that the effects management hierarchy in ECO-P6 is to be applied instead of ECO-P3 for a specific list of activities, including the development or upgrade of regionally or nationally significant infrastructure and activities

- undertaken for the purpose of protecting, restoring or enhancing an SNA. Policy ECO–P5 allows existing activities to continue within SNAs provided that the continuation will not lead to the loss of extent or degradation of the ecological integrity of the SNA, and the adverse effects are no greater in character, intensity or scale than they were before the RPS became operative. There is some risk in this approach that the latter requirement may encourage a ‘goldrush’ between notification and the RPS becoming operative.
446. Policy ECO–P6 sets out how indigenous biodiversity (excluding the coastal environment, SNAs and taaka species and ecosystems) is to be maintained through decisions on applications for resource consent and notices of requirement, responding to the functions of regional councils and territorial authorities in sections 30(1)(ga) and 31(1)(b)(iii) respectively. The policy adopts an effects management hierarchy that is largely replicated from the PORPS 2019 and requires, in sequential steps, adverse effects to be avoided, remedied, mitigated, offset or compensated for. Biodiversity offsets or compensation can only be accepted if the actions comply with the criteria set out for using offsets or compensation in APP3 and APP4 are met. These appendices align with the relevant Environment Court decisions on similar provisions in the PORPS 2019.<sup>32</sup>
447. Policy ECO–P7 recognises that while the policy setting out how coastal indigenous biodiversity is to be managed is located in the CE chapter, it still contributes to achieving ECO–O1. Policy ECO–P8 sets out the actions required to improve the extent, occupancy and condition of Otago’s indigenous biodiversity. These actions are general in nature to allow more nuanced application at the plan or resource consent level.
448. Wilding conifers are a well-recognised threat to indigenous biodiversity in Otago, however their planting and management largely occurs under the NESPF which restricts the decisions able to be made by local authorities. Regulation 6(2) of the NESPF allows more stringent rules to be included in plans where the rule recognises and provides for the protection of SNAs. Policy ECO–P9 therefore requires preventing the planting of specific wilding conifer species listed in APP5 within SNAs and buffer zones adjacent to SNAs where it is necessary to protect the SNA. This will in turn direct the lower order plans to be more stringent than the NESPF in these areas. Feedback from the Reference Group (Ecosystems and indigenous biodiversity) supported the use of buffer zones to protect SNAs due to the risk of adverse effects on SNAs from nearby pest species, particularly pest plants that seed and spread. A buffer zone will lower that risk and support the health of the SNA. The policy also seeks to support initiatives to control existing wilding conifers and limit their spread. The species listed in APP5 were compiled based on a literature review of relevant material which is attached to this report as Appendix 15.
449. Managing ecosystems and indigenous biodiversity is complex and requires an integrated approach across different types of resources as well as organisations. This is reflected in Policy ECO–P8 which requires adopting an integrated and co-ordinated approach that recognises the many interactions and interconnections both in the environment and in the administration of any management regime. This policy also recognises the important role of people and communities, including landowners, in managing biodiversity, reflecting the stewardship concept in ECO–O3.

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<sup>32</sup> Oceana Gold (New Zealand) Limited vs Otago Regional Council [2019] NZEnvC 41 and Oceana Gold (New Zealand) Limited vs Otago Regional Council [2020] NZEnvC 137.

450. Policy ECO–P8 also makes clear that any permitted activity rules in plans must not compromise the achievement of ECO–O1. This addresses the gap left by ECO–P6 which only applies to decision-making on resource consent applications and notices of requirement because of the practical difficulties of attempting to implement an effects management hierarchy through permitted activity rules.
451. Method ECO–M1 contains the statement of responsibilities for managing indigenous biodiversity as required by section 62(1)(i)(iii) of the RMA 1991. This method establishes a fairly traditional division of responsibilities in accordance with regional council and territorial authority functions, however does provide the opportunity for ORC to take on some of the territorial authority responsibilities after reaching an agreement with the relevant territorial authority and any relevant transfer of functions. This is because there are ongoing discussions about ORC’s role in biodiversity management in the region and specifically about the degree of management of biodiversity that will occur through the new LWRP.
452. Method ECO–M2 sets out how significant natural areas will be identified, including the local authorities responsible for the identification process. The method requires local authorities to work collaboratively together when identifying these areas, recognising that biodiversity spans jurisdictional boundaries. As areas of significance may be identified during resource consent as well as planning processes, Method ECO–M2 requires ecological assessments to be provided with consent applications and notices of requirement that identify whether affected areas are SNAs in accordance with APP4. The method also requires prioritising identification in specific parts of the region based on their potential significance. These areas were identified using the information available on potentially significant habitat types which is attached as Appendix 16. It is not a suggestion that these are all considered significant, but that these types of habitats are likely to have a greater chance of being considered significant based on the information available.
453. Method ECO–M3 requires local authorities to work together with takata whenua to agree a process for identifying indigenous species and ecosystems that are taoka, then describing them and their values, and mapping or describing their location in regional and district plans to the extent agreed by takata whenua. This implements ECO–P2 in particular, but will contribute to the implementation of all of the policies that apply to indigenous species and ecosystems that are taoka.
454. Method ECO–M4 sets out the requirements for ORC’s regional plans. The direction is more general than specific due to the high degree of specificity in the policies, particularly policies ECO–P3, ECO–P4, ECO–P5 and ECO–P6. Method ECO–M5 provides similar direction for district plans. A common theme through the consultation undertaken by ORC on the RPS has been the importance of recognising and working with the other organisations and individuals who play important roles in managing biodiversity, including other agencies as well as private landowners. Method ECO–M6 encourages local authorities to work collaboratively together, engage with others with a role or interest in biodiversity management and consult directly with landowners whose properties potentially contain or are part of SNAs. Method ECO–M6 requires ORC to establish a long-term monitoring programme (including cultural health) and regularly report on its outcomes.
455. Consultation with the Reference Group (Ecosystems and Indigenous Biodiversity) highlighted that some of the most effective tools for maintaining or restoring indigenous biodiversity are non-regulatory, such as funding for planting projects and covenants to protect habitats. These types of actions generally require funding which is a matter for local authorities’ long-term



plans and annual plans to consider. Method ECO-M7 lists a range of non-regulatory incentives and mechanisms that local authorities are encouraged to consider adopting to assist with achieving the outcomes in the ECO chapter.

456. A legal review of the ECO chapter early in 2021 identified issues with the provisions that required ecological advice to resolve. Given their familiarity with Otago’s indigenous biodiversity, Wildlands were commissioned to review the draft chapter alongside the questions from legal advisors and prepare advice for ORC to consider on amended drafting (see Wildlands, 2021a in Appendix 17). Almost all of the recommendations were accepted, noting that in some cases the drafting provided to Wildlands had been subsequently amended to address other comments from legal advisors.

### 5.8.5. Consultation summary

#### 5.8.5.1. Clause 3 consultation

457. A summary of the process for consultation under clause 3 of Schedule 1 of the RMA, including the full list of parties involved, is provided in section 2.5.1 of this report. Fourteen parties provided feedback on the ECO chapter through clause 3 consultation. The feedback ranged from minor amendments to correct errors or improve clarity of provisions (which were largely accepted by ORC) to significant concerns with the policy approach. As outlined in the discussion of Option 3 in section 5.8.4.3, those significant concerns related primarily to the stringency of the policy framework for SNAs and whether the coastal indigenous biodiversity provisions would be better located within the CE chapter. Those concerns were addressed in the preparation of Option 4.
458. The Ministry for Primary Industries considered that the policy regarding wilding conifers did not comply with the regulations in the NESPF and in particular the interpretation of regulation 6(2)(b) which allows plan rules to be more stringent than the NESPF if the rule recognises and provides for the protection of SNAs. Legal advice was sought by ORC on that point which confirmed that ORC’s interpretation of regulation 6 was correct and that the RPS provisions were therefore legally compliant with the NESPF.

#### 5.8.5.2. Clause 4A consultation

459. This chapter was a focus for the hui with Kāi Tahu ki Otago and Ngāi Tahu ki Murihiku representatives on 21 April 2021. The main feedback received was that the kaitiaka role of Kāi Tahu and the importance of taoka species and ecosystems to Kāi Tahu was not well-recognised in the chapter. A range of minor amendments were also suggested to improve the clarity of the provisions which were accepted by ORC.
460. Following the hui, ORC staff provided revised drafting to Aukaha staff on 5 May 2021 which aimed to address the deficiencies identified at the hui regarding the kaitiaki role and taoka species. Additional comments and amendments were provided back to ORC on 7 May which were largely accepted. One area of difference was in the management of taoka species and ecosystems. The original drafting differentiated between taoka in SNAs (which would be managed under ECO–P3) and outside significant natural areas (which would be managed under ECO–P6). Feedback from Aukaha staff was that this may not adequately recognise the importance of these taoka, however no alternative drafting was provided. ORC considered this feedback and revised the provisions so that the management of taoka species and

ecosystems was consistent with the approach taken to SNAs, given both categories are significant (albeit for different reasons).

### 5.8.6. Efficiency and effectiveness evaluation

461. Table 38 below identifies and assesses the benefits and costs of the environmental, cultural, social and economic effects that are anticipated from the implementation of the provisions proposed under Option 4 above.

Table 38: Benefits and costs for ecosystems and indigenous biodiversity

<b>BENEFITS</b>		<b>COSTS</b>	
<b>Environmental</b>			
<ul style="list-style-type: none"> <li>▪ Improved protection for significant natural areas and clearer expectations for maintaining indigenous biodiversity will contribute to sustaining the habitats of indigenous species in Otago.</li> <li>▪ The prioritisation in decision-making outlined in policies ECO-P1, ECO-P2 and ECO-P3 will encourage local authorities to take a precautionary approach to managing indigenous biodiversity.</li> <li>▪ An improved understanding of the location, extent and values of significant natural areas and areas of significance in the coastal environment enables more strategic oversight and proactive protection of these areas.</li> <li>▪ Significance criteria are appropriate for all types of indigenous biodiversity (including terrestrial, marine and freshwater biodiversity), increasing the likelihood of identifying and protecting all of Otago’s significant natural areas and setting out a consistent process to identify areas of significance. Once identified, greater protection will help to maintain Otago’s indigenous biodiversity.</li> <li>▪ The provisions provide clearer direction and support for the restoration of areas where indigenous biodiversity values may have been reduced or lost.</li> <li>▪ Reduced loss of threatened and at risk species.</li> <li>▪ Setting criteria for the use of offsetting and compensation will assist in ensuring that resource management decisions achieve better outcomes for indigenous biodiversity.</li> <li>▪ Recognises that proactive restoration efforts are needed in addition to protection in order to maintain indigenous biodiversity.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The provisions are resource intensive to implement given the reliance on ecological assessments and may take a long time to be fully implemented. Some areas may therefore take longer than others to be identified and protected as required which could result in further loss of biodiversity loss in the interim.</li> <li>▪ There may be a ‘gold rush’ effect during the period of time between Option 4 being publicly notified and the required changes to regional and district plans, where landowners may clear indigenous vegetation or habitat on their properties in advance of mapping being finalised and restrictions being imposed.</li> <li>▪ The specific circumstances where restoration is required are not articulated, meaning there is a risk that these opportunities are not proactively identified or pursued, reducing the effectiveness of Option 4.</li> </ul>		
<b>Cultural</b>			
<ul style="list-style-type: none"> <li>▪ Iwi and runaka will have the ability to be involved in identification processes at the district and regional level.</li> </ul>	<ul style="list-style-type: none"> <li>▪ There will be costs to iwi and runaka in engaging in planning process to identify areas and in the plan provisions for how these areas are managed.</li> </ul>		

- Providing for restoration of areas of indigenous biodiversity that been degraded will assist with restoring and protecting cultural values.
- Restoring biodiversity will support mahika kai in particular.
- Restrictions on land within significant areas may prevent or limit the use or development of Māori land.

#### Social

- Mapping areas provides certainty to the public about the extent of the protected areas. This is particularly important where areas are identified on private land, so that landowners are aware of the biodiversity on their land and of any potential restrictions on use.
- Identifying and protecting significant indigenous vegetation and significant habitats of indigenous fauna will ensure these areas are protected, to the benefit of the wider public.
- Healthy ecosystems and indigenous biodiversity are critical to many recreational activities. By increasing the stringency of provisions managing biodiversity, this option will support recreational uses and enjoyment for current and future generations.
- Policy ECO–P3 provides for new activities within SNAs in limited circumstances, some of which will have social benefits for people and communities, particularly the provision of infrastructure.
- Option 4 provides for the continuation of existing activities within SNAs, which will include a wide range of activities such as housing and recreation. The pathway for those activities to continue will provide social benefits to users.
- There will be restrictions on use and development within protected areas, which may affect the potential for areas of indigenous biodiversity to be used for purposes that support social well-being and recreation.
- The costs of identifying significant areas are likely to be largely funded through rates, potentially reducing the funding available for other community initiatives.
- Increases to rates can have negative impacts on the wellbeing and quality of life of some individuals and communities, particularly those on low or fixed incomes.
- There may be damage to relationships between local authorities and landowners if new information about indigenous biodiversity differs from previous information, particularly if that results in greater restrictions on use of resources.
- Constraints on the use of resources within significant areas may limit the ability of people and communities to provide for their social well-being, for example by loss of recreational or employment opportunities that are not provided for by policies ECO–P3 or ECO–P4.

#### Economic

- Consistent criteria across the region will reduce administrative costs and provide greater certainty for communities.
- There may be reduced litigation and debate about the criteria used to assess ecological significance and the actions required to protect or maintain indigenous biodiversity, particularly at the TA level.
- Mapping areas provides certainty about where management approaches apply, potentially reducing the costs of processing and deciding on resource consent applications.
- Mapping areas provides certainty to landowners about the types of activities they can undertake on their properties.
- Providing pathways for new activities within SNAs will provide economic benefits, particularly for the operators of nationally or regionally significant infrastructure and for owners of Māori land.
- Identifying significant natural areas and areas of significance in the coastal environment will come at a cost for ORC and TAs. The section 32 report prepared for the draft NPSIB estimates that resourcing costs for TAs to assess and map significant natural areas may range from \$700,000 where indigenous cover is relatively small and costs are shared with other parties to \$1.3 million where the area is large and there is no cost sharing (4sight & ME, 2019, p. 70). These costs are anticipated to be spread over five years and are in present value terms. Identifying significant areas is a current requirement of the PORPS 2019 so while this is not a new cost, some local authorities will not yet have budgeted for or incurred these costs.
- Including the required areas and values in regional and district plans will mean landowners incur costs in making submissions and attending hearings if they choose to participate in those processes.

- Protecting significant indigenous vegetation and significant habitats of indigenous fauna will support industries that rely on the existence of these areas (for example, tourism) and related employment opportunities.
- Local authorities will have improved clarity over the actions they are required to take in order to protect significant areas and maintain indigenous biodiversity outside these areas, improving the efficiency of implementing the provisions.
- Opportunity costs for new uses of land within significant areas where plans preclude or limit what could have otherwise been achieved under the existing framework.
- Potentially increased cost to use land within significant areas. For example, relocating building platforms or undergrounding cables.
- Reduced flexibility in the range of possible land uses may negatively affect land values. There are likely to be increased consent costs for applicants proposing to use resources within significant areas, primarily from the need to provide more detailed information and assessments of adverse effects on indigenous biodiversity and to demonstrate compliance with the decision-making prioritisation.
- Requiring restoration as well as protection will incur costs. These costs may fall on landowners as part of proposals to use resources but may also fall on local authorities as part of funding community initiatives.
- Requiring restoration could result in the loss of productive land use, and activities being limited and/or foreclosed.

Table 39 below assesses the effectiveness and efficiency of the proposed provisions in achieving the objectives.

*Table 39: Efficiency and effectiveness evaluation for ecosystems and indigenous biodiversity*

<b>Efficiency</b>	Option 4 is considered to be an efficient way to achieve the objectives as it provides a targeted set of directions for how the objectives are to be achieved to achieve the purpose of the Act. The policies and methods are clear and specific about the actions required to achieve particular outcomes and the methods clarify the roles and responsibilities of local authorities. This reduces uncertainty and potential duplication of effort. In particular, Option 4 includes clearly differentiated management of significant natural areas and non-significant areas, recognising the different requirements in sections 6 and 30-31. It also recognises that some new and existing activities should be provided for within these areas and provides a less stringent effects management response to those. While there will be increased costs for landowners and councils in implementing the direction, there will also be significant environmental, social and cultural benefits. For this reason, Option 4 is considered to be efficient.
<b>Effectiveness</b>	Option 4 is more effective at meeting the objectives compared to the other options as the provisions provide a clear and centralised set of directions for achieving the objective and there is certainty about how they are to be implemented. Overall, there is an increase in the stringency of the management response compared to the status quo which is likely to deliver better environmental, social and cultural outcomes than are currently occurring in a way that is more effective than the other options considered. There is also improved clarity about the actions required to be implemented, particularly in RMA decision-making.

#### 5.8.7. Risk of acting or not acting

462. Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. In this case, there has historically been a lack of information available about Otago's ecosystems and indigenous biodiversity. This has recently begun to be addressed through the TAs developing new district plans addressing biodiversity within their jurisdictions and by ecological work commissioned by ORC. The risk of not acting is that biodiversity loss continues to occur, which would not achieve the purpose of the RMA or implement national direction, including the NPSFM. As the level of uncertainty is similar to that under the status quo, and less than options 2 and 3, the provisions in option 4 are considered to be more efficient and effective in achieving the objectives, it is appropriate to act.

#### 5.8.8. Conclusion

463. The proposed policy approach in the PORPS 2021 recognises that significant loss of biodiversity has occurred in Otago and continues to occur, warranting a stronger approach to region-wide biodiversity management than the status quo. It also responds to a shift in national policy, which is directing considerably strengthened protection for some areas and improved management of others. While broadly the policy intent is not dissimilar to the PORPS 2019, option 4 contains greater clarity and specification which will assist local authorities in particular to understand their obligations and implement them. There will inevitably be unquantifiable economic and social costs largely as a result of restrictions on uses of resources. However, there will also be environmental and cultural benefits. Feedback from the community during the development of the PORPS 2021 indicated support for strengthening management of indigenous biodiversity and a desire not only to halt current decline but seek an increase in indigenous biodiversity quality and extent across the region.
464. Overall, the PORPS 2021 provisions are generally more efficient than the other options and more effective at achieving the objectives of the PORPS 2021 because of the environmental and cultural benefits they will deliver. The costs are considered justified in this context, particularly as further inaction risks further biodiversity loss.

## 5.9. EIT – Energy, infrastructure, and transport

465. The Otago region includes nationally and regionally significant renewable energy resources, infrastructure and transport networks. There are overlapping responsibilities between regional and district councils for managing the effects from energy, infrastructure, and transport networks under the RMA. In addition, there is a suite of regulations under several other statutes which interface with RMA functions. Many of the energy, transport and infrastructure matters also traverse the coastal environment, both within the coastal marine area and adjacent to it, and interact with urban form and development. This complexity means that it is important the region has a clearly articulated approach to managing these activities and their environmental effects, as well as effects on the operation of them.
466. This section of the report assesses the provisions proposed in the PORPS 2021 related to energy, infrastructure, and transport. The three topics are contained in one chapter of the PORPS 2021. Each topic then has its own sub-section within the chapter that contains objectives, policies, and methods. This evaluation assesses the three topics separately.

### 5.9.1. EIT–EN – Energy

#### 5.9.1.1. Introduction

467. The Otago region contributes significantly to New Zealand’s renewable electricity generation through hydro dams on the Clutha and the Waipori rivers and the Mahinerangi wind farm. The Otago region also has potential for additional renewable electricity generation from a variety of sources, including solar, wind, hydro and biomass. There are no known geothermal resources, however at a smaller scale it is possible to utilise ground based heatpump systems for heating, using stored heat in the earth.
468. The purpose of this section of the report is to recognise the issues associated with energy in Otago. This is limited to the generation and use of energy and does not address issues associated with electricity transmission activities which are addressed under the infrastructure section.
469. The relevant provisions for this section are:
- a. EIT–EN–O1 – Energy and social and economic wellbeing
  - b. EIT–EN–O2 – Renewable energy electricity generation
  - c. EIT–EN–O3 – Energy use
  - d. EIT–EN–P1 – Operation and maintenance
  - e. EIT–EN–P2 – Recognising renewable electricity generation activities in decision making
  - f. EIT–EN–P3 – Development and upgrade of renewable electricity generation activities
  - g. EIT–EN–P4 – Identifying new sites or resources
  - h. EIT–EN–P5 – Non-renewable energy generation
  - i. EIT–EN–P6 – Managing effects
  - j. EIT–EN–P7 – Reverse sensitivity
  - k. EIT–EN–P8 – Small and community scale distributed electricity generation
  - l. EIT–EN–P9 – Energy conservation and efficiency
  - m. EIT–EN–M1 – Regional plans
  - n. EIT–EN–M2 – District plans
  - o. EIT–EN–M3 – Education and information

#### 5.9.1.2. Current issues

470. Energy is critical to enabling the community to provide for their wellbeing and health and safety, and it is essential to the regional economy. However, its generation and use can result in adverse effects, some potentially significant and/or irreversible. The benefits of renewable electricity generation to New Zealand and the need to operate, maintain, develop and upgrade these assets are matters of national significance, provided for through the NPSREG.
471. Renewable electricity generation will play a part in New Zealand’s action plan to address climate change, with the Government setting a target for 100% of New Zealand’s electricity to be generated from renewable sources by 2035 (New Zealand Government, 2019). In 2019, 82.4% of New Zealand’s electricity came from renewable energy sources (Ministry of Business, Innovation & Employment, 2020). This indicates that there will need to be an increase in renewable electricity generation in the coming decades, whether that is through development of existing schemes or establishment of new activities. Given Otago’s natural resources and proximity to National Grid infrastructure, it is likely that some of the opportunities for increased renewable generation will be found in Otago. One recent example is the proposal for a pumped storage scheme at Lake Onslow which would divert water from the Clutha River, already a nationally significant source of hydro-electricity in New Zealand.
472. Otago’s planning framework must recognise the benefits of renewable electricity generation, including nationally, while also managing the adverse effects of those activities and complying with other national direction. Hydro-electricity is already a significant renewable electricity source in Otago with potential for this to increase, however the NPSFM may make it more difficult to develop freshwater resources for this purpose as the specific provisions for hydro schemes only apply to listed schemes already existing at 1 August 2019. Wind farms are another renewable electricity source already in operation in Otago, however their development can be difficult depending on the landscapes they are proposed to locate within. Otago is home to large areas of land considered to be an outstanding natural feature or landscape.
473. The PORPS 2019 addresses energy at Objective 4.4 and Policies 4.4.1 to 4.4.7. Objective 4.4 seeks to ensure that energy resources and supplies are secure, reliable, and sustainable. This is a very broad objective that does not provide much guidance to the policies and methods. It does not fully recognise the objective of the NPSREG as it does not seek to achieve an increase in the proportion of New Zealand’s energy from renewable sources.
474. Policy 4.4.1 provides specifically for renewable electricity generation by recognising its benefits, functional requirements and resource needs, while promoting efficient use and the investigation and development of new sites or sources. The scope of this policy is very broad which makes implementation more difficult. Some of the terms used in the provisions need revision to comply with the definitions in the National Planning Standards which will alter the intent of the current policy. The policies promote small and community-scale renewable electricity generation activities and Policy 4.4.3 seeks to protect the generation output of existing nationally or regionally significant renewable electricity generation activity, including by managing effects in particular ways. These will continue to be appropriate actions in the future.
475. Policy 4.4.7 relates specifically to fuels. It recognises and provides for reliable and resilient fuel supply chain infrastructure to meet community needs, including for the transition to a

lower carbon future. It does not include particular actions to be taken, which reduces its effectiveness.

476. The methods to implement the policies rely generally on regional and district plans including objectives, policies and methods to give effect to them but no specific detail is provided. There are additional methods relating to education, information and advocacy which are not compulsory. These methods suggest ORC and territorial authorities provide information on energy efficiency, energy conservation and opportunities for the development of small-scale renewable electricity generation and advocate for development that increases passive solar gain. As these methods are not compulsory, their effectiveness is limited.
477. Community feedback from the public survey undertaken in February 2020 and the energy, infrastructure and transport reference group indicates a desire to encourage and promote sustainable energy alternatives and reduce dependence on fossil fuels, particularly at a community and local scale. It is also evident that significant value is placed on the role of the region in generating hydro-electricity for use by local communities and nationally. Broadly, the current policy framework for managing energy resources is mostly appropriate but needs to be repackaged and refined to comply with the National Planning Standards.

### 5.9.1.3. Objectives

478. Section 32(1)(b) requires examining whether the provisions in the proposal are the most appropriate way of achieving the objectives. The relevant objectives for this topic are included in Table 40 below.

Table 40: Energy objectives

EIT-EN-01 – Energy and social and economic wellbeing	Otago’s communities and economy are supported by renewable energy generation within the region that is safe, secure, and resilient.
EIT-EN-02 – Renewable energy generation	The generation capacity of renewable electricity generation activities in Otago: (1) is maintained and, if practicable, maximised, within environmental limits, and (2) contributes to meeting New Zealand’s national target for renewable electricity generation.
EIT-EN-03 – Energy use	Development is located and designed to facilitate the efficient use of energy and to reduce demand if possible, minimising the contribution that Otago makes to total greenhouse gas emissions.

### 5.9.1.4. Reasonably practicable options

479. Three reasonably practicable options were identified to achieve the objectives:
- a. **Option 1:** Status quo (PORPS 2019)
  - b. **Option 2:** Status quo (PORPS 2019) with efficiency and effectiveness improvements
  - c. **Option 3:** PORPS 2021 – *preferred*



#### Option 1: Status quo

480. The status quo and associated issues are outlined in section 5.9.1.2. As outlined in that section, the status quo is not considered to be effective or efficient, although the policy direction and content is generally appropriate.

#### Option 2: Status quo (PORPS 2019) with efficiency and effectiveness improvements

481. Alternative options considered during the drafting of the PORPS, and presented to the Reference Group are summarised in Appendix 18 (Part 1). This largely implements the same policy approach as the PORPS 2019 but repackaged to improve the effectiveness and efficiency of the policies. Direction on energy provision remains at a high level rather than providing specific policy guidance applicable to different types of energy generation.
482. Option 2 includes an approach which supported the provision of the development of renewable electricity generation and sets up a framework to manage effects by listing a series of locations which need to be avoided. Where avoidance cannot be achieved, then the extent and magnitude of adverse effects on the environment, to which regard is to be had is described, and a requirement that unavoidable adverse effects be remedied or mitigated.
483. A specific provision to guide the ongoing operation and maintenance of electricity transmission networks is included in Option 2. The approach largely replicates the requirements of the NPSET, without applying a more specific Otago approach or clearly articulating how any effects of such activities are to be appropriately managed.
484. Option 2 also considered an approach to provide direction on the provision of small and community scale renewable electricity generation, along with providing for the efficient use of energy by linking energy use with development types, sustainable design and transmission losses.
485. The above policy direction has not been considered appropriate to continue for the following reasons:
- a. It does not provide appropriate direction on the role of energy development in addressing climate change impacts including reducing demand of energy consumption and hence reduce energy need.
  - b. The parameters of managing effects of energy generation are addressed through the direction set across the whole PORPS. Further, as providing clarification of national and regionally significant infrastructure, electricity generation activities will fall within these definitions, and hence a framework to manage effects may be more efficient to sit within the infrastructure section of this chapter.

#### Option 3: PORPS 2021 – preferred

486. The PORPS 2021 proposes specific policy direction to address the current gaps and limitations in the PORPS 2019, while retaining the overarching direction. The changes proposed are to:
- a. ensure the provisions give effect to the relevant higher order documents, including adopting the structure and definitions in the National Planning Standards,
  - b. require recognition of the resource needs of renewable electricity generation activities when making decisions on the allocation of natural and physical resources,
  - c. avoid the development of non-renewable energy generation activities,
  - d. improve the overall clarity and provide more specific guidance to assist implementation, and

- e. include policy direction on energy conservation and efficiency.
487. Option 3 includes a suite of policies designed to achieve the objectives. Policy EIT–EN–P1 requires providing for the operation and maintenance of existing activities while minimising adverse effects. This is to recognise the importance of the ongoing operation of these activities alongside the need to reduce environmental impacts. Policy EIT–EN–P2 requires decisions on allocation and use of resources to recognise the benefits of existing activities and take into account the need to maintain or increase renewable electricity generation capacity and will require significant development of renewable electricity generation activities. This policy is intended to support Objective EIT–EN–O2 in particular by including consideration of renewable energy generation early in plan-making processes.
488. Policy EIT–EN–P3 facilitates the development or upgrade of generation activities so that they maintain or improve security of supply by increasing generation capacity and diversifying the type or location of generation. Linking with this policy is Policy EIT–EN–P4 which provides for activities associated with investigating, identifying and assessing potential sites and sources for generation. It also directs that when selecting a site for new *renewable electricity generation*, to prioritise sites where adverse effects on highly valued natural and physical resources and *mana whenua* values can be avoided or minimised. The intent of these policies together is to ensure that any future generation activities are both beneficial in terms of their contribution to increasing New Zealand’s renewable electricity generation and minimise their adverse effects on the environment.
489. Feedback from the Reference Group (Energy, Infrastructure and Transport) showed a clear preference for avoiding the development of new non-renewable energy generation in Otago and phasing out existing sources, including fossil fuels. This was largely in recognition of climate change and the need to reduce emissions. Accordingly, Policy EIT–EN–P5 implements this direction.
490. Energy generation does result in adverse effects on the environment. Policy EIT–EN–P6 sets out how to manage those effects, including by having regard to the functional and operational needs of generation activities, the extent and magnitude of adverse effects and the degree to which unavoidable adverse effects can be remedied or mitigated, or residual adverse effects are offset or compensated for. It also requires consideration of alternative sites, methods and designs, and any offsetting or compensation measures where adverse effects are potentially significant or irreversible. The section also applies Policy EIT–INF–P13 in relation to locating and managing effects of new infrastructure outside the coastal environment. It is noted that EIT–INF–P13(2)(a) also references a number of other policies in the document which contain topic specific effects cascades.
491. Policy EIT–EN–P7 addresses the issue of reverse sensitivity, if existing activities can be compromised or adversely affected by the establishment of other activities nearby. This policy requires those activities to be avoided as a first priority and only where avoidance is not practicable, managed so the effects on generation activities are minimised.
492. Policy EIT–EN–P8 seeks to provide for small and community scale distributed electricity generation activities while Policy EIT–EN–P9 requires development to be designed so that energy use is efficient, energy waste is minimised and passive solar gain is optimised. These policies in particular will assist with smaller scale, often urban, activities that can assist with reducing energy demand or improving efficiency of use.

493. Methods EIT–EN–M1 and EIT–EN–M2 specify the provisions required in regional and district plans in order to implement policies EIT–EN–P1 to EIT–EN–P9 while Method EIT–EN–M3 requires ORC and territorial authorities to provide education and information to improve energy efficiency and encourage the adoption of renewable energy sources.

#### 5.9.1.5. Consultation summary

##### Clause 3 consultation

494. A summary of the process for consultation under clause 3 of Schedule 1 of the RMA, including the full list of parties involved, is provided in section 2.5.1 of this report. Ten parties in addition to the reference group provided feedback on the EIT–EN section through clause 3 consultation.
495. The feedback included support for the general approach of the chapter, together with comments that ranged from minor amendments to correct errors or improve clarity of provisions (which were largely accepted by ORC) to a modification of policy approach. This included amendments to improve alignment with superior documents and provisions (e.g. NPSREG matters clarified in relation to EIT–EN–03). New methods for EIT–EN–M2 were included to address development of new renewable energy generation in district plans.
496. Matters that materially changed the intended strength of provisions (e.g. additional offsetting measures under EIT–EN–P6; changing EIT–EN–P5 from ‘avoid’ to ‘avoid as far as practical’); or reduced coverage (e.g. not considering multi-modal transport options in rural residential locations under EIT–EN–M2); or would compromise the necessary consideration of the facts of individual circumstances of a proposal and weighing of evidence, were not amended unless there was a reason for amendment based on superior provisions.
497. Provision suggestions that did not contribute to clarity, were contrary to superior provisions (eg National Policy Statements), contrary to case law, or were redundant (eg by being already addressed through definitions or by superior provisions) were not amended except for clarification purposes.

##### Clause 4A consultation

498. Feedback via Clause 4A consultation was generally supportive of the objectives, policies and methods of the EIT chapter, with two suggestions for improvements in the energy sub-chapter. These have been implemented.
499. The main areas of substantive feedback related to
- a. inclusion of mana whenua values in EIT–EN–P4, and associated references in the methods section for regional and district plans, and
  - b. clarification of the meaning of cultural values in EIT–EN–PR1.

#### 5.9.1.6. Efficiency and effectiveness evaluation

500. Table 41 below identifies and assesses the benefits and costs of the environmental, cultural, social and economic effects that are anticipated from the implementation of the provisions proposed under Option 3 above. Given the high level that the assessment is undertaken (i.e. policy level in the regional policy statement), and the uncertainty with how the provisions will

be implemented and the direct impacts on project costs, a qualitative assessment has been undertaken.

Table 41: Benefits and costs for energy

BENEFITS	COSTS
<b>Environmental</b>	
<ul style="list-style-type: none"> <li>▪ Providing for the development of renewable energy generation and preventing non-renewable energy generation activities will reduce reliance on other non-renewable energy sources, reducing carbon emissions.</li> <li>▪ More efficient use of energy will result in the ability to better meet demand within the existing network of energy generation and distribution. This will have environmental benefits by reducing the need for additional activities or reduce the resources needed to produce and distribute energy.</li> <li>▪ Sourcing an increasing proportion of energy production and use through domestic renewable energy resources places less reliance on finite (and typically international) fossil fuel resources. Use of fossil fuel resources typically produces greater levels of greenhouse gas emissions than renewable sources and can contribute to greater environmental degradation through extraction and distribution.</li> <li>▪ Small and community scale energy generation is efficient as there is a limited distribution network, meaning less energy lost in transmission and potentially fewer resources required for distribution.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Option 3 recognises that renewable electricity generation activities have functional or operational needs limiting the location of infrastructure which could coincide with areas of significant values. While the policies require consideration of alternatives, offsetting or compensation, there may be significant adverse effects particularly as the PORPS 2021 is more directive about providing for new generation activities.</li> <li>▪ The policy direction for small and community scale energy generation is fairly permissive. There is a risk that there may be cumulative adverse effects on the environment if new activities at that scale increase in number, however that is considered unlikely.</li> <li>▪ Given the importance of energy infrastructure to the wellbeing, health and safety of people and communities, it is necessary to provide for the ongoing operation and maintenance of the infrastructure which is likely to have some adverse effects on the environment. This is mitigated by the policy seeking to minimise those effects as far as practicable.</li> <li>▪ Environmental costs include for example impacts on water flow regimes, natural character (including braided river systems), ecosystems and indigenous biodiversity, and natural landscapes and features.</li> </ul>
<b>Cultural</b>	
<ul style="list-style-type: none"> <li>▪ The policies include direction to prioritise avoiding locating activities within highly valued areas, including those of significance to mana whenua (for example, wāhi tūpuna). This will assist with protecting resources of significance to mana whenua and provide for consideration of cultural values.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Due to the locational constraints for renewable electricity generation activities it is possible there may be adverse effects on places or areas of significance to Kāi Tahu.</li> </ul>
<b>Social</b>	
<ul style="list-style-type: none"> <li>▪ The PORPS 2021 includes more directive guidance to recognise the importance of renewable energy generation activities ensuring that the ongoing operation and maintenance of existing infrastructure is protected to provide for the health and safety and social wellbeing of Otago communities.</li> <li>▪ Providing for small and community scale energy generation allows people and communities to provide for their energy needs without relying on</li> </ul>	<ul style="list-style-type: none"> <li>▪ The provisions include a requirement to manage other activities to protect renewable energy generation activities which may reduce the potential uses of land close to this infrastructure. This is slightly more directive than the status quo as it relates to reverse sensitivity and activities that may compromise the operation or maintenance of renewable energy generation activities.</li> <li>▪ There may be social costs if there is an increase in renewable energy generation. For example,</li> </ul>

large energy providers or national infrastructure, supporting their wellbeing and health and safety.

- A secure and reliable energy supply is a fundamental requirement for enabling people and communities to provide for their wellbeing. It will also support continuing employment opportunities for those already working in the industry in Otago.

water diverted from a river to generate electricity may limit the diversity of flows available to recreational users such as kayakers.

#### Economic

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>▪ Enabling the ongoing operation and maintenance of existing renewable energy activities and providing for the development of new infrastructure supports the existing local economy and will enable regional economic growth.</li> <li>▪ Maximising the use of existing renewable electricity generation assets and using energy efficiency ensures expenditure on new infrastructure is only required when demand necessitates.</li> <li>▪ Clearer policy direction will reduce implementation costs when preparing draft regional or district plans, which supports investment certainty.</li> <li>▪ The policies encourage resilience in energy supply, particularly by supporting small and community scale energy generation, which will assist with reducing the economic effects of events such as floods or snow fall which may affect normal infrastructure networks.</li> <li>▪ People and communities may benefit economically if they are able to produce energy at a cheaper rate than a national provider.</li> <li>▪ Option 3 provides certainty to generators about how proposals to operate, maintain, develop, upgrade or establish new generation activities to be considered under the planning framework. This is critical in balancing the benefits of renewable energy generation against its externalities. Renewable energy generation is critical to the regional and national economy.</li> <li>▪ Employment in the energy generation sector is not expected to be materially impacted. Employment in the environmental sector could be expected to increase if measures are required to avoid, manage activities, or implement offsetting or compensation measures.</li> <li>▪ There can be economic benefits through protection, and responsible management of natural resources for example, landscape value to tourism and biodiversity increasing agricultural productivity.</li> <li>▪ Increased contribution of renewable electricity sources will assist with reducing carbon emissions and potentially reduce impacts from climate change, resulting in a more stable economy.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Option 3 prevents the development of non-renewable energy generation activities which could foreclose economic opportunities, for example coal or natural gas heating may be cheapest for an institutional situation (eg hospital) but has implications for carbon emissions.</li> <li>▪ Restricting activities that may cause reverse sensitivity effects on renewable electricity generation activities may have an opportunity cost to landowners and/or some land uses or development opportunities may be foreclosed or limited.</li> <li>▪ As Option 3 does not specifically prevent energy generation activities being located in any particular areas, there may be costs to applicants and councils in gathering information and undertaking the necessary assessments through resource consent processes. The scale of this effect will depend on the proposed locations and design of activities.</li> <li>▪ There will be increased cost to the infrastructure developers if measures are required to avoid and manage activities or require offsetting or compensation measures.</li> </ul> |
|---|---|

Table 42 below assesses the effectiveness and efficiency of the proposed provisions in achieving the objectives.

*Table 42: Efficiency and effectiveness evaluation for energy*

<b>Efficiency</b>	While there are costs associated with the policy approach to provide for the continued operation of existing assets and the development of new renewable electricity activities, these costs are not significantly greater than the status quo and will be outweighed by the benefits. Existing renewable electricity generation activities within the region are significant and ensuring these can continue will have substantial social and economic benefits, supporting economic growth and providing for the health and safety of the Otago community. It is acknowledged that there may be environmental costs of adopting these provisions but there is clear direction in the PORPS 2021 to protect significant values and manage development in sensitive locations. The PORPS 2021 provisions are drafted in a clearer manner and will therefore be easier to implement reducing uncertainty costs.
<b>Effectiveness</b>	Option 3 is more effective at achieving the objectives as the provisions set out clearer directions, particularly for the development of new generation activities. It also sets out methods to improve the effective use of energy, potentially reducing energy demand and associated economic costs; supports a regulatory framework that contributes to reducing carbon emissions; protects cultural values; enhances community energy security; enhances investment certainty; and energy resilience.

#### 5.9.1.7. Risk of acting or not acting

501. Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. In this case, there is uncertainty about the potential for future renewable generation activities and therefore the likelihood that new infrastructure will be developed. However, the risk of not acting could result in not achieving clear actions for working towards better managing climate change and achieving a national target of 100% renewable electricity generation. There are also risks to existing infrastructure if reverse sensitivity effects are not appropriately managed, such as restrictions on their operation. As such, it is considered appropriate to implement the provisions notwithstanding this uncertainty.

#### 5.9.1.8. Conclusion

502. The cost-benefit and effectiveness and efficiency assessments have shown that overall, PORPS 2021 proposed provisions (Option 3) are generally more efficient than Options 1 and 2 and more effective in achieving the objectives of the PORPS 2021 than reasonable alternatives. Option 3 also responds to a shift in national policy, which is directing considerably strengthened protection for some areas and improved management of others, particularly in relation to mana whenua values, coastal, water, ecosystems and indigenous biodiversity, climate change challenges and at the same time addressing the requirements of the NPSREG.

503. While broadly the policy intent is not dissimilar to the PORPS 2019, Option 3 contains greater clarity and specification which will assist local authorities, businesses and the community to understand their obligations and implement the provisions, which is critical for managing future operations, investment and development. It is expected there will be some economic costs noting it is not practical to quantify them at this time due to the broad nature and high

level of these policies. However, some costs may be offset by increased employment in environment and cultural management sectors. The suite of policies proposed is considered to balance these factors as they will achieve the purpose of the Act. Overall, the PORPS 2021 provisions are generally more efficient and effective than the other options and more effective at achieving the objectives of the PORPS 2021.

## 5.9.2. EIT-INF – Infrastructure

### 5.9.2.1. Introduction

504. This purpose of this section of the report is to recognise the issues associated with infrastructure, and in particular nationally and regionally significant infrastructure, in the Otago Region.
505. The relevant provisions for this section are:
- a. EIT-INF-O4 – Provision of infrastructure
  - b. EIT-INF-O5 – Integration
  - c. EIT-INF-O6 – Long-term planning for electricity transmission infrastructure
  - d. EIT-INF-P10 – Recognising resource requirements
  - e. EIT-INF-P11 – Operation and maintenance
  - f. EIT-INF-P12 – Upgrades and development
  - g. EIT-INF-P13 – Locating and managing effects of infrastructure
  - h. EIT-INF-P14 – Decision-making considerations
  - i. EIT-INF-P15 – Protecting nationally or regionally significant infrastructure
  - j. EIT-INF-P16 – Providing for electricity transmissions and the National Grid
  - k. EIT-INF-P17 – Urban growth and infrastructure
  - l. EIT-INF-M4 – Regional plans
  - m. EIT-INF-M5 – District plans
  - n. EIT-INF-M6 – Advocacy

### 5.9.2.2. Current issues

506. The provision of effective infrastructure is fundamental to the health and safety of communities, and their social and economic wellbeing. The nature of this infrastructure means there are typically operational and functional constraints which restrict where and how they operate in order to properly serve local communities. It is also important that infrastructure is well integrated with urban development to enable efficient use of existing infrastructure and fully achieve the benefits of these activities.
507. The scale and type of activities involved in the operation, maintenance, upgrading and development of infrastructure is such that adverse effects on the environment are likely and include, at times, significant adverse effects. Efforts are required to reduce potential impacts, particularly where infrastructure operates to a sub-standard level or where alternatives are available. There will be instances however where adverse effects cannot be avoided, remedied or mitigated, or no alternative locations are available.
508. The PORPS 2019 seeks to manage infrastructure in a sustainable way (Objective 4.3). To achieve this objective, the provisions set out what is considered to be nationally and regionally significant infrastructure (Policy 4.3.2) and seek to provide for their functional needs and to manage adverse effects, including the avoidance of particular effects. Because Policy 4.3.2

- conflates nationally significant and regionally significant infrastructure, there is a lack of clarity in related policies about whether there should be a distinction in how they are applied for nationally significant infrastructure versus regionally significant infrastructure. The infrastructure listed in Policy 4.3.2 is not consistent with the definition of nationally significant infrastructure included in the NESF or the draft NPSIB.
509. Policy 4.3.5 seeks to protect nationally and regionally significant infrastructure by managing activities that may result in reverse sensitivity effects or effects on the functional needs of this infrastructure. A number of provisions relate to the ‘functional needs’ of infrastructure. The PORPS 2019 definition of this term differs to the definition in the National Planning Standards, which will change the way these provisions are applied and, on the whole, make them more restrictive than they were intended to be. This may not appropriately provide for the types of infrastructure needs intended in the PORPS.
510. Policies 4.3.6 and 4.3.7 address specific infrastructure, namely the National Grid and port activities at Port Chalmers and Dunedin. Policies 4.4.4 and 4.4.5 relate to the transport and distribution of electricity and together seek to enable the distribution of electricity while minimising adverse effects of new and upgraded infrastructure and managing activities that may impact the functional needs of this infrastructure. It is not clear whether Policy 4.4.5 is intended to apply to activities that are not managed under Policy 4.4.4, or whether both policies apply (and if so, how they are intended to interact). Additionally, the PORPS 2019 does not express the detail held in the objective for the National Policy Statement on Electricity Transmission.
511. Objective 4.5 of the PORPS seeks to ensure that urban growth is well designed and integrated with adjoining urban and rural environments. Policy 4.5.2 requires recognising and providing for the functional needs of infrastructure; locating and designing infrastructure to take into account land use change, projected demographic changes, demand, natural and physical constraint and effects on resources, effects of climate change and natural hazard risk. The scope of this policy is very broad, which may make it more difficult to implement. The provisions provide some useful direction, but additional guidance may be necessary to provide greater clarity on how infrastructure is to be co-ordinated with growth.
512. Methods 3.1 and 4.1 require regional and district plans (respectively) to set objectives, policies and methods to implement the policies in the RPS. For infrastructure, Methods 3.1.5 and 4.1.16 require the regional council and territorial authorities to ensure the functional needs of infrastructure are not compromised. Method 4.1.17 requires district plans to identify National Grid transmission lines and corridors, and Method 4.1.18 requires identification of nationally or regionally significant infrastructure on planning maps. Both methods require plans to include provisions to avoid reverse sensitivity effects on the National Grid and nationally and regionally significant infrastructure and provide controls on activities to ensure their functional needs are not compromised. This provides clear direction to district councils on their roles and responsibilities, but there is a lack of specificity about some of ORC’s functions. There is also a lack of direction about how adverse effects should be managed.
513. Methods 4.1.18 and 4.1.19 also specifically require territorial authorities to have regard to the NZECP34:2001 Electrical Code of Practice for Electrical Safe Distances and the Electricity (Hazards from Trees) Regulations 2003. It is less clear from the methods how ORC is required to implement the provisions in the regional plan and how adverse effects should be managed.
514. Community feedback from the public survey undertaken in February 2020 and the Reference Group (Energy, Infrastructure and Transport) indicates:



- a. Concerns that community infrastructure, particularly water and wastewater need to meet the demands of growing urban areas as subdivision has placed strain on this infrastructure and upgrades are overdue.
- b. Public transport, including rail should be recognised as regionally significant infrastructure and upgrades are required to increase accessibility and reduce strain on the roading network.
- c. There are questions over the current definition of municipal infrastructure and why it does not extend to the entire network within urban areas.

### 5.9.2.3. Objectives

515. Section 32(1)(b) requires examining whether the provisions in the proposal are the most appropriate way of achieving the objectives. The relevant objectives for this topic are included in Table 43 below.

Table 43: Infrastructure objectives

EIT-INF-O4 – Provision of infrastructure	Effective, efficient and resilient infrastructure enables the people and communities of Otago to provide for their social and their cultural well-being, their health and safety, and supports sustainable economic development and growth within the region within environmental limits.
EIT-INF-O5 – Integration	Development of nationally and regionally significant infrastructure, as well as land use change, occurs in a co-ordinated manner to minimise adverse effects on the environment and increase efficiency in the delivery, operation and use of the infrastructure.
EIT-INF-O6 – Long-term planning for electricity transmission infrastructure	Long-term investment in, and planning for, electricity transmission infrastructure, and its integration with land use, is sustained.

### 5.9.2.4. Reasonably practicable options

516. Three reasonably practicable options were identified to achieve the objectives:
- a. **Option 1:** Status quo (PORPS 2019)
  - b. **Option 2:** PORPS 2019 approach with reference group options
  - c. **Option 3:** PORPS 2021 – *preferred*

#### Option 1: Status quo

517. The status quo and associated issues are outlined in section 5.9.2.2. As outlined in that section, the status quo is not considered to be effective or efficient although the policy direction and content is generally appropriate.

#### Option 2: PORPS 2019 approach with reference group options (see also Appendix 18, Part 2)

518. Alternative options considered during the drafting of the PORPS and presented to the Reference Group are set out below. This largely implements the same policy approach as the PORPS 2019, but has been repackaged to improve the effective and efficiency of the policies. The approach below largely focusses on better defining nationally and regionally significant Infrastructure as providing policy direction for such infrastructure (see Definitions and Appendix 18, Part 2). The approach offers limited policy direction on infrastructure and largely

relies on providing policy direction through defining an infrastructure hierarchy rather than setting a more prescriptive management approach.

519. To implement EIT–INF–O1, the draft EIT–INF–P1 and P2 of Option 2 (see Appendix 18, Part 2), provide for the operation and maintenance, upgrades and development of nationally and regionally significant infrastructure whilst minimising adverse effects on the environment. P2 provides a pathway for infrastructure recognising the functional and operational needs of infrastructure may sometimes have adverse effects on the environment. The policy approach does not set out different pathways for nationally and regionally significant infrastructure.
520. EIT–INF–P3 (see Appendix 18, Part 2) recognises the effects that activities could have on nationally and regionally significant infrastructure which may compromise their functionality. It provides an approach to managing effects of avoiding, remedying or mitigating adverse effects.
521. This approach is not considered to be the most efficient or effective policy approach due to the following reasons:
- a. It relies heavily on definitions to provide further clarification from the PORPS 2019 and as an appropriate policy approach it does not set out a policy pathway to achieve the objective.
  - b. Feedback from the reference group desired an approach to provide policy direction specific to the different types of infrastructure and effects on the environment. This includes an approach which adequately acknowledges the hierarchy of infrastructure and implementing approaches consistent with national policy direction.

#### Option 3: PORPS 2021 – preferred

522. Overall, the provisions in the PORPS 2019 are not considered to be efficient or effective as they are inconsistent with national direction and require updating to ensure they are clear and give effect to the higher order documents. The key changes proposed in the PORPS 2021 include:
- a. Inserting separate definitions of regionally significant infrastructure and nationally significant infrastructure.
  - b. Not carrying over the definition of municipal infrastructure – instead these assets, including the distribution networks within urban areas are encompassed in the definition of regionally significant infrastructure.
523. Option 3 proposes an approach to provide for infrastructure that is efficient, effective and minimises the adverse effects of its use and development on the environment. Some of the policies apply specifically to nationally and regionally significant infrastructure (which are defined separately) while others apply to all infrastructure (as defined in the RMA 1991). This recognises that the different types of infrastructure operate at different scales and can have significantly different effects (both positive and negative).
524. Policies EIT–EN–P10, P11, P12 and P15 apply only to nationally and regionally significant infrastructure. While the policies apply to both categories, it is expected that decision-making would apply the content of the policies in accordance with the significance of the infrastructure. Similar to Policy EIT–EN–P2, Policy EIT–INF–P10 requires decision-making on allocation and use of natural and physical resources to make provision for nationally and regionally significant infrastructure. The direction in this policy is less specific than in EIT–EN–

- P2 as the infrastructure it applies to is broader and not necessarily subject to the provisions of the NPSREG.
525. Recognising their importance, Policy EIT–INF–P11 enables the use, operation and maintenance of existing nationally and regionally significant infrastructure while avoiding, as the first priority, significant adverse effects and if this is not practicable, minimising those effects and other adverse effects. Policy EIT–INF–P12 provides for upgrades to, and development of nationally and regionally significant infrastructure where that infrastructure is designed and located (as far as practicable) to maintain functionality after natural hazard events and the upgrades or development are co-ordinated with long-term land use planning (as far as practicable).
526. Policy EIT–INF–P14 applies to all infrastructure and sets out decision making considerations for development, operation, maintenance, or upgrade, having regard to alternative sites, and opportunities to reduce adverse effects from upgrades.
527. Similar to EIT–EN–P7, Policy EIT–INF–P15 addresses reverse sensitivity effects that can arise when activities locate nearby infrastructure, potentially compromising their operation. This policy seeks to avoid activities that may result in reverse sensitivity effects on nationally or regionally infrastructure or that are incompatible (where they may compromise the functional or operational needs) with the anticipated effects of that nationally or regionally infrastructure. This does not require avoiding the activities entirely (although that may be the outcome in some cases), rather it requires controlling the way they occur.
528. Policy EIT–INF–P13 applies to all infrastructure and sets out how the adverse effects of infrastructure are to be managed outside of the Coastal Environment, including by prioritising avoiding locating infrastructure in sensitive or highly valued areas, avoiding some types of adverse effects, considering alternatives, having regard to offsets and compensation, utilising opportunities to reduce adverse effects, and managing activities in wetlands according to more specific direction in the LF chapter. This policy recognises the needs of infrastructure and their importance to communities, while encouraging a reduction in adverse effects by a range of means. Activities in the coastal environment, including infrastructure, are also addressed by CE–P9(3).
529. The NPSET contains provisions managing the effects of the electricity transmission network. The NPSET is supported by the NESETA which contains corresponding rules. In response, Policy EIT–INF–P16, in combination with EIT–INF–P13, sets out how Otago’s electricity transmission network (and particularly the National Grid infrastructure) will be recognised and provided for.
530. It is important to note that many of the provisions that are relevant to electricity transmission in relation to the National Grid are also important for other types of regionally or nationally significant infrastructure. It is for this reason that EIT–INF–P13 has been developed as the effects cascade for all infrastructure, and in doing so has been drafted to give effect to the NPSET.
531. A key component of the NPSET is Policy 8, which states:
- In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.*

532. It is noted that Policy 8 only addresses a “seek to avoid” approach for Outstanding Natural Features (‘ONLs’), areas of high natural character, areas of high recreation value and amenity, and existing sensitive activities. It is limited to rural environments only. It does not stipulate a “seek to avoid” approach for Significant Natural Areas (SNAs), natural wetlands or outstanding waterbodies, places or areas of significant or outstanding historic heritage, or wāhi tapu and areas with protected customary rights. The NPSET is silent on these resources.
533. Policy EIT–INF–P13 provides a framework for all infrastructure, and gives interpretive meaning to how the “seek to avoid effects on significant resources” approach is to be managed, by avoiding as the first priority locating in those areas. The approach is similar to that taken in Policy 4.3.4 in the operative ORPS. If avoidance is not possible because of the functional or operational needs of infrastructure (noting that this is now defined under the National Planning Standard definitions), then the approach is to minimise adverse effects as far as practicable for nationally or regionally significant infrastructure, on the areas that contribute to the area’s significance. For all other infrastructure, the direction is to avoid adverse effects on the values that contribute to the area’s significance.
534. The NPSET does not prioritise the National Grid above other infrastructure, it simply recognises the National Grid as nationally significant. The principal approach set out in the NPSET (which is to “seek to avoid” adverse effects on significant resources) is considered to be a useful approach not only for the National Grid, but for other nationally and regionally significant infrastructure as well. Option 3 therefore provides much greater direction than Options 1 and 2 for locating any infrastructure in relation to areas of significance.
535. The table below sets an assessment of Policy 8, against Option 1 and 2, and Option 3. It indicates that the preferred option to be the most appropriate to protect and manage the relevant resource issues:

*Table 44: Options assessment*

	<b>NPSET Policy 8</b>	<b>Option 1 &amp; 2 RPS 2019 4.3.6 (all areas)</b>	<b>Option 3 RPS 2021 Policy EIT- INF-P13 &amp; P16</b>
<b>Spatial coverage</b>	Limited to rural areas	All areas	All areas
<b>ONLs</b>	Yes	Yes	Yes
<b>Areas of high natural character</b>	Yes	No	Yes
<b>Areas of high recreation and amenity value</b>	Yes	No	Yes
<b>ONFs</b>	No	Yes	Yes
<b>Outstanding seascapes</b>	No	Yes	No (located in coastal environment chapter)
<b>Areas of outstanding natural character</b>	No	Yes	Yes
<b>SNAs</b>	No	Yes	Yes

<b>Natural wetlands and outstanding waterbodies</b>	No	Yes	Yes
<b>Places or areas of significant or outstanding historic heritage</b>	No	Yes (uses nationally or regionally significant)	Yes
<b>Wāhi tapu and areas with protected customary rights</b>	No	No	Yes

536. Infrastructure is a key component of urban form and development, underpinning the sustainability of these activities and their ability to provide healthy, safe environments for people to live in. While urban form and development is more comprehensively addressed in the UFD chapter, Policy EIT-INF-P17 recognises the connections between these two activities and provides for the types of infrastructure that supports urban development.
537. Methods EIT-INF-M4 and EIT-INF-M5 specify the provisions required in regional and district plans in order to implement the policies. These provide clarity about responsibility for implementing the actions required by the policies, with the majority to be implemented through district plans. Policies ECO-M3 and M4 also provide for the maintenance and use of infrastructure, and *infrastructure* that has a *functional or operational need* to be sited or operated in a particular location.
538. Method EIT-INF-M6 requires local authorities to advocate for upgrading or replacing infrastructure where its operation results in significant adverse effects and to work proactively to co-ordinate the co-location or concurrent construction of infrastructure.

#### 5.9.2.5. Consultation summary

##### Clause 3 consultation

539. A summary of the process for consultation under clause 3 of Schedule 1 of the RMA, including the full list of parties involved, is provided in section 2.5.1 of this report. Ten parties in addition to the reference group provided feedback on the EIT-INF section through clause 3 consultation.
540. The feedback included support for the general approach of the Chapter, together with comments that ranged from minor amendments to correct errors or improve clarity of provisions (which were largely accepted by ORC) to a modification of policy approach. This included amendments to improve alignment with superior requirements (eg recognising the NPSET in EIT-INF-PR2).
541. Matters that materially changed the intended strength of provisions; or would compromise the necessary consideration the facts of individual circumstances of a proposal and weighing of evidence, were not amended unless there was a reason for amendment based on superior provisions.
542. Provision suggestions that did not contribute to clarity, were contrary to superior provisions (eg National Policy Statements), contrary to case law, or were redundant (eg by being already addressed through definitions or by superior provisions) were not amended except for clarification purposes.

### Clause 4A consultation

543. Feedback via Clause 4A consultation was generally supportive of the objectives, policies and methods of the EIT chapter. The suggestion for *EIT-EN – Energy* to include reference to mana whenua values in the methods section for regional and district plans was also incorporated in the *EIT-INF – Infrastructure* section.

### 5.9.2.6. Efficiency and effectiveness evaluation

544. Table 45 below identifies and assesses the benefits and costs of the environmental, cultural, social and economic effects that are anticipated from the implementation of the provisions proposed under Option 3 above.

Table 45: Benefits and costs for infrastructure

BENEFITS		COSTS	
<b>Environmental</b>			
<ul style="list-style-type: none"> <li>▪ Prioritising avoiding locating infrastructure within sensitive or highly valued areas will assist with protecting the values of these areas.</li> <li>▪ Clear direction about managing adverse effects encourages, in most cases, prioritising the avoidance of adverse effects and promotes reductions in or minimising adverse effects, which may result in better environmental outcomes.</li> <li>▪ Requiring the co-ordination of land use activities, including the release of land for urban development with the provision of infrastructure will reduce the effects of development. This will also allow early planning for infrastructure enabling greater opportunity to protect existing environmental values.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Providing for the use, operation and maintenance of existing nationally or regionally significant infrastructure while minimising only the significant adverse effects recognises there will be ongoing environmental impacts from this infrastructure.</li> <li>▪ In some cases, it will not be possible for infrastructure to avoid locating within sensitive or highly valued areas. This will likely result in adverse effects on those areas.</li> </ul>		
<b>Cultural</b>			
<ul style="list-style-type: none"> <li>▪ Prioritising avoiding locating infrastructure within sensitive or highly valued areas will assist with protecting the values of these areas, including cultural values.</li> </ul>	<ul style="list-style-type: none"> <li>▪ There will continue to be adverse effects on the environment from operating, maintaining, upgrading and developing infrastructure, including potentially on cultural values and resources of significance to iwi.</li> </ul>		
<b>Social</b>			
<ul style="list-style-type: none"> <li>▪ Providing for the operation and maintenance of nationally or regionally significant infrastructure, and upgrading or development of new infrastructure will provide for the health and safety of communities.</li> <li>▪ Integrating infrastructure with land uses, particularly urban expansion can ensure that existing infrastructure is not compromised by development.</li> <li>▪ Extending the definition of regionally significant infrastructure to public transport facilities and regional airports provides greater recognition of these facilities and supports their ongoing use and development.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Requirements to co-ordinate land use activities with the development or upgrading of infrastructure may reduce development potential of some land.</li> <li>▪ Extending the definition of regionally significant infrastructure may increase restrictions on the subdivision, use and development of land near this infrastructure.</li> </ul>		

- Providing stronger protection for infrastructure, and therefore the services it provides to communities, from the establishment of incompatible activities nearby.
- A secure and efficient electricity transmission network will support the social and economic wellbeing of Otago’s communities.

Economic	
<ul style="list-style-type: none"> <li>▪ Providing for the operation and maintenance of existing infrastructure and the development of new infrastructure supports the regional economy and economic growth.</li> <li>▪ Requiring the integration of infrastructure provision with urban growth avoids costs associated with duplication.</li> <li>▪ Extending the definition of regionally significant infrastructure to include the entire water supply, stormwater and sewerage treatment networks will ensure that a consistent approach is applied to these networks.</li> <li>▪ Protecting infrastructure from incompatible nearby activities or activities that may compromise their operation will support their ongoing and long-term operation, providing certainty to infrastructure providers as well as communities.</li> <li>▪ Supports job security and certainty for people employed in the infrastructure provision industry.</li> <li>▪ Employment associated with the infrastructure sector is not expected to be materially impacted except in cases where alternative sites require additional servicing eg longer routes for transmissions lines. Employment in the environmental sector could be expected to increase if measures are required to avoid, manage activities, or implement offsetting or compensation measures.</li> <li>▪ There can be economic benefits through protection, and responsible management of natural resource for example, landscape value to tourism and biodiversity increasing agricultural productivity.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Restricting activities that may affect the operation of nationally or regionally infrastructure may inhibit potential land uses.</li> <li>▪ The requirements to avoid some adverse effects, or prioritise avoiding them, and minimise other adverse effects, may result in higher costs to infrastructure providers to prepare resource consent applications due to the information that may be needed to assess environmental impacts and how they are proposed to be managed.</li> <li>▪ Restrictions on the location of infrastructure may result in higher costs to infrastructure providers if alternative sites are more costly.</li> <li>▪ There will be costs to local authorities, particularly territorial authorities, in implementing the provisions in Option 3.</li> <li>▪ In circumstances, where alternative sites required additional servicing it is likely there will be addition costs to the economy.</li> <li>▪ There will be increased costs to the economy if measures are required to avoid and manage activities or implement offsetting or compensation measures if necessary, to address residual adverse effects.</li> </ul>

Table 46 below assesses the effectiveness and efficiency of the proposed provisions in achieving the objectives.

*Table 46: Efficiency and effectiveness evaluation for infrastructure*

<b>Efficiency</b>	Option 3 may result in some environmental, cultural, social and economic costs associated with the provision and operation of infrastructure; however, the benefits of this infrastructure will outweigh those costs as these assets are fundamental to the health and safety of communities and the regional economy. The policies require prioritising avoiding locating infrastructure in sensitive or highly valued areas and include specific direction on how to manage adverse effects through a combination of avoidance, remediation,
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	mitigation, offsetting and compensation. This approach recognises the importance of infrastructure to the social and economic wellbeing of communities while seeking to minimise or reduce adverse effects on the environment which is considered efficient.
<b>Effectiveness</b>	Option 3 is considered more effective than Option 1 (status quo) or Option 2 (operate, maintain, upgrade or develop infrastructure) at achieving the objectives as clearer policy direction is provided. The policies are enabling for continuing the operation, maintenance and development of significant infrastructure, including decision-making on resource allocation, which will ensure social and economic wellbeing is provided for through provisions and methods seeking to achieve integrated multiple use outcomes.

#### 5.9.2.7. Risk of acting or not acting

545. Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. There is uncertainty about the current level of adverse effects on the environment from infrastructure, and about the types of infrastructure projects that may occur in the future. However, the risk of not acting could result in less effective infrastructure provision and risks impacts on areas of significance due to a lack of clear direction. As such, it is considered appropriate to implement the provisions notwithstanding this uncertainty.

#### 5.9.2.8. Conclusion

546. The cost-benefit and effectiveness and efficiency assessments have shown that overall, PORPS 2021 proposed provisions (Option 3) are generally more efficient than Option's 1 and 2 and more effective in achieving the objectives of the PORPS 2021 than reasonable alternatives. While broadly the policy intent is not dissimilar to the PORPS 2019, the provisions are clearer, implement the National Planning Standards and give better effect to the requirements of higher order national statutory documents. Option 3 also strengthens the protection for some areas and improves management of others, particularly in relation to mana whenua values, coastal, water, ecosystems and indigenous biodiversity, climate change challenges, while at the same time addressing the requirements of the NPSREG.

547. It is expected there will be some economic costs noting it is not practical to quantify them at this time due to the broad nature and level at which these policies will be implemented and the limitations on available data. However, some costs may be offset by increased employment in environment and cultural management sectors. The suite of policies proposed is considered to balance these factors as they will achieve the purpose of the Act. Overall, the PORPS 2021 provisions are generally more efficient and effective than the other options and more effective at achieving the objectives of the PORPS 2021.

### 5.9.3. EIT–TRAN – Transport

#### 5.9.3.1. Introduction

548. The purpose of this section of the PORPS 2021 is to recognise the significant resource management issues associated with the transport system.

549. The relevant provisions for this section are:

- a. EIT–TRAN–O7 – Effective, efficient, and safe transport



- b. EIT–TRAN–O8 – Transport system
- c. EIT–TRAN–O9 – Effects of the transport system
- d. EIT–TRAN–O10 – Commercial port activities
- e. EIT–TRAN–P18 – Integration of the transport system
- f. EIT–TRAN–P19 – Transport system design
- g. EIT–TRAN–P20 – Public transport
- h. EIT–TRAN–P21 – Operation of the transport system
- i. EIT–TRAN–P22 – Sustainable transportation
- j. EIT–TRAN–P23 – Commercial port activities
- k. EIT–TRAN–M7 – Regional plans
- l. EIT–TRAN–M8 – District plans
- m. EIT–TRAN–M9 – Regional land transport plan
- n. MAP2 – EIT–TRAN–M7 Port activities

#### 5.9.3.2. Current issues

550. The transport system is critical to the effective functioning of Otago’s urban and rural environments, connecting people and communities and supporting economic wellbeing. The transport network can have adverse effects on the environment and impacts on community wellbeing. Where there is sufficient demand and the necessary infrastructure, modal choices can be provided and by giving preference to modes with lower environmental effects, the adverse impacts of the transport system can be reduced. However, due to the nature of the Otago region, reliance on private vehicles will remain the only practical transport option for many people. This should not exclude the potential for improvements in modal choice or accessibility, particularly as the country moves to a low carbon economy.
551. The PORPS 2019 does not include a specific section on transport as transport infrastructure is captured by the infrastructure provisions. There is a single transport-specific provision in Chapter 4. Policy 4.4.6 seeks to enable energy-efficient and sustainable transport by encouraging well-integrated urban areas, ensuring good connectivity, and placing a high priority on walking, cycling and public transport. It also aims to enable development or upgrade of transport infrastructure that increases freight efficiency and fosters uptake of renewable or lower emission transport fuels and public transport. This policy clearly outlines the outcome sought as well as the courses of action to achieve it.
552. In relation to the methods in the PORPS 2019, the only specific methods are Method 6.3.1 which requires ORC to prepare a Regional Land Transport Plan to implement policies 4.4.6, 4.5.2, 4.3.1 and 4.3.2. This is a statutory requirement under the Land Transport Management Act 2003. Accordingly, any reference to the Regional Land Transport Plan in the RPS will be subordinate to that legislation. Otherwise, there is general direction to use regional and district plans to implement the policies of the PORPS, but there is no further specificity or clarification about the roles and responsibilities of Otago’s local authorities. Overall, the PORPS 2019 provides limited strategic guidance on the transport system.
553. Community feedback from the public survey undertaken in February 2020 and the Reference Group (Energy, Infrastructure and Transport) indicates that:
- a. There are concerns regarding roading quality and resilience to natural hazard events,
  - b. Improved public transport is desired, and
  - c. The community has a heavy reliance on private motor vehicles and it is difficult to adopt low or zero carbon transport alternatives without the necessary infrastructure.

554. The PORPS 2021 seeks to give effect to the Planning Standards by incorporating a specific section on transportation and more clearly articulate policy direction on transport matters. The approach includes similar provisions to the current PORPS 2019 but with some additional guidance to address the planning and operation of the transport system.

#### 5.9.3.3. Objectives

555. Section 32(1)(b) requires examining whether the provisions in the proposal are the most appropriate way of achieving the objectives. The relevant objectives for this topic are included in Table 47 below.

Table 47: Transport objectives

EIT-TRAN-08 – Effective, efficient, and safe transport	Otago has an integrated air, land and sea transport network that is effective, efficient and safe and that connects communities and their activities within Otago, with other regions, and internationally and is resilient to natural hazards.
EIT-TRAN-09 – Transport system	The transport system within Otago supports the movement of people, goods and services, is integrated with land use, provides a choice of transport modes and is adaptable to changes in demand.
EIT-TRAN-010 – Effects of the transport system	The contribution of transport to Otago’s greenhouse gas emissions is reduced and communities are less reliant on fossil fuels for transportation.
EIT-TRAN-0110 – Commercial port activities	<i>Commercial port</i> activities operate safely and efficiently, and within environmental limits.

#### 5.9.3.4. Reasonably practicable options

556. Three reasonably practicable options were identified to achieve the objectives:

- a. **Option 1:** Status quo (PORPS 2019)
- b. **Option 2:** PORPS 2019 approach with reference group options
- c. **Option 3:** PORPS 2021 – *preferred*

##### Option 1: Status quo

557. The status quo and associated issues are outlined in section 5.9.3.2. As outlined in that section, the status quo is not considered to be effective or efficient.

##### Option 2: PORPS 2019 approach with reference group options (refer also Appendix 18, Part 3)

558. The provisions presented to the reference group for feedback primarily focussed on the PORPS providing direction on the role and design of the transport network (refer Appendix 18, Part 3). EIT-TRAN-P1 aims to sets out a framework to address transport network design. The provision provides direction at a high level by setting out locations which should be avoided when locating transport, and where that is not possible then stepping them through an effects management framework. EIT-TRAN-P2, provides direction to manage the impacts of incompatible activities on the transport system.

559. Option 2 policy EIT-TRAN-P3 provides direction on integrating land use and transport by consolidating urban form, mode sharing and considering the accessibility needs of the community. EIT-TRAN-P4 focusses on the effects of transportation, specifically energy use and emission levels and seeks to reduce the adverse effects.

560. Option 2 is not considered to be efficient or effective for the following reasons:
- a. Transport will likely be covered by the definitions within the infrastructure chapter, and therefore P1 is an unnecessary repetition.
  - b. Based on feedback from the reference group P4 should be expanded to provide further direction on improving demand for sustainable forms of transport.

*Option 3: PORPS 2021 – preferred*

561. To achieve the objectives, the policies seek to address integration, design and operation of the transport system, as well as public transport and wider sustainability. Policy EIT–TRAN–P18 seeks that the transport system is integrated with land use activities and that provision of infrastructure enables service delivery as demand requires. This will assist with making the transport system integrated with land uses and adaptable over time.
562. Policy EIT–TRAN–P19 aims to sustain and improve the resilience and adaptability of the transport system through design by promoting a consolidated urban form, placing a high priority on active transport and public transport and integrating them into the design of transport networks. It also encourages improved access to public spaces. This is largely similar to the existing policy direction in the PORPS 2019.
563. Policy EIT–TRAN–P20 sets out how the maintenance and development of the transport system will encourage uptake of public transport. This includes actions such as providing alternatives to private vehicle transport, including measures to ensure pedestrian and cyclist safety, taking into consideration the accessibility needs of different sections of the community and encouraging a shift to renewable energy sources. Providing safe alternatives to private vehicles will help to reduce greenhouse gas emissions and assist communities to become less reliant on fossil fuels.
564. Policy EIT–TRAN–P21 sets out how the efficient and effective operation of the transport system is to be maintained. This includes by avoiding adverse effects of activities on the functioning of the system as well as impacts of incompatible activities, avoiding development that forecloses opportunities to upgrade or develop the network, promoting the use of freight hubs and methods that reduce reliance on private vehicles and encouraging a shift to using renewable energy sources. Collectively these actions work together to encourage a shift to a more sustainable transport network. This policy is supported by Policy EIT–TRAN–P22 which seeks that resource management decisions enhance the uptake of new technologies and reduce reliance on fossil fuels.
565. Policy EIT–TRAN–P23 recognises the national and regional significance of the port activities at Port Chalmers and Dunedin. The provisions provide for efficient and safe operation and connections with other transport modes within environmental limits set out in CE–P2 and CE–P3 and ensure that development in the coastal environment does not compromise the efficiency and safety of port operations. This provision is within a context of the planning framework in the PORPS 2019 for Otago’s port and harbour being still subject to appeals. Option 3 adopts a different approach to that taken in the PORPS 2019, based on ongoing discussions between ORC and Port Otago.
566. Method EIT–TRAN–M7 specifies provisions required in regional plans in order to implement the policies. Method EIT–TRAN–M7 (3) (b) provides for ORC to work collaboratively to include provisions in plans with jurisdiction over all or part of Port Chalmers and Otago Harbour that recognise and acknowledge the significance of these areas. Method EIT–TRAN–M7 (4) directs that ORC will amend its regional plan to support the safe and efficient operation of Port Otago

and Otago Harbour by providing for a specified list of activities in the coastal development area mapped in MAP2.

567. Method EIT–INF–M8 specifies the provisions required in regional and district plans in order to implement the policies. That method for districts plans sets out specific actions for territorial authorities to implement in their district plans, including taking a strategic approach to the integration of the transport system and enabling the establishment of infrastructure. Method EIT–TRAN–M8(6) provides for ORC to work collaboratively to include provisions in plans with jurisdiction over all or part of Port Chalmers and Otago Harbour that recognise and acknowledge the significance of these areas.

#### 5.9.3.5. Consultation summary

##### Clause 3 consultation

568. A summary of the process for consultation under clause 3 of Schedule 1 of the RMA, including the full list of parties involved, is provided in section 2.5.1 of this report. Ten parties in addition to the reference group provided feedback on the EIT-TRANS sub-chapter through clause 3 consultation.
569. The feedback included support for the general approach of the Chapter, together with comments that ranged from minor amendments to correct errors or improve clarity of provisions (which were largely accepted by ORC) to a modification of policy approach. This included amendments to improve alignment with superior provisions.
570. Matters that materially changed the intended strength of provisions (eg moderating the use of the word ‘avoid’ as used in EIT-TRANS-P20) were not amended unless there was a reason for amendment based on superior provisions. Provision suggestions that did not contribute to clarity, were contrary to superior provisions (eg National Policy Statements), or were redundant (eg suggested development of transport plans under the EIT-TRANS methods section which are developed under separate legislation ie Land Transport Management Act 2002) were not amended except for clarification purposes.

##### Clause 4A consultation

571. Feedback via Clause 4A consultation was generally supportive of the objectives, policies and methods of the EIT chapter.

#### 5.9.3.6. Efficiency and effectiveness evaluation

572. Table 48 below identifies and assesses the benefits and costs of the environmental, cultural, social and economic effects that are anticipated from the implementation of the provisions proposed under Option 3 above.

Table 48: Benefits and costs for transport

BENEFITS	COSTS
<b>Environmental</b>	
<ul style="list-style-type: none"> <li>▪ Encouraging public transport use and walking and cycling and providing for development to adopt new lower emission technologies will reduce adverse effects of private motor vehicle use such as greenhouse gas emissions.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The operation, maintenance, upgrading and development of transport infrastructure will result in some adverse effects on the environment.</li> </ul>

- Promoting consolidated urban form and integrated public transport will reduce adverse effects associated with sprawl.
- Requiring integration with land uses will assist with ensuring that transport infrastructure is in the most appropriate location, potentially reducing the likelihood of needing to redevelop or establish new infrastructure at a later date and the associated adverse effects on the environment.

**Cultural**

- No cultural benefits have been identified.
- The provision of transport infrastructure may have adverse effects on Kāi Tahu values.

**Social**

- Providing for an efficient transport system which includes modal choices will ensure accessibility to services such as health care for all community members.
- Co-ordinating the provision of transport infrastructure with land use activities, including urban growth can ensure that existing assets are not compromised.
- Improved accessibility and modal choice may reduce congestion with private motor vehicle use.
- Requirements to co-ordinate land use activities with the provision of transport infrastructure may reduce development potential of some land.
- There may be increased conflict between transport modes if there is an increase in non-private vehicle transport, for example increased numbers of cyclists or pedestrians.

**Economic**

- Ensuring an efficient and effective transport system will support the regional economy by enabling the movement of goods and services. As transport networks and linkages can affect the costs of goods and services, a more efficient and effective system will avoid significant costs associated with freight.
- Employment associated with transport provisions sector is not expected to be materially impacted.
- Restricting activities on adjacent land to protect the transport system, including opportunities to upgrade this system, may constrain particular land use activities or development of land.

573. Table 49 below assesses the effectiveness and efficiency of the proposed provisions in achieving the objectives.

*Table 49: Efficiency and effectiveness evaluation for transport*

<b>Efficiency</b>	While there are some costs associated with Option 3, these costs are sought to be minimised by the provisions and are outweighed by the benefits that providing for transport infrastructure will have for social and economic wellbeing.
<b>Effectiveness</b>	Option 3 is considered more effective than the status quo at achieving the objectives as clearer policy direction is provided. The policies include more directive guidance and a co-ordinated approach to the transport system compared to Option 1 and Option 2. This is considered to be much simpler to implement and will therefore be more effective.

5.9.3.7. Risk of acting or not acting

574. Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. In relation to transport, it is considered there

is sufficient and certain information to be able to implement the provisions outlined in Option 3.

#### 5.9.3.8. Conclusion

575. Overall, the proposed policy approach in the PORPS 2021 is not significantly different to that included in the PORPS 2019 (Option 1), or PORPS 2019 approach with reference group options (Option 2), however the provisions are clearer and implement the National Planning Standards and other higher order national documents. Some minor additions to the policy direction are included to ensure transport matters are comprehensively addressed and there is also a greater emphasis on supporting a reduction in emissions from Otago’s transport system and greater resilience to the effects of climate change.
576. It is expected there will be some economic costs associated with Option 3, however these costs are outweighed by the benefits of providing clear direction regarding the maintenance and development of the transportation network in a manner that reduces greenhouse gas emissions and improves accessibility for the Otago communities. Overall, the PORPS 2021 provisions are generally more efficient and effective than the other options and more effective at achieving the objectives of the PORPS 2021.

## 5.10. HAZ – Hazards and risks

### 5.10.1. Introduction

577. This section of the report assesses the provisions proposed in the PORPS 2021 related to hazards and risks. In the PORPS 2021, the HAZ – *Hazards and risks* chapter contains two sections: natural hazards and contaminated land. This evaluation adopts that same approach.
578. The PORPS 2019 contained objective and policy direction on the management for hazardous substances. However, the Resource Legislation Amendment Act 2017 (RLAA) removed the explicit function of regional and territorial authorities under section 30 and 31 to control the adverse effects of the storage, use, disposal and transportation of hazardous substances to ensure RMA controls did not duplicate controls in the Hazardous Substances and New Organisms Act 1996 (HSNO Act) and the Health and Safety at Work Act 2015 (HSW Act).
579. The RLAA also introduced a procedural principle to ensure that council plans and policy statements include only matters relevant to the purpose of the RMA.<sup>33</sup> While councils do retain a broad power under the RMA to manage hazardous substances through their plans and policy statements to achieve the purpose of the RMA and to carry out the function of integrated management of natural and physical resources in their region/district, this should only be exercised where the potential environmental effects are not adequately addressed by other legislation.
580. It is considered the controls within the HSNO Act and the HSW Act are adequate to avoid, remedy or mitigate adverse environmental effects of hazardous substances. As such, the PORPS 2021 does not include provisions managing hazardous substances.

### 5.10.2. HAZ–NH – Natural hazards

#### 5.10.2.1. Introduction

581. This section of the report assesses the provisions proposed in the PORPS 2021 to manage natural hazards. Due to the variety of landscapes that make up the Otago region, the natural hazards threats range from coastal erosion and flooding in the lowland coastal areas of the region to alluvial fan deposition, fires, landslip, rock fall, and river breaches in the alpine areas of the region. The Otago region will also be subject to a changing environment through climate change. Likely outcomes may include rising sea levels (and groundwater), and an increased frequency of natural hazards, although there is significant uncertainty around the rate and scale of change.
582. There are overlapping responsibilities between regional and district councils for managing activities as they relate to hazards and risks under the RMA. In addition, there is a suite of regulations under several other statutes which interface with RMA functions, these include:
- a. Civil Defence Emergency Management Act 2002;
  - b. Building Act 2004; and
  - c. Climate Change Response (Zero Carbon) Amendment Act 2019.

Many of the hazard and risk matters also traverse the coastal environment, both within the coastal marine area and adjacent to it. This complexity means that it is important the region

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<sup>33</sup> Section 18A of the RMA 1991

has a clearly articulated approach to managing these activities and their environmental effects.

583. The relevant provisions for this chapter are:

- a. HAZ–NH–P1 – Identifying areas subject to natural hazards
- b. HAZ–NH–P2 – Risk assessments
- c. HAZ–NH–P3 – New activities
- d. HAZ–NH–P4 – Existing activities
- e. HAZ–NH–P5 – Precautionary approach to natural hazard risk
- f. HAZ–NH–P6 – Protecting features and systems that provide hazard mitigation
- g. HAZ–NH–P7 – Mitigating natural hazards
- h. HAZ–NH–P8 – Lifeline utilities and facilities for essential or emergency services
- i. HAZ–NH–P9 – Protection of hazard mitigation measures
- j. HAZ–NH–P10 – Coastal hazards
- k. HAZ–NH–P11 – Kaitiaki decision making
- l. HAZ–NH–M1 – Statement of responsibilities
- m. HAZ–NH–M2 – Local authorities
- n. HAZ–NH–M3 – Regional plans
- o. HAZ–NH–M4 – District plans
- p. HAZ–NH–M5 – Other incentives and mechanisms
- q. APP6 – Methodology for natural hazard risk assessment

#### 5.10.2.2. Current issues

##### Natural hazards

584. The Otago region is exposed to a wide variety of natural hazards that impact on people, property, infrastructure and the wider environment. The effects of natural hazards vary in terms of both their likelihood and consequence. Some natural hazards such as flooding may occur relatively frequently and may damage property, whereas natural hazards such as tsunami occur infrequently, but when they do occur, they pose serious risk to life.

585. It is considered that the majority of the provisions within the PORPS 2019 regarding natural hazards are generally relevant and appropriate, being Objective 4.1 and Policies 4.1.1 to 4.1.13. However, the provisions that seek to take a risk-based approach to managing new and existing development could provide a clearer framework as to how the level of risk is determined, and clear thresholds as to when an activity is considered a significant, tolerable, or acceptable risk. There is a risk with these provisions that there are inconsistent approaches taken around the region to assessing risk.

586. The key issue within the PORPS 2019 policies is that they introduced concepts such as ‘significant, tolerable and low risk’, without providing guidance as to how these concepts are to be defined or interpreted. It is therefore left to the territorial authorities to interpret the direction provided within the PORPS 2019 and determine whether an activity would present a ‘significant’, ‘tolerable’ or ‘low’ risk.

##### Coastal hazards

587. The provisions in the PORPS 2019 do not contain specific direction on the management of coastal hazards. Policy 24 of the NZCPS provide directive guidance on the identification of coastal hazards, and Policy 25 of the NZCPS provides direction on managing subdivision, use,



and development in areas of coastal hazard risk. This policy direction is not reflected in the PORPS 2019.

#### Precautionary approach

588. Policy 4.1.8 of the PORPS 2019 provides direction to adopt a precautionary approach to natural hazard risk. It requires a precautionary approach to identifying, assessing and managing that risk where natural hazard risk to people and communities is uncertain or unknown, but potentially significant or irreversible. This policy direction replicates the requirement within Policy 3 of the NZCPS. While it provides some guidance on when to adopt a precautionary approach, it does not prescribe actions to be taken to implement the precautionary approach.

#### Existing use rights

589. Section 10(1) of the RMA addresses existing use rights for land use. Under this section, land may be used in a manner that contravenes a rule in a district plan or proposed district plan if both:

- the use was lawfully established before the rule became operative or the proposed plan was notified
- the effects of the use are the same or similar in character, intensity and scale.

590. However, section 10(4) of the RMA specifies that these ‘existing use rights’ do not apply to any use of land that is controlled under section 30(1)(c). This section empowers regional councils to control the use of land for, among other things, the avoidance or mitigation of natural hazards. Regional councils are therefore able to take steps to avoid the effect of natural hazards by managing existing use rights.

591. Section 20A(2) of the RMA requires that if a rule comes into force under an operative regional plan requiring an activity to have resource consent, the person carrying out the activity must apply for a resource consent within six months of the date the rule becomes. The effect of this section is that all existing uses, which may now require a resource consent by virtue of a new regional plan, should be put before the regional council by way of an application for resource consent. In this manner, the regional council can manage any adverse effect of the activity and either allow it to continue by way of a resource consent (possibly subject to conditions) or decline the application.

592. The concept of extinguishing existing use rights is embedded within the PORPS 2019. Method 2.3 states that the regional council may, at the request of city or district councils:

- Make a regional rule for the purpose of extinguishing existing use rights under Section 10 of the RMA to address natural hazard risk;
- Delegate the administration of that regional rule to the city or district council.

593. Further, Method 4.2.8 associated with the management of natural hazard risk states that City and District Councils may request that the regional council develop a regional rule for the purpose of extinguishing existing use rights under Section 10 of the RMA to address specific natural hazard risk. However, no further guidance is provided as to when a specific natural hazard risk would be considered significant enough to warrant a district council requesting that the regional council develop a rule that extinguishes existing use rights.

## Climate change

594. The provisions within the PORPS 2019 regarding climate change are considered to be largely appropriate as they relate to the management of natural hazards, being Objective 4.2 and Policies 4.2.1 to 4.2.2. As such, the content of the climate change provisions have been retained within the PORPS 2021, albeit that the location of the provisions have been modified to fit the revised RPS structure, and some of the directive content within the policies has been moved to the methods. It is noted that the *IM – Integrated management* chapter of the PORPS 2021 provides additional guidance on the broader effects of climate change.

### 5.10.2.3. Objectives

595. Section 32(1)(b) requires examining whether the provisions in the proposal are the most appropriate way of achieving the objectives. The relevant objectives for this topic are included in Table 50 below.

Table 50: Natural hazards objective

HAZ–NH–O1 – Natural hazards	Levels of <i>risk</i> from <i>natural hazards</i> risks to people, property and communities within Otago do not exceed a tolerable level.
HAZ–NH–O2 – Adaption	Otago’s people, property and communities are prepared for and able to adapt to the <i>effects</i> of natural hazards, including <i>climate change</i> .

### 5.10.2.4. Reasonably practicable options

596. Three reasonably practicable options were identified to achieve the objectives:

- a. **Option 1:** Status quo (PORPS 2019)
- b. **Option 2:** PORPS 2021 – *preferred*
- c. **Option 3:** PORPS 2021 with generic risk table

#### Option 1: Status quo

597. The status quo and associated issues are outlined in section 5.10.2.2. As outlined in that section, the status quo is generally appropriate, but lacking detail on:

- a. how to determine the natural hazard risk associated with an activity, including thresholds for determining what would be considered a significant, tolerable, or acceptable risk;
- b. assessing and managing coastal hazards;
- c. actions to be taken to implement the precautionary approach; and
- d. when a specific natural hazard risk would be considered significant enough to warrant a district council requesting that the regional council develop a rule that extinguishes existing use rights.

#### Option 2: PORPS 2021 – *preferred*

598. The PORPS 2021 proposes specific policy direction to address the current gaps in the PORPS 2019, while retaining the overarching direction included within the PORPS 2019.

#### Natural hazard risk assessment

599. HAZ–NH–P1 requires that areas where natural hazards may adversely affect Otago’s communities are identified. This direction is the same as that within Policy 4.1.1 of the PORPS

2019. This direction is supported by HAZ–NH–M1 which sets out who is responsible for the control of land use to avoid or mitigate natural hazards. In addition, HAZ–NH–M2(4) provides detail as to how climate change and sea level rise predictions are to be incorporated into the identification process.
600. In order to provide more direction as to how the natural hazard risk associated with an activity should be determined and what thresholds should be used to determine a significant, tolerable, or acceptable risk, HAZ–NH–P2 requires that the level of natural hazard risk is determined by assessing the likelihood of a natural hazard event occurring and its potential consequences in accordance with the criteria set out within APP5. A new appendix APP5 – Methodology for natural hazard risk assessment has been included within the PORPS 2021.
601. APP6 is derived from Policies 4.1.2, 4.1.3, and 4.1.4 of the PORPS 2019 and also broadly follows the risk-based approach set out by GNS Science (Saunders, Beban, & Kilvington, 2013). The schedule sets out a four-step process to determine the natural hazard risk associated with an activity. The four step-identification process is as follows:
- a. The first step involves evaluating the likelihood of three natural hazard scenarios occurring, representing a high likelihood, median likelihood, and the maximum credible event, using the best available information. The likelihood of an event occurring is assessed using a table that lists a range of likelihood from ‘Almost certain’ to ‘Rare’. The likelihood thresholds set out within the table have adopted the thresholds set out by GNS Science (Saunders, Beban, & Kilvington, 2013) and are based on additional technical advice provided by GNS science attached as Appendix 19.
  - b. The second step involves determining the consequence of the *natural hazard* scenarios occurring. The consequence of an event occurring is assessed using a table that lists a range of consequence ranging from ‘catastrophic’ to ‘insignificant’. The consequence thresholds set out within the table have also adopted the thresholds set out by GNS Science (Saunders, Beban, & Kilvington, 2013) and are based on additional technical advice provided by GNS science attached as Appendix 19.
  - c. The third step involves taking a risk-based approach to decision making where the likelihood and consequence of an activity are considered to determine whether the activity will have an acceptable, tolerable, or significant risk to people, property and communities.
  - d. The fourth step is only required if the risk assessment undertaken in Steps 1-3 determines that one of the three natural hazard scenarios generate risk that is significant. Step four requires a quantitative risk assessment, which includes modelling the Annual Individual Fatality Risk (AIFR) and Annual Property Risk (APR) for the range of hazard scenarios. The AIFR or APR is then used to re-categorise the risk as being acceptable, tolerable or significant. There are different risk thresholds for areas of new development and areas of existing development.
602. A consultation process with communities, stakeholders and partners regarding risk levels thresholds is required in order to understand what the community’s tolerance to risk is. As such, Method HAZ–HN–M2(1) states that when preparing or amending a regional and/or district plans, local authorities must undertake a consultation process with communities, stakeholders and partners regarding risk levels thresholds. Using the information gathered through the consultation process, local authorities must develop a risk table in accordance with Step 3 of APP6 at a district or community scale.

603. Prior to this consultation process being undertaken, a generic risk table has been included within APP6 as an interim measure until each district determines what significant, tolerable and acceptable risk is to them. Including a populated risk table is supported by technical advice provided by GNS science who consider that including a populated risk table provides councils a reference point for risk assessments prior to developing district specific risk tables in consultation with their communities.
604. Method HAZ–NH–M3(7) and HAZ–NH–M4(7) provide direction on how to assess resource consent applications for activities that will change the use of land which will increase the risk from natural hazards, within areas subject to natural hazards, that are lodged prior to the natural hazard risk assessment required by HAZ–NH–M4(1) being completed. They require an assessment of the level of natural hazard risk associated with the proposal in accordance with APP6. These methods are supported by a note within APP6 which states:
- When this assessment is being undertaken in accordance with HAZ–NH–M3(7)(a) or HAZ–NH–M4(7)(a) the assessment does not need to populate the Table 6 Risk Table. The text within Steps 1, 2, and 3, shall guide the assessment of natural hazard risk.
605. The methods and assessment set clear expectations as to the assessment that is required in order to achieve the direction within the PORPS 2021.
606. Once the level of natural hazard risk associated with an activity has been determined HAZ–NH–P3 provides direction on how the level of risk is to be managed as follows:
- a. where the natural hazard risk is significant, the activity is avoided,
  - b. where the natural hazard risk is tolerable, manage the level of risk so that it does not become significant, and
  - c. where the natural hazard risk is acceptable, maintain the level of risk.
607. This is supported by Methods HAZ–NH–M3(1) and HAZ–NH–M4(1) which direct that the regional or district councils will amend their regional or district plans to manage the location, scale and density of activities that may be subject to natural hazard risk.
608. For completeness, the policy direction in the PORPS 2019 is largely retained by Policies HAZ–NH–P5 to HAZ–NH–P10 related to:
- a. Existing development
  - b. Protecting features and systems that provide hazard mitigation
  - c. Mitigating natural hazards
  - d. Hard protection structures
  - e. Lifeline utilities and facilities for essential or emergency services
  - f. Protection of hazard mitigation measures.

#### Precautionary approach to natural hazard risk

609. HAZ–NH–P4 expands on the precautionary approach to natural hazard risk that is set out within Policy 4.1.8 of the PORPS 2019. Rather than replicating the direction within Policy 3 of the NZCPS, HAZ–NH–P4 provides policy direction on assessing multiple or cascading hazards when the degree of risk is uncertain or unknown, but potentially significant or irreversible. In these circumstances, HAZ–NH–P5 acknowledges that when considering activities in a complex risk environment where the natural hazard risk, either individually or cumulatively, is uncertain or unknown, but potentially significant or irreversible, it is very difficult to quantify the likelihood, consequence and risk given there are likely to be a number of unknown variables. In these situations, HAZ–NH–P4 requires that a precautionary approach is taken to

identifying, assessing and managing risk adopting an avoidance or adaptive management response to diminish the risk and uncertainty.

#### Coastal hazards

610. Policy 24 of the NZCPS provide directive guidance on the identification of coastal hazards, and Policy 25 of the NZCPS provides direction on managing subdivision, use, and development in areas of coastal hazard risk. Policy 26 of the NZCPS provides for the protection, enhancement or maintenance of natural defences against coastal hazards. To give effect to these policies, HAZ–NH–P11 requires that where land is potentially affected by coastal erosion or coastal inundation no land use change or redevelopment occurs that would increase the risk to people and communities, from that coastal hazard. It also requires that land use change or redevelopment that reduces the risk from that coastal hazard is encouraged. Finally, it requires that any decision-making about the nature, scale and location of activities must take into account the ability of Otago’s people and communities to adapt to or mitigate the effects of sea level rise and climate change.
611. This policy is supported by Method HAZ–NH–M1(2)(c) that states that the regional council is responsible for identifying the coastal hazards in accordance with Policy 24 of the NZCPS.

#### Existing use rights

612. Policy HAZ–NH–P5 builds on the risk assessment required by HAZ–NH–P2 by providing direction as to how existing natural hazard risk can be reduced. This largely replicates Policy 4.1.7 of the PORPS 2019. However, HAZ–NH–P5 includes policy guidance on managing existing use rights within areas of significant risk to people and communities. This is supported by HAZ–NH–M2(3) which directs that local authorities will investigate options for reducing the level of natural hazard risk within areas of existing development to a tolerable or lower level, including by managing existing use rights under Section 20A of the RMA.

#### Option 3: PORPS 2021 with amendments to APP6

613. This option is an extension of Option 2 (PORPS 2021), in that the objectives policies and methods remain unchanged but the methodology for natural hazard risk assessment set out in APP6 is altered. The key difference between Option 2 (PORPS 2021) and option 3 are that:
- a. an unpopulated consequence table is included rather than the generic risk table provided in Option 2,
  - b. an unpopulated risk table is included, rather than the generic risk table provided in Option 2, and
  - c. a quantitative risk assessment was not required.
614. This option would provide certainty of knowing which likelihood and consequence combinations have what level of risk. However, the identification of risk categories would be generic, and not based on region-wide consultation, including any variations in risk tolerability at a district level.
615. However, based on technical advice from GNS Science, given a region-wide consultation has not been undertaken, it was recommended that the PORPS 2021 direct that community consultation (at the district level) is undertaken with regard to the levels of risk adopted with the assessment at a territorial authority level, and the risk table be left blank to avoid bias.

### 5.10.2.5. Consultation summary

#### Clause 3 consultation

616. A summary of the process for consultation under clause 3 of Schedule 1 of the RMA, including the full list of parties involved, is provided in section 2.5.1 of this report. Ten parties provided feedback on the natural hazard section of the *HAZ–NH – Natural hazards* section through clause 3 consultation. The feedback ranged from minor amendments to correct errors or improve clarity of provisions (which were largely accepted by ORC) through to considerable issues with the policy approach adopted. These minor changes related to correcting policy references, updating policy explanations, and updating datum references.
617. The Queenstown Lakes District Council provided considerable feedback on the chapter. This feedback was largely technical in nature and sought amendments to APP6 (the methodology and tables that direct the assessment of natural hazard risk). They also sought amendments to the policies and methods that are associated with this assessment methodology. The changes suggested sought that greater clarity be provided with the Plan as to how this assessment was to be undertaken. This feedback led to a number of changes to the *HAZ–NH – Natural hazards* section, including re-drafting a number of policies and adding more detail into the assessment required within APP6.

#### Clause 4A consultation

618. The feedback provided by Iwi on the HAZ chapter was concerned with providing greater recognition that mana whenua are able to exercise their kaitiaki duty over wāhi tūpuna, Māori reserves and freehold land that are susceptible to natural hazards. As such, HAZ–NH–P12 – Kaitiaki decision making was added to the chapter to recognise and provide for the role of Kāi Tahu as kaitiaki.

### 5.10.2.6. Efficiency and effectiveness evaluation

619. Table 51 below identifies and assesses the benefits and costs of the environmental, cultural, social and economic effects that are anticipated from the implementation of the provisions proposed under Option 2 above.

Table 51: Benefits and costs for natural hazards

BENEFITS		COSTS	
<b>Environmental</b>			
<ul style="list-style-type: none"> <li>▪ Identification of areas subject to natural hazard risk (by way of mapping) in regional and district plans or within a database will support more effective management of these areas.</li> <li>▪ Local authorities will have improved clarity over the actions they are required to take in order to manage natural hazard risk.</li> <li>▪ The additional guidance on how the precautionary approach to natural hazard risk is to be applied will ensure that the risk associated with complex risk environments are adequately assessed and managed.</li> <li>▪ Protection of those natural features and systems that provide hazard mitigation.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Adverse environmental effects from some natural hazard mitigation works, particularly when there is no reasonable alternative.</li> </ul>		
<b>Cultural</b>			

- Better natural hazard information and consistency in approach may assist in making decisions on resources / taonga that could be affected by natural hazards
- Due to the potential locations of natural hazard mitigation structures, there may be adverse effects on places or areas of significance to Kāi Tahu.

**Social**

- Method HAZ–HN–M2 requires that local authorities must undertake a consultation process with communities, stakeholders and partners regarding risk levels thresholds, providing opportunities for community engagement and education.
- Avoidance of activities that may have a significant natural hazard risk will ensure safer development and communities.
- Increased awareness of natural hazards will create more informed choices for people.
- Adopting a precautionary approach to managing natural hazard risks will ensure people and communities are protected as best possible.
- Enables appropriate responses for existing settlements that are exposed to known hazards
- Allows existing settlements to continue to be developed and/or redeveloped where the natural hazard risk is tolerable or lower.
- Lower loss of life and injury following natural hazard event as a result of activities not locating in areas where risk from natural hazards would be significant.
- Some existing communities may not be able to expand and there may be a loss of other development opportunities which leads to a loss of expectations
- New natural hazard information may create concern over people’s perceived safety in some areas.
- The greater emphasis on managing existing land uses may result in reduced development rights or the managed retreat of communities subject to significant hazards risk.

**Economic**

- Greater certainty around the process for classification of risk, and therefore greater certainty of development rights.
- The adoption of a directive and consistent management framework across the region reduces administrative and litigation costs.
- Lower rebuild costs following natural hazard event as a result of activities not locating in areas where risk from natural hazards would be significant. There would also be reduced risk of, and actual property and business interruption/loss due to impacts from natural hazards.
- There will be reduced ability for development or redevelopment in certain areas or with certain types of activities, based on the risk classification.
- There will be increased cost to territorial authorities that require amendments to their district plans to identify the community’s tolerance to risk and give effect to the updated natural hazards risk assessment requirements.
- Ongoing cost to Territorial Authorities to continue to identifying areas subject to natural hazard risk.
- The greater emphasis on managing existing use rights may reduce the value of property as greater restrictions are imposed.

Table 52 below assesses the effectiveness and efficiency of the proposed provisions in achieving the objectives.

*Table 52: Efficiency and effectiveness evaluation for HAZ-NH – Natural hazards*

<b>Efficiency</b>	While there are costs involved in adopting Option 2, many of these are similar to those under the status quo, given the proposed changes are predominantly adding detail and clarity to the existing PORPS 2019 provisions. In particular, Option 2 provides greater clarity in the classification and management of activities based on the risk than the current PORPS 2019. This should provide greater certainty for parties implementing the provisions. As is
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	<p>the nature of natural hazards, there may be environmental costs of implementing the provisions, although these costs are similar to both the status quo and Option 2.</p> <p>The additional requirements within Option 2 may result in additional economic costs in the short terms as territorial authorities are required to identify the community's tolerance to risk and update district and regional plans accordingly. There may also be medium term social and economic costs as territorial authorities may be required to manage existing use rights in areas of significant risk. However, once the community tolerance to risk is identified and the existing areas of significant risk have been managed to a tolerable level, it is expected there will be longer term reductions in economic and social costs as the level of natural hazard risk will be reduced.</p>
<b>Effectiveness</b>	<p>Option 2 is more effective at meeting the objectives, as it clearly sets out how risks should be classified, and therefore how various activities should be managed in relation to natural hazards. The additional detail provided by Option 2, in relation to the management of existing use is more effective as it provides a clear threshold as to when the local authorities will investigate options for reducing the level of natural hazard risk, or consider managing existing use rights. Finally, clarifying the specific roles and responsibilities of Otago's local authorities will improve the implementation of the policies, which in turn improves the achievement of the objectives.</p>

#### 5.10.2.7. Risk of acting or not acting

620. Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. In this case, there is some inherent uncertainty around the full extent of natural hazard risk in the Otago region, meaning there is uncertainty about the reach of these provisions, and to what extent they might limit activities.
621. While the PORPS 2019 also requires identification of natural hazard risk, based on a similar level of information, there is a greater risk in not acting given that the PORPS 2021 will provide more explicit direction. As the provisions are considered to be more effective in achieving the objectives, it is appropriate to act in this case.

#### 5.10.2.8. Conclusion

622. The cost-benefit and effectiveness and efficiency assessments have shown that overall, the PORPS 2021 provisions are generally more efficient than the status quo and more effective at achieving the objectives of the PORPS 2021, by reducing significant economic and safety risk. The provisions will assist ORC and the territorial authorities to fulfil their obligations under section 6 and 7 of the RMA in a regionally consistent manner.



### 5.10.3. HAZ–CL – Contaminated land

#### 5.10.3.1. Introduction

623. This section of the report assesses the provisions proposed in the PORPS 2021 that manage contaminated land and waste. As the NESCS sets out a nationally consistent set of planning controls and soil contaminant values, the provisions within the PORPS 2021 avoid duplication by managing the adverse effects of contaminants on other receptors, including ecology, water quality or amenity values. Similarly, the management of waste is largely managed by local authorities under the Waste Minimisation Act 2008. Therefore, the focus of the provisions within the is PORPS 2021 is to provide overarching direction on the waste minimisation hierarchy and the management of waste materials in the context of the RMA.
624. The PORPS 2019 includes provisions managing the use, storage and disposal of hazardous substances. However, the Resource Legislation Amendment Act 2017 (RLAA) removed the explicit function of regional and territorial authorities under section 30 and 31 to control hazardous substances to ensure RMA controls did not duplicate controls in the Hazardous Substances and New Organisms Act 1996 (HSNO Act) and the Health and Safety at Work Act 2015 (HSW Act). As such, the PORPS 2021 has removed the provisions managing hazardous substances, and rely on the HSNO Act and the HSW Act controls to manage hazardous substances.
625. The relevant provisions for this chapter are:
- a. HAZ–CL–P13 Identifying contaminated land
  - b. HAZ–CL–P14 Managing contaminated land
  - c. HAZ–CL–P15 New contaminated land
  - d. HAZ–CL–P16 Waste minimisation responses
  - e. HAZ–CL–P17 Disposal of waste materials
  - f. HAZ–CL–P18 Waste facilities and services
  - g. HAZ–CL–M6 Regional plans
  - h. HAZ–CL–M7 District plans
  - i. HAZ–CL–M8 Waste Management and Minimisation Plans
  - j. HAZ–CL–M9 Other incentives and mechanisms

#### 5.10.3.2. Current issues

626. Historic land use and storage of hazardous substances has left a legacy of soil contamination in New Zealand. This contamination has been largely caused by historic practices in which chemicals were manufactured, used, stored and disposed of in ways that are considered unacceptable by today's standards. Contaminated land can be problematic when siting future developments.
627. It is considered the objective and policy direction within the PORPS 2019 related to contaminated land and waste materials is largely relevant and appropriate, being Objective 4.6 and Policies 4.6.4, 4.6.5, 4.6.7, 4.6.8 and 4.6.9. In addition, it is considered that methods within the PORPS 2019 are pitched at an appropriate level. The PORPS 2021 has largely retained the direction within the PORPS 2019 in relation to management of soil contamination and waste materials.

### 5.10.3.3. Objectives

628. Section 32(1)(b) requires examining whether the provisions in the proposal are the most appropriate way of achieving the objectives. The relevant objectives for this topic are included in Table 53 below.

Table 53: Contaminated land objective

HAZ-CL-O3 – Contaminated land	Contaminated land and waste materials are managed to protect human health, mana whenua values and the environment in Otago.
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### 5.10.3.4. Reasonably practicable options

629. Two reasonably practicable options were identified to achieve the objectives:

- a. **Option 1:** Status quo (PORPS 2019)
- b. **Option 2:** PORPS 2021 – *preferred*

#### Option 1: Status quo

630. The status quo and associated issues are outlined in section 5.10.3.2. As outlined in that section, the status quo is generally appropriate but there are opportunities to improve clarity. The status quo also contains direction on the management of hazardous substances which is no longer required to be managed within the RMA.

#### Option 2: PORPS 2021 – *preferred*

631. Policy HAZ-CL-P13 requires the identification of known or potentially contaminated land in Otago using the Ministry for the Environment’s Hazardous Activities and Industries List. Policies HAZ-CL-P14 and HAZ-CL-P15 ensure contaminated or potentially contaminated land does not pose an unacceptable risk to people and the environment and the creation of new contaminated land is avoided or, where this is not practicable, the adverse effects on the environment minimised. Method HAZ-CL-M6 directs that the regional council will maintain a register or database of sites where hazardous activities and industries are or have been located in Otago and amend its regional plans to manage the effects of the use of contaminated land.

632. Policies HAZ-CL-P16 and HAZ-CL-P17 require that the principles of the waste management hierarchy are applied to the management of all waste streams and the storage, recycling, recovery, treatment and disposal of waste materials are managed. Method HAZ-CL-M7, specifies the provisions required in district plans in order to implement the policies. Method HAZ-CL-M8 requires local authorities develop waste management and minimisation plans in accordance with the Waste Minimisation Act 2008 and HAZ-CL-M9 encourages application of the waste management hierarchy, and outlines additional mechanisms or incentives that would support the implementation of the policies and achievement of the objectives.

633. These provisions within the PORPS 2021 largely retained the direction within the PORPS 2019 in relation to management of soil contamination and waste materials.

### 5.10.3.5. Consultation summary

#### Clause 3 consultation

634. A summary of the process for consultation under clause 3 of Schedule 1 of the RMA, including the full list of parties involved, is provided in Section 2.5.1 of this report. The Dunedin City Council was the only party that provided feedback on the Contaminated Land section of the HAZ chapter through clause 3 consultation. The Dunedin City Council suggested that district plans can still play a role in the management of hazardous substances. As noted above, given the RLAA removed the explicit function of regional and territorial authorities under section 30 and 31 to control hazardous substances, no changes to the *HAZ-CL – Contaminated land* section have been made.

#### Clause 4A consultation

635. The feedback provided by Iwi on the *HAZ-CL – Contaminated land* section was concerned with providing greater recognition of mana whenua values. As such, HAZ-CL-O3 and HAZ-CL-P15 have been amended to recognise the effect contaminated land can have on of mana whenua values.

### 5.10.3.6. Efficiency and effectiveness evaluation

636. Table 54 below identifies and assesses the benefits and costs of the environmental, cultural, social and economic effects that are anticipated from the implementation of the provisions proposed under Option 2 above.

Table 54: Benefits and costs for contaminated land

BENEFITS		COSTS	
<b>Environmental</b>			
<ul style="list-style-type: none"> <li>▪ HAZ-CL-P13 provides greater clarity as to how sites of known or potentially contaminated land are to be identified resulting in a consistent approach to identifying contaminated land across districts.</li> <li>▪ HAZ-CL-P14 includes specific policy direction requiring closed landfills to be managed in accordance with a closure plan which will ensure the environment effects associated with closing landfills will be managed.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The removal of provisions managing the use, storage and disposal of hazardous substances will remove a layer of environmental protection as these activities will not be required to obtain a resource consent.</li> </ul>		
<b>Cultural</b>			
<ul style="list-style-type: none"> <li>▪ There are no cultural benefits anticipated with Option 2.</li> </ul>	<ul style="list-style-type: none"> <li>▪ There are no cultural costs anticipated with Option 2.</li> </ul>		
<b>Social</b>			
<ul style="list-style-type: none"> <li>▪ Provides the community with clear direction and information on how the HAZ-CL-O2 is to be achieved, particularly in relation to managing contaminated land and the disposal of waste materials.</li> </ul>	<ul style="list-style-type: none"> <li>▪ There are no social costs anticipated with Option 2.</li> </ul>		
<b>Economic</b>			
<ul style="list-style-type: none"> <li>▪ The removal of provisions managing the use, storage and disposal of hazardous substances ensures the provisions within the RPS do not</li> </ul>	<ul style="list-style-type: none"> <li>▪ There will be reduced opportunities for resource management consultants that specialise in hazardous substances, as there will</li> </ul>		

duplicate controls in the Hazardous Substances and New Organisms Act 1996 (HSNO Act) and the Health and Safety at Work Act 2015 (HSW Act) and lead to additional regional and district plan drafting and subsequent resource consent.

be reduced RMA consenting requirements associated with the management of hazardous substances.

Table 55 below assesses the effectiveness and efficiency of the proposed provisions in achieving the objectives.

*Table 55: Efficiency and effectiveness evaluation for contaminated land*

<b>Efficiency</b>	The removal of the provisions related to hazardous substances within Option 2 adds greater efficiency as it removes the duplication between the RMA controls and the controls within the HSNO Act.
<b>Effectiveness</b>	Option 2 is considered more effective than the status quo at achieving the objectives as clearer policy direction is provided. The policies include more directive guidance associated with identifying sites of contaminated land, closing landfills, and disposing of waste materials compared to Option 1. Including the provisions in one chapter more effectively sets out how the outcome will be achieved. This option is also effective at meeting the direction in the National Planning Standards

#### 5.10.3.7. Risk of acting or not acting

637. Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. In this case, it is noted that the Council currently maintains a Hazardous Activities and Industries List (HAIL) database, of properties where information is held regarding current or past land-uses that have the potential to contaminate land. Therefore, it is considered that there is sufficient information to conclude that the provisions proposed related to the management of contaminated land are appropriate.

#### 5.10.3.8. Conclusion

638. The cost-benefit and effectiveness and efficiency assessments have shown that overall, the PORPS 2021 provisions are generally more efficient than the status quo and more effective at achieving the objectives of the PORPS 2021 on the basis that changes are required to reflect legislative requirements.

## 5.11. HCV – Historical and cultural values

### 5.11.1. Introduction

639. This section of the report assesses the provisions proposed in the PORPS 2021 for managing historical and cultural values in the Otago Region. Otago is a region rich in historic heritage, with a wide range of important cultural and historic heritage places and areas. Kāi Tahu ki Otago<sup>34</sup> have a long history of settlement, travel and resource use throughout Otago, and areas used for these purposes form part of wider cultural landscapes (wāhi tūpuna). Wāhi tūpuna embody both the customary and contemporary relationships of Kāi Tahu and their culture and traditions. Kāi Tahu have a special relationship with their ancestral lands, water, sites, wāhi tapu, and other taonga, and this is recognised in the RMA as a matter of national importance.
640. While Kāi Tahu values associated with wāhi tūpuna are included in this chapter of the PORPS 2021, the expression of kaitiakitaka and broader recognition of Kāi Tahu rights, values and interests is addressed and managed via provisions contained in Part 1: MW - Mana Whenua.
641. For the purpose of describing and evaluating the provisions related to historic heritage and cultural values proposed in the PORPS 2021, the provisions have been grouped as follows:
- a. Wāhi tūpuna
  - b. Historic heritage

### 5.11.2. HCV–WT – Wāhi tūpuna

#### 5.11.2.1. Introduction

642. This section of the report assesses the provisions proposed in the PORPS 2021 related to wāhi tūpuna. The relevant provisions for this section are:
- a. HCV–WT–O1 – Kāi Tahu cultural landscapes
  - b. HCV–WT–O2 – Rakatirataka
  - c. HCV–WT–P1 – Recognise and identify wāhi tūpuna
  - d. HCV–WT–P2 – Management of wāhi tūpuna
  - e. HCV–WT–M1 – Identification
  - f. HCV–WT–M2 – Local authorities
  - g. HCV–WT–M3 – Collaboration with Kāi Tahu

#### 5.11.2.2. Current issues

643. During consultation on the PORPS 2021, undertaken in early 2020, participants did not highlight any significant issues with the management of historic and cultural heritage. However, the issues previously identified by Kāi Tahu in the development of the PORPS 2019 remain relevant. These include:
- a. the values of wāhi tūpuna are poorly recognised in resource management in Otago, and these values can be adversely affected by inappropriate land use and development, which has resulted in the mauri of some places, sites, resources and the values of

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<sup>34</sup> The collective term Kāi Tahu ki Otago is used to describe the four Papatipu Rūnanga and associated whānau and rūpu of the Otago region.

- cultural, spiritual or historic significance to Kāi Tahu, including wāhi tapu sites, being destroyed or degraded; and
- b. land management regimes have failed to adequately provide for Kāi Tahu interests in wāhi tupuna, including statutory acknowledgements, place names, tōpuni areas and nohoaka sites that are recognised in the Ngāi Tahu Claims Settlement Act 1998, and other sites not listed in that Act.
644. The key objective in the PORPS 2019 for cultural values is that Kāi Tahu values, interests and customary resources are recognised and provided for.<sup>35</sup> To achieve this objective, the PORPS contains direction to manage the natural environment to support Kāi Tahu wellbeing and recognise and protect sites and areas of cultural significance. The provisions do not explicitly require the identification of wāhi tūpuna or clearly identify who should be responsible for undertaking this exercise. Without clarification and direction on the timing and responsibility for identifying wāhi tūpuna, the management approach for wāhi tūpuna is not likely to be effective. During consultation on the PORPS 2021 Kāi Tahu also highlighted that the PORPS 2019 does not acknowledge that wāhi tupuna can only be identified by mana whenua.
645. Based on the feedback from Kāi Tahu, the provisions in the PORPS 2019 are still relevant and appropriate, however some minor changes are proposed to:
- a. make clear that wāhi tupuna can only be identified by Kāi Tahu,
  - b. define the roles and responsibilities of the local authorities, including a requirement to collaborate with Kāi Tahu to identify wāhi tupuna, and
  - c. align the style of the provisions with the remainder of the PORPS 2021.

#### 5.11.2.3. Objectives

646. Section 32(1)(b) requires examining whether the provisions in the proposal are the most appropriate way of achieving the objectives. The relevant objectives for this topic are included in Table 56 below.

Table 56: Wāhi tūpuna objective

HCV-WT-O1 – Kāi Tahu cultural landscapes	Wāhi tūpuna and their associated cultural values are identified and protected.,
HCV-WT-O2 – Rakatirataka	The rakatirataka of mana whenua over wāhi tūpuna is recognised, and mana whenua are able to exercise kaitiakitaka within these areas.

#### 5.11.2.4. Reasonably practicable options

647. Three reasonably practicable options were identified to achieve the objectives:
- a. **Option 1:** Status quo (PORPS 2019)
  - b. **Option 2:** PORPS 2021 – *preferred*
  - c. **Option 3:** Wāhi tūpuna addressed indirectly through provisions in other chapters

#### Option 1: Status quo

648. The status quo and associated issues are outlined in section 5.11.2.2. As outlined in that section, the status quo is generally appropriate but there are opportunities to improve clarity

<sup>35</sup> Objective 2.2

and better recognise feedback from Kāi Tahu. Given the issues associated with the effectiveness of the existing provisions, Option 1 is unlikely to be the most appropriate option for achieving the objectives.

#### Option 2: PORPS 2021 – preferred

649. This option includes policies and methods that describe the actions that will be undertaken to achieve HCV–WT–O1 and HCV–WT–O2, and seek to recognise and protect the elements of wāhi tūpuna to Kāi Tahu ki Otago, including ensuring mana whenua can exercise kaitiakitaka.
650. The policies seek to enable Kāi Tahu relationships with wāhi tūpuna by ensuring that wāhi tūpuna, and the values that contribute to them being significant, are identified. The policies recognise that this identification process can only be undertaken by Kāi Tahu, with methods that require local authorities to collaborate with iwi to identify wāhi tūpuna and map these sites and areas in the relevant regional and district plans.
651. The policies also set out a management approach for protecting wāhi tūpuna from inappropriate subdivision, use and development that includes avoiding significant adverse effects on values that contribute to wāhi tūpuna being significant and avoiding, remedying or mitigating adverse effects on other adverse effects. This management approach is the same as Option 1.
652. The proposed methods include direction for the local authorities to amend their plans to include objectives, policies and methods to protect identified wāhi tūpuna from inappropriate use and development.

#### Option 3: Wāhi tūpuna addressed indirectly through provisions in other chapters

653. The National Planning Standards do not require provisions specifically dealing with wāhi tūpuna. These matters could be dealt with in provisions in other chapters, for example those regarding natural features and landscapes.
654. This approach was rejected, as matters pertaining to wāhi tūpuna identification and management are distinct and require a specific suite of provisions. Addressing these matters throughout the RPS policy framework would not appropriately provide for the specific requirements for managing wāhi tūpuna, including the appropriate identification and recognition of cultural values. This approach is not considered to be effective or efficient.

#### 5.11.2.5. Consultation summary

##### Clause 3 consultation

655. A summary of the process for consultation under clause 3 of Schedule 1 of the RMA, including the full list of parties involved, is provided in section 2.5.1 of this report. Three parties provided feedback on the *HCV–WT – Wāhi tūpuna* section through clause 3 consultation (which includes the Reference Group for the HCV chapter). The feedback sought ranged from general clarifications (including the use of terminology), requests for changes related to the obligations of local authorities and to resolve the potential duplication of archaeological site protection under the Heritage New Zealand Pouhere Taonga Act 2014. Few minor amendments were made to the draft provisions in response the feedback including adding a definition of wāhi tūpuna.
656. The Wāhi Tūpuna provisions were developed in close partnership and collaboration with mana whenua at a staff level, through the Kāi Tahu consultancies Aukaha and Te Ao Marama

Inc. Some comments on these provisions were received through clause 3 consultation, and were provided to Kāi Tahu for their consideration as a part of clause 4A.

#### Clause 4A consultation

657. The feedback provided by Iwi on the HCV-WT chapter was to include Schedule 1C from the PORPS 2019. The schedule identifies wāhi tūpuna values and, while it is not exhaustive, it will provide an established and robust guidance tool for implementing HCV–WT–P1 (1) and HCV–WT–M1. Iwi also provided a definition of wāhi tūpuna. Amendments to the provisions have been made in response to this feedback.

#### 5.11.2.6. Efficiency and effectiveness evaluation

658. Table 57 below identifies and assesses the benefits and costs of the environmental, cultural, social and economic effects that are anticipated from the implementation of the provisions proposed under Option 2 above.

Table 57: Benefits and costs for wāhi tūpuna

BENEFITS		COSTS	
<b>Environmental</b>			
<ul style="list-style-type: none"> <li>Given the close link between the natural physical environment and wāhi tūpuna, the identification and protection of wāhi tūpuna from inappropriate use, subdivision and development, will likely result in positive environmental benefits.</li> </ul>		<ul style="list-style-type: none"> <li>There are no environmental costs anticipated with Option 2.</li> </ul>	
<b>Cultural</b>			
<ul style="list-style-type: none"> <li>The requirement to identify wāhi tūpuna in collaboration with iwi is likely to increase the number of significant sites, areas and landscapes that are protected.</li> <li>Recognising the rakatirataka of mana whenua over wāhi tūpuna wāhi tūpuna better enables papatipu rūnaka to undertake their kaitiaki responsibilities.</li> </ul>		<ul style="list-style-type: none"> <li>There will be costs to iwi and runaka in engaging in planning process to identify wāhi tūpuna.</li> <li>Identification of wāhi tūpuna has not occurred in some parts of Otago, and identification may need to occur which may have associated costs. Additionally, there may be cases where wāhi tūpuna are not protected as required and are adversely affected by inappropriate subdivision, use or development in the interim.</li> </ul>	
<b>Social</b>			
<ul style="list-style-type: none"> <li>Mapping areas provides certainty to the public about the extent of the protected areas.</li> </ul>		<ul style="list-style-type: none"> <li>There will be restrictions on resource use and development within protected areas, which may affect the potential for land to be used for purposes that support social well-being, for example for housing or recreational purposes.</li> </ul>	
<b>Economic</b>			
<ul style="list-style-type: none"> <li>Mapping areas provides certainty about where management approaches apply, potentially reducing the costs of processing and deciding on resource consent applications.</li> </ul>		<ul style="list-style-type: none"> <li>Collaborating with iwi to identify wāhi tūpuna will come at a cost for ORC and the TAs.</li> <li>The requirement for cultural impact assessments where activities have the potential to adversely affect wāhi tūpuna will come at an additional cost to consent applicants through limitations or prevention of some economic activities.</li> </ul>	



659. Table 58 below assesses the effectiveness and efficiency of the proposed provisions in achieving the objectives.

*Table 58: Efficiency and effectiveness evaluation for wāhi tūpuna*

<b>Efficiency</b>	Identifying and mapping wāhi tūpuna is costly but provides certainty about the extent of these areas and where and how protection will occur in accordance with Objective HCV-O1. The benefits in providing certainty about what is being managed, where and how is considered to outweigh the costs associated with working with iwi to identify wāhi tūpuna in regional and district plans. Option 2 is more efficient than option 1 as it clarifies the actions to be undertaken and by whom, avoiding potential uncertainties and inconsistency during implementation, reducing the costs of achieving the objectives.
<b>Effectiveness</b>	Requiring local authorities to work alongside iwi to identify wāhi tūpuna ensures that they are correctly identified, whereas mapping the extent of wāhi tūpuna will improve the certainty about their location and the management approach to be applied. These requirements, outlined in the policies and methods, increases the certainty that the HCV-WT-O1 will be met. Clarifying the specific roles and responsibilities of Otago’s local authorities will improve the implementation of the policies, which in turn improves the achievement of the objectives.

#### 5.11.2.7. Risk of acting or not acting

660. Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. In this case, there is uncertainty about the full extent of wāhi tūpuna in Otago, as these have not yet been identified across the entire region. This means there is uncertainty about the geographic areas these provisions will apply to and therefore the level of restriction on subdivision, resource use or development.
661. The risk of acting or not acting is considered to be the same, given that the PORPS 2019 (status quo) still requires identification of these areas based on the same amount of information. As the provisions in option 2 are considered to be more efficient and effective in achieving the objectives, it is appropriate to act in this case.

#### 5.11.2.8. Conclusion

662. The cost-benefit and effectiveness and efficiency assessments have shown that overall, the PORPS 2021 provisions are generally more efficient than the status quo and more effective at achieving the objectives of the PORPS 2021. The provisions will assist ORC and the territorial authorities to fulfil their obligations under section 6 of the RMA.

### 5.11.3. HCV–HH – Historic heritage

663. This section of the report assesses the provisions proposed in the PORPS 2021 related to historic heritage. The relevant provisions for this section are:

- a. HCV–HH–O3 – Historic heritage resources
- b. HCV–HH–P3 – Recognising historic heritage
- c. HCV–HH–P4 – Identifying historic heritage
- d. HCV–HH–P5 – Managing historic heritage
- e. HCV–HH–P6 – Enhancing historic heritage
- f. HCV–HH–P7 – Integration of historic heritage
- g. HCV–HH–M4 – Regional plans
- h. HCV–HH–M5 – District Plans
- i. HCV–HH–M6 – Incentives and education
- j. APP8 – Criteria for identification of items, places and areas of historic heritage

#### 5.11.3.1. Current issues

664. Rich historic heritage is an integral part of Otago’s regional identity and contributes to the region’s character, and economy. Historic heritage places, sites and areas are at risk from inappropriate use or development, and subsequently require protection from activities that may diminish or affect heritage values. Protection of historic heritage from inappropriate activities is required under the RMA as a matter of national importance.

665. The PORPS 2019 provisions related to historic values have been implemented through various district planning processes,<sup>36</sup> which has highlighted issues with the direction related to areas of “regional or national significance” and the ability of councils to apply a consistent approach to identifying and managing historic heritage.

666. The primary objective in relation to historic heritage is that it is “recognised and contribute[s] to the region’s character and sense of identity.”<sup>37</sup> To achieve this primary objective, the PORPS 2019 contains direction to recognise, identify and manage heritage values across the region.

667. Policy 5.2.2 from the PORPS 2019 requires that historic heritage places and areas of regional or national significance are identified using the attributes in Schedule 5. Schedule 5 sets out 11 criteria for identifying historic heritage values. However, the policy and schedule do not provide guidance on when a historic heritage place or area would be deemed regionally or nationally significant, or if the criteria listed in Schedule 5 are intended to apply to both regionally and nationally significant historic heritage values, or just one or the other. It is also unclear whether just one criterion is required to determine that a place or site or building is nationally or regionally significant, or whether multiple criteria are required to be satisfied to trigger such classification. The uncertainty embedded within this policy has resulted in some confusion for plan users and has the potential to result in different interpretations by the territorial authorities.

668. Policy 5.2.3 from the PORPS 2019 requires the protection and enhancement of places and areas of historic heritage and sets out a list of actions to achieve protection and enhancement. The policy does not specify whether the management approach required is protection and enhancement in all cases, or whether there is a distinction between the two. The policy sets

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<sup>36</sup> Dunedin City Council and Queenstown Lakes District Council

<sup>37</sup> Objective 5.2

out an effects management hierarchy, which can be an effective method for achieving a management goal, however the confusion in the policy wording<sup>38</sup> reduces the effectiveness. Policy 5.2.3(c) directs that adverse effects on values that contribute to an area or place being of regional or national significance are avoided.

669. The inconsistent use of terms such as “historic heritage” and “values” (in relation to historic heritage) throughout the PORPS adds to the confusion associated with the provisions and may result in inconsistency in implementation. It is not clear if the requirement to ‘avoid’ adverse effects on historic heritage values is intended to align with the direction set out in Section 6(f) of the RMA, which requires the protection of historic heritage from inappropriate subdivision, use, and development. The methods provide limited guidance on the roles and responsibilities of local authorities in managing historic heritage.
670. Broadly, the provisions in the PORPS 2019 remain relevant and appropriate. However, some changes are proposed to:
- a. Clearly identify who will identify areas and places with historic heritage values;
  - b. Improve overall clarity of the provisions and provide more specific guidance on the criteria that must be met for a place or site to be classified as having significant heritage values; and
  - c. Define the division of responsibilities between ORC and the territorial authorities.

#### 5.11.3.2. Objectives

671. Section 32(1)(b) requires examining whether the provisions in the proposal are the most appropriate way of achieving the objectives. The relevant objective for this topic is included in Table 59 below.

Table 59: Historic heritage objective

HCV–HH–O3 – Historic heritage resources	Otago’s unique historic heritage contributes to the region’s character, sense of identity, and social and economic wellbeing.
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#### 5.11.3.3. Reasonably practicable options

672. Two reasonably practicable options were identified to achieve the objectives:
- a. **Option 1:** Status quo (PORPS 2019)
  - b. **Option 2:** PORPS 2021 – *preferred*
  - c. **Option 3:** PORPS 2021 plus geographic heritage classifications system

##### Option 1: Status quo

673. The status quo and associated issues are outlined in section 5.11.3.1. As outlined in that section, the status quo is not considered to be effective or efficient.

##### Option 2: PORPS 2021 – *preferred*

674. This option includes policies and methods that describe the actions that will be undertaken to achieve HCV–HH–O3 and seek to recognise and protect elements of heritage that are characteristic or important to Otago.

<sup>38</sup> For example, the policy does not provide clarification of the differences between regional and nationally significant sites. Also, sub-clause (d) refers to “minimising” effects, however the related sub-clauses (e) or (f) have been drafted on the presumption that effects will be “avoided”.

675. The policies set out methods for identifying historic heritage places and areas by using clear criteria and guidance that is easily replicated and understood so that there is consistency across the Otago region. APP8 includes identification criteria for places and areas of historic heritage, where a place or area is considered to have historic heritage if it meets any one or more of the criteria listed. The criteria are generally based on the definition of historic heritage under the RMA definition and includes additional criteria from Heritage New Zealand Pouhere Taonga Significance Assessment Guidelines<sup>39</sup>.
676. The policies also set out an effects management hierarchy for protecting historic heritage from inappropriate subdivision, use and development that includes avoiding adverse effects on areas or places with special or outstanding historic heritage values or qualities and avoiding significant adverse effects on areas or places with historic heritage values or qualities. Protecting historic heritage from inappropriate subdivision, use and development is a matter of national importance that Council must recognise and provide for (s6(f) RMA). The use of the effects management hierarchy (including the strong direction to avoid certain types of effects) has been included to meet Councils obligations under s6 of the RMA. The policies also include direction for avoiding other adverse effects on places or areas with historic heritage values or qualities as a first priority and only when these effects cannot be avoided, then remedying or mitigating adverse effects on these areas and sites. For clarity, interactions between historic heritage and infrastructure are managed through a provision in the infrastructure chapter.
677. The policies include direction for enhancing places and areas of historic heritage wherever possible through plan provisions, decisions on applications for resource consent, notices of requirement and other non-regulatory methods.
678. The proposed methods include direction for the local authorities to amend their plans to include objectives, policies and methods to protect historic heritage from inappropriate use and development and to identify areas and places of historic heritage that meet the significance criteria set out in APP8. The methods also include direction for territorial authorities to amend their district plans to provide for activities that seek to retain historic heritage places, areas or landscapes.

#### Option 3: PORPS 2021 plus geographic heritage classifications system

679. This option is an extension of Option 2 (PORPS 2021), which is generally based on the HNZPT criteria and guidance for assessing significance of historic heritage, with the addition of a classification system that includes geographic significance. This option provides clear criteria necessary for a consistent and reliably repeated method for identifying places and areas of significance. A full description of identifying historic heritage under this option is set out in the heritage advice received on the draft RPS and is referred to as “Option D”. This advice is attached as Appendix 20.
680. Given the resource intensive nature of this approach without a clear need to have a different management approach for places of national and regional significance, this approach is unlikely to be efficient.

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<sup>39</sup> O'Brian, R and Barnes-Wylie J, *Guidelines for Assessing Historic Places and Historic Areas for the New Zealand Heritage List/Rārangi Kōrero* (2019)

#### 5.11.3.4. Consultation summary

##### Clause 3 consultation

681. A summary of the process for consultation under clause 3 of Schedule 1 of the RMA, including the full list of parties involved, is provided in section 2.5.1 of this report. Seven parties, including the Reference Group, provided feedback on the *HCV–HH – Historic heritage* section through clause 3 consultation. Most of the changes made to the HCV chapter were minor wording changes for clarity. There were some suggested additions to the list of historical heritage (HCV–HH–P3) such as ‘ruins’. Additionally, the word ‘early’ when referring to heritage sites was removed to allow for the capturing of different eras of historical heritage.
682. A significant change to the direction of the chapter was made in HCV–HH–P5, and the change was made due to feedback suggesting there was no work around for infrastructure projects of a regional or national significance. The change has allowed for EIT–INF–P13 to take effect in the event where adverse effects to historic heritage cannot be avoided, remedied or mitigated. However, it should be noted that the intent is still for enhancement and integration of heritage buildings or sites wherever possible to enable adaptive reuse. A significant suggested change was to allow compensation options for activities with a functional need, however this was a significant deviation from the current direction around protecting and managing historic heritage. Other feedback also suggested that a compensation option would not be appropriate due to the often-irreplaceable nature of heritage sites and buildings.

##### Clause 4A consultation

683. Iwi did not provide any feedback on the HCV–HH section of the draft RPS.

#### 5.11.3.5. Efficiency and effectiveness evaluation

684. Table 60 below identifies and assesses the benefits and costs of the environmental, cultural, social and economic effects that are anticipated from the implementation of the provisions proposed under Option 2 above.

Table 60: Benefits and costs for historic heritage

BENEFITS		COSTS	
<b>Environmental</b>			
<ul style="list-style-type: none"> <li>▪ Identification of significant heritage sites, places and areas in district plans using a method that is regionally consistent, will support more effective management by clarifying what actions are required for different categories of historic heritage.</li> <li>▪ Local authorities have improved clarity over the actions required to protect historic heritage, improving implementation of the provisions.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Identification of all sites, places and areas of historic heritage has not occurred, and identification may need to occur which may have associated costs. There are places and areas that are not currently identified or protected and may be adversely affected by inappropriate subdivision, use or development ahead of district plan reviews. This is somewhat mitigated by Policy HCV–HH–P5(1) (through requiring the use of accidental discovery protocols).</li> </ul>		
<b>Cultural</b>			
<ul style="list-style-type: none"> <li>▪ Iwi and runaka will have the ability to be involved in identification processes at the district and regional level.</li> <li>▪ There are opportunities to identify wāhi tūpuna alongside historic heritage more generally,</li> </ul>	<ul style="list-style-type: none"> <li>▪ There will be costs to iwi and runaka in engaging in planning process to identify places and areas.</li> </ul>		

providing a more holistic management approach.

- Providing for enhancement of areas that may have been adversely affected by inappropriate subdivision, use and development will assist with restoring and protecting cultural values

**Social**

- Protecting historic heritage from inappropriate use, subdivision and development and enabling the enhancement of historic heritage sites and places, contribute to Otago’s unique character and sense of identity, supporting people’s connection with place.
- Mapping places and areas provides certainty to the public about the location of protected historic heritage.
- Identifying and protecting, or enhancing, historic heritage will ensure the places and areas are maintained for public enjoyment.
- There will be restrictions on use and development within or near protected places and areas, which may affect the potential for land or buildings to be used for purposes that support social well-being.

**Economic**

- There are economic benefits from protecting Otago’s unique character which is influenced by its history and related heritage places, sites and areas, including heritage tourism, and tourism generated from amenity values and local character.
- Promoting adaptive reuse of historic heritage features and buildings contributes to maintaining the value of existing and surrounding buildings.
- Requiring the use of a clear and consistent criteria for identifying significant historic heritage areas, places and sites will reduce the cost of undertaking and defending this process on a council by council basis.
- Recognisable local character and amenity can increase value of development in urban areas.
- Development of unique sense of place provides opportunities for marketing points of difference for Otago from other destinations and opportunities for economic diversification
- Provides specialist employment in heritage tourism, and heritage maintenance and preservation.
- Costs to local authorities to identify and manage heritage through plans may increase initially to adopt the regionally consistent methodology, however these costs should be lower than the status quo for district councils that have not undertaken a plan review since the notification of the PORPS 2019.
- Owners of land or buildings that are identified as having historic heritage values or qualities will be restricted in the ways they can use and develop their land, which may also negatively impact land values.
- There will be costs associated with the actual protection of significant historic heritage. Those costs may be significant but will be dependent on the circumstances of the heritage item, place or area itself and whether the requirement is to avoid, remedy or mitigate effects on the heritage. This cost may be a burden on individual property owners, or on the public depending on the particular heritage item.
- Broadly, there may be costs associated with heritage protection through impediment or prevention of some economic and redevelopment activities.

685. Table 61 below assesses the effectiveness and efficiency of the proposed provisions in achieving the objectives.

*Table 61: Efficiency and effectiveness evaluation for historic heritage*

<b>Efficiency</b>	Identifying and classifying historic heritage places and areas is costly but provides certainty about the location of these areas, the values they have, and where and how protection will
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	occur in accordance with Objectives HCV-HH-O2. The benefits in providing certainty about what is being managed, where and how is considered to outweigh the costs associated with identification in regional and district plans. Option 2 is more efficient than option 1 as it provides certain criteria for identifying and classifying historic heritage and clarifies the actions to be undertaken and by whom. This certainty and clarification helps to avoid potential uncertainties and inconsistency during implementation, reducing the costs of achieving the objectives
<b>Effectiveness</b>	Implementing a consistent approach to identifying and classifying historic heritage will assist in ensuring the provisions are applied consistently across the region. Mapping the location of historic heritage sites and places will improve the certainty about their location and the management approach to be applied. Collectively, the clear and consistent approach to identification and classification increases the certainty that Objective HCV-HH-O2 will be met. Clarifying the specific roles and responsibilities of Otago’s local authorities will improve the implementation of the policies, which in turn improves the achievement of the objectives.

#### 5.11.3.6. Risk of acting or not acting

686. Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. In this case, there is uncertainty about the full extent of Otago’s historic heritage, including those places or sites that have special or outstanding values or qualities, as these have not been identified across the entire region. This means there is uncertainty about the sites and locations these provisions will apply to and therefore the level of restriction on subdivision, use or development.
687. The risk of acting or not acting is considered to be the same, given that the PORPS 2019 (status quo) still requires identification of these areas, however based on less certain criteria. As the provisions in option 2 are considered to be more efficient and effective in achieving the objectives, it is appropriate to act in this case.

#### 5.11.3.7. Conclusion

688. The cost-benefit and effectiveness and efficiency assessments have shown that overall, the PORPS 2021 provisions are generally more efficient than the status quo and more effective at achieving the objectives of the PORPS 2021. The provisions will assist ORC and the territorial authorities to fulfil their obligations under section 6 of the RMA in a regionally consistent manner.

## 5.12. NFL – Natural features and landscapes

### 5.12.1. Introduction

689. This section of the report assesses the provisions proposed in the PORPS 2021 to manage natural features and landscapes. Natural features include resources that are the result of natural processes, particularly those reflecting a particular geology, topography, geomorphology, hydrology, ecology, or other physical attribute that creates a natural feature or combination of natural features.<sup>40</sup> Landscape means the natural and physical attributes of land together with air and water, which change over time and which is made known by people’s evolving perceptions and associations.<sup>41</sup>
690. Natural features and landscapes also have significant cultural value to Kāi Tahu. The entire landscape of Otago is dotted with sites of significance reflecting the relationship of Kāi Tahu with the land. Wāhi tūpuna (cultural landscapes) incorporate a multitude of interconnected sites and areas that reflect the history and traditions associated with the settlement of Kāi Tahu in Otago. Although they are referenced in this chapter of the PORPS 2021, Chapter HCV: Historical and cultural values is the primary home of provisions managing wāhi tūpuna.
691. The PORPS 2019 manages two categories of natural features and landscapes: those that are “outstanding” and those that are “highly valued.” That approach is continued in the PORPS 2021 in order to implement the requirements in sections 6 and 7 of the RMA and the NZCPS.
692. The relevant provisions for this chapter are:
- a. NFL–P1 – Identification
  - b. NFL–P2 – Protection
  - c. NFL–P3 – Maintenance
  - d. NFL–P4 – Restoration
  - e. NFL–P5 – Wilding conifers
  - f. NFL–P6 – Coastal features and landscapes
  - g. NFL–M1 – Identification
  - h. NFL–M2 – Regional plans
  - i. NFL–M3 – District plans
  - j. NFL–M4 – Other incentives and mechanisms
  - k. APP9 – Identification criteria for outstanding and highly valued natural features, landscapes and seascapes

### 5.12.2. Current issues

693. Otago’s natural features and landscapes are highly valued for a range of reasons, including their cultural and social importance. They also support domestic and international tourism in the region. Through the consultation undertaken in early 2020, the majority of participants who commented on this topic emphasised the importance of Otago’s natural features and landscapes and the need to protect them from inappropriate development. Many of Otago’s outstanding and highly valued natural features and landscapes are located in areas which have

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<sup>40</sup> Department of Conservation. (2013). *NZCPS 2010 guidance note – Policy 15: Natural features and natural landscapes*. Retrieved from <https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/coastal-management/guidance/policy-15.pdf>

<sup>41</sup> *Mainpower NZ Ltd v Hurunui District Council* [2011] NZEnvC 384



development and tourism pressures (such as the Queenstown-Lakes District). This has been reflected in a number of the issues of significance for the region, including SRMR–I3 (pest species pose an ongoing threat to indigenous biodiversity, economic activities and landscapes), SRMR–I4 (poorly managed urban and residential growth affects productive land, treasured natural assets, infrastructure and community wellbeing), SRMR–I7 (rich and varied biodiversity has been lost or degraded due to human activities or the presence of pests and predators) and SRMR–I11 (cumulative impacts and resilience – the environmental costs of our activities in Otago are adding up with tipping points potentially being reached).

694. Natural features and landscapes are also important to Kāi Tahu. Wāhi tūpuna (ancestral landscapes) across Otago are made up of interconnected sites and areas reflecting the history and traditions associated with the long settlement of Kāi Tahu in Otago. Although wāhi tūpuna are managed specifically through the *HCV–WT – Wāhi tūpuna* section of the PORPS 2021, they will form an important component of some natural features and landscapes and the cultural values of those areas. Issues of significance to iwi relating to wāhi tūpuna and wāhi tapu are set out in RMIA–WTU–I1, RMIA–WTA–I1 and RMIA–WTA–I2.
695. Broadly, the provisions in the PORPS 2019 remain relevant and appropriate. However, some unclear drafting means there is uncertainty about:
- a. Who will identify outstanding and highly valued natural features and landscapes,
  - b. Whether it is the areas and/or values that are to be identified,
  - c. How identification is to occur (i.e. maps or schedules),
  - d. The management approaches required to achieve the objectives and whether they apply to the values of the areas or the areas themselves, and
  - e. The division of responsibilities between ORC and the territorial authorities.

### 5.12.3. Objectives

696. Section 32(1)(b) requires examining whether the provisions in the proposal are the most appropriate way of achieving the objectives. The relevant objectives for this topic are included in Table 62 below.

Table 62: Natural features and landscapes objective

NFL–O1 – Outstanding and highly valued natural features and landscapes	The areas and values of Otago’s outstanding and highly valued natural features and landscapes are identified, and the use and development of Otago’s <i>natural and physical resources</i> results in:  (1) the protection of outstanding natural features and landscapes , and  (2) the maintenance or enhancement of highly valued natural features and landscapes.
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### 5.12.4. Reasonably practicable options

697. Four reasonably practicable options were identified to achieve the objectives:
- a. **Option 1:** Status quo (PORPS 2019)
  - b. **Option 2:** PORPS 2021 – *preferred*
  - c. **Option 3:** Narrative approach to protecting outstanding natural features and landscapes
  - d. **Option 4:** PORPS 2021 (clause 3 version)

#### 5.12.4.1. Option 1: Status quo

698. The status quo and associated issues are outlined in section 5.12.2. As set out in that section, the status quo is considered to be generally appropriate, however there are areas where amendments could be made to improve the effectiveness and efficiency of the management approach. There are also some structural changes required as a result of the Planning Standards.

#### 5.12.4.2. Option 2: PORPS 2021 – preferred

699. There are two main components to this option: identification and management. In terms of identification, this option retains the attributes currently used in the PORPS 2019 for the identification process as they are considered to be consistent with the best practice guidance prepared by the New Zealand Institute of Landscape Architects (New Zealand Institute of Landscape Architects, 2010) that have been endorsed through Environment Court decisions.<sup>42</sup>

700. The identification provisions in the PORPS 2019 were debated during mediation on appeals, and the agreements reached have been incorporated into Policy NFL–P1 by specifying that it is both the areas and values that are to be identified. Anecdotally, there are large parts of the Otago region that may be considered outstanding or highly valued. Method NFL–M1 sets out the responsibilities of the different councils in the identification process and requires prioritising investigations in particular areas that are considered to be likely to have high value.

701. The PORPS 2019 sought to manage particular effects on the values of outstanding and highly valued natural features, landscapes and seascapes in different ways, however there was criticism of this approach through appeals as it was seen to encourage ‘piecemeal’ management by attempting to manage components (i.e. values) separately from one another, rather than the feature, landscape or seascape as a whole. Feedback from the community during consultation on the PORPS 2021 demonstrated strong support for better protection of Otago’s natural features and landscapes.

702. In terms of management, this option is not dissimilar to the PORPS 2019 framework as it retains the separation between outstanding and highly valued natural features, landscapes and sets out direction on the types of affects that are allowable or not. However there are some key differences:

- a. Protection for all outstanding natural features and landscapes is to be achieved by avoiding adverse effects on the values of the feature or landscape that contribute to it being considered outstanding and avoiding, remedying or mitigating other adverse effects (NFL–P2), and
- b. Introducing new requirements for managing wilding conifers, recognising the significant issue these pest plants pose for Otago’s natural features and landscapes (NFL–P5).

703. Method NFL–M1 sets out how the identification process will occur in detail. In particular, Method NFL–M1(1) clarifies which plans are to include the identified areas and values and (3) requires prioritising identification in areas where there is existing information to suggest that they are likely to be either outstanding or highly valued, and are likely to face development or growth pressure.

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<sup>42</sup> For example, *Unison Networks v Hastings District Council* (c11/2009).

704. Methods NFL–M2 and NFL–M3 specify the provisions required in regional and district plans in order to implement the policies. Method NFL–M4 outlines additional mechanisms or incentives that would support the implementation of the policies and achievement of the objectives.

#### Option 3: Narrative approach to protecting outstanding natural features and landscapes

705. This option is a variation on Option 2, which replaces the avoid, remedy or mitigate terminology in NFL–P2 with a requirement to protect natural features and landscapes by maintaining several qualitative attributes, being:
- a. Visual coherence and integrity of the feature or landscape,
  - b. Natural landforms, natural processes and vegetation areas and patterns,
  - c. Visual or physical qualities that make the feature or landscape iconic or rare, and
  - d. Integrity or sites of significance that contribute to values of cultural landscape
706. The qualitative attributes are likely to prove difficult in terms of implementation, as an assessment of whether the attributes are maintained is likely to be very subjective, particularly when compared to the avoid, remedy or mitigate pathway. Given the uncertainty in implementation, this approach is unlikely to be effective or result in efficient outcomes.

#### Option 4: PORPS 2021 (clause 3 version)

707. Within the version of the PORPS 2021 prepared for clause 3 consultation, the management of natural features, landscapes and seascapes in the coastal environment were included in the scope of the *NFL – Natural features and landscapes* chapter. Some clause 3 feedback raised concerns with separating coastal landscape provisions from the *CE – Coastal environment* chapter. There was also uncertainty about whether that approach was compliant with the directions in standard 2 of the National Planning Standards which directs all coastal environment-related provisions to be included in the *CE – Coastal environment* chapter.
708. It was also noted that the NZCPS provides specific direction on the management of natural features, landscapes and seascapes, and biodiversity, within the coastal environment. Including these in the *CE – Coastal environment* chapter therefore made the provisions easier to find and understand. For these reasons, this option was not progressed.

### 5.12.5. Consultation summary

#### 5.12.5.1. Clause 3 consultation

709. A summary of the process for consultation under clause 3 of Schedule 1 of the RMA, including the full list of parties involved, is provided in section 2.5.1 of this report. Seven parties provided feedback on the NFL chapter through clause 3 consultation. The feedback was largely related to minor corrections to provisions. These minor changes related to providing greater acknowledgment of cross-boundary issues, seeking a greater understanding of how the policy direction will be implemented, and understanding how the policy direction relates to other parts of the Plan, such as the Energy, infrastructure and transport chapter.
710. As noted in the description of Option 4 above, within the version of the PORPS 2021 prepared for clause 3 consultation, the management of natural features, landscapes and seascapes in the coastal environment were included in the scope of the NFL chapter. However, feedback from the Department of Conservation led to the management of features, landscapes and

seascapes within the coastal environment being moved to the CE chapter, as the direction with the NZCPS is specific to features, landscapes and seascapes in the coastal environment.

#### 5.12.5.2. Clause 4A consultation

711. The feedback provided by Iwi on the NFL chapter largely related to a number of technical drafting suggestions that assisted with the readability and structure of the chapter. These changes were incorporated with the NFL chapter. The feedback also suggested that one of the process policies within the chapter lacked clarity and created uncertainty. As a result, this policy was removed from the PORPS 2021.

#### 5.12.6. Efficiency and effectiveness evaluation

712. Table 63 below identifies and assesses the benefits and costs of the environmental, cultural, social and economic effects that are anticipated from the implementation of the provisions proposed under Option 4 above.

Table 63: Benefits and costs for natural features and landscapes

BENEFITS		COSTS	
<b>Environmental</b>			
<ul style="list-style-type: none"> <li>▪ Identification of areas (by way of mapping) and values in regional and district plans will support more effective management by improving information about natural features and landscapes and clarifying what actions are required in different areas.</li> <li>▪ Natural features and landscapes will be protected in a holistic way that safeguards their values.</li> <li>▪ Clear direction to avoid particular types of adverse effects will protect the values that contribute to a natural feature or being considered outstanding, including physical attributes.</li> <li>▪ Promoting the restoration of highly valued natural features and landscapes may result in environmental enhancement however as this is not mandatory the outcome is uncertain.</li> </ul>	<ul style="list-style-type: none"> <li>▪ There are no anticipated environmental costs.</li> </ul>		
<b>Cultural</b>			
<ul style="list-style-type: none"> <li>▪ Identifying the cultural values associated with natural features and landscapes helps to recognise the relationship of Kāi Tahu with these areas, including how landscapes have shaped their stories, traditions and practices.</li> <li>▪ Iwi and rūnaka will have the ability to be involved in identification processes at the district and regional level.</li> <li>▪ There are opportunities to identify wāhi tūpuna alongside outstanding natural features and landscapes, providing a more holistic management approach.</li> </ul>	<ul style="list-style-type: none"> <li>▪ There is some risk that applying the criteria may mean that parts of wāhi tūpuna are managed in different ways (for example, if some parts are identified as outstanding and others not outstanding or highly valued). This could undermine the integrity of wāhi tūpuna and not adequately protect cultural values.</li> <li>▪ There will be costs to iwi and rūnaka in engaging in planning process to identify areas.</li> </ul>		

- Providing for enhancement of areas that may have been adversely affected by inappropriate subdivision, use and development will assist with restoring and protecting cultural values.

#### Social

- Mapping areas provides certainty to the public about the extent of the protected areas.
- Identifying and protecting outstanding and highly valued natural features and landscapes will ensure their values are maintained for public enjoyment.
- People and communities can access and understand the values associated with outstanding and highly valued areas, providing certainty about the future use and enjoyment by the community of these areas.
- Natural features and landscapes can be an important component of recreational activities such as tramping,
- There will be restrictions on use and development within protected areas, which may affect the potential for land to be used for purposes that support social well-being, for example for housing or recreational purposes.

#### Economic

- The methodology for identification is not changed, meaning current work to implement the PORPS 2019 does not need to be redone.
- Consistent criteria across the region will reduce administrative costs and provide greater certainty for communities.
- Mapping areas provides certainty about where management approaches apply, potentially reducing the costs of processing and deciding on resource consent applications.
- Protecting Otago’s outstanding and highly valued natural features and landscapes will support industries that rely on their values (for example, tourism) and related employment opportunities.<sup>43</sup>
- Local authorities have more clarity over the actions they are required to take in order to protect outstanding and highly valued natural features and landscapes, improving implementation of the provisions.
- A more permissive management approach to highly valued natural features and landscape provides some opportunity for a wider range of uses of those areas compared with outstanding areas.
- Identifying outstanding and highly valued natural features and landscapes will come at a cost for ORC and the territorial authorities. This is potentially increased from the PORPS 2019 due to the clarification that highly valued areas also need to be identified (a point that is unclear in the PORPS 2019).
- Increased specification about how these areas are to be managed and the roles and responsibilities of the local authorities may change (and potentially increase) the workload for local authorities in implementing the provisions, compared to the status quo.
- Owners of land within outstanding and highly valued natural features and landscapes will be restricted in the ways they can use and develop their land.
- Reduced flexibility in the range of possible land uses may negatively affect land values.

Table 64 below assesses the effectiveness and efficiency of the proposed provisions in achieving the objectives.

<sup>43</sup> While information about employment numbers within the tourism industry in Otago are not available, in 2019 tourism contributed 55.6%, 8.0%, 7.4% and 3.0% to the GDP of Queenstown-Lakes, Central Otago, Dunedin City and Clutha districts respectively, relative to other industries (Infometrics, 2019).

Table 64: Efficiency and effectiveness evaluation for natural features and landscapes

<b>Efficiency</b>	Identifying the values and mapping the areas of outstanding and highly valued natural features and landscapes is costly but provides certainty about the extent of these areas, the values they have, and where and how protection will occur. The benefits in providing certainty about what is being managed, where and how is considered to outweigh the costs associated with identification in regional and district plans. Option 4 is more efficient than options 1, 2 and 3 as it clarifies the actions to be undertaken and by whom, avoiding potential uncertainties and inconsistency during implementation, reducing the costs of achieving the objectives without significantly altering the pathway to achieving the objective.
<b>Effectiveness</b>	Mapping the extent of outstanding and highly natural features and landscapes will improve the certainty about their location and the management approach to be applied, increasing the certainty that the objectives will be met. Clear direction on avoiding some types of adverse effects provides certainty for potential resource users while still ensuring that the protection and maintenance required by Objective NFL–O1 is achieved. Clarifying the specific roles and responsibilities of Otago’s local authorities will improve the implementation of the policies, which in turn improves the achievement of the objectives.

#### 5.12.7. Risk of acting or not acting

713. Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. In this case, there is uncertainty about the full extent of Otago’s outstanding and highly valued natural features as these have not been identified across the whole region. This means there is uncertainty about the geographic areas these provisions will apply to and therefore the level of restriction on subdivision, use or development.
714. The risk of acting or not acting is considered to be the same, given that the PORPS 2019 (status quo) still requires identification of these areas based on the same amount of information. As the provisions in option 2 are considered to be more efficient and effective in achieving the objectives, as well as result in better alignment across the region, it is appropriate to act in this case.

#### 5.12.8. Conclusion

715. The cost-benefit and effectiveness and efficiency assessments have shown that overall, the PORPS 2021 provisions are generally more efficient than the status quo and more effective at achieving the objectives of the PORPS 2021. The provisions will assist ORC and the territorial authorities to fulfil their obligations under sections 6 and 7 of the RMA in a regionally consistent manner.

## 5.13. UFD – Urban form and development

### 5.13.1. Introduction

716. This section of the report assesses the provisions proposed in the PORPS 2021 relating to urban form and development. Urban areas are important for community wellbeing. Well-functioning urban areas enable social interactions and provide a wide variety of housing, employment and recreational opportunities to meet the needs and preferences of communities, in a way that maximises the wellbeing of its present and future inhabitants, and respects its history, setting and the environment. The combination of population growth and demographic change, two key drivers which vary across Otago, will result in changes in the quantity and qualities demanded of housing, employment, business, infrastructure, social facilities and services. Managing the form, growth and development of urban areas appropriately is therefore key to providing for the community’s wellbeing now and into the future.
717. While 99% of Otago’s land area is predominantly non-urban, approximately 87% of the Otago Region’s usually resident population lives in urban areas.<sup>44</sup> Urban areas are also where most social facilities, employment, shops and services are located, providing access to a variety of other people, experiences, goods and services. Urban areas with greater populations tend to have greater benefits, with more variety of services, employment options, access to labour and people, and are also more efficiently able to provide and maintain the necessary infrastructure and facilities. However, the congregation of all of these activities can result in a range of adverse effects including congestion, pollution and noise.
718. Increasing competition for land and space for urban activities and the proximity of land uses within urban areas also means that urban places, including the planning and provision of the necessary infrastructure and other supporting requirements needs careful management and integration. Infrastructure is both a prerequisite for urban development to occur and can strongly influence and be influenced by urban development.
719. The growth of urban areas can result in irreversible changes, such as the loss of versatile soils or productive capacity, changes to the landscape and reduction of indigenous biodiversity. Urban growth also brings more residents into areas, resulting in changes in demand for services, infrastructure, transport and publicly accessible areas for recreation. The impact of urban activities on the surrounding environment can induce changes in land owner expectations and behaviours (for example reduced investment in productive uses in anticipation of future rezoning or as a result of reverse sensitivity impacts from sensitive uses). These changes are not necessarily adverse, but it is important that they are reasonably anticipated and managed accordingly.
720. There are aspects of the management of urban areas and their growth, change and development that is relevant to both regional and territorial authorities. How urban areas develop in one territorial authority jurisdiction can also have effects for wider parts of the region, as housing and labour markets may extend beyond local authority boundaries.
721. The NPSUD is particularly important to this topic, as it provides explicit direction on the form and development of urban areas and imposes requirements on ORC and all local authorities.

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<sup>44</sup> Based on Statistics New Zealand Urban/Rural Classification at the SA2 geographic level from the 2018 Census.

In urban areas within the coastal environment, the NZCPS is also relevant. Urban form and development also intersects with many other topics, including natural hazard risk, air quality, landscapes and infrastructure.

722. The relevant provisions for this section are:
- a. UFD–O1 – Form and Function of urban areas
  - b. UFD–O2 - Development of urban areas
  - c. UFD–O3 – Strategic planning
  - d. UFD–O4 – Development in rural areas
  - e. UFD–O5 – Urban Development and climate change
  - f. UFD–P1 – Strategic planning
  - g. UFD–P2 – Sufficiency of development capacity
  - h. UFD–P3 – Urban intensification
  - i. UFD–P4 – Urban expansion
  - j. UFD–P5 – Commercial activities
  - k. UFD–P6 – Industrial activities
  - l. UFD–P7 –Rural areas
  - m. UFD–P8 – Rural lifestyle and rural residential zones
  - n. UFD–P9 – Iwi, hapū and whānau
  - o. UFD–P10 – Criteria for significant development capacity
  - p. UFD–M1 – Strategic planning
  - q. UFD–M2 – District Plans
  - r. UFD–M3 – Design of public spaces and surrounds
  - s. APP10 – Bottom lines for development capacity

#### 5.13.2. Current issues

723. High quality urban environments maximise the positive aspects of urban areas while minimising as far as possible its negative impacts. Conversely, inefficient or poorly planned urban development can adversely affect individual and community wellbeing, and result in adverse environmental and economic outcomes.
724. The concentration of activities into urban areas can also generate a range of adverse impacts on the natural environment, including by land consumption, waterway and vegetation modification, increased water demand, and increased discharges to air, land and water, all of which can also impact mana whenua values.
725. Transportation of goods and people between and within urban areas is necessary and important for community wellbeing but can also generate adverse effects. Development or expansion of urban areas can also result in a loss or degradation of important resources including highly productive land, significant biodiversity or landscapes, cultural or heritage features. Poorly planned or timed development can also result in an inefficient use of resources, such as vacant or underutilised urban areas, or increased capital and operational costs for infrastructure.
726. How urban areas function and grow can directly affect a significant proportion of the current and future urban population. Urban growth and the performance of urban areas, as well as affecting residents of those areas, also has wider impacts including on those who reside or work in rural areas, as a range of goods and services supplying rural areas are provided from urban areas, while rural land often provides for food, water and waste disposal needs for



- urban areas. For mana whenua, development of papakainga/kaika nohoaka would enable them to support themselves on ancestral or communally owned lands.
727. Rural lifestyle development is a popular living choice in the region, driven by a combination of Otago’s landscapes and natural features, and relatively low time/distance costs of commuting to the region’s towns and settlements. Rural lifestyle development is primarily a non-rural activity that seeks to establish in rural areas due to a combination of the amenity associated with these areas (views, privacy, space) and preferences for space, views or dwelling. As a predominantly residential activity, most rural lifestyle development is concentrated in proximity to existing settlements to enable residents to access the services and facilities they need, including employment. This form of development has traditionally occurred in a relatively ad hoc manner, resulting in reverse sensitivity effects and loss of productive rural potential through fragmentation, which has or can affect the very landscape, natural, and other values that drove that initial demand. In some locations the cumulative impacts of concentrated rural-residential activities, which are often individually serviced for either or both water-supply and wastewater disposal has or is nearing thresholds for environmental concern<sup>45</sup>.
728. The responsiveness of urban planning systems to quickly respond to demand or supply changes or even reasonably expected demand and supply needs has increasingly been identified as an area for significant improvement, with notable central government interest in this areas, including the NPSUD, as well as a wide range of other complementary structural, regulatory and funding changes<sup>46</sup>.
729. Due to the dispersed nature of rural lifestyle development, the provision and maintenance of most forms of infrastructure is relatively expensive on a per dwelling basis, and this type of development results in increased average distance travelled relative to more concentrated settlement patterns. The investment in larger dwellings, buildings, landscaping and cadastral layout can also make it inefficient or difficult to further intensify to more urban forms. However, well designed and located rural residential development and subdivision can be leveraged to deliver some environmental or social benefits, including restoration and protection, access to rivers and lakes, or suitable uses for land unsuitable for productive rural or future urban development. The issue of rural lifestyle development is also quite separate from the functional needs of rural communities to provide living space for residents, visitors and seasonal workers, and space for rural production supporting businesses.
730. During consultation undertaken in February and March 2020, urban growth was identified as a significant issue by the majority of respondents, including the effects of urban development on productive soil and long term food security, transport, infrastructure, resource availability, environmental values and features, and landscapes. There was support for long term urban development strategies, along with planning and investment into residential waste and water infrastructure, improved public transport, walking and cycling, and minimising loss of productive land as possible means to better manage (rather than preclude) urban growth and through this process minimise the impacts of growth on other important values and features. This feedback informed the development of the PORPS issues, including in particular SRMR-I4

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<sup>45</sup> <https://www.orc.govt.nz/media/1654/groundwater-contamination-risk.pdf>

<sup>46</sup> Including but not limited to a number of reports commissioned by central government from the Productivity Commission, the Urban Development Act 2020, the establishment of Kainga Ora, the Infrastructure Funding and Financing Act 2020, Urban Growth Partnerships including with QLDC, establishment of the Infrastructure Commission, the Urban Growth Agenda and Resource Management and three waters reform programmes.

(poorly managed urban and residential growth affects productive land, treasured natural assets, infrastructure and community wellbeing). Urban land uses have also been identified as issues of significance to iwi, including due to the effects on freshwater habitats (RMIA-WAI-13), indigenous species (RMIA-MKB-I1), wāhi tapu (RMIA-WTA-I1) and coastal systems (RMIA-CE-I1).

731. The PORPS 2019 was developed to give effect to the NPSUDC 2016 which has been superseded by the NPSUD 2020. Experience in implementing the urban development components of the PORPS 2019 highlighted the difficulties of achieving *well-functioning urban environments* in the face of large numbers of significant private plan changes and resource consents for a wide range of urban and lifestyle driven developments often in sensitive environments.
732. The key challenge for the PORPS in integrating management and delivering solutions to the issues, is providing for sufficient urban development opportunities that result in quality urban environments, well-functioning settlements and rural areas, that are well-integrated with infrastructure and other facilities, while also ensuring the adverse effects of such development are appropriately managed.

### 5.13.3. Objectives

733. Section 32(1)(b) requires examining whether the provisions in the proposal are the most appropriate way of achieving the objectives. The relevant objectives for this topic are included in Table 65 below.

Table 65: Urban form and development objectives

UFD-O1 – Form and function of urban areas	<p>The form and functioning of Otago’s urban areas:</p> <ol style="list-style-type: none"> <li>(1) reflects the diverse and changing needs and preferences of Otago’s people and communities, now and in the future, and</li> <li>(2) maintains or enhances the significant values and features identified in the RPS, and the character and resources of each urban area.</li> </ol>
UFD-O2 – Development of urban areas	<p>The development and change of Otago’s urban areas:</p> <ol style="list-style-type: none"> <li>(1) improves housing choice, quality, and affordability,</li> <li>(2) allows business and other non-residential activities to meet the needs of communities in appropriate locations,</li> <li>(3) respects and wherever possible enhances the area’s history, setting, and natural and built environment,</li> <li>(4) delivers good urban design outcomes, and improves liveability,</li> <li>(5) improves connectivity within urban areas, particularly by active transport and public transport,</li> <li>(6) minimises conflict between incompatible activities,</li> <li>(7) manage the exposure of risk from natural hazards in accordance with the HAZ-NH-Natural hazards section of this RPS,</li> <li>(8) results in sustainable and efficient use of water, energy, land, and infrastructure,</li> <li>(9) achieves integration of land use with existing and planned development infrastructure and additional infrastructure and facilitates the safe and efficient ongoing use of regionally significant infrastructure,</li> <li>(10) achieve consolidated, well designed and located, and sustainable development in and around existing urban areas</li> </ol>

	<p>as the primary focus for accommodating the region’s urban growth and change, and</p> <p>(11) is guided by the input and involvement of mana whenua.</p>
UFD-O3 – Strategic planning	<p>Strategic planning is undertaken in advance of significant development, expansion or redevelopment of urban areas to ensure that</p> <p>(1) there is sufficient development capacity supported by integrated infrastructure provision for Otago’s housing and business needs in the short, medium and long term,</p> <p>(2) development is located, designed and delivered in a way and at a rate that recognises and provides for locationally relevant regionally significant features and values identified by this RPS, and</p> <p>(3) the involvement of mana whenua is facilitated, and their values and aspirations are provided for.</p>
UFD-O4 – Development in Rural areas	<p>Development in Otago’s rural areas occurs in a way that:</p> <p>(1) avoids impacts on significant values and features identified in this RPS;</p> <p>(2) avoids as the first priority, land and soils identified as highly productive by LF–LS–P16 unless there is an operational need for the development to be located in rural areas;</p> <p>(3) only provides for urban expansion, rural lifestyle and rural residential development and the establishment of sensitive activities, in locations identified through strategic planning or zoned within district plans as suitable for such development; and</p> <p>(4) outside of areas identified in (3), maintains and enhances the natural and physical resources that support the productive capacity, rural character, and long-term viability of the rural sector and rural communities.</p>
UFD-O5 – Urban development and Climate Change	<p>The impacts of climate change are responded to in the development and change of Otago’s urban areas so that:</p> <p>(1) current communities’ and future generations’ contribution to climate change impacts are reduced,</p> <p>(2) community resilience increases,</p> <p>(3) adaptation to the effects of climate change is facilitated,</p> <p>(4) energy use is minimised, and energy efficiency improves, and</p> <p>(5) establishment and use of small and community-scale distributed electricity generation is enabled.</p>

#### 5.13.4. Reasonably practicable options

734. Three reasonably practicable options were identified to achieve the objectives:

- a. **Option 1:** Status quo (PORPS 2019)
- b. **Option 2:** Only compulsory requirements from NPSUD
- c. **Option 3:** PORPS 2021 – *preferred*

##### 5.13.4.1. Option 1: Status quo

735. The status quo and associated issues are outlined in section 5.13.2. As outlined in that section, the status quo is not considered to be effective or efficient.

#### 5.13.4.2. Option 2: Only compulsory requirements from NPSUD

736. This option would be limited to inclusion of the specific compulsory requirements for RPSs as articulated in the NPSUD. This would be a Table containing the housing bottom lines for Tier 2 Urban Environments (Clause 3.6(2)(a) given effect to by APP8) and a policy outlining the criteria for where local authorities must be responsive to plan changes (Clause 3.8(3) given effect to by UFD - P9).
737. Policies of the NPSUD identify that the planning system as a whole must enable certain outcomes, in particular, Policies 3, 4, and 5 mention regional policy statements alongside district plans as being required to 'enable' certain density and height outcomes. This option could also include explicit direction in relation to density and height to give effect to these policies.
738. This approach is considered to be ineffective given the strong links and interdependencies between issues relating to urban form and development and the other regionally significant issues. It is also considered to be relatively inefficient as the two compulsory inclusions would have limited contextual objective and policy frameworks, and the management of plan development and plan changes would also proceed with very limited higher order direction potentially resulting in poor outcomes and limited integration.

#### 5.13.4.3. Option 3: PORPS 2021 – preferred

739. The policies and methods under this option are intended to work as an integrated package, and in conjunction with the other chapters of the RPS where there are aspects of detail about specific regionally significant issues that are better located in those other chapters. For example, while the direction in the UFD chapter provides general direction for urban expansion and intensification, any expansion or intensification will also need to meet relevant direction in other chapters, including those regarding mana whenua values, indigenous biodiversity, soils, air, hazards, coastal environment, natural features and landscapes, and energy transport and infrastructure.
740. The approach taken in the proposed provisions is to enable existing urban areas to grow and change in response to the changing needs and preferences of the people who live, work, visit and recreate in them, so as to maximise the positive aspects of urban areas, and ensure they are as well-functioning as possible. However, this is tempered within a framework that requires careful planning to be undertaken in advance of development occurring, which can define and articulate limits and opportunities, ensure integration with the development of infrastructure, and maintain those values and characteristics that make each urban environment special. The provisions also seek to ensure that different components of the urban environment function well, covering commercial activities, industrial activities and development infrastructure and other infrastructure as well as residential activities, and the degree to which this applies will vary according to their role, size, scale and function.
741. The approach outlined in the provisions requires local authorities to achieve at least sufficient urban area housing and business development capacity in the short, medium and long terms by identifying areas for intensification and expansion, and responding to any demonstrated insufficiency by enabling more development capacity or providing more development infrastructure where that is integrated with adjoining urban environments and the provisions of infrastructure (Policy UDF-P2). This provides some certainty to developers, the community and infrastructure providers (including those controlled or funded by council, central

government and other third parties<sup>47</sup>) about where and potentially when development will, can or might occur and ensures there are clear frameworks for enabling development that aligns with these approved strategies and plans.

742. Balancing this certainty, flexibility is provided for developments that are not anticipated (or are out of sequence). The relevant local authority must have particular regard to the development capacity provided, if they provide 'significant development capacity', as defined by criteria set out by Policy UFD-P10. This provision gives effect to NPSUD Clause 3.8, in particular subclause (3). The provisions recognise that urban development occurs in two main ways; through intensification of existing urban areas; and through urban expansion. The provisions reflect that the issues and challenges associated with each type of development are different, and provide direction on where each is most suitable. Policies UFD-P2 and UFD-P3 provide direction to TAs to enable intensification and facilitate expansion where specified criteria are met. This approach supports the objective of more efficiently utilising existing resources, infrastructure and facilities, while also allowing for expansion that can also support wider objectives.
743. Policies UFD-P5 and UFD-P6 seek to provide for commercial activities and industrial activities respectively, primarily by identifying areas that are appropriate for these activities, managing them appropriately to allow for growth and change, and for industrial land, avoiding the establishment of activities likely to result in reverse sensitivity effects or an inefficient use of industrial land. Policies UFD-P5 and UFD-P6 support the location focussed policies of UFD-P2 and UFD-P3 and add form and function considerations.
744. Policies UFD-P7 and UFD-P8 set out how to provide for growth and development in rural areas, including rural lifestyle and rural residential zones. The distinction is made in the Policies to require *urban* demand to be anticipated and provided for in accordance with the NPSUD. If rural residential and rural lifestyle demand exists and the territorial authority decides that that demand is to be provided for, the policy requires this to be done in a particular way. For the avoidance of doubt, rural residential and rural lifestyle development is to be *managed*, but does not require this demand to be met, unless it is demonstrably appropriate to do so. Policy UFD-P7 focuses on maintaining the productive capacity, amenity and character of rural areas, recognising that these areas play an important role in environmental, cultural and social wellbeing and the economy of Otago. UFD-P8 provides for the establishment, development or expansion of rural lifestyle and rural residential zones where it meets certain criteria, including avoiding land identified for future urban development or where development would foreclose or reduce efficient realisation of that urban development potential. Unlike the requirement to anticipate and demonstrably meet projected demand in urban areas for housing, the approach proposed to rural lifestyle development is to manage demand, and provide for opportunities only where it is appropriate. In particular, rural lifestyle development should avoid highly productive land and land identified for future urban expansion, but should be located close to urban areas and accessible to employment and services.
745. Policy UFD-P9 carries over the existing direction from the PORPS 2019 regarding the development of land by Kāi Tahu, including providing for papakāika, kāika and marae. In

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<sup>47</sup> Noting that the Infrastructure Funding and Financing Act 2020, the Urban Development Act 2020, and the reform of three waters delivery system all highlight the increasing role for *development infrastructure* to be funded, provided and or controlled by non-council actors. *Additional infrastructure* already recognises and provides for a range of third parties and their infrastructure to be considered and involved in the process.

accordance with the NPSUD (Clause 3.6(2)(a))<sup>48</sup>, Policy UFD-P10 sets out the criteria for determining whether a proposed plan change provides ‘significant development capacity’. The criteria were initially developed in collaboration with the Tier 2 local authorities in Otago.

746. Method UFD-M1 requires Otago’s relevant local authorities to jointly determine housing development capacity for Tier 2 local authorities using the process set out in the NPSUD and for other areas (Tier 3 and other local authorities) using a similar but appropriately scaled process. It also requires the local authorities to monitor and regularly assess and report on the supply of, and demand for, land development capacity, coordinate the redevelopment and intensification or expansion of urban areas using Future Development Strategies and/or Structure Planning, and develop housing bottom lines in accordance with the NPSUD. There is a blank table in APP10 which will be amended in the future to include these bottom lines as soon as practicable following the publication of the relevant HBA. The method provides a staggered approach recognising the directive nature of the NPSUD for Tier 2 authorities, over and above other territorial authorities and also the ‘strong suggestion’ that other territorial authorities undertake similar processes using suitably scaled processes.
747. Method UFD-M2 sets out the requirements for district plans, to allow for the delivery of outcomes identified via strategic planning processes. This requirement also gives effect to the NPSUD direction to ensure sufficient development capacity (Clause 3.17). There are many specific actions required that must be undertaken as soon as practicable, mostly subsequent to the strategic planning processes they will be significantly informed by and designed to implement.
748. Supporting this, Policy UFD-M3 sets out the requirements for the design and maintenance of public spaces, reflecting that as urban areas become more intensively utilised, the value of public space increases.

### 5.13.5. Consultation summary

#### 5.13.5.1. Clause 3 consultation

749. As discussed in 2.5.1, Clause 3 consultation involved comment from a range of parties, and further discussion with the Reference Group (Urban form and development). A wide range of commentary was received, with the majority being from territorial authorities who will be responsible for implementing the provisions via their district plans and strategic planning processes.
750. Comments from the territorial authorities focussed on highlighting areas where the policy direction was either unclear or potentially inconsistent with the NPSUD. A number of minor changes were made to the key urban form policies to clarify intent. The primary sector respondents supported for the approach to rural growth and considered that rural areas should be predominantly for rural activities, and activities without a functional need, especially where they impact on productive potential should be restricted.
751. Commentary from the Reference Group (Urban form and development) covered a range of matters but primarily energy efficiency in all its forms, including transport efficiency (encouraging urban forms that reduce need for trips and enable trips by more active modes), building efficiency (warmer, dryer homes requiring less energy input to run and less emissions

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<sup>48</sup> See also <https://environment.govt.nz/assets/Publications/Files/Understanding-and-implementing-responsive-planning-policies.pdf>

to build - with a side effect of reduced need to burn for heat), and food efficiency, enabling more productive use of rural environments close to urban areas for food energy and fibre, as well as recognising that rural areas are not solely productive.

752. In response to the Reference Group, some refinement of the policies has been made to clarify the potential for these outcomes, noting that the Building Code is the more appropriate legislative means for some of the detail, including layout and arrangement in terms of potential for energy efficiency. These refinements also included strengthening of the rural policies to recognise the range of values that non-urban areas contain.
753. Both groups noted the potential overlap between the issues in this chapter and a range of other topics and domains. The pNPSIB and pNPSHPL were both noted as a key potential area for future change or refinement in the approach to urban and non-urban development and outcomes but the form and direction of both of these is currently uncertain.

#### 5.13.5.2. Clause 4A consultation

754. Feedback via Clause 4A consultation was generally supportive of the objectives, policies and methods of the UFD chapter, with a range of suggested minor improvements. These have all been implemented.
755. The main areas of substantive feedback related to:
- a. the involvement and input of mana whenua in urban decision making generally could be strengthened to better reflect RMIA and MW chapters direction. Specific additions to identified polices and methods have been made to reflect this.
  - b. Commentary on UFD-P8 also noted that the terminology used could be confusing and that the PORPS included a schedule or list of statutory acknowledgement areas and *Te Ture Whenua* that has been useful and that its inclusion in this RPS could reduce confusion and improve implementation. This list has been included and the policy amended to make clear that the directive to facilitate the use of this land for the purposes listed is required. Strengthening the role and involvement of *mana whenua* in the urban development process as noted above will also facilitate this.
  - c. Comments on the potential conflict between UFD-04/P7 and UFD-P8, with respect to the potential constraint on the development of ancestral land in rural areas was noted. On consideration, the development of ancestral land in rural areas would be by definition an 'operational need' and the specific support of UFD-P8 is considered to override the more general provisions of UFD-P7, without adding to the direction of UFD-P8 with a carveout. The extensive discussion in RMIA and the MW chapter is also considered to give clear guidance to the interpretation of UFD-04 in relation to development of ancestral lands where they are in rural areas (which is where many are located).

#### 5.13.6. Efficiency and effectiveness evaluation

756. Table 66 below identifies and assesses the benefits and costs of the environmental, cultural, social and economic effects that are anticipated from the implementation of the provisions proposed under Option 3 above.

Table 66: Benefits and costs for urban form and development

BENEFITS	COSTS
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### Environmental

- Integrated land use and infrastructure planning will ensure capacity exists to support new development, reducing the potential for adverse effects on the environment.
- Clear parameters on urban form and development are expected to appropriately manage adverse effects, including avoidance, where that is directed in relation to specific effects, features or areas.
- The environmental effects of ad hoc or sporadic development are avoided.
- Support reduction in contributions to climate change including from transport, energy and heating
- Urban development can have adverse effects on the environment. However, the provisions seek to ensure they are appropriately managed including by enabling urban intensification can reduce the need or pressure for urban expansion and the associated loss of valued resources including by more efficient use of existing or upgraded infrastructure.
- Urban development can result in a change to the amenity values currently associated with an area. For some, this will be perceived as a negative change. However the provisions seek to manage development to maintain the character and identified qualities of existing urban areas.
- Urban expansion, including rural residential and rural lifestyle development can adversely affect productive capacity of rural areas. However the provisions seek to appropriately manage this.

### Cultural

- Provides for iwi and hapu input into urban planning and decision making. This better facilitates the exercise of tino rangatiratanga and is more likely result in culturally appropriate approaches to urban form and development.
- Allows for developments that meet the needs and aspirations of tangata whenua, including explicit provisions for development of Te Ture Whenua Maori land and other customary or jointly owned land, where appropriate infrastructure is provided.
- Improving protection of environmental values from the impacts of new and existing urban development will increase the mauri of these resources and improve the mana of tangata whenua.
- Urban development can have adverse effects on cultural values. However, the provisions seek to ensure they are identified and appropriately managed, with input from iwi and hapu, and involvement in decision making processes.

### Social

- Well-functioning urban environments will increase social well-being including by improving accessibility for all people between housing, employment, social interaction opportunities, services and public open space, by active and public transport.
- Well-planned urban expansion and intensification will provide attractive and well-functioning environments for people to live, work and play in.
- Enabling greater urban land use flexibility has been identified<sup>49</sup> as benefitting lower socio-economic groups and future generations most.
- Increased development within, or near rural areas can increase the potential for reverse sensitivity effects to arise as new activities are impacted by existing ones resulting in community tension, uncertainty and individual stress for both complainants and affected activities. These provisions however seek to minimise this potential by directing rural residential demand to locations demonstrated to be appropriate.
- Changes to existing areas or growth of urban areas that result in a change to the amenity values currently associated with an area can have negative social impact. However, the

<sup>49</sup> Ministry for the Environment. 2020. Introductory guide to the National Policy Statement on Urban Development 2020. Wellington: Ministry for the Environment , Page 6,



- Urban areas in Otago will be better equipped to respond to many urban problems, such as changing patterns of wealth inequality, housing unaffordability and climate change.
- provisions seek to manage development to maintain the character and special qualities of existing urban areas as these qualities both drive demand and can facilitate supply.
- Poorly managed or laid out urban development can result in impacts such as increased travel time and increased pressure on shared spaces, affecting social well-being. However the provisions seek to ensure urban areas are planned well to address matters such as connectivity and design of public spaces.

**Economic**

- Provides increased certainty to developers and infrastructure providers, allowing for efficiencies associated with integration between land use and infrastructure.
- There are costs associated with providing additional infrastructure to service planned development.
- Strategically planned and integrated development is expected to reduce the likelihood of having to retrospectively upgrade infrastructure, at a cost to ratepayers.
- Implementation of the provisions is expected to improve competitiveness of land and development markets, increasing choice and better matching demand and supply. This is expected to help improve affordability.
- Implementation of provisions is expected to improve the efficiency and certainty of process for appropriately located housing and business developments in urban areas.
- Potential benefits of flexible urban policy include higher productivity and wages, shorter commute times, lower housing costs, social inclusion, and more competitive urban land markets.
- intensification policies will help to decouple land prices from housing costs by removing barriers to high-density developments and enabling more housing in areas where people want to live (places that tend to have the highest land values). This will mean more people can readily access housing in the places they want to live, and our communities will have more affordable housing and better access to jobs, amenities and services.

Table 67 below assesses the effectiveness and efficiency of the proposed provisions in achieving the objectives.

*Table 67: Efficiency and effectiveness evaluation for urban form and development*

<b>Efficiency</b>	Overall, the proposed set of provisions is considered to be efficient, as the benefits outweigh the costs. In particular, providing greater certainty regarding urban expansion and development, and requiring strategic integration with infrastructure provisions is expected to be an efficient way of achieving the outcomes sought in UFD–O1 to UFD–O5.
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<b>Effectiveness</b>	Option 2 is expected to be an effective way to achieve the objectives. This is because it provides clear direction on how growth is to be planned for and provided, and how urban areas are to be designed and located to best provide for the needs of the region through strategic planning processes that will guide not just regulatory but also non-regulatory and infrastructure provision. Similarly, the provisions also ensure that rural areas are appropriately managed to maintain their character, amenity and productive capacity and the significant resources and features they contain.
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#### 5.13.7. Risk of acting or not acting

757. Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information.
758. How and where urban areas will grow and develop is uncertain, as it is influenced by many different factors. The risk of acting in the manner proposed is expected to reduce this uncertainty by providing clear direction on how and where growth should occur and provides a process that requires the use of best available information to assess demand and the most appropriate approach to provide for that demand, including any necessary infrastructure.

#### 5.13.8. Conclusion

759. The cost-benefit and effectiveness and efficiency assessments have shown that overall, the PORPS 2021 provisions are generally more efficient than the status quo and more effective at achieving the objectives of the PORPS 2021 than other reasonably practicable options. The provisions will also assist ORC and the territorial authorities to fulfil their obligations under the NPSUD and sections 30 and 31 RMA.

## 6. Planning context

### 6.1. Introduction

760. The purpose of a regional policy statement is to achieve the purpose of the RMA by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.<sup>50</sup>

761. Under the RMA, regional policy statements are required to take into consideration (in different ways) particular sections of the RMA as well as a range of other documents. The tests in the RMA for preparing regional policy statements set out how regional policy statements must consider:<sup>51</sup>

- a. The provisions of Part 2 of the RMA;
- b. ORC's functions under section 30;
- c. A New Zealand Coastal Policy Statement;
- d. A national policy statement;
- e. A national planning standard;
- f. Any regulations;
- g. Any water conservation order;
- h. Lake Wanaka Preservation Act 1973;
- i. Any relevant planning document recognised by an iwi authority;
- j. Any relevant planning document prepared by a customary marine title group;
- k. Management plans and strategies prepared under other Acts;
- l. Relevant entry on the New Zealand Heritage List/Rārangī Kōrero;
- m. Regulations relating to fisheries resources;
- n. The extent to which the regional policy statement needs to be consistent with the policy statements and plans of adjacent regional councils; and
- o. The extent to which the regional policy statement needs to be consistent with regulations made under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

762. In addition to the RMA, there is one additional statute of particular relevance for Otago:

- a. Lake Wanaka Preservation Act 1973.

763. The following sections set out the various tests in the RMA relating to the consideration of these documents and how the PORPS 2021 meets them.

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

764. Regional policy statements must be prepared in accordance with the provisions of Part 2 of the RMA.<sup>52</sup> The purpose of the RMA is set out in Part 2, section 5 of the RMA:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to*

<sup>50</sup> Section 59, RMA

<sup>51</sup> Sections 61 and 62, RMA; and Clause 8, Lake Wanaka Preservation Act 1973

<sup>52</sup> Section 61(1)(b), RMA

*provide for their social, economic, and cultural well-being and for their health and safety while—*

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

765. The RMA also sets out the following matters of national importance (in section 6), which all persons exercising functions and powers under the RMA must recognise and provide for:

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

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

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

767. Section 8 of the RMA requires that persons exercising functions and powers under it shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The Treaty principles are used in a number of statutes but are not defined in legislation. The principles relate to the obligations of the Crown under the Treaty of Waitangi and have been derived predominantly from Court of Appeal decisions in relation to cases under the State-Owned Enterprises Act 1986. The principles are:

768. The two parties to the Treaty must act reasonably towards each other and in utmost faith;

- a. The Crown must make informed decisions (which will require consultation, but not invariably so);

- b. The Crown must not unreasonably impede its capacity to provide redress for proven grievances; and
- c. The Crown must actively protect Maori interests.

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

770. The provisions of the PORPS 2021 have been developed to reflect the matters in Part 2. All of the matters of national importance in section 6 have been recognised and provided for primarily through the most relevant chapter for the matter. For example, section 6(b) requires the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development. This direction has underpinned the provisions in the NFL chapter. Other matters are broader and apply across chapters, such as the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.<sup>53</sup> That theme is picked up through many chapters of the PORPS, including MW, LF, CE and HCV.

771. The matters in section 7 are generally less resource-specific and instead inform the policy framework more broadly. These matters have largely been addressed throughout the PORPS rather than through specific chapters, although there are some exceptions to that – for example, section 7(ba) regarding the efficiency of the end use of energy. The effects of climate change have also been addressed prominently through the provisions of the IM chapter. This is because of the significant and wide ranging climate change impacts likely to occur in Otago, affecting environmental, social, economic and cultural wellbeing.

772. Section 8 requires local authorities to take into account the principles of Te Tiriti o Waitangi. The application of this section is fact-specific, but Courts have identified specific obligations to:

- a. Enable active participation by Māori in resource management decision-making, including in respect of plan-making;
- b. Engage with tangata whenua in good faith; and
- c. Endeavour to protect resources of importance to Māori from adverse effects.

773. Mana whenua have participated throughout this plan-making process through the consultancies Aukaha and Te Ao Marama, and ORC has engaged in good faith. The specific actions taken are outlined in more detail in section 2.1 of this report, but in summary they include regular meetings to understand mana whenua aspirations for the region, co-drafting provisions, and sharing early drafts of key chapters. Protecting resources of importance to mana whenua occurs throughout the PORPS. The MW chapter sets out the processes by which mana whenua will be involved in resource management and their values recognised. Specific recognition of resources of importance to mana whenua occurs throughout the PORPS, including in the LF, CE and HCV chapters.

### 6.3. Resource Management Act 1991: Functions of ORC

774. Regional policy statements must be prepared in accordance with ORC's functions as set out in section 30 of the RMA.<sup>54</sup> Most of these functions relate to the control of the coastal marine

<sup>53</sup> Section 6(e), RMA

<sup>54</sup> Section 61(1)(b), RMA

area, water take and use, and discharges to air, water and land and are more relevant for regional plans than policy statements.<sup>55</sup> The functions which are more applicable to regional policy statements are:

- a. establishing, implementing and reviewing objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region;<sup>56</sup>
- b. preparing objectives and policies in relation to any actual or potential effects of the use, development or protection of land which are of regional significance;<sup>57</sup>
- c. establishing, implementing and reviewing objectives, policies and methods to ensure that there is sufficient development capacity in relation to housing and business land to meet the expected demands of the region;<sup>58</sup>
- d. establishing, implementing and reviewing objectives, policies and methods for maintaining indigenous biodiversity;<sup>59</sup> and
- e. strategic integration of infrastructure with land use through objectives, policies and methods.<sup>60</sup>

775. The provisions of the PORPS 2021 are within the scope of ORC’s functions as set out in section 30.

#### 6.4. New Zealand Coastal Policy Statement 2010 (NZCPS)

776. Under section 61(1)(da) of the RMA, regional policy statements must be prepared in accordance with a New Zealand Coastal Policy Statement. The relevant version for the PORPS 2021 is the New Zealand Coastal Policy Statement 2010 (NZCPS). The NZCPS sets out how the purpose of the RMA will be achieved in relation to the coastal environment and contains a range of policies, including some that are highly directive. The implementation of the NZCPS and in particular how it is to be implemented by local authorities has been the subject of a large body of case law.

777. Table 68 below provides an assessment of the PORPS 2021 against the NZCPS provisions that are relevant.

*Table 68: Assessment against NZCPS*

Provision(s)	Assessment
Objective 1	Objective 1 seeks to safeguard the integrity, form, functioning and resilience of the coastal environment. IM-O1, IM-O3, IM-O4, ECO-O1 and CE-O2 give effect to this objective.
Objective 2	Objective 2 recognises the importance of preserving the natural character of the CMA and the protection of natural features and landscapes. IM-O1CE-O1, CE-P2, CE-P4, and CE-P6 give effect to this objective.
Objective 3	Objective 3 requires that the principles of Te Tiriti o Waitangi are taken into account, the role of tangata whenua as kaitiaki is recognised, and tangata whenua

<sup>55</sup> In particular, subsections (c) to (g) of section 30(1), RMA

<sup>56</sup> Section 30(1)(a), RMA

<sup>57</sup> Section 30(1)(b), RMA

<sup>58</sup> Section 30(1)(ba), RMA

<sup>59</sup> Section 30(1)(ga), RMA

<sup>60</sup> Section 30(1)(gb), RMA

	involvement in management of the coastal environment is provided for. MW-O1, IM-O1, IM-P3, IM-M2, CE-O2, CE-O3 and CE-P3 give effect to this objective.
Objective 4	Objective 4 relates to the maintenance and enhancement of the public open space qualities and recreation opportunities of the coastal environment. IM-O1, CE-O3, CE-P7, CE-P8 and CE-P9 give effect to this objective.
Objective 5	Objective 5 seeks to ensure that coastal hazard risks take into account climate change and are managed appropriately. IM-O1, HAZ-NH-O1 and HAZ-NH-P11 give effect to this objective.
Objective 6	Objective 6 seeks to enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety through subdivision, use and development. IM-O1, IM-P3, IM-M2, CE-O3, CE-P8, CE-P9, CE-10, CE-11 and CE-P12 give effect to this objective.
Objective 7	Objective 7 seeks to ensure that management of the coastal environment recognises and provides for New Zealand’s international obligations. This objective is broadly given effect to in the Coastal Environment chapter.
Policy 1	Policy 1 is given effect to by CE-2 and CE-M1 which direct that the landward extent of the coastal environment be identified.
Policy 2	Policy 2 requires that the principles of Te Tiriti o Waitangi and kaitiakitanga are taken into account in relation to the coastal environment. This policy is given effect to by MW-P1, MW-P2, CE-O2, CE-O3 and CE-P3.
Policy 3	Policy 3 is given effect to by IM-P14 which requires a precautionary approach be adopted towards proposed activities whose effects are uncertain, unknown or little understood, but could be significantly adverse.
Policy 4	Policy 4 relates to providing for integrated management in the coastal environment. This policy is given effect to by IM-P4, IM-P5 and IM-M2. Policy 1 will largely be achieved through the implementation of the RPS.
Policy 5	Policy 5 requires the consideration of effects on land or waters in the coastal environment held or managed under other acts. This policy is given effect to through the implementation of the RPS within the Coastal Plan.
Policy 6	Policy 6 directs consideration of certain matters in relation to activities affecting the coastal environment and the CMA. EIT-INF-O6, EIT-INF-P11, EIT-INF-P14, EIT-EN-O4, CE-O1, , CE-P9, CE-P10, and MW-P4 give effect to this policy.
Policy 7	Policy 7 relates to strategic planning matters in the coastal environment. IM-O1, IM-P4, IM-P12, IM-M1 CE-P9, CE-P10, CE-M2, CE-M3 and CE-M4 give effect to this policy.
Policy 8	Policy 8 is an activity specific policy relevant to aquaculture. CE-P3 and CE-P11 give effect to this policy.
Policy 9	Policy 9 recognises the importance of a network of safe ports as part of New Zealand’s national transport system. EIT-TRAN-O11 and EIT-TRAN-P23 give effect to this policy.
Policy 10	Policy 10 relates to reclamation activities in the CMA. CE-P12 and CE-M3 give effect to this policy.
Policy 11	Policy 11 relates to the protection of indigenous biodiversity in the coastal environment. IM-O1, CE-O1, CE-P2 and CE-P5 give effect to this policy.
Policy 12	Policy 12 directs councils to control activities in or near the CMA that could have adverse effects on the coastal environment by causing harmful aquatic organisms to be released or otherwise spread. IM-O1, CE-O1, CE-O3 and CE-P10 give effect to this policy.

Policy 13	Policy 13 relates to the preservation of the natural character of the coastal environment. IM-O1, CE-O1, CE-P2, CE-P4 and CE-M2 give effect to this policy.
Policy 14	Policy 14 directs that restoration or rehabilitation of natural character in the coastal environment be promoted. IM-O1, CE-O1, CE-P2 and CE-P4 give effect to this policy.
Policy 15	Policy 15 requires that natural features and landscapes (including seascapes) of the coastal environment are protected from inappropriate subdivision, use and development. IM-O1, IM-O3, CE-O1, CE-P2, CE-P6 and CE-M2 give effect to this policy.
Policy 16	Policy 16 requires the protection of surf breaks of national significance. CE-P2 and CE-P6 give effect to this policy.
Policy 17	Policy 17 requires that historic heritage in the coastal environment is protected from inappropriate subdivision, use, and development. HCV-HH-P5 gives effect to this policy.
Policy 18	Policy 18 recognises the need for public open space within and adjacent to the coastal marine area. CE-O4, CE-P7, CE-P8 and CE-P9 give effect to this objective.
Policy 19	Policy 19 requires that public walking access to, along and adjacent to the CMA is maintained and enhanced. CE-P8, CE-P9, CE-M3, CE-M4 and CE-M5 give effect to this objective.
Policy 20	Policy 20 relates to vehicle access within the coastal environment. CE-P8, CE-P9, CE-M3 and CE-M4 give effect to this policy.
Policy 21	Policy 21 requires priority be given to improving the quality of water in the coastal environment that has deteriorated so that it is having a significant adverse effects or is restricting existing uses. IM-O1, CE-O2, CE-P2, CE-P3 and CE-M3 give effect to this policy.
Policy 22	Policy 22 requires sedimentation levels and impacts on the coastal environment to be assessed and monitored, and activities which contribute to sedimentation to be appropriately managed. IM-O1, IM-O2, IM-P5, CE-O2 and CE-M3 give effect to this policy.
Policy 23	Policy 23 requires discharges to water in the coastal environment to be managed to achieve the required water quality in the receiving environment. CE-O2 and CE-P3 give effect to this policy.
Policy 24	Policy 24 requires the identification of coastal hazards. HAZ-NH-P1 and CE-P2 give effect to this policy.
Policy 25	Policy 25 is the overarching policy for managing the risk of social, environmental, and economic harm from coastal hazards. HAZ-NH-P4 and HAZ-NH-P11 give effect to this policy.
Policy 26	Policy 26 directs that where appropriate, the protection, restoration or enhancement of natural defences. IM-O1 and HAZ-NH-P6 give effect to this policy.
Policy 27	Policy 27 sets out strategies to reduce the coastal hazard risk in areas with significant existing development. HAZ-NH-P4 gives effect to this policy.

## 6.5. National policy statements

778. In accordance with section 61(3) of the RMA, a regional policy statement must give effect to any national policy statement. There are four national policy statements in force:

- a. National Policy Statement for Freshwater Management 2020 (NPSFM);



- b. National Policy Statement on Urban Development 2020 (NPSUD);
  - c. National Policy Statement for Renewable Electricity Generation 2011 (NPSREG); and
  - d. National Policy Statement on Electricity Transmission 2008 (NPSET).
779. The Government has recently proposed two new national policy statements. There is no requirement in the RMA for regional policy statements to consider draft or proposed national policy statements, however they may signal the policy direction in the future which the PORPS 2021 will need to give effect to, and potentially during the plan-making process. These are:
- a. Proposed National Policy Statement for Indigenous Biodiversity (pNPSIB); and
  - b. Proposed National Policy Statement for Highly Productive Land (pNPS-HPL).
780. The NZCPS and all of the national policy statements are relevant to the PORPS 2021. The sections below summarise how the provisions in the PORPS 2021 give effect to the NZCPS and national policy statements. The content of the proposed national policy statements and their likely implications for the PORPS 2021 are also summarised.

#### 6.5.1. National Policy Statement for Freshwater Management 2020 (NPSFM)

781. The NPSFM came into force on 3 September 2020, replacing the National Policy Statement for Freshwater Management 2014 (as amended 2017). Broadly, the NPSFM sets the direction for freshwater quality and quantity management in New Zealand through the framework of Te Mana o te Wai. Te Mana o te Wai is described as the fundamental concept for the NPSFM, recognising that protecting the health of fresh water protects the health and wellbeing of the wider environment. An important component of implementing Te Mana o te Wai is the hierarchy of obligations that prioritises:
- a. First, the health and wellbeing of water bodies and freshwater ecosystems;
  - b. Second, the health needs of people (such as drinking water);
  - c. Third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.
782. Regional councils are directed under the RMA to give effect to the requirements of the NPSFM when developing statutory plans and plan changes. The NPSFM requires freshwater quality to be maintained (where it meets stated environmental outcomes) or improved over time (where it does not meet stated environmental outcomes) and includes a national objectives framework for achieving this. The NPSFM also requires that tangata whenua are actively involved in freshwater management, including decision-making.
783. Councils must notify regional plans or policy statements to implement the NPSFM by 31 December 2024.<sup>61</sup>
784. Table 69 below provides an assessment of the PORPS 2021 against the NPSFM provisions that are relevant.

Table 69: Assessment of NPSFM

Provision(s)	Assessment
Objective	This objective sets out priorities for the management of natural and physical resources, reflecting the concept of Te Mana o te Wai as set out in clause 1.3(5) of the NPSFM. This is implemented primarily by LF-WAI-O1 and LF-WAI-P2, but also through LF-WAI-P2, LF-WAI-P3 and LF-WAI-P4. The prioritisation in Objective 1

<sup>61</sup> Section 80A(4)(2) of the RMA.

	is also reflected in the freshwater visions (LF–VM–O2 to LF–VM–O6) as well as in IM–O1 and IM–P2.
Policy 1	Te Mana o te Wai is articulated through LF–WAI–01 and supported by LF–WAI–P1, LF–WAI–P2 and LF–WAI–P3 in particular, however it is a concept that underpins the entire LF chapter. LF–WAI–P4 sets out that these provisions sit at the forefront of the LF chapter and all other provisions in the LF chapter must give effect to them.
Policy 2	Policy 2 requires actively involving takata whenua in freshwater management. IM–P3 provides a general provision for cultural values in resource management. LF–WAI–P2 outlines how Kāi Tahu rakatirataka will be given practical effect, including through facilitating partnership with, and the active involvement of, mana whenua in freshwater management. LF–WAI–M1, supported by MW–M3, sets out how this policy will be implemented. Policy 2 also requires identifying and providing for Māori freshwater values. Te Mana o Te Wai is expressed through LF–WAI–01, LF–WAI–P1, LF–WAI–P2 and LF–WAI–P3. Objective LF–FW–O8 seeks to achieve thriving mahika kai and Policy LF–FW–P7 requires mahika kai to be safe for human consumption. Policy LF–LS–P22(2) requires promoting opportunities to enhance public access to and long lakes and rivers, including by mana whenua in their role as kaitaiki and for gathering of mahika kai. Policy 2 will also be implemented through the value identification process required by the NPSFM and recognised in LF–FW–M6.
Policy 3	Policy 3 requires integrated management of freshwater and land. There is general provision for integrated management in the IM chapter, with IM–O2, IM–P4 and IM–P5 particularly relevant to NPSFM policy 3, setting a strategic approach to ecosystem health and managing environmental connections. The principles of integrated management are articulated many times through the LF chapter, including specifically in LF–WAI–P3 as part of giving effect to Te Mana o Te Wai as well as in LF–VM–O7 and LF–FW–O8 as part of implementing the NPSFM and managing freshwater resources. In the LF–LS section, there is an emphasis on managing land resources holistically for their impacts on freshwater. This is set out in LF–LS–O12, LF–LS–P16, LF–LS–P20 and LF–LS–P21. These provisions will be primarily given effect through the methods related to regional and district plans, specifically LF–FW–M6, LF–FW–M7, LF–LS–M11, LF–LS–M12 and LF–LS–M13.
Policy 4	<p>Policy 4 requires freshwater to be managed as part of New Zealand’s integrated response to climate change. The LF chapter acknowledges the role of freshwater management in responding to the effects of climate change, particularly through LF–WAI–P3 and LF–LS–P20. Innovative land and water management practices for addressing the effects of climate change were regularly raised by the community in consultation on the freshwater visions and is specifically provided for in LF–VM–O3, LF–VM–O4 and LF–FW–M6.</p> <p>This policy is also partly implemented through the requirements in the IM chapter to develop climate change responses (see IM–O4, IM–P8 to IM–P12 and IM–M1, IM–M3 and IM–M4). Taken together, these provisions provide an impetus for climate change adaptation and mitigation activities in Otago across all resource management.</p>
Policy 5	Policy 5 requires implementation of the NOF. While the PORPS directs that to occur primarily through LF–FW–M6, LF–FW–M8, LF–LS–M11 and LF–LS–M12 and LF–LS–M13, the LWRP will be the main vehicle for implementing this policy. The direction to improve the health and wellbeing of degraded water bodies and freshwater ecosystems and otherwise maintain or improve them is reflected in LF–FW–P7.
Policy 6	Policy 6 requires no further loss of the extent of natural inland wetlands, protection of their values and promoting restoration. This is given effect through LF–FW–O9, LF–FW–P8, LF–FW–P9 and LF–FW–P10. Specific uses of wetlands are managed under the NESF. There are two points of difference between the NPSFM and the

	<p>PORPS 2021. Firstly, the NPSFM provisions apply to natural inland wetlands (those not in the CMA) whereas the PORPS provisions apply to all natural wetlands (including those partly or wholly in the CMA). This reflects feedback from the Reference Groups that coastal and freshwater bodies should not be artificially separated in their management. This is considered to be a more integrated approach that recognises the interconnections between coastal and fresh water. Secondly, the PORPS 2021 adopts the more stringent effects management hierarchy from the ECO chapter for managing effects on biodiversity. This reflects current practice under the PORPS 2019. The IM chapter is also relevant, in particular IM–01 and IM–03, given the ecosystem services provided by wetlands.</p>
Policy 7	<p>Policy 7 requires avoiding the loss of river extent and values to the extent practicable. This is given effect by LF–FW–P13 specifically which reflects the direction from the NPSFM in Policy 7 and clause 3.24. As with wetlands, for managing effects on biodiversity Policy LF–FW–P13 adopts the approach in the ECO chapter instead of the approach in the NPSFM so as to maintain the current stringency in management. The IM chapter is also relevant, in particular IM–01.</p>
Policy 8	<p>Policy 8 requires protecting the significant values of outstanding water bodies. An initial list of outstanding water bodies is identified in LF–FW–P11. That policy also provides for other water bodies to be considered outstanding if they meet the criteria in APP1. In line with other management approaches to resources considered to be outstanding, LF–FW–P12 requires avoiding activities that have adverse effects on the significant and outstanding values of outstanding water bodies.</p>
Policy 9	<p>Policy 9 requires protecting the habitats of indigenous freshwater species. There are many provisions in the LF chapter that collectively work together to implement this policy. At the strategic level, the expression of Te Mana o Te Wai through LF–WAI–01, LF–WAI–P1, LF–WAI–P2 and LF–WAI–P3 aims to prioritise the health and wellbeing of water bodies and freshwater ecosystems which are the habitats of indigenous freshwater species. The freshwater visions (LF–VM–02 to LF–VM–06) also describe outcomes that will improve the habitats of indigenous freshwater species. The LF–FW section of the chapter contains more specific direction for freshwater resources and include specific references to indigenous freshwater species habitats in LF–FW–08, LF–FW–09, LF–FW–P7, LF–FW–P9, LF–FW–P10, LF–FW–P13 and LF–FW–P14. The policies managing the loss of values or extent of rivers and wetlands (LF–FW–P9 and LF–FW–P13) adopt a more stringent effects management hierarchy (including more stringent criteria for using offsetting and compensation) for effects on biodiversity which assists with implementing Policy 9. Many of the outstanding water bodies (including those already identified and those to be identified using APP1) are likely to be habitats of indigenous freshwater species and protected on that basis.</p> <p>The ECO chapter is also relevant to indigenous freshwater species, including both ECO–01 and ECO–02. Habitats may be identified as significant natural areas or indigenous species and ecosystems that are taoka under ECO–P3 and managed accordingly. Outside those areas, ECO–P6 sets out an effects management hierarchy to be applied in decision-making, as explained above. IM–01 in the IM chapter is also relevant, as an overarching goal of this work.</p>
Policy 10	<p>Policy 10 requires protecting the habitat of trout and salmon insofar as this is consistent with Policy 9. The PORPS 2021 does not specifically provide for trout and salmon, however their habitats will be protected by implementing the provisions designed to give effect to Policy 7 and Policy 8 above.</p> <p>IM–01 in the IM chapter is also relevant, as an overarching goal of this work.</p>
Policy 11	<p>Policy 11 requires freshwater to be allocated and used efficiently, over-allocation phased out and future over-allocation avoided. This is implemented through LF–</p>

	FW-P7 and LF-FW-M6. Use of water is also incorporated as part of the direction in LF-LS-P20, LF-LS-M11 and LF-LS-M12 regarding land use change. IM-O3, requiring Otago’s communities carry out their activities in a way that preserves and supports environmental integrity, form, function, and resilience, is also relevant.
Policy 12	Policy 12 requires the national target for water quality improvement to be achieved. This is implemented by LF-FW-P7 which includes Otago’s regional targets that were developed to achieve the national target.
Policy 13	Policy 13 requires systematic monitoring and action in respond to degradation to reverse deteriorating trends. This will need to occur as part of the implementation of the LWRP, however there are high level monitoring requirements set out in LF-FW-M9.
Policy 14	Policy 14 requires reporting on and publishing information about the state of water bodies and freshwater ecosystems. This will largely be implemented by ORC’s science programmes, but it is given effect at a high level through LF-FW-M9.
Policy 15	Policy 15 requires communities to be enabled to provide for their social, economic and cultural wellbeing in a way that is consistent with the NPSFM. This will primarily be delivered through the provisions of the LWRP which implement the NOF but the freshwater visions (LF-VM-O2 to LF-VM-O6) do outline the social and economic wellbeing aspirations of the community at a high level, which are to be achieved while also giving effect to Te Mana o te Wai.

### 6.5.2. National Policy Statement on Urban Development 2020 (NPSUD)

785. The NPSUD sets out objectives and policies for planning for well-functioning urban environments. It came into effect on 20 August 2020, replacing the provisions of the NPS Urban Development Capacity 2016 which had informed the development of the PORPS 2019 and territorial authority implementation.
786. The NPSUD divides local authorities into four tiers (the two tiers identified in the NPSUD, Tier 3 for those with unlisted *urban environments*, plus one more implied ‘tier’ for those that do not contain part or all of an *urban environment*). General provisions apply to all tiers, and more specific or directive provisions applying to higher tiers with specificity scaling down through the lower tiers.
787. The classification of the highest tier urban environment has the effect of imposing that tier requirements across the whole of the geographic area within the jurisdiction<sup>62</sup>, and the NPSUD also ‘strongly encourages’ that Tier 3 territorial authorities undertake all of the obligations of the NPSUD, with appropriate modifications, even if they are not required to do so<sup>63</sup>.
788. None of Otago’s urban environments are identified as Tier 1 but ‘Queenstown’ and ‘Dunedin’ are identified as Tier 2. The rest of Otago’s urban environments are Tier 3 urban environments. Table 70 below identifies all the potential *urban environments* within the Otago Region with the Tier implications at the territorial authority level.
789. ORC’s obligations align to each tier, with the additional requirement to provide a broader and longer term view to planning and infrastructure integration, establish working relationships and partnerships with each territorial authority, iwi and other key stakeholders in each urban

<sup>62</sup> See Clause 1.4 Interpretation of tier 1 2 and 3 local authorities

<sup>63</sup> See Clause 1.5 Implementation by tier 3 local authorities

environment and across urban areas generally, as well as working with adjoining regions on cross regional issue of common concern and with central government.

Table 70: NPSUD tiers and urban environments in Otago

Territorial Authority	NPSUD TA Tier	Urban Environment(s)
Queenstown-Lakes District	Tier 2	Queenstown (NPSUD identifies as Tier 2, former NPSUDC identified as a High Growth Urban Area) Wānaka (Tier 3)
Dunedin City	Tier 2	Dunedin (NPSUD identifies as Tier 2, former NPSUDC identified as a Medium Growth Urban Area) Mosgiel (Tier 3)
Central Otago District	Tier 3* <sup>64</sup>	Cromwell (Tier 3)* Alexandra/Clyde (Tier 3)*
Waitaki District	Tier 3	Ōamaru (Tier 3)
Clutha District	NA (“Tier 4”)	No <i>Urban Environments</i> fall partly or wholly within CDC.

790. While Clutha District does not contain part or all of an urban environment, planning decisions by CDC (or any territorial authority or regional council) that ‘affect an urban environment’ are subject to the NPSUD (see Clause 1.3(2)), including impacts on any urban environment outside of their jurisdiction.
791. This section assesses the PORPS 2021 provisions against the NPSUD and must be read alongside the NPSUD, which is available from the Ministry for the Environment’s website.<sup>65</sup>

Table 71: Assessment against NPSUD

Provision(s)	Assessment
Objective 1	Objective 1 sets out the broad aim of the NPSUD, which is to have well-functioning urban environments. This is implemented through UFD-O1, UFD-P1 to P6, UFD-P9 and UFD-P10.
Objective 2	Objective 1 requires planning decisions to improve housing affordability by supporting competitive land and development markets. This is implemented by UFD-O1 to O5, excluding O4, but is supported by UFD-P1 to UFD-P6, and UFD-P10
Objective 3	Objective 3 requires RPS’s and district plans to enable more people to live in, and more business and community services to be located in specific parts of urban areas. This is implemented by UFD-O1 to UFD-O4, UFD-P1 to UFD-P6 and UFD-P10.
Objective 4	Objective 4 recognises that urban environments develop and change over time in response to the diverse and changing needs of people, communities and future generations. This is given effect by UFD-O1, O2, and O4 and UFD-P1 to UFD-P6 and UFD-P10.
Objective 5	Objective 5 requires planning decisions to take into account the principles of Te Tiriti o Waitangi. This is implemented primarily through MW-P2 but also UFD-O3, UFD-P1, P3, P4 and P9

<sup>64</sup> Note: Indicative only. Central Otago District Council has yet to formally identify Cromwell and/or Alexandra/Clyde as urban environments, this list identifies that they could arguably meet one or both limbs, but further discussions are required.

<sup>65</sup> See <https://www.mfe.govt.nz/sites/default/files/media/Towns%20and%20cities/AA%20Gazetted%20-%20NPSUD%2017.07.2020%20pdf.pdf>

Objective 6	Objective 6 requires integrated and strategic planning but also responsive decision-making on urban development. This is given effect by UFD-O1 and O2, UFD-P1 and UFD-P10.
Objective 7	Objective 7 requires local authorities to have robust and current information about urban environments to inform decision-making. This is implemented by UDF-M1.
Objective 8	Objective 8 requires urban environments to support reductions in greenhouse gas emissions and be resilient to the current and future effects of climate change. This is integrated into urban development by UFD-O2, UFD-O4 and UFD-P1
Policy 1	Policy 1 sets out criteria for well-functioning urban environments. This is implemented through UFD-O1 to O4 and UFD-P1 to UFD-P10.
Policy 2	Policy 2 requires at least sufficient development capacity to meet expected demand. This is implemented through UFD-O2, UFD-P2, UFD-M1 and UFD-M2.
Policy 3	This policy is not directly relevant as they apply to minimum height requirements in particular locations in tier 1 urban environments which are not identified within the Otago Region.
Policy 4	Policy 4 provides a qualifying matters framework for Policy 3 that applies to Tier 1 urban environments, and so is not directly relevant to this RPS.
Policy 5	Policy 5 requires enabling heights and density of urban form that meet specified requirements. The PORPS 2021 does not specifically restrict heights or density, and requires the provision of opportunities for intensification via UFD-P3.
Policy 6	Policy 6 sets out matters that decision-makers must have particular regard to, and these have been considered in the development of this RPS.
Policy 7	Policy 7 requires the setting of housing bottom lines and their inclusion in the relevant RPS and DP. This is implemented through UFD-M2 and APP10, noting that the bottom lines have not yet been determined as the HBAs have yet to be completed at the time of writing (due 31 July 2021).
Policy 8	Policy 8 requires decision-making to be responsive to plan changes that would add significantly to development capacity. This is implemented through UFD-P10.
Policy 9	Policy 9 expands on the requirements for local authorities in taking account of the principles of Te Tiriti. This is implemented partly through MW-P2 but more specifically via UFD-O3, UFD-P1, P3, P4 and P9.
Policy 10	Policy 10 requires local authorities to work together, engage with infrastructure providers and the development sector. This is implicit in the implementation of UFD-O3, UFD-P1 and UFD-M1 and M2.
Policy 11	This policy relates to specific requirements to remove specified car parking rules in district plans and is not directly relevant to this RPS.

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

792. The NPSREG sets out an objective and policies to enable the sustainable management of renewable electricity generation. Otago is home to a range of renewable electricity generation activities, including nationally significant and community scale hydro-electricity generation and wind energy generation. This section assesses the PORPS provisions against the NPSREG and must be read alongside the NPSREG, which is available from the Ministry for the Environment’s website.<sup>66</sup>

<sup>66</sup> See <https://www.mfe.govt.nz/sites/default/files/nps-reg-2011.pdf>

Table 72: Assessment against NPSREG

Provision(s)	Assessment
Objective	<p>The NPSREG objective seeks that the national significance of renewable electricity generation is recognised by providing for it, such that the proportion of renewable electricity generation is increased to a level that meets or exceeds the government’s national target for renewable electricity generation.</p> <p>This objective is given effect to by EIT-EN-O1 and EIT-EN-O2 which seek to increase the proportion of renewable electricity generation within environmental limits, ensure energy supplies are secure and resilient and support Otago communities.</p>
Policy A	<p>Policy A recognises the benefits of renewable electricity generation activities, including displacement of greenhouse gas emissions, maintenance of security of supply, use of renewable rather than finite resources, reversibility of effects, and avoidance of reliance on imported fuels.</p> <p>Policy EIT-EN-P2 recognises the benefits of renewable electricity generation activities, and these are further described in the explanation to the chapter. The methods also achieve this policy by requiring provisions in plans for renewable electricity generation activities.</p>
Policy B	<p>This policy acknowledges some of the practical implications of achieving New Zealand’s target for renewable electricity generation, including protection of assets and operational capacity, recognition that minor reductions in output can have significant effects, and that significant development of renewable energy sources is required.</p> <p>The energy provisions (EIT-EN-P1 through to EIT-EN-P5 and EIT-EN-P6 through to EIT-EN-P8) seek to protect the operation of existing assets and provide for increasing energy generation capacity which recognises the matters listed in this policy. EIT-EN-P3 specifically recognises the need for significant development of renewable electricity generation activities, which is recognised by Policy B(c).</p>
Policy C1	<p>Policy C1 contains a number of matters to which decision-makers are to have regard to, including the need to locate where renewable resources are available, the logistical and technical practicalities of developing renewable electricity generation activities, the location of existing activities associated with them, including the National Grid, designing measures which allow for operational requirements, and adaptive management measures.</p> <p>Policy C1(a) is captured in EIT-EN-P6(2)(a), Policy C1(b) is captured in the concept of operational and functional constraints in EIT-INF-P13, and Policy C1(b) is generally captured under EIT-EN-P6 (2)(b), although this does not capture other infrastructure such as roading associated with renewable electricity generation. Policy C1 can also be considered under the broader definition and provisions of ‘infrastructure’ and the same effects hierarchy apply address Policy C1.</p> <p>This approach is also broadly supported through integrated management provisions IM-P1.</p>
Policy C2	<p>Policy C2 requires decision-makers to have regard to offsetting or compensation measures when considering residual adverse effects from renewable electricity generation activities. This is implemented through Policy EIT-EN-P6(2) and (3).</p> <p>This approach is also broadly supported through integrated management provisions IM-O1, IM-O3, IM-P13 and IM-P1.</p>
Policy D	<p>Policy D requires decision-makers to avoid, to the extent reasonably possible, reverse sensitivity effects on consented and existing renewable electricity generation activities. Policy EIT-EN-P7 addresses potential reverse sensitivity effects and seeks to manage activities that may compromise the operation of renewable energy generation activities.</p>

Policy E1, E2 and E3.	<p>These policies require RPS to provide for new and existing renewable electricity generation activities using different specified energy sources. This is given effect to by EIT-EN-O1, EIT-EN-O3, EIT-EN-P1, EIT-EN-P3, EIT-EN-P4, EIT-EN-P6, EIT-EN-P7, EIT-EN-P8, EIT-EN-M1 and EIT-EN-M2 with respect to renewable electricity generation activities as defined by the RPS in accordance with the NPSREG.</p> <p>Consideration was given to amending Methods EIT-EN-M1 and M2 to recognise the need for regional plans and district plans to provide the different resource sources for renewable electricity generation referred to in E1-E3. However, this is not substantive and it is appropriate that the policy direction is set at a regional or district plan level as there is not any evidence available that would warrant specific approaches to these resources (or ability to commit to Council funding to investigating them) at this stage. In addition, it is noted that the policies in the NPSREG apply broadly across both policy statements and plans, and that finer level of detail can be implemented through district and regional plans.</p>
Policy F	<p>This policy requires RPS to include provisions to provide for small and community scale renewable electricity generation activities. This is given effect to by EIT-EN-O1, EIT-EN-P3, EIT-EN-P8. in particular and EIT-EN-M1, EIT-EN-M2 and EIT-EN-M3, and also UFD-O5.</p>
Policy G	<p>This policy requires RPS to include provisions to provide for activities associated with identifying new potential sites for renewable energy generation activities. This is given effect to by EIT-EN-P1.</p>
Policy H1	<p>These policies relate to the timeframe for implementation following the NPS taking effect. This is not relevant for the PORPS 2021.</p>
Policy H2	

#### 6.5.4. National Policy Statement on Electricity Transmission 2008 (NPSET)

793. The NPSET sets out the objective and policies to enable the management of the effects of the electricity transmission network, which is defined as all parts of the National Grid, which means those assets used or owned by Transpower NZ Limited. This section assesses the PORPS provisions against the NPSET and must be read alongside the NPSET, which is available from the Ministry for the Environment’s website.<sup>67</sup>

Table 73: Assessment against NPSET

Provision(s)	Assessment
Objective	<p>This objective seeks to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and establishment of new transmission, while managing the adverse effects of the network, and managing adverse effects of other activities on the network.</p> <p>Objective EIT-INF-O5 gives effect to this objective as it seeks effective and efficient nationally significant infrastructure which includes electricity transmission networks while managing adverse effects. Objective EIT-INF-O6 seek to ensure and development and land use change is co-ordinated whilst managing adverse effects. Objective EIT-INF-O6 specifically recognises the need to provide for long term planning for electricity transmission infrastructure and its integration with land use. This</p>

<sup>67</sup> See <https://www.mfe.govt.nz/sites/default/files/nps-electricity-transmission-mar08.pdf>



Policy 1	This policy seeks to recognise the benefits of sustainable, secure and efficient electricity transmission. EIT-INF-P10 recognises the needs of nationally significant infrastructure and EIT-INF-O5 seeks this infrastructure is efficient and effective. EIT-INF-P16 provides for provision of Otago’s contribution to electricity generation and the national grid.
Policy 2	Policy 2 requires that decision-makers recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network. This policy is given effect to by EIT-INF-P10, EIT-INF-P11, EIT-INF-P12 and EIT-INF-P13, which provide for all aspects of development of regionally and nationally significant infrastructure, which includes upgrades to the National Grid.
Policy 3	Policy 3 requires decision-makers to consider constraints imposed by technical and operational requirements of the network. This policy is given effect to by EIT-INF-P11, EIT-INF-P12, EIT-INF-P13, EIT-INF-P14 and EIT-INF-P15. IM-O1, IM-O3 and related policy will be relevant to consideration of constraints.
Policy 4	EIT-INF-P12 provides for upgrades and new significant infrastructure. EIT-INF-P13 includes a requirement to consider alternative sites and designs where adverse effects are significant or potentially irreversible. IM-O1, IM-O3 and related policy will be relevant to consideration of constraints.
Policy 5	Policy 5 seeks to enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission networks. This policy is given effect to by EIT-INF-P16(4).
Policy 6	Policy 6 provides for the opportunity to reduce adverse effects where substantial upgrades of the transmission network take place. This policy is given effect to by EIT-INF-P14(2).
Policy 7	This policy seeks to minimise adverse effects on urban amenity and avoid adverse effects on town centres, areas of high recreational or amenity value, and existing sensitive activities. This policy is given effect to by EIT-INF-P16(5).
Policy 8	Policy 8 provides that in rural areas, development of the transmission network should seek to avoid adverse effects on outstanding natural landscapes, areas, of high natural character and areas of high recreation value and amenity and existing sensitive activities. This policy is given effect to by EIT-INF-P13, which also addresses a range of other important resources in EIT-INF-P13(1)(a)-(h). Further discussion is provided on this in relation to the cost benefit analysis of the provisions.
Policy 9	This policy applies to territorial authorities only and is not relevant for the PORPS 2021.
Policy 10	Policy 10 addresses reverse sensitivity effects on the electricity transmission network. Policy EIT-INF-P15, EIT-INF-M4 and EIT-INF-M5 give effect to this policy.
Policy 11	This policy requires local authorities to identify appropriate buffer corridors within which it can be expected that sensitive activities will generally not be provided for. EIT-INF-M5 gives effect to this policy.
Policy 12	This policy requires territorial authorities to identify the electricity transmission network on their planning maps. This is given effect to by EIT-INF-M5.
Policy 13 and 14	These policies seek a long-term strategic planning approach for transmission assets, recognising the designation process is available and to facilitate long term planning for investment in transmission infrastructure. Objective EIT-INF-06 and EIT-INF-P16, EIT-INF-M5 give effect to this policy.

#### 6.5.5. Proposed National Policy Statement for Indigenous Biodiversity (pNPSIB)

794. In November 2019, the Government released the pNPSIB for public consultation. The submission period was extended due to the COVID-19 pandemic and submissions are currently being analysed. At the time of writing, the Ministry for the Environment anticipated the NPSIB coming into effect in July 2021 (Ministry for the Environment, 2020). The release of the pNPSIB may therefore be a matter for the PORPS 2021 to consider later in the process.
795. The pNPSIB applies to all indigenous biodiversity except:
- a. Indigenous biodiversity in the coastal marine area, and
  - b. Indigenous biodiversity in waterbodies and freshwater ecosystems (as those terms are defined in the NPSFM).
796. In essence, this means that the pNPSIB applies to terrestrial biodiversity. There are six objectives and 15 policies which outline the outcomes sought for biodiversity and the actions required to achieve those outcomes. Part 3 sets out how councils are to implement the pNPSIB, including a requirement for city and district councils to identify significant indigenous vegetation and significant habitats of indigenous fauna, based on specified criteria (which are similar to those contained in the PORPS 2019). The pNPSIB mandates the use of an effects management hierarchy for some activities, which requires avoiding, mitigating, then remedying adverse effects before considering offsetting and finally compensation.
797. There are concepts in the pNPSIB that are similar to those in the PORPS 2019 (for example, setting out the use of offsetting and compensation, and the identification criteria for significant natural areas). While the pNPSIB provides an outline of where current thinking

#### 6.5.6. Proposed National Policy Statement for Highly Productive Land (pNPSHPL)

798. In 2019, the Government consulted on the pNPSHPL. A summary of submissions was released in July 2020 and, at the time of writing, the Government is continuing to work on the document with a view to finalising it and bringing it into effect in the second half of 2021.
799. The pNPSHPL recognises that New Zealand has lost, and is continuing to lose, significant amounts of productive land, primarily to urban growth and development. It requires councils to identify highly productive land using a consistent set of criteria, by default relying on the Land Use Capability classification system but requiring a more nuanced assessment at the region or district level incorporating other criteria in order to capture other areas that are valued for reasons not recognised by the Land Use Capability classification system.
800. The objectives and policies set out a management framework to protect this land, including by recognising its long-term benefits and avoiding land fragmentation and uncoordinated urban expansion. The pNPSHPL also requires prioritising the use of highly productive land for primary production and establishes a stringent evaluation process for assessing whether it is appropriate to allow for urban expansion onto highly productive land if it responding to a shortage of development capacity (in accordance with the NPSUD). There is targeted direction for decision-making on plan change requests and resource consent applications.
801. Although the pNPSHPL has no legal weight, and therefore the PORPS 2021 is not required to give effect to it, parts of the policy direction have been adopted in the PORPS 2021 where this aligns with feedback from the community and/or the provisions of the PORPS 2019. Clause 3 feedback and consultation on the freshwater visions highlighted the importance of productive

land to Otago’s communities. The general principles in the pNPSHPL, including the identification criteria, have been incorporated into the LF and UFD chapters as a result.

## 6.6. National planning standards

802. The purpose of national planning standards is to improve consistency in plan and policy statement structure, format and content. The first set of standards came into force in May 2019.

Table 74: Assessment against national planning standards

Standard	Assessment
2 – Regional policy statement structure	The PORPS 2021 has been prepared in accordance with these standards and is therefore fully compliant.
6 – Introduction and general provisions	
10 – Format	
11 – Regional spatial layers	These standards are not relevant for the PORPS.
13 – Mapping	
14 – Definitions	The PORPS 2021 has used the definitions provided in Standard 14.
16 – Electronic accessibility and functionality	This standard has staged requirements, with the first step required by May 2020 and full implementation by May 2029. The PORPS 2021 complies with the first step (part A of Standard 16). It does not comply with Part B of Standard 16 as those requirements are for an ‘e-plan’. There is a longer timeframe for implementing Part B due to the significant work required by councils, including ORC, to develop the necessary information technology systems to support e-planning.

803. Overall, the PORPS 2021 complies with the standards it is required to comply with at this time.

## 6.7. Regulations (including National Environmental Standards)

804. Regional policy statements must be prepared in accordance with any regulations, including any national environmental standards.<sup>68</sup> Additionally, local authorities must observe national environmental standards. Regulations and national environmental standards contain provisions that are essentially rules, so they are more directly relevant to plans than policy statements, however they do provide guidance to policy statements in terms of the policy direction that can be supported in plans. There are currently seven national environmental standards in force:

- a. National Environmental Standards for Freshwater 2020 (NESF);
- b. National Environmental Standards for Air Quality 2004 (NESAQ);
- c. National Environmental Standard for Sources of Human Drinking Water 2007 (NESHWD);

<sup>68</sup> Section 61(1)(e), RMA

- d. National Environmental Standards for Telecommunication Facilities 2008 (NESTF);
  - e. National Environmental Standard for Electricity Transmission Activities 2009 (NESETA);  
and
  - f. National Environmental Standards for Assessing and Managing Contaminants in Soil to  
Protect Human Health 2011 (NESCS);
  - g. National Environmental Standards for Plantation Forestry 2017 (NESPF); and
  - h. National Environmental Standards for Marine Aquaculture 2020 (NESMA).
805. The Government has recently proposed amendments to existing national environmental standards and new national environmental standards for some matters. Although there is no requirement for regional policy statements to consider these documents, they provide an insight into future policy direction that the regional policy statement may be required to observe. The proposals are:
- a. Proposed amendments to the National Environmental Standards for Air Quality 2004;
  - b. Proposed National Environmental Standards for the Outdoor Storage of Tyres; and
806. There are ten regulations in force, however only three are relevant to the PORPS 2021:
- a. Resource Management (Stock Exclusion) Regulations 2020;
  - b. Resource Management (Measurement and Reporting of Water Takes) Regulations 2020; and
  - c. Resource Management (Exemption) Regulations 1996 and 2017.
807. This section summarises how the PORPS 2021 observes these national environmental standards and regulations.

#### 6.7.1. National Environmental Standards for Freshwater 2020 (NESF)

808. The NESF sets requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems and are designed to:
- a. Protect existing inland and coastal wetlands;
  - b. Protect urban and rural streams from in-filling;
  - c. Ensure connectivity of fish habitat (fish passage);
  - d. Set minimum requirements for feedlots and other stockholding areas;
  - e. Improve poor practice intensive winter grazing of forage crops;
  - f. Restrict further agricultural intensification until the end of 2024;
  - g. Limit the discharge of synthetic nitrogen fertiliser to land and require reporting of fertiliser use.
809. These activities are generally managed through a permitted activity framework initially, with thresholds over which resource consent is required. These are most relevant for Otago's regional plans, however until the new Land and Water Regional Plan is prepared there is likely to be a policy deficient for consenting activities under the NESF. This is because many of the activities managed under the NESF are not currently managed under the Regional Plan: Water for Otago. Where there are deficiencies or gaps in regional plans, decision-makers are required to look to the next document in the hierarchy for policy direction. That will be the PORPS 2021.
810. It would not be appropriate for the PORPS 2021 to contain the type of specific policy direction ordinarily incorporated into regional plans to assist with decision-making on resource consent applications, however the drafting of the Land and Freshwater chapter has recognised that

those provisions will likely be relied on during decision-making in the interim period until the new Land and Water Regional Plan is notified.

#### 6.7.2. National Environmental Standards for Air Quality 2004 (NESAQ)

811. The NESAQ aims to set a guaranteed minimum level of health protection for all New Zealanders. The NESAQ came into effect in 2004 and was subject to amendments in 2011. There are 14 separate, but related standards that include:

- a. Standards prohibiting activities that discharge significant quantities of dioxins and other toxins into the air;
- b. Standards for ambient air quality carbon monoxide, nitrogen dioxide, ozone, PM10 and sulphur dioxide;
- c. A design standard for new wood burners installed in urban areas; and
- d. A requirement for some landfills to collect greenhouse gas emissions.

812. The PORPS 2021 sets out the framework for future reviews of the Regional Air Plan to assist in ORC's obligation to both observe and enforce the NESAQ<sup>69</sup> and to prepare a regional plan "in accordance with... any regulation".<sup>70</sup> To provide for this and ensure clarity, the NESAQ has informed the drafting of the PORPS 2021.

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

813. The NESHDW came into effect on 20 June 2008 and sets requirements for protecting sources of human drinking water from becoming contaminated. The NESHDW requires regional councils to ensure that effects of activities on drinking water sources are considered in decisions on resource consents and regional plans. Specifically, regional councils are required to:

- a. decline discharge or water permits that are likely to result in community drinking water becoming unsafe for human consumption following existing treatment;
- b. be satisfied that permitted activities in regional plans will not result in community drinking water supplies being unsafe for human consumption following existing treatment; and
- c. place conditions on relevant resource consents that require notification of drinking water suppliers if significant unintended events occur (e.g. spills) that may adversely affect sources of human drinking water.

814. The specific restrictions in the NESDW are not relevant for the PORPS 2021, however they have informed the drafting of provisions relating to drinking water.

#### 6.7.4. National Environmental Standards for Telecommunications Facilities 2016 (NESTF)

815. The NESTF provides rules for telecommunications infrastructure, covering the following activities:

- a. cabinets in the road reserve, outside the road reserve and on buildings antennas on existing poles in the road reserve;

<sup>69</sup> Section 44A(7) and 44A(8) of the RMA.

<sup>70</sup> Section 61(1)(e) of the RMA.

- b. antennas on new poles in the road reserve;
- c. replacement, upgrading and co-location of existing poles and antennas outside road reserve (with different conditions in residential and non-residential areas);
- d. new poles and antennas in rural areas;
- e. antennas on buildings (above a permitted height in residential areas);
- f. small-cell units on existing structures;
- g. telecommunications lines (underground, on the ground and overhead).

816. These are primarily managed through district plans and are therefore not directly relevant to the PORPS 2021, however the NESTF has informed the drafting of provisions relating to telecommunications facilities.

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

817. The NESETA applies to high voltage electricity transmission lines and covers activities related to the operation, maintenance and upgrading of existing lines, but does not apply to the construction of new lines or to substations. The restrictions primarily apply to district plans so are not directly relevant to the PORPS 2021, however they have informed the drafting of provisions relating to electricity transmission.

#### 6.7.6. National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)

818. The NESCS manages land affected by contaminants in soil by setting out how that land is to be identified and assessed before it is developed, including (if necessary) remediation. Territorial authorities are responsible for implementing the majority of the NESCS, with regional councils responsible for investigating land for the purpose of identifying and monitoring contaminated land. The NESCS has informed the drafting of PORPS 2021 provisions relating to contaminated land.

#### 6.7.7. National Environmental Standards for Plantation Forestry 2017 (NESPF)

819. The objectives of the NESPF are to:

- a. maintain or improve environmental outcomes associated with plantation forestry activities nationally; and
- b. increase certainty and efficiency in the management of plantation forestry activities.

820. The regulations apply to any forest larger than one hectare that has been planted specifically for harvesting. Eight core plantation forestry activities are covered by the standards: afforestation; pruning and thinning to waste; earthworks; river crossings; forestry quarrying; harvesting mechanical land preparation and replanting. The regulations generally prevail over regional and district plan provisions that apply to plantation forestry. Plan rules cannot be more lenient than the regulations and can only be more stringent where they relate to managing the unique and sensitive environments defined in the NESPF.

821. The restrictions in the NESPF are most relevant to regional and district plans, however the management regime set up in the NESPF informs the type of direction the PORPS 2021 can contain. Wilding conifers are a particular issue in Otago and there have been many suggestions about their control through consultation on the PORPS 2021. The NESPF allows rules in plans to be more stringent than the NESPF where they recognise and provide for the protection of

outstanding natural features or landscapes from inappropriate use and development or significant natural areas. Accordingly, in response to considerable community feedback on the issue, Policies ECO–P9 and NFL–P6 require a prohibition on afforestation of species prone to wilding spread within areas identified as outstanding natural features, outstanding natural landscapes or significant natural areas.

822. Reference Group (Ecosystems and Indigenous Biodiversity) members expressed a strong preference to extend this prohibition into buffer zones along the edges of significant natural areas, on the basis that allowing wilding conifers to establish immediately alongside a significant natural area would still result in conifer spread into the significant natural area. The ORC sought legal advice on this proposal which confirmed that prohibiting planting in buffer zones would recognise and provide for the protection of significant natural areas and therefore be consistent with regulation 6 of the NESPF.

#### 6.7.8. National Environmental Standards for Marine Aquaculture 2020 (NESMA)

823. The NESMA was released in July 2020 and came into force on 1 December 2020. Its primary purpose is to provide a consistent framework for re-consenting existing marine farms across New Zealand, a large number of which have resource consents expiring over the next five years. Its content is relevant primarily for the regional coastal plan, however the NESMA has been considered when drafting PORPS 2021 provisions for aquaculture.

#### 6.7.9. Proposed amendments to the NESAQ

824. During 2020, the Government consulted on the following proposed amendments to the NESAQ:
- a. Amendments for ambient particulate matter (including for PM<sub>10</sub> and PM<sub>2.5</sub>) and solid-fuel burner design in the current NESAQ; and
  - b. New standards for mercury emissions to air.
825. A key aspect of the proposed amendments is the use of PM<sub>2.5</sub> as a primary regulatory tool. As a result of this amendment, there will be a higher number of exceedances of the NESAQ ambient air quality standards in the Otago Region than currently (see technical report attached as Appendix 10).

#### 6.7.10. Proposed National Environmental Standards for the Outdoor Storage of Tyres

826. During 2020, the Government consulted on a proposed National Environmental Standard for the Outdoor Storage of Tyres and, in particular, sought feedback on:
- a. Regional councils taking responsibility for administering the NES;
  - b. Thresholds for resource consent;
  - c. Permitted activity rules and conditions.
827. This NES will predominantly apply to regional plans and does not require any direction from the PORPS 2021.

#### 6.7.11. Resource Management (Stock Exclusion) Regulations 2020

828. These regulations require people who own or control cattle, deer or pigs to exclude them from specified wetlands, lakes and rivers. There are different requirements for different stock types

and, in some cases, different types of terrain. Their content controls activities that would ordinarily be controlled through a regional plan so they are not directly relevant to the PORPS 2021, however the general intent has been recognised through drafting.

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

829. These regulations were introduced to ensure consistent measuring and reporting of actual water taken (over five litres per second) at national, regional and catchment levels. They have recently been reviewed as part of the Government's *Action for Healthy Waterways* programme and are expected to be amended to require real-time reporting of water use to councils. Their content is not directly relevant to the PORPS 2021 as it concerns water permits, which are managed through regional plans.

#### 6.7.13. Resource Management (Exemption) Regulations 1996 and 2017

830. These regulations exempt the discharge of the following substances from being managed under section 15 of the RMA and sets up an alternative management framework:

- a. Biological insecticide containing *Bacillus thuringiensis* var. *kurstaki*;
- b. Brodifacoum;
- c. Rotenone;
- d. Sodium fluoroacetate;
- e. Pre-feed; and
- f. Repellant.

831. Their content is not directly relevant to the PORPS 2021 as it concerns discharges, which are managed through regional plans.

#### 6.8. Water Conservation (Kawarau) Order 1997 (Kawarau WCO)

832. Regional policy statements must not be inconsistent with water conservation orders.<sup>71</sup> There is one relevant Water Conservation Order in Otago for the Kawarau River and its tributaries. The Kawarau WCO lists water bodies and their outstanding values that are to be preserved in their natural state in Schedule 1. The Order also lists waterbodies that are no longer in their natural state but still contain some values considered to be outstanding which must be protected. The Order places restrictions on the exercise of ORC's functions under the RMA in relation to these water bodies, in order to preserve them in their natural state or protect their outstanding values, which mostly relate to consenting.

833. While the specific restrictions in the Kawarau WCO are more relevant for regional plans, the provisions in the PORPS 2021 have been drafted in consideration of the protections afforded to these water bodies and the restrictions implemented through the subsequent regional plans. Policy LF–FW–P11 recognises the Kawarau River and its tributaries as escribed in the WCO as outstanding water bodies due to the WCO and the matters it protects, and Policy LF–FW–P13 requires recognising and implementing the restrictions in the WCO to preserve the natural character of the water bodies.

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<sup>71</sup> Section 62(3) of the RMA.



## 6.9. Lake Wanaka Preservation Act 1973

834. When exercising functions under the RMA, including the development of regional policy statements, ORC is required to have regard to the purposes of the Lake Wanaka Preservation Act 1973 and shall give effect to the policy of the government in relation to those functions as communicated by the Minister of Conservation.<sup>72</sup>

835. The Lake Wanaka Preservation Act 1973 has the following purposes:

- a. To prevent the water in the body of the lake from being impounded or controlled by, or, as far as possible, obstructed by, any works except in an emergency;
- b. To prevent the natural rate of flow of lake water between the outlet of the lake which forms the source of the Clutha River and the confluence of that river and the Cardrona River from being varied or controlled by any works except in an emergency;
- c. To preserve, as far as possible, the water levels of the lake and its shoreline in their natural state; and
- d. To maintain and, as far as possible, to improve the quality of water in the lake.

836. This Act has been considered in the preparation of the PORPS. Lake Wanaka and the outflow and tributaries described in the Act are identified as outstanding water bodies under Policy LF–FW–P11 and the impounding or control of the level of Lake Wanaka is prevented under Policy LF–FW–P13.

## 6.10. Iwi Management Plans

837. When preparing regional policy statements, ORC must take into account any relevant planning document recognised by an iwi authority that has been lodged with ORC, to the extent that their content has a bearing on resource management issues of the region.<sup>73</sup> There are four iwi management plans in place in Otago which are discussed below.

### 6.10.1. Te Rūnanga o Ngāi Tahu Freshwater Policy 1999

838. This document describes Ngāi Tahu’s association with freshwater resources, the ways in which Ngāi Tahu (as tangata tiaki) want to participate in freshwater management and the environmental outcomes sought for freshwater. The Policy prefers integrated catchment management and seeks to afford protection to waters that are of particular spiritual significance to Ngāi Tahu. The policy also seeks to restore, maintain and protect the mauri of freshwater resources and to maintain vital, healthy mahinga kai populations and habitats that sustain harvesting activities. To ensure Ngāi Tahu involvement in freshwater management, the policy promotes collaborative management initiatives that enable active participation by Ngāi Tahu.

839. The Policy has been taken into account when preparing the PORPS 2021 and particularly informs the provisions in the *LF – Land and freshwater* chapter.

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<sup>72</sup> Clause 8, Lake Wanaka Preservation Act 1973

<sup>73</sup> Section 61(2A)(a), RMA

#### 6.10.2. Kāi Tahu ki Otago Natural Resources Management Plan 2005

840. This is the principal planning document for Kāi Tahu ki Otago (Te Rūnanga o Moeraki, Kāi Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga). The kaupapa of this Plan is ‘ki uta ki tai’ (mountains to the sea) and is an expression of kaitiakitaka. The plan describes in detail Kāi Tahu values, knowledge and perspectives on natural resource and environmental management issues. It was first used to inform the development of policy papers for topics to be covered in the RPS and has continued to inform policy development, particularly through the engagement with Kāi Tahu ki Otago.

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

841. This is the principal planning document for Ngāi Tahu ki Murihiku (Te Rūnanga o Awarua, Te Rūnanga o Oraka/Aparima, Te Rūnanga o Hokonui and Te Rūnaka o Waihōpai). The Kaupapa of Te Tangi a Tauira is ‘Ki Uta Ki Tai’ from the Mountains to the Sea, representing the connection of natural resources and the need to manage them as such. The purpose of Te Tangi a Tauira is to:

- a. Describe the value underpinning the relationship between Ngāi Tahu ki Murihiku and the natural environment;
- b. Identify the primary issues associated with natural resource and environmental management in the takiwā, from the perspective of Ngāi tahu ki Murihiku;
- c. Articulate Ngāi Tahu ki Murihiku policies and management guidelines for natural resource and environmental management, wāhi tapu and wāhi taonga.

842. Te Tangi a Tauira was first used to inform the development of policy papers for topics to be covered in the RPS and has continued to inform policy development, particularly through the engagement with Ngāi Tahu ki Murihiku.

#### 6.10.4. Waitaki Iwi Management Plan 2019

843. The Waitaki Iwi Management Plan has been developed by Te Rūnanga o Moeraki as an expression of rakatirataka and in fulfilment of their kaitiaki responsibilities within the Waitaki Catchment. The Waitaki Iwi Management Plan has been developed to:

- a. Describe the values held by Kā Papatipu Rūnaka relating to Aoraki, wai, mahika kai and wāhi tūpuna in the Waitaki catchment;
- b. Identify the primary issues Kā Papatipu Rūnaka have regarding these matters in the Waitaki catchment;
- c. Articulate Kā Papatipu Rūnaka policies and management guidelines for these matters;
- d. Provide for the relationship that Kā Papatipu Rūnaka have with these resources.

844. This Plan covers the entirety of the Waitaki catchment, most of which is within the Canterbury region. The parts that relevant to Otago have been considered in the preparation of the PORPS 2021.

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

845. When preparing or changing a regional policy statement, ORC must, in relation to a planning document prepared by a customary marine title group under the Marine and Coastal Area (Takutai Moana) Act 2011, recognise and provide for the matters in that document (to the extent that they relate to the relevant customary marine title area), and take into account the matters in that document (to the extent that they relate to a part of the common marine and coastal area outside the customary marine title area).<sup>74</sup>
846. No customary marine title group planning documents exist in the Otago region.

### 6.12. Other Management Plans and Strategies

847. Section 66(2)(c)(i) requires regional councils to have regard to any management plans and strategies prepared under other Acts.

#### 6.12.1. Otago Conservation Management Strategy 2016

848. The Conservation Act 1987 requires the Department of Conservation to prepare a conservation management strategy for each region. The Otago Conservation Management Strategy (CMS) describes the conservation values present in Otago and provides guidance for the Department's work in the form of a vision supported by objectives, outcomes, policies and milestones. The CMS applies to all public conservation land and waters in Otago (noting that this is based on the old Otago conservancy boundary which now covers parts of Eastern South Island and Southern South Island regions).
849. The CMS contains a vision for Otago out to 2066 which is the overarching goal of the document. The vision includes:
- a. Recognising Ngāi Tahu tino rangatiratanga over their taonga tuku iho and enabling exercise of kaitiakitanga responsibilities;
  - b. Thriving marine ecosystems and species, with marine mammals and birds successfully breeding along the coast;
  - c. Otago's freshwater systems supporting healthy aquatic ecosystems;
  - d. People safely swimming in and gathering food from all freshwater systems;
  - e. Increased wetland extent and intact braided river systems;
  - f. Thriving terrestrial ecosystems and species;
  - g. Otago's rich history visible and accessible with communities actively involved in sharing their stories; and
  - h. People enjoy public conservation lands and waters.
850. The Otago Conservation Management Strategy has been given regard in the preparation of the PORPS 2021. Although it has a different application, many of the outcomes sought are consistent with the objectives of the PORPS 2021.

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<sup>74</sup> Section 61(2A)(b), RMA

### 6.12.2. Otago Sports Fish and Game Management Plan 2015-2025

851. The Conservation Act 1987 requires each Fish and Game Council to prepare any sports fish and game management plans that are necessary for the management of sports fish and game birds within its region of jurisdiction, for approval by the Minister of Conservation. There is one Fish and Game Council that falls wholly within the Otago region: the Otago Fish and Game Council. There is one management plan produced for Otago: the Otago Sports Fish and Game Management Plan 2015-2025. This Plan lists a number of environmental outcomes, including:

- a. Wild fish and game resources maintain a population which produces sufficient numbers for a self-sustaining annual harvest in the long term;
- b. Water quality ranges between good and excellent in lakes, rivers and wetlands;
- c. Flows and levels combine with the natural characteristics of waterways to support natural ecosystems functioning at a level that support productive and diverse fish and game populations;
- d. Rivers are swimmable, fishable and safe for food gathering; and
- e. Otago's wetlands have improved in terms of their quality, diversity, species productivity and overall area.

852. This management plan has been given regard in the preparation of the PORPS 2021, to the extent that its content is relevant. Many of the provisions are not inconsistent with the provisions of the PORPS.

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

853. Section 61(2)(a)(iia) requires ORC to have regard to relevant entries on the New Zealand Heritage List/Rārangī Kōrero (the List) to the extent that they have a bearing on resource management issues of the region. There are no specific references in the PORPS 2021 to entries on the List, however the provisions in the *Historical and cultural values* chapter are relevant to the management of entries on the List. These provisions, particularly for identification of historic heritage, have been based on guidelines prepared by Heritage New Zealand Pouhere Taonga for assessing places and areas for inclusion on the List.

### 6.14. Regulations relating to fisheries resources

854. Section 61(2)(a)(iii) requires ORC to have regard to regulations relating to ensuring sustainability, or the conservation, management or sustainability of fisheries resources, including regulations or bylaws relating to taiāpure, mahika mātaītai or other non-commercial Māori customary fishing, to the extent that their content has a bearing on resource management issues of the region. The PORPS 2021 does not manage fisheries resources directly but does manage the physical environment within which fisheries are located. ORC has had regard to the relevant regulations for fisheries resources.

### 6.15. Adjacent regional policy statements

855. Section 61(2)(b) requires ORC to have regard to the extent to which the PORPS 2021 needs to be consistent with the policy statements and plans of adjacent regional councils. The Otago region is adjacent to three other regions: Southland, Canterbury and West Coast. Environment Southland provided feedback through clause 3 consultation on two minor matters, which were adopted in the PORPS 2021. No response was received by West Coast Regional Council,

however the boundary between the Otago and West Coast regions is on conservation land so there are unlikely to be significant cross-boundary issues. Generally, these boundaries follow catchment areas so there is limited opportunity for more than one regional policy statement to come into play.

856. The notable exception is the Waitaki district, which spans both the Canterbury and Otago regions. While there are differences between the Canterbury and Otago regional policy statements, and therefore in the regional and district plans underneath them, it is considered that the PORPS 2021 has been prepared with consideration of the outcomes sought by the Canterbury Regional Policy Statement. Environment Canterbury confirmed in its clause 3 consultation feedback that it considered the cross-boundary provisions in the PORPS 2021 were generally consistent with the Canterbury regional planning framework. A number of amendments were proposed by Environment Canterbury to improve the alignment between the PORPS 2021 and the Canterbury regional planning framework with respect to the Waitaki district, which were adopted.

#### 6.16. Exclusive Economic Zone regulations

857. Section 61(2)(b) requires ORC to have regard to the extent to which the PORPS 2021 needs to be consistent with regulations made under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (the EEZ Act). There are currently four such regulations:
- a. Exclusive Economic Zone and Continental Shelf (Environmental Effects – Permitted Activities) Regulations 2013;
  - b. Exclusive Economic Zone and Continental Shelf (Environmental Effects – Non-notified Activities) Regulations 2014;
  - c. Exclusive Economic Zone and Continental Shelf (Environmental Effects – Discharge and Dumping) Regulations 2015; and
  - d. Exclusive Economic Zone and Continental Shelf (Environmental Effects – Burial at Sea) Regulations 2015.
858. These regulations apply from the 12 nautical mile limit out to the boundary of New Zealand's exclusive economic zone and manage some activities that are also managed under regional plans inside the 12 nautical mile limit. They are therefore more relevant to regional plan provisions than the PORPS, however their content has been given regard in the development of the PORPS 2021.

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## 8. Appendices

*Provided as a separate document*