

22 September 2023

Billie Marsh

Email: c/-fyi-request-23948-ca4efb5e@requests.fyi.org.nz

Dear Ms Marsh

OFFICIAL INFORMATION ACT 1982 (OIA) – REQUEST FOR INFORMATION - CHRISTCHURCH INTERNATIONAL AIRPORT LIMITED (CIAL)

1. We write further to our email of 28 August 2023, acknowledging receipt of your email of 25 August 2023 (via the third party public platform fyi.org.nz) in which you requested the following information pursuant to the OIA:

“Please send me all correspondence, meeting notes, briefings, presentations shared with the Otago Regional Council since over the last two years.” (the “Request”)

2. CIAL will provide you with the requested information where it is able. However, you will note within this letter that it is occasionally unable to release requested information if it would prejudice or **disadvantage CIAL’s commercial activities**. Before we answer your specific query, it may be helpful to provide some context to this.
3. The OIA permits an organisation to refuse to release requested information it holds if the withholding of such information is necessary to enable the organisation to carry out its commercial activities or negotiations without prejudice or disadvantage (s 9(2)(i) and s9(2)(j) OIA) provided that such withholding is not outweighed in the circumstances by the public interest in making the specific information available. For example, while it may be in the public interest to understand that CIAL is investigating the feasibility of establishing an airport in Central Otago that does not mean CIAL must share every detail of its plans, analysis, work or negotiations within specific work streams.
4. As you may be aware, CIAL is a council-controlled trading organisation that has been specifically established to operate and manage its business as an independent commercial undertaking for the purposes of making a profit, and to follow generally accepted commercial practices and disciplines. CIAL is not a public body collecting and spending public funds. It operates as a wholly commercial, standalone entity. Due to the size and scale of those activities it is one of only three major airports in New Zealand regulated under Part 4 of the Commerce Act 1986.
5. As an airport, CIAL has a further overriding obligation under the Airport Authorities Act 1966, and reinforced by the Civil Aviation Act 2023, to act as a commercial undertaking. It does so in a commercially competitive environment both domestically and internationally, where its competitors

6. are not under corresponding disclosure requirements. The proposed Central Otago Airport Project (the Project) is a complex commercial activity, acknowledged as being in competition with the interests of other airports within New Zealand.
7. With respect to your Request, we have identified 65 items as being within scope of your request (attached). Some information has been withheld under Section 9(2)(a) of the OIA. We have identified three email exchanges between third parties, other than CIAL, which relate to the proposed Otago Regional Policy Statement and which have been identified by them as confidential and privileged. These have been withheld under section 9(2)(ba)(i) of the OIA. In order to respond to your query within the timeframe, we have considered administrative information relating to rates and existing as being beyond the scope of your request, noting these would likely be withheld under sections 9(2)(i) and 9(2)(j) of the OIA.
8. There are two further email exchange which we need to consult with the other party to before a decision to release is taken. We expect to release our decision by 29 September 2023. Given the volume of material within scope of the request, we have made the decision to release the majority of material now, rather than extend the deadline while consultation occurs relating to two email exchanges.
9. We trust we have answered your requests for information. If you require any further information or we have in some way misinterpreted your requests, please let us know.
10. You have the right to seek an investigation and review by the Ombudsman of the decisions contained in this letter. Information about how to contact the Ombudsman or make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely

CIAL LEGAL TEAM

Email: legal@cial.co.nz

[REDACTED]

From: Amy Hill
Sent: Friday, 3 September 2021 9:34 am
To: RPS@orc.govt.nz
Cc: Jo Appleyard
Subject: Submission on Proposed Otago Regional Policy Statement
Attachments: CIAL_submission_on_proposed_ORPS.pdf

Mōrena

We act for Christchurch International Airport Limited (*CIAL*). Please find **attached** CIAL's submission on the proposed Otago Regional Policy Statement.

Ngā mihi
Amy

AMY HILL (she/her)
SENIOR SOLICITOR

Chapman Tripp

D: [REDACTED]
M: [REDACTED]

LEGAL ADMINISTRATOR: [REDACTED]

www.chapmantripp.com

From: Amy Hill
Sent: Wednesday, 15 September 2021 8:47 am
To: RPS@orc.govt.nz
Cc: Jo Appleyard
Subject: RE: Submission Receipt - Proposed Otago Regional Policy Statement

Mōrena

Thank you for the below email. Could we please record some corrections:

The contact person should be recorded as Jo Appleyard / Amy Hill (there is a typo in the name recorded below).

And if it is only possible to have one contact email on record, could you please use my email address [REDACTED]@chapmantripp.com)?

Thank you

Amy

AMY HILL (she/her)

SENIOR SOLICITOR

Chapman Tripp

D: [REDACTED]

M: [REDACTED]

LEGAL ADMINISTRATOR: [REDACTED]

www.chapmantripp.com

From: RPS <rps@orc.govt.nz>
Sent: Tuesday, 14 September 2021 4:10 PM
To: Jo Appleyard [REDACTED]@chapmantripp.com>
Subject: Submission Receipt - Proposed Otago Regional Policy Statement

RE: Proposed Otago Regional Policy Statement 2021, Submission of **Christchurch International Airport Limited (CIAL)**

Kia Ora,

This is confirmation of receipt of a submission on the proposed Otago Regional Policy Statement 2021.

You have received this communication as you are recorded as being the Address for Service contact person for this submission.

Your submission has been recorded with the following key reference details:

Submitter	
Submitter Name	Christchurch International Airport Limited (CIAL)
Your unique Submission Reference Number is	307

You indicated that you will	Appear at a hearing in support of your submission.
Address for Service - Note: only one 'address for service' per submission can be recorded.	
Contact Person	Amy Tripp
Method for Service	Email NOTE: Email is our preferred method.
Address for Service	██████████ @chapmantripp.com

Please advise us as soon as possible at RPS@orc.govt.nz if any of the details above are incorrect.

NEXT STEPS*:

SoDR: ORC has registered all submissions received and started working on producing a “Summary of Decisions Requested” report. Timing is ‘as soon as possible’ but an exact time is uncertain as it depends on the number, size and complexity of submissions received. Nonetheless, we hope to have this completed in about 6 weeks.

Further Submissions: When the SoDR report is available for inspection we will notify you (using the details recorded above) of where it can be viewed. Submitters will then have an opportunity (of not more than 10 working days) to make a “Further Submission” which may only be in support of or opposition to decisions requested by others, (see Clauses 7, 8 & 8A of the First Schedule to the Resource Management Act 1991), notice of which must also be served on those other submitters. The SODR will include a list of all submitters Address for Service details to facilitate this.

Document Transfer: After receiving Further Submissions, ORC will produce a “Summary of Decisions Requested and Further Submissions” and provide it, along with all other relevant documentation to the Office of the Chief Freshwater Commissioner. This all must be completed within 6 months of notification (see RMA S80A(4)), which in practical terms means the document transfer has to occur before the Christmas break.

Hearings: From the point of document transfer, the Office of the Freshwater Commissioner will take control of the process and make arrangements for hearings, including the formation of a hearings panel. We currently anticipate hearings commencing in the first quarter of 2022.

*Information is correct at the time of writing, but can change - **Stay up to date with the process at www.orc.govt.nz/RPS**

From: Anita Dawe <[REDACTED]@orc.govt.nz>
Sent: Thursday, 14 April 2022 2:35 pm
To: Hearing Administrator
Subject: Minute 3 and Directions

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Submitter

On behalf of the Freshwater Hearings Panel , Minute 3 and Directions has been issued today. It is available at [Proposed RPS 21 Hearing \(orc.govt.nz\)](#)

Thanks



Anita Dawe
ACTING GENERAL MANAGER POLICY AND SCIENCE

P [REDACTED] | M [REDACTED]
[REDACTED]@orc.govt.nz

www.orc.govt.nz

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[REDACTED]

From: Hearing Administrator <hearingsadministrator@orc.govt.nz>
Sent: Thursday, 21 April 2022 4:09 pm
To: Simon Anderson
Subject: RE: Proposed Otago Regional Policy Statement 2021
Attachments: 2022-04-20 - memorandum for hearings panel.pdf

Dear Parties

Counsel for the Otago Regional Council filed the attached memorandum with the Freshwater Hearings Panel yesterday.

The Panel has asked that all parties are advised that the panel of commissioners have read the memorandum of 20 April from counsel for the council, and approve the delay of 1 week for issuing of the s42A report.

For the Hearings Panel
Hearings administrator

From: Simon Anderson <[REDACTED]@rossdowling.co.nz>
Sent: Wednesday, 20 April 2022 2:23 p.m.
To: Hearing Administrator <hearingsadministrator@orc.govt.nz>; Anita Dawe <[REDACTED]@orc.govt.nz>
Subject: Proposed Otago Regional Policy Statement 2021

I **attach** a memorandum for the Hearings Panel.

Regards,

Simon Anderson Partner

ROSS DOWLING MARQUET GRIFFIN
BARRISTERS AND SOLICITORS

Second Floor, Savoy Building, 50 Princes Street, Dunedin 9016

PO Box 1144, Dunedin 9054

Phone: [REDACTED]

Cell: [REDACTED]

Web: www.rossdowling.co.nz

FRAUD WARNING: Fraud attempts are increasing, and law firms and their clients are targeted. Never make any payment in reliance on bank account information in an email or a phone call. Our trust account is loaded as a payee on online banking platforms. All payments to us should be made using that method. Alternatively, you can verify our account details by telephoning a person at our firm who you know and will recognise. If doing so you should not rely on any telephone number in an email or given by a caller requesting payment. **IF IN DOUBT DO NOT PAY.**

COVID-19: Our offices are open by appointment only. Attendees must wear a mask, observe social distancing and have a Vaccine Pass available for inspection at reception. Alternatively, we can host meetings via all commonly used virtual meeting platforms (Teams, Zoom etc).

CONFIDENTIAL: This email is confidential and may be legally privileged. If you are not the intended recipient, please notify me by return email, delete your copy and accept my apology for any inconvenience.

**BEFORE THE FRESHWATER HEARINGS PANEL CONVENED BY THE CHIEF
FRESHWATER COMMISSIONER**

IN THE MATTER

of the Proposed Otago Regional Policy Statement
2021

MEMORANDUM ON BEHALF OF THE OTAGO REGIONAL COUNCIL

Dated 20 April 2022

ROSS DOWLING MARQUET GRIFFIN
SOLICITORS
DUNEDIN

Telephone: (03) 477 8046
Facsimile: (03) 477 6998
PO Box 1144, DX YP80015

Solicitor: SJ Anderson

MEMORANDUM ON BEHALF OF THE OTAGO REGIONAL COUNCIL

May it please the Commissioners:

Direction sought

- 1 The ORC seeks the Panel's indulgence to allow that the posting of the s42A report to the hearings website be delayed by one week until 4 May 2022.

Reasons

- 2 The primary reason is that the ORC staff member responsible for the significant resource management issues for the region chapter has left the ORC.
- 3 Responsibility for this chapter has passed to a consultant planner.
- 4 Understandably she wishes to review the work and make any amendments needed to ensure that she can present it as her own independent expert opinion.
- 5 This potentially impacts other parts of the s42A report.
- 6 There have also been staff departures resulting in author changes for the air and the historical and cultural values – wahi tupuna chapters.
- 7 Noting the deferred timetable in Minute 3, it is submitted that an additional week for the s42A report would not prejudice any party (and may be beneficial for the now directed alternative dispute resolution, and for subsequent evidence preparation).



Simon Anderson
Counsel for Otago Regional Council
20 April 2022

From: Amy Hill
Sent: Monday, 16 May 2022 2:22 pm
To: hearing.administrator@orc.govt.nz; rps@orc.govt.nz
Cc: Jo Appleyard; Annabelle Lee
Subject: Otago Regional Policy Statement - change of contact for CIAL

Tēnā koutou

I am writing to advise of a change of contact details for Christchurch International Airport Limited (submitter on the proposed Otago Regional Policy Statement).

Could you please update the contact email address to: [REDACTED]@chapmantripp.com / [REDACTED]@chapmantripp.com

Thank you
Amy
AMY HILL (she/her)
SENIOR SOLICITOR

Chapman Tripp

D: [REDACTED]
M: [REDACTED]

LEGAL ADMINISTRATOR: [REDACTED]

www.chapmantripp.com

From: Anita Dawe <[REDACTED]@orc.govt.nz>
Sent: Wednesday, 4 May 2022 5:49 PM
To: RPS <rps@orc.govt.nz>
Subject: Release of s42A Reports

Dear Parties,

You are receiving this email because you have submitted on the proposed Otago Regional Policy Statement. In accordance with Minute 3, please be advised the S.42a reports have been uploaded on to the pORPS Hearings Page on the ORC website. You can find them here – [Section 42A Hearing Report \(orc.govt.nz\)](#)

If you have any questions, please direct them to hearing.administrator@orc.govt.nz

Kā mihi nui
Anita



Anita Dawe
ACTING GENERAL MANAGER POLICY AND SCIENCE

P [REDACTED] | M [REDACTED]
[REDACTED]@orc.govt.nz

www.orc.govt.nz

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From: Hearing Administrator <hearingsadministrator@orc.govt.nz>
Sent: Friday, 20 May 2022 4:59 pm
Subject: Proposed Otago RPS - Pre-hearing Discussions

Dear Parties,

You are receiving this email because you have submitted on the proposed Otago Regional Policy Statement.

Proposed Otago Regional Policy Statement 2021 – Pre-Hearing Consultation

In its minute of 14 April 2022, the Hearings Panel directed a delayed timetable for the preparation and filing of evidence, and commencement of hearings. The Panel also directed that parties make use of the extra time created by the delay to engage in meaningful negotiations to settle or at least narrow matters in dispute. To that end the Council proposes a series of topic based facilitated meetings.

These meetings are to provide an initial opportunity to clarify positions, narrow differences and, in some instances, resolve points raised by submissions. The meetings will be conducted on a without prejudice basis to enable free and frank discussion. Any agreements reached will be recorded in writing, signed, reported to the Panel, and posted on the hearing's website.

If you wish to participate, then please go to the form here at the following link and fill in the appropriate topic boxes and submit the form **before 5pm on Friday 27 May 2022**. <https://form.jotform.com/221377895812062>

The topics are:

Report	Topic
1	Introduction and common theme
2	Submissions on Part 1
3	Interpretation
4	MW – Mana whenua
5a	SRMR
5b	RMIA
6	IM – Integrated management
7	AIR – Air
8	CE – Coastal environment
9a	LF-WAI – Te Mana o te Wai
9b	LF-VM – Visions and management
9c	LF-FW – Freshwater
9d	LF-LS – Land and soils

10	ECO – Ecosystems and indigenous biodiversity
11a	EIT-EN – Energy
11b	EIT-INF – Infrastructure
11c	EIT-TRAN – Transport
12a	HAZ-NH – Natural hazards
12b	HAZ-CL – Contaminated land
13a	HCV-WT – Wāhi tūpuna
13b	HCV-HH – Historic heritage
14	NFL – Natural features and landscapes
15	UFD – Urban form and development
16	EMON – Evaluation and monitoring

Please note that you may only join meetings on topics you submitted on.

Taking account of which submitters elect to participate in discussion on each topic, the Council will then set a timetable for meetings. It is expected that meetings will occur during the period between 13 June 2022 and 1 July 2022. It is anticipated that there will be further discussions between the Council and submitters as the hearing process unfolds.

Referencing Update to Section 42A Chapter 11

Could you also note that the Section 42A Chapter 11 on the website has had an update to address a sequencing error in some paragraph and chapter numbers. There have been no amendments to the text of the Section 42A Chapter 11.

Kā mihi nui
Hearings Administrator

From: hearingsadministrator@orc.govt.nz <noreply@jotform.com>
Sent: Wednesday, 25 May 2022 3:04 pm
To: Jo Appleyard
Subject: We have received your response for RPS Pre-Hearing Consultation Registration Form



RPS Pre-Hearing Consultation Registration Form

Kia ora,

Thank you for your pORPS Pre-Hearing consultation registration.

The Hearings Administrator will be in contact about pre-hearing meetings that are expected to occur during the period between 13 June 2022 and 1 July 2022.

Please find a copy of your registration below.

Submitter ID:	0307
Submitter name(s):	Christchurch International Airport Limited
Representative name:	Jo Appleyard
Representative email address:	██████████@chapmantripp.com
Representative contact phone number:	██████████
Please confirm you're able to attend any pre-hearing discussions online.	Yes
01 Introduction and common theme	No
02 Submissions on Part 1	No
03 Interpretation	Yes

Please nominate all attendees (Title/Names & Email address). Jo Appleyard

04 MW – Mana whenua No

05a Submissions on Part 2 -SRMR No

05b Submissions on Part 2 - RMIA No

06 IM – Integrated management No

07 AIR – Air No

08 CE – Coastal environment No

09a LF-WAI – Te Mana o te Wai No

09b LF-VM – Visions and management No

09c LF-FW – Freshwater No

09d LF-LS – Land and soils No

10 ECO – Ecosystems and indigenous biodiversity No

11a EIT-EN – Energy No

11b EIT-INF – Infrastructure Yes

Please nominate all attendees (Title/Names & Email address). Jo Appleyard

11c EIT-TRAN – Transport No

12a HAZ-NH – Natural hazards No

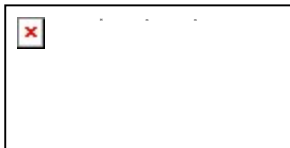
12b HAZ-CL – Contaminated land No

13a HCV-WT – Wāhi tūpuna	No
13b HCV-HH – Historic heritage	No
14 NFL – Natural features and landscapes	No
15 UFD – Urban form and development	No
16 EMON – Evaluation and monitoring	No

If you have any queries, please email us at hearingsadminstrator@orc.govt.nz.

Ngā mihi,

Otago Regional Council



www.orc.govt.nz

From: Hearings Administrator <hearingsadministrator@orc.govt.nz>
Sent: Friday, 27 May 2022 6:38 pm
Subject: Proposed Otago RPS - Minute from the Panel
Attachments: Proposed Otago RPS - Panel Minute 4.pdf

Dear Parties,

You are receiving this email because you have submitted on the proposed Otago Regional Policy Statement.

Attached is Minute 4 from the Panel.

Kind regards

Hearings Administrator

Otago Regional Council
Proposed Otago Regional Policy Statement 2021
FOURTH MINUTE and DIRECTIONS OF HEARINGS PANEL

On preparation for hearing of submissions

Minute 4

1. On 14 April 2022, the Panel issued its third Minute and Directions (Minute 3) which included, at paragraph 13, revised preparation and hearings commencement dates. These revised dates were in response to our consideration of memoranda from parties sought in Minute 2. Minute 2 canvassed some possible approaches to maintain momentum for the hearing pending the timing and outcome of the High Court decision concerning the status of the pORPS as a freshwater planning instrument.
2. Minute 3 established dates for a number of upcoming key tasks in the hearing process, but not all. In reviewing these revised dates, the Council has noted that some of the events are now out of sequence. We agree and this Minute responds to this issue.
3. The following are the updated preparation and hearings commencement dates and replace those advised in previous Minutes:
 - a) Confirmation of wish to be heard be filed by 5pm 3 June 2022
 - b) All parties' evidence in chief be filed by 5pm 29 July 2022
 - c) All evidence in chief to be posted on the Council website by 5 August 2022
 - d) All rebuttal evidence to be filed by 5pm 26 August 2022
 - e) All rebuttal evidence to be posted on the Council website by 2 September 2022
 - f) Application for leave to cross-examine any witness to be filed by 5pm 9 September 2022
 - g) Indication of expert conferencing to be filed by 5pm 9 September 2022
 - h) Hearings to commence on 19 September 2022
4. Dates for council evidence in reply, parties closing submissions and the council's closing submission will be confirmed upon commencement of the hearing.

For the panel,



Judge Laurie Newhook,
Chair and Chief Freshwater Commissioner.

27 May 2022

From: Hearings Administrator <hearingsadministrator@orc.govt.nz>
Sent: Friday, 3 June 2022 9:11 am
Subject: pORPS Key date today

Importance: High

Good morning all,

Just a reminder, as per the Minute #4 from the Panel (in below link), 5pm today is the deadline to indicate if you wish to be heard at the hearing.

[proposed-otago-rps-panel-minute-4.pdf \(orc.govt.nz\)](#)

Kind regards
Lisa

Subject: EIT - Infrastructure
Location: zoom invite to follow
Start: Mon 4/07/2022 1:30 pm
End: Mon 4/07/2022 5:00 pm
Recurrence: (none)
Organizer: Hearings Administrator

Kia ora,

You are receiving this calendar invite because you have indicated you wish to participate in the pORPS pre-hearing discussion for the topic indicated in the subject line above. Key information for the session is set out below.

Online link

These discussions will be online only, and next week you will receive a zoom link for participation. If you have multiple attendees, we ask that where possible you sign into the session using one link. This will help our facilitator in running the session and facilitate more meaningful discussion.-

Agenda

An agenda will be circulated prior to the discussion. This will also cover key expectations for the discussion.

Shared discussion template

A link to a template for all participants in this topic will be sent in the next few days. We would appreciate you noting the areas which you wish to discuss. This will help the discussion progress meaningfully to narrow points of difference, or acknowledge areas of agreement etc. If you do wish fill in the template, we ask that you complete this one full working day before the scheduled session.

If you have any questions, please contact the hearings administrator by email - hearingsadministrator@orc.govt.nz

difference, or acknowledge areas of agreement etc. If you do wish fill in the template, we ask that you complete this one full working day before the scheduled session.

If you have any questions, please contact the hearings administrator by email - hearingsadministrator@orc.govt.nz

[REDACTED]

From: Hearings Administrator <hearingsadministrator@orc.govt.nz>
Sent: Friday, 10 June 2022 1:45 pm
To: Jo Appleyard
Subject: Re: pORPS - Pre-hearing discussions 03-Interpretation

Hi Jo,

Thanks for letting me know. You have been removed from the Interpretations pre-hearing discussion attending list.

I have added Rhys Boswell to the pre-hearing discussion and added him to the contact list for that topic.

Regards,

Hearings Administrator
hearingsadministrator@orc.govt.nz

From: Jo Appleyard <[REDACTED]@chapmantripp.com>
Sent: 08 June 2022 5:31 PM
To: Hearings Administrator <hearingsadministrator@orc.govt.nz>
Cc: [REDACTED]@cial.co.nz <[REDACTED]@cial.co.nz>
Subject: RE: pORPS - Pre-hearing discussions 03-Interpretation

Thank you.

On the basis that the definition of "regionally significant infrastructure" will be dealt with in the EIT-INF session on 4 July we don't need to attend the definitions topic discussion.

Could you please include Rhys Boswell from Christchurch International Airport Limited in your future emails for the EIT-INF discussion topic? I have copied him on this email.

JO APPLEYARD

PARTNER

Chapman Tripp

D: [REDACTED]

M: [REDACTED]

LEGAL ADMINISTRATOR: [REDACTED]

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From: Hearings Administrator <hearingsadministrator@orc.govt.nz>
Sent: Thursday, 2 June 2022 10:15 PM
To: Jo Appleyard <[REDACTED]@chapmantripp.com>
Subject: pORPS - Pre-hearing discussions 03-Interpretation

Good evening,

You have registered for the pre-hearing discussion – 03 Interpretations on behalf of Christchurch International Airport Limited.

We note that your submission points on this topic relate to the following definitions. We wish to draw your attention to the fact these definitions are dealt within the s.42 reports indicated below. The discussion on these definitions will occur within the relevant pre-hearing topic discussion, which you have already registered for.

Definition submission point	Relevant S.42 report	Registration received for topic
regionally significant infrastructure	EIT-INF	Yes

Can you please confirm that you still wish to participate in the 03 – Interpretations pre-hearing discussions?

Kind regards

Hearing Administrator

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From: Hearings Administrator <hearingsadministrator@orc.govt.nz>
Sent: Wednesday, 15 June 2022 2:54 pm
To:

[Redacted]

Cc:

Subject: Re: Interpretations - Pre-hearing discussion pORPS
Attachments: Run sheet 03 Interpretations.docx

Hi,

Please note that I have updated the calendar invite with the run sheet (also attached) and this is a good chance to add to the agenda if you have some points you wish to discuss.

This is the link to a shared document for all participants in this topic: https://otagorc.sharepoint.com/:w:/s/PORPS21Pre-hearingdiscussions/EYTbf47QSAVJuLLBJwyqa_UB5upbgolKRGp4aAAXwZsBxA

Regards,

Hearings Administrator
hearingsadministrator@orc.govt.nz

From: Hearings Administrator
Sent: 03 June 2022 8:27 PM
To:

[Redacted]

Cc:

Subject: Interpretations - Pre-hearing discussion pORPS

When: 16 June 2022 12:30-15:30.

Where: Zoom

**** Attaching Run Sheet ****

Kia ora,

You are receiving this calendar invite because you have indicated you wish to participate in the pORPS pre-hearing discussion for the topic indicated in the subject line above.

Key information for the session is set out below.

Please find the pre-hearing process for discussion and the run sheet attached to this calendar invite.

This is the link to a shared document for all participants in this topic:

https://otagorc.sharepoint.com/:w:/s/PORPS21Pre-hearingdiscussions/EYTbf47QSAVJuLLBJwyqa_UB5upbgolKRGp4aAAXwZsBxA

We would appreciate you noting the areas which you wish to discuss. This will help the discussion progress meaningfully to narrow points of difference, or acknowledge areas of agreement etc. If you do wish to add to this document, we ask that you complete this one full working day before the scheduled session. Please check your spam/junk folder if you don't receive the code promptly. Email the Hearings Administrator if you have issues accessing the document.

The agenda and run sheet will be sent out closer to the meeting time.

Please find the zoom link for this meeting below:

Topic: Interpretations - Pre-hearing discussion pORPS

Time: Jun 16, 2022 12:30 PM Auckland, Wellington

Join Zoom Meeting

<https://otagorc.zoom.us/j/89277594379?pwd=Qmw0UXBqTnVUWjdybC9rcHJ6eStRQT09>

Meeting ID: 892 7759 4379

Passcode: 791544

One tap mobile

+6498846780,,89277594379# New Zealand

+6436590603,,89277594379# New Zealand

Dial by your location

+64 9 884 6780 New Zealand

+64 3 659 0603 New Zealand

+64 4 886 0026 New Zealand

Meeting ID: 892 7759 4379

Find your local number: <https://otagorc.zoom.us/j/k8PzIFgaB>

Join by SIP

89277594379@zoomcrc.com

Join by H.323

[162.255.37.11](tel:162.255.37.11) (US West)

[162.255.36.11](tel:162.255.36.11) (US East)

[115.114.131.7](tel:115.114.131.7) (India Mumbai)

[115.114.115.7](tel:115.114.115.7) (India Hyderabad)

[213.19.144.110](tel:213.19.144.110) (Amsterdam Netherlands)

[213.244.140.110](tel:213.244.140.110) (Germany)

[103.122.166.55](tel:103.122.166.55) (Australia Sydney)

[103.122.167.55](tel:103.122.167.55) (Australia Melbourne)

[149.137.40.110](tel:149.137.40.110) (Singapore)

[64.211.144.160](tel:64.211.144.160) (Brazil)

[149.137.68.253](tel:149.137.68.253) (Mexico)

[69.174.57.160](tel:69.174.57.160) (Canada Toronto)

[65.39.152.160](tel:65.39.152.160) (Canada Vancouver)

[207.226.132.110](tel:207.226.132.110) (Japan Tokyo)

[149.137.24.110](tel:149.137.24.110) (Japan Osaka)

Meeting ID: 892 7759 4379

Passcode: 791544

If you have any questions, please contact the hearings administrator by email - hearingsadministrator@orc.govt.nz

[REDACTED]

From: Hearings Administrator <hearingsadministrator@orc.govt.nz>
Sent: Thursday, 16 June 2022 10:05 am
To: Jo Appleyard
Subject: Re: pORPS - Pre-hearing discussions 03-Interpretation

Hi,

Yes I have noted that you will not be attending, however, every time I am instructed to send an update, it gets sent to everyone who was INITIALLY invited (whether they have declined or accepted). So you keep getting reminded. My apologies for the confusion.

Please just disregard any calendar notifications or updates for pre-hearing discussions that you will not be attending.

Regards,

Hearings Administrator
hearingsadministrator@orc.govt.nz

From: Jo Appleyard [REDACTED] <[REDACTED]@chapmantripp.com>
Sent: 16 June 2022 9:51 AM
To: Hearings Administrator <hearingsadministrator@orc.govt.nz>
Subject: RE: pORPS - Pre-hearing discussions 03-Interpretation

Hi

I have received the invite for the Interpretations discussion today.

I had understood from the email exchange below that the topic was to be discussed in the ENT-INF session on 4 July.

Can you please confirm whether I need to attend today (I had assumed I wouldn't be).

JO APPLEYARD

PARTNER

Chapman Tripp

D: [REDACTED]

M: [REDACTED]

LEGAL ADMINISTRATOR: [REDACTED]

www.chapmantripp.com

From: Hearings Administrator <hearingsadministrator@orc.govt.nz>
Sent: Friday, 10 June 2022 1:45 PM
To: Jo Appleyard <[REDACTED]@chapmantripp.com>
Subject: Re: pORPS - Pre-hearing discussions 03-Interpretation

Hi Jo,

Thanks for letting me know. You have been removed from the Interpretations pre-hearing discussion attending list.

I have added Rhys Boswell to the pre-hearing discussion and added him to the contact list for that topic.

Regards,

Hearings Administrator

hearingsadministrator@orc.govt.nz

From: Jo Appleyard <[REDACTED]@chapmantripp.com>
Sent: 08 June 2022 5:31 PM
To: Hearings Administrator <hearingsadministrator@orc.govt.nz>
Cc: [REDACTED]@cial.co.nz [REDACTED]@cial.co.nz
Subject: RE: pORPS - Pre-hearing discussions 03-Interpretation

Thank you.

On the basis that the definition of "regionally significant infrastructure" will be dealt with in the EIT-INF session on 4 July we don't need to attend the definitions topic discussion.

Could you please include Rhys Boswell from Christchurch International Airport Limited in your future emails for the EIT-INF discussion topic? I have copied him on this email.

JO APPLEYARD

PARTNER

Chapman Tripp

D: [REDACTED]

M: [REDACTED]

LEGAL ADMINISTRATOR: [REDACTED]

www.chapmantripp.com

From: Hearings Administrator <hearingsadministrator@orc.govt.nz>
Sent: Thursday, 2 June 2022 10:15 PM
To: Jo Appleyard <[REDACTED]@chapmantripp.com>
Subject: pORPS - Pre-hearing discussions 03-Interpretation

Good evening,

You have registered for the pre-hearing discussion – 03 Interpretations on behalf of Christchurch International Airport Limited.

We note that your submission points on this topic relate to the following definitions. We wish to draw your attention to the fact these definitions are dealt within the s.42 reports indicated below. The discussion on these definitions will occur within the relevant pre-hearing topic discussion, which you have already registered for.

Definition submission point	Relevant S.42 report	Registration received for topic
regionally significant infrastructure	EIT-INF	Yes

Can you please confirm that you still wish to participate in the 03 – Interpretations pre-hearing discussions?

Kind regards

Hearing Administrator

Disclaimer

This email is intended solely for the use of the addressee and may contain information that is confidential or subject to legal professional privilege. If you receive this email in error please immediately notify the sender and delete the email.

Disclaimer

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From: Hearings Administrator <hearingsadministrator@orc.govt.nz>
Sent: Thursday, 2 June 2022 10:15 pm
To: Jo Appleyard
Subject: pORPS - Pre-hearing discussions 03-Interpretation

Good evening,

You have registered for the pre-hearing discussion – 03 Interpretations on behalf of Christchurch International Airport Limited.

We note that your submission points on this topic relate to the following definitions. We wish to draw your attention to the fact these definitions are dealt within the s.42 reports indicated below. The discussion on these definitions will occur within the relevant pre-hearing topic discussion, which you have already registered for.

Definition submission point	Relevant S.42 report	Registration received for topic
regionally significant infrastructure	EIT-INF	Yes

Can you please confirm that you still wish to participate in the 03 – Interpretations pre-hearing discussions?

Kind regards

Hearing Administrator

Subject: Interpretations - Pre-hearing discussion pORPS

Start: Thu 16/06/2022 12:30 pm

End: Thu 16/06/2022 3:30 pm

Recurrence: (none)

Organizer: Hearings Administrator

Kia ora,

You are receiving this calendar invite because you have indicated you wish to participate in the pORPS pre-hearing discussion for the topic indicated in the subject line above. Key information for the session is set out below.

Online link

These discussions will be online only, and next week you will receive a zoom link for participation. If you have multiple attendees, we ask that where possible you sign into the session using one link. This will help our facilitator in running the session and facilitate more meaningful discussion.-

Agenda

An agenda will be circulated prior to the discussion. This will also cover key expectations for the discussion.

Shared discussion template

A link to a template for all participants in this topic will be sent in the next few days. We would appreciate you noting the areas which you wish to discuss. This will help the discussion progress meaningfully to narrow points of difference, or acknowledge areas of agreement etc. If you do wish fill in the template, we ask that you complete this one full working day before the scheduled session.

If you have any questions, please contact the hearings administrator by email - hearingsadministrator@orc.govt.nz

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

[Learn More](#) | [Meeting options](#)

From: Jo Appleyard
Sent: Friday, 1 July 2022 2:54 pm
To: Hearings Administrator
Subject: RE: EIT - Infrastructure

Hi

Can you add me to the attendance list for Christchurch Airport – Rhys Boswell will be attending too.

JO APPLEYARD
PARTNER

Chapman Tripp

D: [REDACTED]
M: [REDACTED]

LEGAL ADMINISTRATOR: [REDACTED]

www.chapmantripp.com
-----Original Appointment-----

From: Hearings Administrator <hearingsadministrator@orc.govt.nz>

Sent: Monday, 6 June 2022 2:54 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: EIT - Infrastructure
When: Monday, 4 July 2022 1:30 PM-5:00 PM (UTC+12:00) Auckland, Wellington.
Where: zoom invite to follow

Kia ora,

You are receiving this calendar invite because you have indicated you wish to participate in the pORPS pre-hearing discussion for the topic indicated in the subject line above.

Key information for the session is set out below.

Please find the pre-hearing process for discussion and run sheet attached to this calendar invite.

This is the link to a shared document for all participants in this topic:
<https://otagorc.sharepoint.com/:w:/s/PORPS21Pre-hearingdiscussions/EWGggAmWZ8dEruowPFeOe3QB56GktSOwfbZQ4hQtPogqRg>

We would appreciate you noting the areas which you wish to discuss. This will help the discussion progress meaningfully to narrow points of difference, or acknowledge areas of agreement etc. If you do wish to add to this document, we ask that you complete this one full working day before the scheduled session. Please check your spam/junk folder if you don't receive the code promptly. Email the Hearings Administrator if you have issues accessing the document.

Join Zoom Meeting

<https://otagorc.zoom.us/j/83876686351?pwd=TI6WEM4MFJORGdDTWN3L3Q2R2laQT09>

Meeting ID: 838 7668 6351

Passcode: 028635

One tap mobile

+6498846780,,83876686351# New Zealand

+6436590603,,83876686351# New Zealand

Dial by your location

+64 9 884 6780 New Zealand

+64 3 659 0603 New Zealand

+64 4 886 0026 New Zealand

Meeting ID: 838 7668 6351

Find your local number: <https://otagorc.zoom.us/u/kbeD6A3WTR>

Join by SIP

83876686351@zoomcrc.com

Join by H.323

[162.255.37.11](tel:162.255.37.11) (US West)

[162.255.36.11](tel:162.255.36.11) (US East)

[115.114.131.7](tel:115.114.131.7) (India Mumbai)

[115.114.115.7](tel:115.114.115.7) (India Hyderabad)

[213.19.144.110](tel:213.19.144.110) (Amsterdam Netherlands)

[213.244.140.110](tel:213.244.140.110) (Germany)

[103.122.166.55](tel:103.122.166.55) (Australia Sydney)

[103.122.167.55](tel:103.122.167.55) (Australia Melbourne)

[149.137.40.110](tel:149.137.40.110) (Singapore)

[64.211.144.160](tel:64.211.144.160) (Brazil)

[149.137.68.253](tel:149.137.68.253) (Mexico)

[69.174.57.160](tel:69.174.57.160) (Canada Toronto)

[65.39.152.160](tel:65.39.152.160) (Canada Vancouver)

[207.226.132.110](tel:207.226.132.110) (Japan Tokyo)

[149.137.24.110](tel:149.137.24.110) (Japan Osaka)

Meeting ID: 838 7668 6351

Passcode: 028635

If you have any questions, please contact the hearings administrator by email -

hearingsadministrator@orc.govt.nz

From: Hearings Administrator <hearingsadministrator@orc.govt.nz>
Sent: Thursday, 7 July 2022 2:16 pm
To: Hearings Administrator
Subject: Fifth Minute and Directions of Hearing Panel
Attachments: Minute Five and Directions 6 July 2022.pdf

Kia ora,

On behalf of the panel, please see Minute 5 attached to this email.

Regards,

Hearings Administrator
hearingsadministrator@orc.govt.nz

Otago Regional Council

Proposed Otago Regional Policy Statement 2021

FIFTH MINUTE

Friend of the Submitter

Minute 5

INTRODUCTION

1. The Hearings Panel has appointed two people to act in the role of Friend of the Submitter (FoS) from 1 July. The FoS service is freely available to any person or party who have submitted on the proposed Otago Regional Policy Statement 2021.
2. These two people are Jane Whyte, and Charlotte Wright.
3. The role of a Friend of Submitter is to
 - (a) Provide advice and support on the hearing process for the proposed Regional Policy Statement, including any timetabling instructions before the hearing, and during the hearing; and
 - (b) Guide parties on the difference between speaking to submissions, and giving evidence; and
 - (c) Co-ordinate meetings at arranged venues to encourage the sharing of resources and joint presentations by parties with similar interests.
4. To this end, the availability of the Friend of Submitters are:
 - (a) For Jane Whyte, she is available between 8am – 9p.m daily. Ms Whyte's contact details are:

Email: jane@responseplanning.co.nz

Telephone: 027 2595303 or 03 332 7449

(b) For Charlotte Wright, she is available on weekdays from 8am – 8pm.
Ms Wright's contact details are:

Email: charlotte@element.org.nz


Telephone: 021 986 783

For the panel,

A handwritten signature in blue ink, appearing to read 'L. Newhook', with a large, stylized initial 'L'.

Judge Laurie Newhook,
Chair and Chief Freshwater Commissioner.

6 July 2022.



From: Hearings Administrator <hearingsadministrator@orc.govt.nz>
Sent: Sunday, 10 July 2022 1:56 pm
Subject: Memo from ORC to the Panel
Attachments: 2022-07-08 - ORC Memorandum for Hearings Panel - Final.pdf

Good afternoon,

Please find attached a memo from ORC that has been sent to the Panel.

Regards
Hearings Administrator

**BEFORE THE FRESHWATER HEARINGS PANEL CONVENED BY THE CHIEF
FRESHWATER COMMISSIONER**

IN THE MATTER

of the Proposed Otago Regional Policy Statement
2021

MEMORANDUM ON BEHALF OF THE OTAGO REGIONAL COUNCIL

Dated 8 July 2022

ROSS DOWLING MARQUET GRIFFIN
SOLICITORS
DUNEDIN

Telephone: (03) 477 8046
Facsimile: (03) 477 6998
PO Box 1144, DX YP80015

Solicitor: SJ Anderson

MEMORANDUM ON BEHALF OF THE OTAGO REGIONAL COUNCIL

May it please the Commissioners:

Introduction

- 1 In Minute 3 of the Panel dated 14 April 2022 a direction was made: "*We direct also that parties make use of the extra time created by the delay, to engage in meaningful negotiations or other alternative dispute resolution to settle or at least narrow matters in dispute. We ask the council to lead that process.*"
- 2 There have been facilitated discussions between the Council and submitters since 13 June 2022. The discussions occurred on a without prejudice and confidential basis.
- 3 As a result of those discussions, the section 42A chapter authors consider that some changes to the text of proposed RPS are appropriate.
- 4 Where that is the case, the authors need to update their reports, by way of a supplementary statement of evidence, and make those updates available to the Panel and to submitters.
- 5 The submitters should not be required to complete and file their evidence until they have those updates and the opportunity to consider them.

Directions sought

- 6 ORC therefore proposes timetable amendment as follows:
 - 6.1 Section 42A authors' supplementary evidence be filed by 5pm 5 August 2022.
 - 6.2 All parties' evidence in chief be filed by 5pm 2 September 2022.
 - 6.3 All evidence in chief to be posted on the Council website by 9 September 2022.
 - 6.4 All rebuttal evidence to be filed by 5pm 30 September 2022.
 - 6.5 All rebuttal evidence to be posted on the Council website by 7 October 2022.

- 6.6 Application for leave to cross-examine any witness to be filed by 5pm 14 October 2022.
- 6.7 Indication of expert conferencing to be filed by 5pm 14 October 2022.
- 6.8 Hearings to commence on 25 October 2022.

Other Updates

- 7 In two instances (Urban Form and Development, and Energy, Infrastructure and Transport) the section 42A report authors (Kyle Balderston and Peter Stafford respectively) have left the employment of ORC. Those authors must (and will) be available at hearing to address matters arising from their original reports.
- 8 However, to enable the more recent process of facilitated discussions two additional experts (Marcus Langman for Energy, Infrastructure and transport, and Liz White for Urban Form and Development) have been engaged. They have participated in the discussions with submitters, considered the points raised and formed an opinion as to the extent to which change is supported. Those experts must (and will) provide the relevant supplementary evidence and be available at hearing to address any matters arising.
- 9 In some other respects discussions between ORC and submitters continue, the nature and scope of which remains without prejudice.
- 10 At the time of this memorandum no judgment has been received in the High Court declaratory judgment proceedings concerning the status of the pORPS as a freshwater instrument.

Submitter Views

- 11 ORC circulated a proposed timetable amendment and the update regarding expert witnesses to all submitters by email on 6 July 2022 and asked that submitters advise any issues by 12pm Friday, 8 July 2022.
- 12 The timetable circulated was one week earlier than the dates above for each event.

- 13 The reason for this is that a section 42A chapter author with a significant part of the supplementary evidence responsibility has now fallen ill. ORC therefore considers it prudent to extend timetable dates by a further week.
- 14 I am informed by ORC that three responses were received to the email referred to in paragraph 11. All three responses were in support.



Simon Anderson
Counsel for Otago Regional Council
8 July 2022

From: Hearings Administrator <hearingsadministrator@orc.govt.nz>
Sent: Friday, 15 July 2022 4:31 pm
To: Hearings Administrator
Subject: Sixth Minute and Directions of Hearing Panel
Attachments: Minute Six and Directions from the Panel dated 15 July 2022.pdf

Kia ora,

On behalf of the panel, please see Minute 6 attached to this email.

Regards,

Hearings Administrator
hearingsadministrator@orc.govt.nz

Otago Regional Council
Proposed Otago Regional Policy Statement 2021
SIXTH MINUTE and DIRECTIONS OF HEARINGS PANEL

On preparation for hearing of submissions

Minute 6

1. The panel has considered the memorandum of counsel for ORC dated 8 July 2022, and two responses on behalf of some submitters supporting it.
2. Although no decision has yet come from the High Court in the declaration proceedings, the panel is keen to maintain momentum so far as reasonably possible.
3. The panel commends all parties who have engaged in negotiations to settle and or narrow points of submission, even though at this stage the topics discussed remain under “without prejudice” protection. It also perceives that the 31 May memorandum on behalf of Wise Response Society Inc has been overtaken by events initiated by ORC in June.
4. The panel has deliberated about ORC’s proposed new timetable (in its paragraph 6) reflecting these circumstances, and approves it with the addition of some words to 6.8.
5. The new timetable is therefore directed as follows:
 - 5.1. Section 42A authors’ supplementary evidence be filed by 5pm 5 August 2022.
 - 5.2. All parties’ evidence in chief be filed by 5pm 2 September 2022.
 - 5.3. All evidence in chief to be posted on the Council website by 9 September 2022.
 - 5.4. All rebuttal evidence to be filed by 5pm 30 September 2022.
 - 5.5. All rebuttal evidence to be posted on the Council website by 7 October 2022.
 - 5.6. Application for leave to cross-examine any witness to be filed by 5pm 14 October 2022.
 - 5.7. Indication of expert conferencing to be filed by 5pm 14 October 2022.
 - 5.8. Hearings to commence on 25 October 2022, and continue in the weeks of 14 and 28 November, and 12 December, hearing weeks if needed in the new year to be set in a further Minute to follow.

For the panel,



Judge Laurie Newhook,

Chair and Chief Freshwater Commissioner.

15 July 2022

From: Hearings Administrator <hearingsadministrator@orc.govt.nz>
Sent: Monday, 25 July 2022 3:28 pm
To: Hearings Administrator
Subject: PORPS Correspondence from OceanaGold
Attachments: Urban Chapter Proposed Minerals Amendments 21.7.22.docx; Urban Chapter Proposed Minerals Amendments 21.7.22.pdf; ECO Chapter Proposed Minerals Amendments 21.7.22.docx; ECO Chapter Proposed Minerals Amendments 21.7.22.pdf; Land and Soil Chapter Proposed Minerals Amendments 21.7.22.docx; Land and Soil Chapter Proposed Minerals Amendments 21.7.22.pdf; PORPS Mining provisions letter to ORC (F).pdf

Kia ora,

The ORC has received the following letter and proposed changes from Oceana Gold.

We are sharing the letter and the proposed changes with all interested submitters as requested.

Regards,

Hearings Administrator
hearingsadministrator@orc.govt.nz

UFD – Urban form and development

Objectives

UFD-O1 – Form and function of *urban areas*

The form and functioning of Otago's *urban areas*:

- (1) reflects the diverse and changing needs and preferences of Otago's people and communities, now and in the future, and
- (2) maintains or enhances the significant values and features identified in this RPS, and the character and resources of each *urban area*.

UFD-O2 – Development of *urban areas*

The development and change of Otago's *urban areas*:

- (1) improves housing choice, quality, and affordability,
- (2) allows business and other non-residential activities to meet the needs of communities in appropriate locations,
- (3) respects and wherever possible enhances the area's history, setting, and natural and built environment,
- (4) delivers good urban design outcomes, and improves liveability,
- (5) improves connectivity within *urban areas*, particularly by *active transport* and *public transport*,
- (6) minimises conflict between incompatible activities,
- (7) manages the exposure of *risk* from *natural hazards* in accordance with the HAZ–NH – Natural hazards section of this RPS,
- (8) results in sustainable and efficient use of *water*, *energy*, *land*, and *infrastructure*,
- (9) achieves integration of *land* use with existing and planned *development infrastructure* and *additional infrastructure*,
- (9A) and facilitates the safe and efficient ongoing use, maintenance, upgrade and development¹ of *nationally significant infrastructure* and² *regionally significant infrastructure*,
- (10) achieves 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
- (11) is guided by the input and involvement of *mana whenua* and provides for development opportunities which support the aspirations and values of *mana whenua*³.

¹ 00313.030 Queenstown Airport and 00314.050 Transpower (in part)

² Clause 16(2), Schedule 1, RMA

³ 00139.251 DCC

UFD-03 – Strategic planning

Strategic planning is undertaken in advance of significant development, expansion or redevelopment of *urban areas* to ensure that:⁴

- (1) there is at least⁵ sufficient *development capacity* supported by integrated *infrastructure* provision for Otago’s housing and business needs in the short, medium and long term,
- (2) development is located, designed and delivered in a way and at a rate that recognises and provides for ~~locationally relevant~~⁶ regionally significant features and values identified by this RPS, and
- (3) the involvement of *mana whenua* is facilitated, and their values and aspirations are provided for.

UFD-04 – Development in *rural areas*

Development in Otago’s *rural areas* occurs in a way that:

- (1) avoids where practicable, impacts on significant values and features identified in this RPS,
 - (2) avoids as the first priority, land ~~and soils~~⁷ identified as highly productive by LF–LS–P19 unless there is an *operational need* or *functional need*⁸ for the development to be located in *rural areas*,
 - (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~~
 - (4) outside of areas identified in (3), ~~maintains and enhances~~ provides for the ongoing use of [land rural areas](#) for *primary production*, supported by *rural industry* in appropriate locations,⁹ and facilitates other activities that have an *operational need* or *functional need* to locate in *rural areas*, that will not compromise¹⁰ the *natural and physical resources* that support the productive capacity, rural character, and long-term viability of the rural sector and rural communities-, and
- (4A) provides for the use and development of land in rural areas by Kāi Tahu for *papakāika*, *kāika*, *nohoaka*, *marae*, and *marae* related activities.¹¹

UFD-05 – Urban development and *climate change*

The impacts of *climate change* are responded to in the development and change of Otago’s *urban*

⁴ Clause 16(2), Schedule 1, RMA

⁵ 00204.003 Daisy Link Garden Centres Limited, 00405.009 Glenpanel, 00402.012 Sipka Holdings, 00401.006 Tussock Rise

⁶ 00137.153 DOC

⁷ 00322.0038 Fulton Hogan, 00236.099 Horticulture NZ

⁸ 00414.003 Infinity, 00413.005 NZ Cherry Corp

⁹ 00322.038 Fulton Hogan, 00410.007 Rural Contractors NZ (in part)

¹⁰ 00236.099 Horticulture NZ

¹¹ 00226.310 Kāi Tahu ki Otago

areas so that:

- (1) the contributions of current communities and future generations to *climate change* impacts are reduced,
- (2) community resilience increases,
- (3) adaptation to the effects of *climate change* is facilitated,
- (4) energy use is minimised, and energy efficiency improves, and
- (5) establishment and use of *small and community-scale distributed electricity generation* is enabled.

Policies

UFD-P1 – Strategic planning

Strategic planning processes, undertaken at an appropriate scale and detail, precede urban growth and development and:

- (1) ensure integration of *land use and infrastructure*, including how, where and when necessary *development infrastructure* and *additional infrastructure* will be provided, and by whom,
- (2) demonstrate at least sufficient *development capacity* supported by integrated *infrastructure* provision for Otago's housing and business needs in the short, medium and long term,
- (3) maximise current and future opportunities for increasing resilience, and facilitating adaptation to changing demand, needs, preferences and *climate change*,
- (4) minimise *risks* from and improve resilience to *natural hazards*, including those exacerbated by *climate change*, while not increasing *risk* for other development,
- (5) indicate how connectivity will be improved and connections will be provided within *urban areas*,
- (6) provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values,
- (7) facilitate involvement of the current community and respond to the reasonably foreseeable needs of future communities, ~~and~~
- (8) identify, maintain and where possible, enhance important features and values identified by this RPS, and
- (8A) identifies areas of potential conflict between incompatible activities and sets out the methods by which these are to be resolved.¹²

¹² 00306.077 Meridian, 00322.039 Fulton Hogan, 00313.031 Queenstown Airport, 00235.150 OWRUG, 00236.100 Horticulture NZ, 00239.176 Federated Farmers, 00204.005 Daisy Link.

UFD-P2 – Sufficiency of *development capacity*

At least ~~S~~sufficient¹³ urban area housing and business *development capacity* in *urban areas*, including any required competitiveness margin, is provided in the short, medium and long term by:

- (1) undertaking strategic planning in accordance with UFD-P1
- (2) identifying areas for urban intensification in accordance with UFD-P3,
- (3) identifying areas for urban expansion in accordance with UFD-P4,
- (4) providing for commercial and industrial activities in accordance with UFD-P5 and UFD-P6,
- (5) responding to any demonstrated insufficiency in housing or business *development capacity* by increasing *development capacity* or providing more *development infrastructure* as required, as soon as practicable, including by being responsive to plan changes that demonstrate compliance with UFD-P10,¹⁴ and
- (6) requiring Tier 2 *urban environments* to meet, at least, the relevant housing bottom lines in APP10.

UFD-P3 – Urban intensification

Within *urban areas* intensification is enabled where it:

- (1) contributes to establishing or maintaining the qualities of a *well-functioning urban environment*,
- (2) is well-served by existing or planned *development infrastructure* and *additional infrastructure*,
- (2A) does not compromise the safe and efficient ongoing use of *nationally significant infrastructure* or *regionally significant infrastructure*,¹⁵
- (3) meets the greater of demonstrated demand for housing and/or business use or the level of accessibility provided for by existing or planned *active transport* or *public transport*,
- (4) addresses an identified shortfall for housing or business space, in accordance with UFD-P2,
- (5) addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents, and
- (6) manages adverse *effects* on values or resources identified by this RPS that require specific management or protection.

UFD-P4 – Urban expansion

Expansion of existing *urban areas* is facilitated where the expansion:

- (1) contributes to establishing or maintaining the qualities of a *well-functioning urban environment*,
- (1A) is identified by and undertaken consistent with strategic plans prepared in accordance with

¹³ “At Least” See General Submissions of 00211.047 LAC Properties Trustees, 00210.046 Lane Hocking, 00118.066 Maryhill Ltd, 00014.066 Mt Cardrona Station, 00209.046 Universal Developments

¹⁴ 00204.005 Daisy Link

¹⁵ 00315.079 Aurora Energy, 00310.017 The Telecommunications Companies, 00313.032 Queenstown Airport (in part)

UFD-P1, or is required to address a shortfall identified in accordance with UFD-P2,¹⁶

- (2) is logically and appropriately staged, and¹⁷ will not result in inefficient or sporadic patterns of settlement and residential growth,
- (3) is integrated efficiently and effectively with *development infrastructure* and *additional infrastructure* in a strategic, timely and co-ordinated way,
- (3A) does not compromise the safe and efficient ongoing use of *nationally significant infrastructure* and *regionally significant infrastructure*,¹⁸
- (4) addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents,
- (5) manages adverse *effects* on other values or resources identified by this RPS that require specific management or protection,
- (6) avoids, as the first priority, highly productive land identified in accordance with LF-LS-P19,
- (7) locates the new urban/rural zone boundary interface by considering:
 - (a) adverse *effects*, particularly *reverse sensitivity*, on *rural areas* and existing or potential *primary production*¹⁹ ~~productive or rural industry~~²⁰ activities beyond the new boundary, and
 - (b) utilising²¹ key natural or built barriers or physical features, significant values or features identified in this RPS, or cadastral boundaries that will result in a permanent, logical and defensible long- term limit beyond which further urban expansion is demonstrably inappropriate and unlikely, such that provision for future *development infrastructure* expansion and connectivity beyond the new boundary does not need to be provided for, or
 - (c) ~~reflects a short or medium term, intermediate or temporary utilising~~²² zoning or infrastructure servicing boundary that reflects a short or medium term, intermediate or temporary limit,²³ where provision for future *development infrastructure* expansion and connectivity should not be foreclosed, even if further expansion is not currently anticipated.

UFD-P5 – Commercial activities

Provide for *commercial activities* in *urban areas* by:

- (1) enabling a wide variety and scale of *commercial activities*, ~~social activities~~, recreational²⁴ and cultural activities to concentrate in central business districts city, metropolitan,²⁵ town centres

¹⁶ 00136.011 Minister for the Environment, 00413.006 NZ Cherry Corp, 00204.008 Daisy Link

¹⁷ 00139.258 DCC

¹⁸ 00315.080 Aurora Energy, 00306.078 Meridian

¹⁹ 00208.010 AgResearch, 00213.040 Fonterra, 00322.040 Fulton Hogan,

²⁰ 00410.008 Rural Contractors NZ

²¹ 00405.011 Glenpanel, 00402.014 Sipka Holdings

²² 00405.011 Glenpanel, 00402.014 Sipka Holdings

²³ 00221.014 Silver Fern Farms, 00405.011 Glenpanel, 00402.014 Sipka Holdings

²⁴ 00206.071 Trojan, 00411.086 Wayfare

²⁵ 00139.260 DCC

and commercial zoned²⁶ areas, especially if they are highly accessible by *public transport* and or²⁷ *active transport*,

- (2) enabling smaller local and neighbourhood centres, mixed use zones²⁸ and rural settlements to accommodate a variety of *commercial activities*, social, recreational activities²⁹ and cultural activities of a scale appropriate to service local community needs,
- (3) providing for the expansion of existing areas or establishment of new areas identified in (1) and (2) by first applying UFD-P1 and UFD-P2, and
- (4) outside the areas described in (1) and (2), allow for small scale retail and service activities, home occupations and *community services* to establish within or close to the communities they serve.

UFD-P6 – Industrial activities

Provide for *industrial activities* in urban areas by:

- (1) identifying specific locations and applying zoning suitable for accommodating *industrial activities* and their reasonable needs and *effects* including supporting or *ancillary activities*,
- (2) identifying a range of *land* sizes and locations suitable for different *industrial activities*, and their *operational needs* including land-extensive activities,
- (3) ~~managing the establishment of non industrial activities, in industrial zones, by~~³⁰ avoiding activities likely to result in *reverse sensitivity effects* on existing or potential³¹ *industrial activities* (particularly residential or retail activities except yard-based retail),³² or likely to result in an inefficient use of industrial zoned *land* or *infrastructure*, particularly where the area:³³
 - (a) ~~the area~~³⁴ provides for a significant *operational need* for a particular *industrial activity* or grouping of *industrial activities* that are unlikely or are less efficiently able to be met in alternative locations, or
 - (b) ~~the area~~³⁵ contains *nationally significant infrastructure*³⁶ or *regionally significant infrastructure* and the requirements of EIT-INF-P15 apply, and
- (4) in areas that are experiencing or expected to experience high demand from other urban activities, and the criteria in (3)(a) or (3)(b) do not apply, managing the establishment of non-industrial activities and the transition of industrial zoned areas to other purposes, and the establishment of new areas³⁷ by first applying (1) and (2).

²⁶ 00139.260 DCC

²⁷ 00401.013 Tussock Rise

²⁸ 00206.071 Trojan, 00411.086 Wayfare

²⁹ 00206.071 Trojan, 00411.086 Wayfare

³⁰ 00213.043 Fonterra

³¹ 00213.043 Fonterra

³² 00139.261 DCC

³³ 00510.064 The Fuel Companies

³⁴ 00510.064 The Fuel Companies

³⁵ 00510.064 The Fuel Companies

³⁶ Clause 16(2), Schedule 1, RMA

³⁷ 00226.317 Kai Tahu ki Otago

UFD-P7 – Rural areas and Land for Economic Development

The management of rural areas and land for economic development in Otago:

- (1) provides for the maintenance and, wherever possible, enhancement of important features and values identified by this RPS,
- (2) outside areas identified in (1), maintains the productive capacity, amenity and character of rural areas, as places where people live, work and recreate and where a range of activities and services are required to support these rural functions, and provide for social and economic wellbeing within rural communities and the wider region,³⁸
- (3) ~~enables~~ prioritises³⁹ food and fibre production primary production⁴⁰ ~~particularly on land or soils within areas~~⁴¹ identified as highly productive land⁴² in accordance with LF–LS–P19,
- (4) ~~facilitates~~ enables primary production,⁴³ rural industry and supporting activities to occur in locations where they have access to the natural and physical resources that they depend on,
- (5) directs rural residential and rural lifestyle development to areas zoned for that purpose in accordance with UFD-P8,
- (5A) provides for the use by Kai Tahu of Native Reserves and Te Ture Whenua Maori land, for papakāika, kāika, nohoaka, marae and marae related activities, and otherwise provides for Kai Tahu use of rural areas and the resources and values they contain,⁴⁴
- (6) restricts the establishment of residential activities, *sensitive activities*, and other potentially incompatible activities non-rural businesses which could adversely affect, including by way of reverse sensitivity, or fragmentation, the productive capacity of highly productive land or existing or potential⁴⁵ primary production and rural industry activities, unless those sensitive activities are undertaken in accordance with UFD-P4, UFD-P8 or UFD-P9 as relevant,⁴⁶ and
- (7) otherwise limits the establishment of residential activities, *sensitive activities*, and other potentially incompatible activities non-rural businesses to those that can demonstrate:
 - (a) a functional need or⁴⁷ operational need to be located in rural areas, and⁴⁸
 - (b) methods to avoid adverse effects, including by way of reverse sensitivity, on primary production activities, rural productive capacity and amenity values, or where avoidance is not practicable, remediation or mitigation, and⁴⁹

³⁸ 00235.152 OWRUG, 00015.032 Oceana Gold

³⁹ 00226.318 Horticulture NZ, Kai Tahu ki Otago, 00015.032 Oceana Gold, 00235.152 OWRUG, 00410.009 Rural Contractors NZ, 00016.024 Alluvium and Stoney Creek

⁴⁰ 00226.310 Kāi Tahu ki Otago and General Themes Section, in response to 00235.008 OWRUG

⁴¹ 00236.102 Horticulture NZ, 00226.318 Kai Tahu ki Otago, 00015.032 Oceana Gold, 00235.152 OWRUG, 00410.009 Rural Contractors NZ, 00016.024 Alluvium and Stoney Creek

⁴² 00236.102 Horticulture NZ, 00226.318 Kai Tahu ki Otago, 00015.032 Oceana Gold, 00235.152 OWRUG, 00410.009 Rural Contractors NZ, 00016.024 Alluvium and Stoney Creek

⁴³ 00226.310 Kāi Tahu ki Otago, and General Themes Section, in response to 00235.008 OWRUG and consequential to amendment to subclause 2

⁴⁴ 00226.310 Kāi Tahu ki Otago

⁴⁵ 0015.032 Oceana Gold

⁴⁶ 00206.072 Trojan, 00411.135 Wayfare, 00402.016 & 00401.015 Sipka Holdings,

⁴⁷ 00321.095 Te Waihanga

⁴⁸ 00231.091 Fish and Game, 00411.135 Wayfare, 00206.072 Trojan, 00321.095 Te Waihanga

⁴⁹ 00221.015 Silver Fern Farms

(7A) may place constraints on certain rural activities where necessary for the effective management of nationally significant infrastructure or regionally significant infrastructure.⁵⁰

UFD- PX – Primary Production Activities which have a functional need or operational need

Provide for the management of natural and physical resources which allows for the continued operation, maintenance and development of primary production activities, particularly those which are constrained by the functional need to locate where the natural resource is, by:

- (a) Recognising the value and long term benefits of the activity to the economic, social and cultural wellbeing of the region;
- (b) Recognising the value and long term benefits of primary production activities which support significant infrastructure, life line utilities and other industry in the region;
- (c) Ensuring that the adverse effects of primary production are appropriately managed;
- (d) Maintain and where appropriate enhancing access to natural and physical resources;
- (e) Avoiding or minimising the potential for reverse sensitivity; and
- (f) Ensuring positive environmental outcomes are achieved.

UFD-P8 – Rural lifestyle and rural residential zones

The establishment, development or expansion of rural lifestyle and rural residential zones only occurs where:

- (1) the *land* is adjacent to existing or planned *urban areas* and ready access to employment and services is available,
- (2) despite the direction in (1), it⁵¹ also avoids *land* identified for future urban development in a relevant plan or *land* reasonably likely to be required for its future urban development potential, where the rural lifestyle or rural residential development would foreclose or reduce efficient realisation of that urban development potential,
- (3) minimises impacts on existing primary production and rural industry and other rural activities,⁵² rural production potential, *amenity values* and the potential for *reverse sensitivity effects* to arise in adjoining rural production zones,⁵³
- (4) avoids, as the first priority,⁵⁴ highly productive land identified in accordance with LF-LS-P169,⁵⁵
- (5) the suitability of the area to accommodate the proposed development is demonstrated, including
 - (a) capacity for servicing by existing or planned *development infrastructure* (including self-servicing requirements),
 - (b) particular regard is given to the individual and cumulative impacts of domestic⁵⁶ *water*

⁵⁰ 00321.095 Te Waihanga

⁵¹ Clause 16(2), Schedule 1, RMA

⁵² 00236.103 Horticulture NZ, 00208.012 AgResearch, 00235.153 OWRUG, 00410.010 Rural Contractors NZ

⁵³ 00236.103 Horticulture NZ, 00208.012 AgResearch, 00235.153 OWRUG, 00410.010 Rural Contractors NZ

⁵⁴ 00121.102 Ravensdown, and 00413.008 NZ Cherry Corp, 00414.006 Infinity in part

⁵⁵ 00226.319 Kai Tahu ki Otago, 0235.153 QLDC, 00121.102 Ravensdown

⁵⁶ 00219.019 FENZ

supply, wastewater disposal, and *stormwater* management including self-servicing, on the receiving or supplying environment and impacts on capacity of *development infrastructure*, if provided, to meet other planned urban area demand, ~~and~~

- (c) likely future demands or implications for publicly funded services including emergency services⁵⁷ and *additional infrastructure*, and
 - (d) does not compromise the safe and efficient ongoing use of nationally significant infrastructure or regionally significant infrastructure, and⁵⁸
- (6) provides for the maintenance and wherever possible, enhancement, of important features and values identified by this RPS.

UFD-P9 – Iwi, hapū and whānau

Facilitate the development, by mana whenua,⁵⁹ of Native Reserves and *Te Ture Whenua Maori land*, for *papakāika, kāika, nohoaka, and*⁶⁰ *marae, and marae related activities*⁶¹ where existing or planned *development infrastructure* of sufficient capacity is or can be provided (including allowance for self-servicing systems).

UFD-P10 – Criteria for significant development capacity

‘Significant development capacity’ is provided for where a proposed plan change affecting an *urban environment* meets all of the following criteria:

- (1) the location, design and layout of the proposal will positively contribute to achieving a *well-functioning urban environment*,
- (2) the proposal is well-connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors,
- (3) required *development infrastructure* can be provided effectively and efficiently for the proposal, and without material impact on planned *development infrastructure* provision to, or reduction in *development infrastructure* capacity available for, other feasible, likely to be realised developments, in the short-medium term,
- (4) the proposal makes a significant contribution to meeting a need identified in a *Housing and Business Development Capacity Assessment*, or a shortage identified in monitoring for:
 - (a) housing of a particular price range or typology, particularly more affordable housing,
 - (b) business space or *land* of a particular size or locational type, or
 - (c) community or educational facilities, and
- (5) when considering the significance of the proposal’s contribution to a matter in (4), this means that the proposal’s contribution:
 - (a) is of high yield relative to either the forecast demand or the identified shortfall,

⁵⁷ 00219.018 FENZ

⁵⁸ 00306.080 Meridian

⁵⁹ 0026.320 Kai Tahu ki Otago

⁶⁰ 0026.320 Kai Tahu ki Otago

⁶¹ 0026.320 Kai Tahu ki Otago

- (b) will be realised in a timely (i.e. rapid) manner,
- (c) is likely to be taken up, and
- (d) will facilitate a net increase in district-wide up-take in the short to medium term.

Methods

UFD-M1 – Strategic planning

Otago Regional Council and *territorial authorities*:

- (1) must, where they are Tier 2 local authorities, jointly determine housing *development capacity* that is feasible and likely to be taken up in the medium and long terms through *Housing and Business Development Capacity Assessments*,
- (2) should, for other districts, jointly determine demand and potential supply responses through similar, but appropriately scaled strategic planning approaches,
- (3) must, where they are Tier 2 and Tier 3 local authorities, monitor and regularly assess and report on the supply of, and demand for, residential, commercial and industrial zoned *land development capacity* available at the regional, district and *urban environment* scales, and other local authorities are encouraged to do so,
- (4) must coordinate the redevelopment and intensification of urban areas and the development of extensions to urban areas with *infrastructure* planning and development programmes, to provide the required *development infrastructure* and *additional infrastructure* in an integrated, timely, efficient and effective way, and to identify major existing and future activities, constraints and opportunities⁶² and manage impacts on key values and resources, identified by this RPS, and for Tier 2 local authorities to achieve this through jointly developed *Future Development Strategies* and/or strategic planning, and for all other *local authorities* through strategic planning in accordance with UFD–P1,
- (5) must, where they are Tier 2 local authorities, develop housing bottom lines for urban environments and include those bottom lines in APP10 and in the relevant *district plans*,
- (6) must individually or jointly develop further regulatory or non-regulatory methods and actions to implement strategic and spatial plans, including to guide the detail of how, when and where development occurs, including matters of urban design, requirements around the timing, provision, and responsibilities for open space, connections and infrastructure, including by third parties, and the ongoing management of effects of urban development on matters of local importance, and
- (7) must involve *mana whenua*, and provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values and to ensure the requirements of the MW chapter are met, and the issues and values identified in RMIA are recognised and provided for.

⁶² 00411.088 Wayfare, 00206.073 Trojan, 00219.012 FENZ

UFD-M2 – District plans

Territorial authorities must prepare or amend their *district plans* as soon as practicable, and maintain thereafter, to:

- (1) identify and provide for urban expansion and intensification, to occur in accordance with:
 - (a) any adopted *future development strategy* for the relevant district or region, which must be completed in time to inform the 2024 Long Term Plan, or
 - (b) where there is no *future development strategy*, a *local authority* adopted strategic plan developed in accordance with UFD-P1, for the relevant area, district or region,
- (2) in accordance with any required *Housing and Business Development Capacity Assessments* or monitoring, including any *competitiveness margin*, ensure there is always at least⁶³ sufficient development capacity that is feasible and likely to be taken up and, for Tier 2 urban environments, at a minimum meets the bottom lines for housing in APP-10, and meets the identified *land* size and locational needs of the commercial and industrial sectors, and where there is a shortage, respond in accordance with UFD-P2,⁶⁴
- (3) ensure that urban development is designed to:
 - (a) achieve a built form that relates well to its surrounding *environment*, including by identifying and managing impacts of urban development on values and resources identified in this RPS,
 - (b) provide for a diverse range of housing, *commercial activities*, industrial and service activities, social and cultural opportunities,
 - (c) achieve an efficient use of *land, energy, water* and infrastructure,
 - (d) promote the use of water sensitive design wherever practicable,
 - (e) minimise the potential for reverse sensitivity *effects* to arise, by managing the location of incompatible activities, within the urban area, at the rural-urban interface, and in rural areas, and⁶⁵
 - (ea) avoid the potential for reverse sensitivity effects on *nationally significant infrastructure* and *regionally significant infrastructure*, and⁶⁶
 - (f) reduce the adverse *effects* of Otago's cooler winter climate through designing new subdivision and development to maximise passive winter solar gain and winter heat retention, including through roading, lot size, dimensions, layout and orientation,
- (4) identify and provide for locations that are suitable for urban intensification in accordance with UFD-P23,⁶⁷
- (5) identify and provide for locations that are suitable for urban expansion, if any, in accordance with UFD-P34,⁶⁸

⁶³ 00204.003 Daisy Link, 00405.009 Glenpanel, 00402.012 Sipka Holdings, 00401.006 Tussock Rise

⁶⁴ 00401.012 Tussock Rise

⁶⁵ 00236.104 Horticulture NZ, 235.154 OWRUG

⁶⁶ 00510.065 The Fuel Companies

⁶⁷ Clause 16(2), Schedule 1, RMA, 00138.222 QLDC, 00235.154 OWRUG

⁶⁸ Clause 16(2), Schedule 1, RMA, 00138.222 QLDC, 00235.154 OWRUG

- (6) identify and provide for *commercial activities* in accordance with UFD-P5,
- (7) identify and provide for *industrial activities* in accordance with UFD-P6,
- (8) manage development in *rural areas* in accordance with UFD-P7,
- (8A) identify and provide for *primary production activities* in accordance with UFD – PX,
- (9) manage rural residential and rural lifestyle activities ~~in *rural areas*~~⁶⁹ in accordance with UFD–P8,
- (10) provide for *papakāika, kāika, nohoaka, and marae* and *marae related activities*⁷⁰, in accordance with UFD–P9, and
- (11) must involve *mana whenua* and provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values and ensure the requirements of the MW chapter are met, and the issues and values identified in RMIA are recognised and provided for at the local level, and
- (11A) ensure the design and maintenance of places and spaces, including streets, open spaces, public buildings and publicly accessible spaces so that they are safe, attractive, accessible and usable by everyone in the community.⁷¹

UFD–M3 – Design of public spaces and surrounds

Territorial authorities must design and maintain public places and spaces, including streets, open spaces, public *buildings* and publicly accessible spaces so that they are safe, attractive, accessible and usable by everyone in the community.

Explanation

UFD-E1 – Explanation

The policies in this chapter are designed to facilitate the provision of sufficient housing and business capacity and ensure all of the region’s *urban areas* demonstrate the features of *well-functioning urban environments* and meet the needs of current and future communities. Urban intensification must be enabled, and urban expansion should be facilitated, however these important decisions should be preceded and guided by strategic planning processes that consider how best this can be achieved, while also maintaining and, wherever possible, enhancing the important values and features identified in other chapters of this RPS, and in consideration of local context, values and pressures. The strategic planning process will also consider and demonstrate where, when, how and by whom the necessary *development infrastructure* and *additional infrastructure* will be provided in order to both facilitate development and change and minimise environmental impacts from it, including avoiding impacts on the operation of *regionally significant infrastructure*⁷² and *nationally*

⁶⁹ 00206.074 Trojan, 00411.136 Wayfare

⁷⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 0026.320 Kai Tahu ki Otago

⁷¹ 00139.268 DCC

⁷² Clause 16(2), Schedule 1, RMA

significant infrastructure.

In addition, this chapter seeks to maintain the character and *amenity values* of Otago's rural areas, including by facilitating the use of the *natural and physical resources* that support the viability of the rural sector. Otago's rural and urban areas also contain significant natural, cultural and historic values and features as identified by other parts of this RPS. In all cases while facilitating urban development and managing rural productive activities these values must also be identified, maintained and, wherever possible, enhanced. This approach includes direction on different types of development within rural areas, managing the expansion and location of *urban areas*, and rural lifestyle and rural residential development, and directing that growth be enabled in *urban areas* to minimise the need for development to occur within rural areas, other than what is needed to facilitate rural community and rural productive activities and particular activities that have a *functional need or operational need* to locate in rural areas.⁷³

The policies in this chapter are primarily focused on directing where development is and is not appropriate and under what circumstances, but provides discretion for *local authorities* to determine the detail of how that development is managed, its ultimate density, height, bulk and location, timing and sequencing, the detail of any required *development infrastructure* and *additional infrastructure* that may be needed,⁷⁴ and allows for the consideration of particular locally significant features values and needs that contribute to the attractiveness or uniqueness of the diverse communities, landscapes, and environments of the region.

This more detailed determination must, however, be informed by evidence and information collated through appropriately scaled *strategic planning* processes and which will identify how constraints to urban development, such as hazards, landscapes, highly productive land, and environmental limits, are responded to, and opportunities for meeting demand, integration with lifeline utilities, infrastructure and other requirements may be provided for. They⁷⁴ will be implemented by a range of regulatory and non-regulatory methods, including partnership arrangements with iwi, developers, infrastructure providers and central government,⁷⁵ joint development of *Housing and Business Assessments* and *Future Development Strategies* for Tier 2 local authorities, and similar but appropriately scaled processes undertaken in and for other areas, including regular regional, district and *urban environment* scale monitoring, analysis and evaluation.

In delivering on the objectives and policies in this chapter, which relate largely to human activities and settlements, the natural, physical, and built values and features of importance to the region must be recognised and provided for. These values and features are largely identified within other chapters and provision of the RPS. They also provide detail on how they should be identified and managed. Achieving the objectives of this chapter requires consideration of those other relevant parts of this RPS.⁷⁶

The following chapters of this Regional Policy Statement have particular relevance to the achievement of the objectives of this chapter by identifying particular aspects of Domains or Topics to be managed, and where there is an apparent conflict, must be balanced in accordance with the

⁷³ 0023.6105 Horticulture NZ - and consequential to amendments to UFD-P7 and UFD-P8

⁷⁴ FENZ 00219.020, DCC 0139.268

⁷⁵ FENZ 00219.020, DCC 0139.268 DCC 00139.268

⁷⁶ 00139.268, and 00139.259 DCC

directions outlined in the IM-⁷⁷ Integrated Management chapter:

- MW – *Mana Whenua*
- AIR – Air
- CE – Coastal environment
- LF – *Land and freshwater*
- ECO – Ecosystems and indigenous *biodiversity*
- EIT – Energy, *infrastructure* and transport
- HAZ – Hazards and *risks*
- HCV – Historical and cultural values
- NFL – Natural features and landscapes

Principal reasons

UFD-PR1 – Principal reasons

The provisions in this chapter assist in fulfilling the functions of the regional council under section 30(ba) and *territorial authorities* under section 31(aa) of the RMA-~~1991~~⁷⁸ to ensure sufficient *development capacity* in relation to housing and *business land* to meet the expected demands of the region and districts respectively. They also assist in giving effect to the similar but more detailed requirements of the *NPSUD*.

Urban areas are important for community well-being and are a reflection the inherently social nature of humans. *Well-functioning urban areas* enable social interactions and provide a wide variety (across type, location and price) of housing, employment and recreational opportunities to meet the varied and variable needs and preferences of communities, in a way that maximises the well-being of its present and future inhabitants, and respects its history, its setting and the *environment*. The combination of population growth and demographic change will result in changes in the quantity and qualities demanded of housing, employment, business, *infrastructure*, social facilities, emergency services and lifeline utilities⁷⁹ and other⁸⁰ services across the region. Upgrade and replacement of the existing development and infrastructure will also continue to be required even where growth is limited, resulting in changes in the built environment. Some of these changes will also be driven by changes in the *natural environment*, including the impacts of climate change. Urban areas are highly dynamic by nature, so the provisions in this chapter seek to manage, rather than limit, the form, function, growth and development of urban areas in a way that best provides for the community's well-being both now and into the future.

The pace and scale of growth and change, and the scale and nature of urban environments and areas in the region is variable, meaning no single response at a regional level is appropriate in all cases. Accordingly, the process identified in this RPS remains flexible and responsive (outside of Tier 2 *urban environments*, which have specific requirements under the *NPSUD*). Key requirements of strategic

⁷⁷ Clause 16(2), Schedule 1, RMA

⁷⁸ Clause 16(2), Schedule 1, RMA

⁷⁹ 00219.020 FENZ

⁸⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00219.020 FENZ

planning include considering and providing for reasonably expected changes in overall quantum of demand and supply as well as changes in needs and preferences that may drive or add to these changes in demand, designing to maximise the efficient use of energy, land and infrastructure (including transport infrastructure). This can best be achieved by prioritising development in and around the region's existing urban areas as the primary focus of the region's growth and change, by enabling development within and adjacent to those urban areas, where it generally is most suitable and most efficient to do so.

These strategic planning processes provide the mechanism by which longer term issues can be considered, integration between land use and infrastructure can be achieved, and various constraints, opportunities and key trade-offs can be identified and appropriately resolved, while identifying and managing the values and resources identified in this RPS. These processes, and others should always involve *mana whenua*, at all levels of the process to ensure their views and values can be incorporated and celebrated, and their needs and aspirations appropriately provided for.

All development should seek to maximise efficient use of water consumption (through water efficient design) and disposal. Reduced⁸¹ consumption reduces sewerage loads, and the⁸² water sensitive design reduces impacts on both supplying and receiving natural systems and can reduce flooding from stormwater⁸³, and maximise the winter capture and retention of the sun's⁸⁴ energy, which will also assist with reducing the energy needed to heat homes in winter and can also help reduce *air* pollution from solid fuel burning for home heating. Development in more central parts of the region also need to be designed to be cognisant of minimising excess sun capture in the summer months. Enabling the establishment and use of *small-scale renewable energy generation* also facilitates local *energy* resilience, contributes to national *renewable energy* generation targets with associated *climate change* benefits, and may reduce the need for additional large-scale generation and transmission infrastructure and associated impacts.

Rural areas are attractive as residential living areas, and for other non-rural activities. However, they contain areas, activities and resources critical for rural production that can be impacted by sensitive activities. Non-urban areas also contain a wide range of other values that can be negatively impacted by the impacts of rural-residential and other activities, that do not have a ~~functional need~~ *functional need*⁸⁵ to be in rural areas. The provisions in this chapter focus on managing where rural living opportunities and other non-rural activities are provided for, so that the potential *effects* on the rural character, productive potential and the wide range of environmental values, features and resources that rural areas also contain are appropriately managed. The supply of rural lifestyle opportunities to meet demand should be directed to suitably located and zoned areas to minimise impacts on values in rural areas. In designing and planning for rural residential and rural lifestyle development, local authorities will need to be aware of the potential future constraints on future urban expansion and development, including the cumulative impacts of infrastructure servicing irrespective of whether this is onsite, community or through connections to urban reticulated schemes.

Implementation of the provisions in this chapter will occur partially through *regional plans* but primarily *district plan* provisions, as well as through preparation of *future development strategies*

⁸¹ Clause 16(2), Schedule 1, RMA

⁸² Clause 16(2), Schedule 1, RMA

⁸³ Clause 16(2), Schedule 1, RMA

⁸⁴ Clause 16(2), Schedule 1, RMA

⁸⁵ Clause 16(2), Schedule 1, RMA

and *structure plans* and the financial and infrastructure planning processes they inform. While the functions and duties of regional and territorial authorities are different, each brings different focus and responsibilities to the task of achieving *well-functioning urban environments*. Working together, and with others, in accordance with specified joint responsibilities under the NPSUD, will assist with achieving the purpose of the RMA and the outcomes sought by this RPS.⁸⁶

To appropriately and efficiently achieve the objectives and policies, other non-regulatory spatial planning exercises and associated action plans, agreements and infrastructure delivery programs will be needed to complement regulatory approaches, including setting aside the necessary funding for delivery, and partnering with *mana whenua*, central government, communities and developers to deliver the quality and quantity of urban development needed to meet demand and provide for change, improve land and development market competitiveness, and achieve resilient, efficient and attractive urban places.

Anticipated environmental results

- UFD-AER1** Appropriately scaled strategic planning occurs in advance of regulatory planning, and regulatory plans are changed in a timely manner to facilitate to outcomes identified in these processes.
- UFD-AER2** Urban expansion only occurs when suitable and sufficient *development infrastructure* is in place or will be provided at the time of expansion and provision is made for the needs of *additional infrastructure*.
- UFD-AER3** *Development infrastructure* is in place in time to facilitate reasonably expected urban intensification or planned expansion.
- UFD-AER4** New developments including redevelopments are designed to maximise energy and transport efficiency and minimise impacts on *water* quality and quantity.
- UFD-AER5** The majority of new development is located close to services, jobs, and other urban amenities and can access those amenities by a range of transport modes including *active transport* and, where available, *public transport*.
- UFD-AER6** The mode share and use of *active transport* and where available,⁸⁷ *public transport* increases.
- UFD-AER7** New developments are at minimal *risk* from *natural hazards* including changes to *risk* due to the impacts of *climate change*, and do not increase *risk* to existing or planned developments.
- UFD-AER8** In existing urban areas at *risk* from *natural hazards*, including changes to *risk* due to the impacts of *climate change*, communities are informed, *resilient* and prepared for the *effects* of known *natural hazard risks*.
- UFD-AER9** There is an increased range of housing types and locations and an increased

⁸⁶ 00139.268 DCC

⁸⁷ 00139.272 DCC

number of *dwellings*, particularly more affordable housing in existing and planned *urban areas*.

- UFD-AER10** The current and future needs of business are met by the availability of a range of opportunities for *land* and space that meets their requirements.
- UFD-AER11** All new rural residential or rural lifestyle development occurs within areas zoned for this use.
- UFD-AER12** The establishment of sensitive activities within rural areas does not result in adverse effects on activities functionally dependent on rural resources and rural surroundings⁸⁸
- UFD-AER13** Inappropriate urban expansion and urban activities do not adversely affect the amenity and character of the region's rural areas.⁸⁹
- UFD-AER14** *Mana whenua* are involved in strategic planning and other planning processes.⁹⁰
- UFD-AER15** The development of Native reserves and Te Ture Whenua Maori land occurs in accordance with the needs, aspirations and cultural values of *mana whenua*.⁹¹
- UFD-AER16** Urban and rural development maintain recognised regionally significant features and values.⁹²

⁸⁸ 00237.064 Beef & Lamb, 00236.107 Horticulture NZ, 00239.180 Federated Farmers

⁸⁹ 00236.107 Horticulture NZ, 00208.001 AgResearch, 00239.180 Federated Farmers

⁹⁰ 00139.259 DCC

⁹¹ 00237.064 Ngāi Tahu ki Murihiku

⁹² 00237.064 Ngāi Tahu ki Murihiku

UFD – Urban form and development

Objectives

UFD-O1 – Form and function of *urban areas*

The form and functioning of Otago's *urban areas*:

- (1) reflects the diverse and changing needs and preferences of Otago's people and communities, now and in the future, and
- (2) maintains or enhances the significant values and features identified in this RPS, and the character and resources of each *urban area*.

UFD-O2 – Development of *urban areas*

The development and change of Otago's *urban areas*:

- (1) improves housing choice, quality, and affordability,
- (2) allows business and other non-residential activities to meet the needs of communities in appropriate locations,
- (3) respects and wherever possible enhances the area's history, setting, and natural and built environment,
- (4) delivers good urban design outcomes, and improves liveability,
- (5) improves connectivity within *urban areas*, particularly by *active transport* and *public transport*,
- (6) minimises conflict between incompatible activities,
- (7) manages the exposure of *risk* from *natural hazards* in accordance with the HAZ–NH – Natural hazards section of this RPS,
- (8) results in sustainable and efficient use of *water*, *energy*, *land*, and *infrastructure*,
- (9) achieves integration of *land* use with existing and planned *development infrastructure* and *additional infrastructure*,
- (9A) and facilitates the safe and efficient ongoing use, maintenance, upgrade and development¹ of *nationally significant infrastructure* and² *regionally significant infrastructure*,
- (10) achieves 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
- (11) is guided by the input and involvement of *mana whenua* and provides for development opportunities which support the aspirations and values of *mana whenua*³.

¹ 00313.030 Queenstown Airport and 00314.050 Transpower (in part)

² Clause 16(2), Schedule 1, RMA

³ 00139.251 DCC

UFD-03 – Strategic planning

Strategic planning is undertaken in advance of significant development, expansion or redevelopment of *urban areas* to ensure that:⁴

- (1) there is at least⁵ sufficient *development capacity* supported by integrated *infrastructure* provision for Otago’s housing and business needs in the short, medium and long term,
- (2) development is located, designed and delivered in a way and at a rate that recognises and provides for ~~locationally relevant~~⁶ regionally significant features and values identified by this RPS, and
- (3) the involvement of *mana whenua* is facilitated, and their values and aspirations are provided for.

UFD-04 – Development in *rural areas*

Development in Otago’s *rural areas* occurs in a way that:

- (1) avoids where practicable, impacts on significant values and features identified in this RPS,
 - (2) avoids as the first priority, land ~~and soils~~⁷ identified as highly productive by LF–LS–P19 unless there is an *operational need* or *functional need*⁸ for the development to be located in *rural areas*,
 - (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~~
 - (4) outside of areas identified in (3), ~~maintains and enhances~~ provides for the ongoing use of [land rural areas](#) for *primary production*, supported by *rural industry* in appropriate locations,⁹ and facilitates other activities that have an *operational need* or *functional need* to locate in *rural areas*, that will not compromise¹⁰ the *natural and physical resources* that support the productive capacity, rural character, and long-term viability of the rural sector and rural communities-, and
- (4A) provides for the use and development of land in rural areas by Kāi Tahu for *papakāika, kāika, nohoaka, marae, and marae* related activities.¹¹

UFD-05 – Urban development and *climate change*

The impacts of *climate change* are responded to in the development and change of Otago’s *urban*

⁴ Clause 16(2), Schedule 1, RMA

⁵ 00204.003 Daisy Link Garden Centres Limited, 00405.009 Glenpanel, 00402.012 Sipka Holdings, 00401.006 Tussock Rise

⁶ 00137.153 DOC

⁷ 00322.0038 Fulton Hogan, 00236.099 Horticulture NZ

⁸ 00414.003 Infinity, 00413.005 NZ Cherry Corp

⁹ 00322.038 Fulton Hogan, 00410.007 Rural Contractors NZ (in part)

¹⁰ 00236.099 Horticulture NZ

¹¹ 00226.310 Kāi Tahu ki Otago

areas so that:

- (1) the contributions of current communities and future generations to *climate change* impacts are reduced,
- (2) community resilience increases,
- (3) adaptation to the effects of *climate change* is facilitated,
- (4) energy use is minimised, and energy efficiency improves, and
- (5) establishment and use of *small and community-scale distributed electricity generation* is enabled.

Policies

UFD-P1 – Strategic planning

Strategic planning processes, undertaken at an appropriate scale and detail, precede urban growth and development and:

- (1) ensure integration of *land use and infrastructure*, including how, where and when necessary *development infrastructure* and *additional infrastructure* will be provided, and by whom,
- (2) demonstrate at least sufficient *development capacity* supported by integrated *infrastructure* provision for Otago's housing and business needs in the short, medium and long term,
- (3) maximise current and future opportunities for increasing resilience, and facilitating adaptation to changing demand, needs, preferences and *climate change*,
- (4) minimise *risks* from and improve resilience to *natural hazards*, including those exacerbated by *climate change*, while not increasing *risk* for other development,
- (5) indicate how connectivity will be improved and connections will be provided within *urban areas*,
- (6) provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values,
- (7) facilitate involvement of the current community and respond to the reasonably foreseeable needs of future communities, ~~and~~
- (8) identify, maintain and where possible, enhance important features and values identified by this RPS, and
- (8A) identifies areas of potential conflict between incompatible activities and sets out the methods by which these are to be resolved.¹²

¹² 00306.077 Meridian, 00322.039 Fulton Hogan, 00313.031 Queenstown Airport, 00235.150 OWRUG, 00236.100 Horticulture NZ, 00239.176 Federated Farmers, 00204.005 Daisy Link.

UFD-P2 – Sufficiency of *development capacity*

At least Sufficient¹³ urban area housing and business *development capacity* in *urban areas*, including any required competitiveness margin, is provided in the short, medium and long term by:

- (1) undertaking strategic planning in accordance with UFD-P1
- (2) identifying areas for urban intensification in accordance with UFD-P3,
- (3) identifying areas for urban expansion in accordance with UFD-P4,
- (4) providing for commercial and industrial activities in accordance with UFD-P5 and UFD-P6,
- (5) responding to any demonstrated insufficiency in housing or business *development capacity* by increasing *development capacity* or providing more *development infrastructure* as required, as soon as practicable, including by being responsive to plan changes that demonstrate compliance with UFD-P10,¹⁴ and
- (6) requiring Tier 2 *urban environments* to meet, at least, the relevant housing bottom lines in APP10.

UFD-P3 – Urban intensification

Within *urban areas* intensification is enabled where it:

- (1) contributes to establishing or maintaining the qualities of a *well-functioning urban environment*,
- (2) is well-served by existing or planned *development infrastructure* and *additional infrastructure*,
- (2A) does not compromise the safe and efficient ongoing use of *nationally significant infrastructure* or *regionally significant infrastructure*,¹⁵
- (3) meets the greater of demonstrated demand for housing and/or business use or the level of accessibility provided for by existing or planned *active transport* or *public transport*,
- (4) addresses an identified shortfall for housing or business space, in accordance with UFD-P2,
- (5) addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents, and
- (6) manages adverse *effects* on values or resources identified by this RPS that require specific management or protection.

UFD-P4 – Urban expansion

Expansion of existing *urban areas* is facilitated where the expansion:

- (1) contributes to establishing or maintaining the qualities of a *well-functioning urban environment*,
- (1A) is identified by and undertaken consistent with strategic plans prepared in accordance with

¹³ “At Least” See General Submissions of 00211.047 LAC Properties Trustees, 00210.046 Lane Hocking, 00118.066 Maryhill Ltd, 00014.066 Mt Cardrona Station, 00209.046 Universal Developments

¹⁴ 00204.005 Daisy Link

¹⁵ 00315.079 Aurora Energy, 00310.017 The Telecommunications Companies, 00313.032 Queenstown Airport (in part)

UFD-P1, or is required to address a shortfall identified in accordance with UFD-P2,¹⁶

- (2) is logically and appropriately staged, and¹⁷ will not result in inefficient or sporadic patterns of settlement and residential growth,
- (3) is integrated efficiently and effectively with *development infrastructure* and *additional infrastructure* in a strategic, timely and co-ordinated way,
- (3A) does not compromise the safe and efficient ongoing use of *nationally significant infrastructure* and *regionally significant infrastructure*,¹⁸
- (4) addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents,
- (5) manages adverse *effects* on other values or resources identified by this RPS that require specific management or protection,
- (6) avoids, as the first priority, highly productive land identified in accordance with LF-LS-P19,
- (7) locates the new urban/rural zone boundary interface by considering:
 - (a) adverse *effects*, particularly *reverse sensitivity*, on *rural areas* and existing or potential *primary production*¹⁹ ~~productive or rural industry~~²⁰ activities beyond the new boundary, and
 - (b) utilising²¹ key natural or built barriers or physical features, significant values or features identified in this RPS, or cadastral boundaries that will result in a permanent, logical and defensible long- term limit beyond which further urban expansion is demonstrably inappropriate and unlikely, such that provision for future *development infrastructure* expansion and connectivity beyond the new boundary does not need to be provided for, or
 - (c) ~~reflects a short or medium term, intermediate or temporary utilising~~²² zoning or infrastructure servicing boundary that reflects a short or medium term, intermediate or temporary limit,²³ where provision for future *development infrastructure* expansion and connectivity should not be foreclosed, even if further expansion is not currently anticipated.

UFD-P5 – Commercial activities

Provide for *commercial activities* in *urban areas* by:

- (1) enabling a wide variety and scale of *commercial activities*, ~~social activities~~, recreational²⁴ and cultural activities to concentrate in central business districts city, metropolitan,²⁵ town centres

¹⁶ 00136.011 Minister for the Environment, 00413.006 NZ Cherry Corp, 00204.008 Daisy Link

¹⁷ 00139.258 DCC

¹⁸ 00315.080 Aurora Energy, 00306.078 Meridian

¹⁹ 00208.010 AgResearch, 00213.040 Fonterra, 00322.040 Fulton Hogan,

²⁰ 00410.008 Rural Contractors NZ

²¹ 00405.011 Glenpanel, 00402.014 Sipka Holdings

²² 00405.011 Glenpanel, 00402.014 Sipka Holdings

²³ 00221.014 Silver Fern Farms, 00405.011 Glenpanel, 00402.014 Sipka Holdings

²⁴ 00206.071 Trojan, 00411.086 Wayfare

²⁵ 00139.260 DCC

and commercial zoned²⁶ areas, especially if they are highly accessible by *public transport* and or²⁷ *active transport*,

- (2) enabling smaller local and neighbourhood centres, mixed use zones²⁸ and rural settlements to accommodate a variety of *commercial activities*, social, recreational activities²⁹ and cultural activities of a scale appropriate to service local community needs,
- (3) providing for the expansion of existing areas or establishment of new areas identified in (1) and (2) by first applying UFD-P1 and UFD-P2, and
- (4) outside the areas described in (1) and (2), allow for small scale retail and service activities, home occupations and *community services* to establish within or close to the communities they serve.

UFD-P6 – Industrial activities

Provide for *industrial activities* in urban areas by:

- (1) identifying specific locations and applying zoning suitable for accommodating *industrial activities* and their reasonable needs and *effects* including supporting or *ancillary activities*,
- (2) identifying a range of *land* sizes and locations suitable for different *industrial activities*, and their *operational needs* including land-extensive activities,
- (3) ~~managing the establishment of non industrial activities, in industrial zones, by~~³⁰ avoiding activities likely to result in *reverse sensitivity effects* on existing or potential³¹ *industrial activities* (particularly residential or retail activities except yard-based retail),³² or likely to result in an inefficient use of industrial zoned *land* or *infrastructure*, particularly where the area:³³
 - (a) ~~the area~~³⁴ provides for a significant *operational need* for a particular *industrial activity* or grouping of *industrial activities* that are unlikely or are less efficiently able to be met in alternative locations, or
 - (b) ~~the area~~³⁵ contains *nationally significant infrastructure*³⁶ or *regionally significant infrastructure* and the requirements of EIT-INF-P15 apply, and
- (4) in areas that are experiencing or expected to experience high demand from other urban activities, and the criteria in (3)(a) or (3)(b) do not apply, managing the establishment of non-industrial activities and the transition of industrial zoned areas to other purposes, and the establishment of new areas³⁷ by first applying (1) and (2).

²⁶ 00139.260 DCC

²⁷ 00401.013 Tussock Rise

²⁸ 00206.071 Trojan, 00411.086 Wayfare

²⁹ 00206.071 Trojan, 00411.086 Wayfare

³⁰ 00213.043 Fonterra

³¹ 00213.043 Fonterra

³² 00139.261 DCC

³³ 00510.064 The Fuel Companies

³⁴ 00510.064 The Fuel Companies

³⁵ 00510.064 The Fuel Companies

³⁶ Clause 16(2), Schedule 1, RMA

³⁷ 00226.317 Kai Tahu ki Otago

UFD-P7 – Rural areas and Land for Economic Development

The management of rural areas and land for economic development in Otago:

- (1) provides for the maintenance and, wherever possible, enhancement of important features and values identified by this RPS,
- (2) outside areas identified in (1), maintains the productive capacity, amenity and character of rural areas, as places where people live, work and recreate and where a range of activities and services are required to support these rural functions, and provide for social and economic wellbeing within rural communities and the wider region,³⁸
- (3) ~~enables~~ prioritises³⁹ food and fibre production primary production⁴⁰ particularly on land or soils within areas⁴¹ identified as highly productive land⁴² in accordance with LF–LS–P19,
- (4) ~~facilitates~~ enables primary production,⁴³ rural industry and supporting activities to occur in locations where they have access to the natural and physical resources that they depend on,
- (5) directs rural residential and rural lifestyle development to areas zoned for that purpose in accordance with UFD-P8,
- (5A) provides for the use by Kai Tahu of Native Reserves and Te Ture Whenua Maori land, for papakāika, kāika, nohoaka, marae and marae related activities, and otherwise provides for Kai Tahu use of rural areas and the resources and values they contain,⁴⁴
- (6) restricts the establishment of residential activities, *sensitive activities*, and other potentially incompatible activities non-rural businesses which could adversely affect, including by way of reverse sensitivity, or fragmentation, the productive capacity of highly productive land or existing or potential⁴⁵ primary production and rural industry activities, unless those sensitive activities are undertaken in accordance with UFD-P4, UFD-P8 or UFD-P9 as relevant,⁴⁶ and
- (7) otherwise limits the establishment of residential activities, *sensitive activities*, and other potentially incompatible activities non-rural businesses to those that can demonstrate:
 - (a) a functional need or⁴⁷ operational need to be located in rural areas, and⁴⁸
 - (b) methods to avoid adverse effects, including by way of reverse sensitivity, on primary production activities, rural productive capacity and amenity values, or where avoidance is not practicable, remediation or mitigation, and⁴⁹

³⁸ 00235.152 OWRUG, 00015.032 Oceana Gold

³⁹ 00226.318 Horticulture NZ, Kai Tahu ki Otago, 00015.032 Oceana Gold, 00235.152 OWRUG, 00410.009 Rural Contractors NZ, 00016.024 Alluvium and Stoney Creek

⁴⁰ 00226.310 Kāi Tahu ki Otago and General Themes Section, in response to 00235.008 OWRUG

⁴¹ 00236.102 Horticulture NZ, 00226.318 Kai Tahu ki Otago, 00015.032 Oceana Gold, 00235.152 OWRUG, 00410.009 Rural Contractors NZ, 00016.024 Alluvium and Stoney Creek

⁴² 00236.102 Horticulture NZ, 00226.318 Kai Tahu ki Otago, 00015.032 Oceana Gold, 00235.152 OWRUG, 00410.009 Rural Contractors NZ, 00016.024 Alluvium and Stoney Creek

⁴³ 00226.310 Kāi Tahu ki Otago, and General Themes Section, in response to 00235.008 OWRUG and consequential to amendment to subclause 2

⁴⁴ 00226.310 Kāi Tahu ki Otago

⁴⁵ 0015.032 Oceana Gold

⁴⁶ 00206.072 Trojan, 00411.135 Wayfare, 00402.016 & 00401.015 Sipka Holdings,

⁴⁷ 00321.095 Te Waihanga

⁴⁸ 00231.091 Fish and Game, 00411.135 Wayfare, 00206.072 Trojan, 00321.095 Te Waihanga

⁴⁹ 00221.015 Silver Fern Farms

(7A) may place constraints on certain rural activities where necessary for the effective management of nationally significant infrastructure or regionally significant infrastructure.⁵⁰

UFD- PX – Primary Production Activities which have a functional need or operational need

Provide for the management of natural and physical resources which allows for the continued operation, maintenance and development of primary production activities, particularly those which are constrained by the functional need to locate where the natural resource is, by:

- (a) Recognising the value and long term benefits of the activity to the economic, social and cultural wellbeing of the region;
- (b) Recognising the value and long term benefits of primary production activities which support significant infrastructure, life line utilities and other industry in the region;
- (c) Ensuring that the adverse effects of primary production are appropriately managed;
- (d) Maintain and where appropriate enhancing access to natural and physical resources;
- (e) Avoiding or minimising the potential for reverse sensitivity; and
- (f) Ensuring positive environmental outcomes are achieved.

UFD-P8 – Rural lifestyle and rural residential zones

The establishment, development or expansion of rural lifestyle and rural residential zones only occurs where:

- (1) the *land* is adjacent to existing or planned *urban areas* and ready access to employment and services is available,
- (2) despite the direction in (1), it⁵¹ also avoids *land* identified for future urban development in a relevant plan or *land* reasonably likely to be required for its future urban development potential, where the rural lifestyle or rural residential development would foreclose or reduce efficient realisation of that urban development potential,
- (3) minimises impacts on existing primary production and rural industry and other rural activities,⁵² rural production potential, *amenity values* and the potential for *reverse sensitivity effects* to arise in adjoining rural production zones,⁵³
- (4) avoids, ~~as the first priority,~~⁵⁴ highly productive land identified in accordance with LF-LS-P169,⁵⁵
- (5) the suitability of the area to accommodate the proposed development is demonstrated, including
 - (a) capacity for servicing by existing or planned *development infrastructure* (including self-servicing requirements),
 - (b) particular regard is given to the individual and cumulative impacts of *domestic*⁵⁶ *water*

⁵⁰ 00321.095 Te Waihanga

⁵¹ Clause 16(2), Schedule 1, RMA

⁵² 00236.103 Horticulture NZ, 00208.012 AgResearch, 00235.153 OWRUG, 00410.010 Rural Contractors NZ

⁵³ 00236.103 Horticulture NZ, 00208.012 AgResearch, 00235.153 OWRUG, 00410.010 Rural Contractors NZ

⁵⁴ 00121.102 Ravensdown, and 00413.008 NZ Cherry Corp, 00414.006 Infinity in part

⁵⁵ 00226.319 Kai Tahu ki Otago, 0235.153 QLDC, 00121.102 Ravensdown

⁵⁶ 00219.019 FENZ

supply, wastewater disposal, and *stormwater* management including self-servicing, on the receiving or supplying environment and impacts on capacity of *development infrastructure*, if provided, to meet other planned urban area demand, and

- (c) likely future demands or implications for publicly funded services including emergency services⁵⁷ and *additional infrastructure*, and
 - (d) does not compromise the safe and efficient ongoing use of nationally significant infrastructure or regionally significant infrastructure, and⁵⁸
- (6) provides for the maintenance and wherever possible, enhancement, of important features and values identified by this RPS.

UFD-P9 – Iwi, hapū and whānau

Facilitate the development, by mana whenua,⁵⁹ of Native Reserves and *Te Ture Whenua Maori land*, for *papakāika, kāika, nohoaka, and*⁶⁰ *marae, and marae related activities*⁶¹ where existing or planned *development infrastructure* of sufficient capacity is or can be provided (including allowance for self-servicing systems).

UFD-P10 – Criteria for significant development capacity

‘Significant development capacity’ is provided for where a proposed plan change affecting an *urban environment* meets all of the following criteria:

- (1) the location, design and layout of the proposal will positively contribute to achieving a *well-functioning urban environment*,
- (2) the proposal is well-connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors,
- (3) required *development infrastructure* can be provided effectively and efficiently for the proposal, and without material impact on planned *development infrastructure* provision to, or reduction in *development infrastructure* capacity available for, other feasible, likely to be realised developments, in the short-medium term,
- (4) the proposal makes a significant contribution to meeting a need identified in a *Housing and Business Development Capacity Assessment*, or a shortage identified in monitoring for:
 - (a) housing of a particular price range or typology, particularly more affordable housing,
 - (b) business space or *land* of a particular size or locational type, or
 - (c) community or educational facilities, and
- (5) when considering the significance of the proposal’s contribution to a matter in (4), this means that the proposal’s contribution:
 - (a) is of high yield relative to either the forecast demand or the identified shortfall,

⁵⁷ 00219.018 FENZ

⁵⁸ 00306.080 Meridian

⁵⁹ 0026.320 Kai Tahu ki Otago

⁶⁰ 0026.320 Kai Tahu ki Otago

⁶¹ 0026.320 Kai Tahu ki Otago

- (b) will be realised in a timely (i.e. rapid) manner,
- (c) is likely to be taken up, and
- (d) will facilitate a net increase in district-wide up-take in the short to medium term.

Methods

UFD-M1 – Strategic planning

Otago Regional Council and *territorial authorities*:

- (1) must, where they are Tier 2 local authorities, jointly determine housing *development capacity* that is feasible and likely to be taken up in the medium and long terms through *Housing and Business Development Capacity Assessments*,
- (2) should, for other districts, jointly determine demand and potential supply responses through similar, but appropriately scaled strategic planning approaches,
- (3) must, where they are Tier 2 and Tier 3 local authorities, monitor and regularly assess and report on the supply of, and demand for, residential, commercial and industrial zoned *land development capacity* available at the regional, district and *urban environment* scales, and other local authorities are encouraged to do so,
- (4) must coordinate the redevelopment and intensification of urban areas and the development of extensions to urban areas with *infrastructure* planning and development programmes, to provide the required *development infrastructure* and *additional infrastructure* in an integrated, timely, efficient and effective way, and to identify major existing and future activities, constraints and opportunities⁶² and manage impacts on key values and resources, identified by this RPS, and for Tier 2 local authorities to achieve this through jointly developed *Future Development Strategies* and/or strategic planning, and for all other *local authorities* through strategic planning in accordance with UFD–P1,
- (5) must, where they are Tier 2 local authorities, develop housing bottom lines for urban environments and include those bottom lines in APP10 and in the relevant *district plans*,
- (6) must individually or jointly develop further regulatory or non-regulatory methods and actions to implement strategic and spatial plans, including to guide the detail of how, when and where development occurs, including matters of urban design, requirements around the timing, provision, and responsibilities for open space, connections and infrastructure, including by third parties, and the ongoing management of effects of urban development on matters of local importance, and
- (7) must involve *mana whenua*, and provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values and to ensure the requirements of the MW chapter are met, and the issues and values identified in RMIA are recognised and provided for.

⁶² 00411.088 Wayfare, 00206.073 Trojan, 00219.012 FENZ

UFD-M2 – District plans

Territorial authorities must prepare or amend their *district plans* as soon as practicable, and maintain thereafter, to:

- (1) identify and provide for urban expansion and intensification, to occur in accordance with:
 - (a) any adopted *future development strategy* for the relevant district or region, which must be completed in time to inform the 2024 Long Term Plan, or
 - (b) where there is no *future development strategy*, a *local authority* adopted strategic plan developed in accordance with UFD-P1, for the relevant area, district or region,
- (2) in accordance with any required *Housing and Business Development Capacity Assessments* or monitoring, including any *competitiveness margin*, ensure there is always at least⁶³ sufficient development capacity that is feasible and likely to be taken up and, for Tier 2 urban environments, at a minimum meets the bottom lines for housing in APP-10, and meets the identified *land* size and locational needs of the commercial and industrial sectors, and where there is a shortage, respond in accordance with UFD-P2,⁶⁴
- (3) ensure that urban development is designed to:
 - (a) achieve a built form that relates well to its surrounding *environment*, including by identifying and managing impacts of urban development on values and resources identified in this RPS,
 - (b) provide for a diverse range of housing, *commercial activities*, industrial and service activities, social and cultural opportunities,
 - (c) achieve an efficient use of *land, energy, water* and infrastructure,
 - (d) promote the use of water sensitive design wherever practicable,
 - (e) minimise the potential for reverse sensitivity *effects* to arise, by managing the location of incompatible activities, within the urban area, at the rural-urban interface, and in rural areas, and⁶⁵
 - (ea) avoid the potential for reverse sensitivity effects on *nationally significant infrastructure* and *regionally significant infrastructure*, and⁶⁶
 - (f) reduce the adverse *effects* of Otago's cooler winter climate through designing new subdivision and development to maximise passive winter solar gain and winter heat retention, including through roading, lot size, dimensions, layout and orientation,
- (4) identify and provide for locations that are suitable for urban intensification in accordance with UFD-P23,⁶⁷
- (5) identify and provide for locations that are suitable for urban expansion, if any, in accordance with UFD-P34,⁶⁸

⁶³ 00204.003 Daisy Link, 00405.009 Glenpanel, 00402.012 Sipka Holdings, 00401.006 Tussock Rise

⁶⁴ 00401.012 Tussock Rise

⁶⁵ 00236.104 Horticulture NZ, 235.154 OWRUG

⁶⁶ 00510.065 The Fuel Companies

⁶⁷ Clause 16(2), Schedule 1, RMA, 00138.222 QLDC, 00235.154 OWRUG

⁶⁸ Clause 16(2), Schedule 1, RMA, 00138.222 QLDC, 00235.154 OWRUG

- (6) identify and provide for *commercial activities* in accordance with UFD-P5,
- (7) identify and provide for *industrial activities* in accordance with UFD-P6,
- (8) manage development in *rural areas* in accordance with UFD-P7,
- (8A) identify and provide for *primary production activities* in accordance with UFD – PX,
- (9) manage rural residential and rural lifestyle activities ~~in *rural areas*~~⁶⁹ in accordance with UFD–P8,
- (10) provide for *papakāika, kāika, nohoaka, and marae* and *marae related activities*⁷⁰, in accordance with UFD–P9, and
- (11) must involve *mana whenua* and provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values and ensure the requirements of the MW chapter are met, and the issues and values identified in RMIA are recognised and provided for at the local level, and
- (11A) ensure the design and maintenance of places and spaces, including streets, open spaces, public buildings and publicly accessible spaces so that they are safe, attractive, accessible and usable by everyone in the community.⁷¹

UFD–M3 – Design of public spaces and surrounds

Territorial authorities must design and maintain public places and spaces, including streets, open spaces, public *buildings* and publicly accessible spaces so that they are safe, attractive, accessible and usable by everyone in the community.

Explanation

UFD-E1 – Explanation

The policies in this chapter are designed to facilitate the provision of sufficient housing and business capacity and ensure all of the region’s *urban areas* demonstrate the features of *well-functioning urban environments* and meet the needs of current and future communities. Urban intensification must be enabled, and urban expansion should be facilitated, however these important decisions should be preceded and guided by strategic planning processes that consider how best this can be achieved, while also maintaining and, wherever possible, enhancing the important values and features identified in other chapters of this RPS, and in consideration of local context, values and pressures. The strategic planning process will also consider and demonstrate where, when, how and by whom the necessary *development infrastructure* and *additional infrastructure* will be provided in order to both facilitate development and change and minimise environmental impacts from it, including avoiding impacts on the operation of *regionally significant infrastructure*⁷² and *nationally*

⁶⁹ 00206.074 Trojan, 00411.136 Wayfare

⁷⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 0026.320 Kai Tahu ki Otago

⁷¹ 00139.268 DCC

⁷² Clause 16(2), Schedule 1, RMA

significant infrastructure.

In addition, this chapter seeks to maintain the character and *amenity values* of Otago's rural areas, including by facilitating the use of the *natural and physical resources* that support the viability of the rural sector. Otago's rural and urban areas also contain significant natural, cultural and historic values and features as identified by other parts of this RPS. In all cases while facilitating urban development and managing rural productive activities these values must also be identified, maintained and, wherever possible, enhanced. This approach includes direction on different types of development within rural areas, managing the expansion and location of *urban areas*, and rural lifestyle and rural residential development, and directing that growth be enabled in *urban areas* to minimise the need for development to occur within rural areas, other than what is needed to facilitate rural community and rural productive activities and particular activities that have a *functional need or operational need* to locate in rural areas.⁷³

The policies in this chapter are primarily focused on directing where development is and is not appropriate and under what circumstances, but provides discretion for *local authorities* to determine the detail of how that development is managed, its ultimate density, height, bulk and location, timing and sequencing, the detail of any required *development infrastructure* and *additional infrastructure* that may be needed, and allows for the consideration of particular locally significant features values and needs that contribute to the attractiveness or uniqueness of the diverse communities, landscapes, and environments of the region.

This more detailed determination must, however, be informed by evidence and information collated through appropriately scaled *strategic planning* processes and which will identify how constraints to urban development, such as hazards, landscapes, highly productive land, and environmental limits, are responded to, and opportunities for meeting demand, integration with lifeline utilities, infrastructure and other requirements may be provided for. They⁷⁴ will be implemented by a range of regulatory and non-regulatory methods, including partnership arrangements with iwi, developers, infrastructure providers and central government,⁷⁵ joint development of *Housing and Business Assessments* and *Future Development Strategies* for Tier 2 local authorities, and similar but appropriately scaled processes undertaken in and for other areas, including regular regional, district and *urban environment* scale monitoring, analysis and evaluation.

In delivering on the objectives and policies in this chapter, which relate largely to human activities and settlements, the natural, physical, and built values and features of importance to the region must be recognised and provided for. These values and features are largely identified within other chapters and provision of the RPS. They also provide detail on how they should be identified and managed. Achieving the objectives of this chapter requires consideration of those other relevant parts of this RPS.⁷⁶

The following chapters of this Regional Policy Statement have particular relevance to the achievement of the objectives of this chapter by identifying particular aspects of Domains or Topics to be managed, and where there is an apparent conflict, must be balanced in accordance with the

⁷³ 0023.6105 Horticulture NZ - and consequential to amendments to UFD-P7 and UFD-P8

⁷⁴ FENZ 00219.020, DCC 0139.268

⁷⁵ FENZ 00219.020, DCC 0139.268 DCC 00139.268

⁷⁶ 00139.268, and 00139.259 DCC

directions outlined in the IM-⁷⁷ Integrated Management chapter:

- MW – *Mana Whenua*
- AIR – Air
- CE – Coastal environment
- LF – *Land and freshwater*
- ECO – Ecosystems and indigenous *biodiversity*
- EIT – Energy, *infrastructure* and transport
- HAZ – Hazards and *risks*
- HCV – Historical and cultural values
- NFL – Natural features and landscapes

Principal reasons

UFD-PR1 – Principal reasons

The provisions in this chapter assist in fulfilling the functions of the regional council under section 30(ba) and *territorial authorities* under section 31(aa) of the RMA-~~1991~~⁷⁸ to ensure sufficient *development capacity* in relation to housing and *business land* to meet the expected demands of the region and districts respectively. They also assist in giving effect to the similar but more detailed requirements of the *NPSUD*.

Urban areas are important for community well-being and are a reflection the inherently social nature of humans. *Well-functioning urban areas* enable social interactions and provide a wide variety (across type, location and price) of housing, employment and recreational opportunities to meet the varied and variable needs and preferences of communities, in a way that maximises the well-being of its present and future inhabitants, and respects its history, its setting and the *environment*. The combination of population growth and demographic change will result in changes in the quantity and qualities demanded of housing, employment, business, *infrastructure*, social facilities, emergency services and lifeline utilities⁷⁹ and other⁸⁰ services across the region. Upgrade and replacement of the existing development and infrastructure will also continue to be required even where growth is limited, resulting in changes in the built environment. Some of these changes will also be driven by changes in the *natural environment*, including the impacts of climate change. Urban areas are highly dynamic by nature, so the provisions in this chapter seek to manage, rather than limit, the form, function, growth and development of urban areas in a way that best provides for the community's well- being both now and into the future.

The pace and scale of growth and change, and the scale and nature of urban environments and areas in the region is variable, meaning no single response at a regional level is appropriate in all cases. Accordingly, the process identified in this RPS remains flexible and responsive (outside of Tier 2 *urban environments*, which have specific requirements under the *NPSUD*). Key requirements of strategic

⁷⁷ Clause 16(2), Schedule 1, RMA

⁷⁸ Clause 16(2), Schedule 1, RMA

⁷⁹ 00219.020 FENZ

⁸⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00219.020 FENZ

planning include considering and providing for reasonably expected changes in overall quantum of demand and supply as well as changes in needs and preferences that may drive or add to these changes in demand, designing to maximise the efficient use of energy, land and infrastructure (including transport infrastructure). This can best be achieved by prioritising development in and around the region's existing urban areas as the primary focus of the region's growth and change, by enabling development within and adjacent to those urban areas, where it generally is most suitable and most efficient to do so.

These strategic planning processes provide the mechanism by which longer term issues can be considered, integration between land use and infrastructure can be achieved, and various constraints, opportunities and key trade-offs can be identified and appropriately resolved, while identifying and managing the values and resources identified in this RPS. These processes, and others should always involve *mana whenua*, at all levels of the process to ensure their views and values can be incorporated and celebrated, and their needs and aspirations appropriately provided for.

All development should seek to maximise efficient use of water consumption (through water efficient design) and disposal. Reduced⁸¹ consumption reduces sewerage loads, and the⁸² water sensitive design reduces impacts on both supplying and receiving natural systems and can reduce flooding from stormwater⁸³, and maximise the winter capture and retention of the sun's⁸⁴ energy, which will also assist with reducing the energy needed to heat homes in winter and can also help reduce *air* pollution from solid fuel burning for home heating. Development in more central parts of the region also need to be designed to be cognisant of minimising excess sun capture in the summer months. Enabling the establishment and use of *small-scale renewable energy generation* also facilitates local *energy* resilience, contributes to national *renewable energy* generation targets with associated *climate change* benefits, and may reduce the need for additional large-scale generation and transmission infrastructure and associated impacts.

Rural areas are attractive as residential living areas, and for other non-rural activities. However, they contain areas, activities and resources critical for rural production that can be impacted by sensitive activities. Non-urban areas also contain a wide range of other values that can be negatively impacted by the impacts of rural-residential and other activities, that do not have a ~~functional need~~ *functional need*⁸⁵ to be in rural areas. The provisions in this chapter focus on managing where rural living opportunities and other non-rural activities are provided for, so that the potential *effects* on the rural character, productive potential and the wide range of environmental values, features and resources that rural areas also contain are appropriately managed. The supply of rural lifestyle opportunities to meet demand should be directed to suitably located and zoned areas to minimise impacts on values in rural areas. In designing and planning for rural residential and rural lifestyle development, local authorities will need to be aware of the potential future constraints on future urban expansion and development, including the cumulative impacts of infrastructure servicing irrespective of whether this is onsite, community or through connections to urban reticulated schemes.

Implementation of the provisions in this chapter will occur partially through *regional plans* but primarily *district plan* provisions, as well as through preparation of *future development strategies*

⁸¹ Clause 16(2), Schedule 1, RMA

⁸² Clause 16(2), Schedule 1, RMA

⁸³ Clause 16(2), Schedule 1, RMA

⁸⁴ Clause 16(2), Schedule 1, RMA

⁸⁵ Clause 16(2), Schedule 1, RMA

and *structure plans* and the financial and infrastructure planning processes they inform. While the functions and duties of regional and territorial authorities are different, each brings different focus and responsibilities to the task of achieving *well-functioning urban environments*. Working together, and with others, in accordance with specified joint responsibilities under the NPSUD, will assist with achieving the purpose of the RMA and the outcomes sought by this RPS.⁸⁶

To appropriately and efficiently achieve the objectives and policies, other non-regulatory spatial planning exercises and associated action plans, agreements and infrastructure delivery programs will be needed to complement regulatory approaches, including setting aside the necessary funding for delivery, and partnering with *mana whenua*, central government, communities and developers to deliver the quality and quantity of urban development needed to meet demand and provide for change, improve land and development market competitiveness, and achieve resilient, efficient and attractive urban places.

Anticipated environmental results

- UFD-AER1** Appropriately scaled strategic planning occurs in advance of regulatory planning, and regulatory plans are changed in a timely manner to facilitate to outcomes identified in these processes.
- UFD-AER2** Urban expansion only occurs when suitable and sufficient *development infrastructure* is in place or will be provided at the time of expansion and provision is made for the needs of *additional infrastructure*.
- UFD-AER3** *Development infrastructure* is in place in time to facilitate reasonably expected urban intensification or planned expansion.
- UFD-AER4** New developments including redevelopments are designed to maximise energy and transport efficiency and minimise impacts on *water* quality and quantity.
- UFD-AER5** The majority of new development is located close to services, jobs, and other urban amenities and can access those amenities by a range of transport modes including *active transport* and, where available, *public transport*.
- UFD-AER6** The mode share and use of *active transport* and where available,⁸⁷ *public transport* increases.
- UFD-AER7** New developments are at minimal *risk* from *natural hazards* including changes to *risk* due to the impacts of *climate change*, and do not increase *risk* to existing or planned developments.
- UFD-AER8** In existing urban areas at *risk* from *natural hazards*, including changes to *risk* due to the impacts of *climate change*, communities are informed, *resilient* and prepared for the *effects* of known *natural hazard risks*.
- UFD-AER9** There is an increased range of housing types and locations and an increased

⁸⁶ 00139.268 DCC

⁸⁷ 00139.272 DCC

number of *dwellings*, particularly more affordable housing in existing and planned *urban areas*.

- UFD-AER10** The current and future needs of business are met by the availability of a range of opportunities for *land* and space that meets their requirements.
- UFD-AER11** All new rural residential or rural lifestyle development occurs within areas zoned for this use.
- UFD-AER12** The establishment of sensitive activities within rural areas does not result in adverse effects on activities functionally dependent on rural resources and rural surroundings⁸⁸
- UFD-AER13** Inappropriate urban expansion and urban activities do not adversely affect the amenity and character of the region's rural areas.⁸⁹
- UFD-AER14** *Mana whenua* are involved in strategic planning and other planning processes.⁹⁰
- UFD-AER15** The development of Native reserves and Te Ture Whenua Maori land occurs in accordance with the needs, aspirations and cultural values of *mana whenua*.⁹¹
- UFD-AER16** Urban and rural development maintain recognised regionally significant features and values.⁹²

⁸⁸ 00237.064 Beef & Lamb, 00236.107 Horticulture NZ, 00239.180 Federated Farmers

⁸⁹ 00236.107 Horticulture NZ, 00208.001 AgResearch, 00239.180 Federated Farmers

⁹⁰ 00139.259 DCC

⁹¹ 00237.064 Ngāi Tahu ki Murihiku

⁹² 00237.064 Ngāi Tahu ki Murihiku

ECO – Ecosystems and indigenous *biodiversity*

Objectives

ECO-O1 – Indigenous *biodiversity*

Otago's indigenous *biodiversity* is healthy and thriving and any net¹ decline in quality condition,² quantity and diversity is halted.

ECO-O2 – Restoring ~~or~~ and³ enhancing

Restoration or enhancement activities result in a A net increase in the extent and occupancy⁴ of Otago's indigenous *biodiversity* ~~results from restoration or enhancement~~.⁵

ECO-O3 – *Kaitiakitaka*⁶ and stewardship

Mana whenua are able to exercise their role ~~recognised~~⁷ as kaitiaki of Otago's indigenous *biodiversity*, and Otago's communities are recognised as stewards, who are responsible for:

- (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 taiao (the health of the wider *environment*), while
- (2) providing for te hauora o te takata (the health of the people).

ECO-O4 – Social, economic and cultural wellbeing

Protect and manage indigenous biodiversity in such a way that provides for the social, economic, and cultural wellbeing of people and communities now and in the future.

Policies

ECO-P1 – *Kaitiakitaka*

Recognise the role of Enable⁸ Kāi Tahu to exercise their role⁹ as kaitiaki of Otago's indigenous *biodiversity* by:

¹ 00024.010 City Forests Limited

² 00306.042 Meridian

³ 00226.215 Kāi Tahu ki Otago

⁴ 00223.099 Ngāi Tahu ki Murihiku, 00226.215 Kāi Tahu ki Otago

⁵ 00322.026 Fulton Hogan

⁶ 00234.031 Te Rūnanga o Ngāi Tahu

⁷ 00226.216 Kāi Tahu ki Otago, 00234.031 Te Rūnanga o Ngāi Tahu

⁸ 00226.217 Kāi Tahu ki Otago

⁹ 00226.217 Kāi Tahu ki Otago

- (1) involving Kāi Tahu in the management of indigenous *biodiversity*, and
- (1A) working with Kāi Tahu in¹⁰ the identification of indigenous species and ecosystems that are taoka,
- (2) incorporating the use of mātauraka Māori in the management and monitoring of indigenous *biodiversity*, and
- (3) ~~providing for~~ facilitating¹¹ access to and use of indigenous biodiversity by Kāi Tahu, including *mahika kai*,¹² according to tikaka.

ECO-P2 – Identifying *significant natural areas* and taoka

Identify and map.¹³

- (1) the areas and indigenous *biodiversity*¹⁴ values of *significant natural areas* in accordance with APP2, and
- (2) where appropriate,¹⁵ indigenous species and ecosystems that are taoka in accordance with ECO-M3.

ECO-P3 – Protecting *significant natural areas* and taoka

Except as provided for by ECO-P4 and ECO-P5, protect *significant natural areas* (outside the coastal environment)¹⁶ and indigenous species and ecosystems that are taoka by:

- (1) first¹⁷ avoiding adverse *effects* that result in:
 - (a) any reduction of the area or indigenous *biodiversity*¹⁸ values identified and mapped under ECO-P2(1),¹⁹ (even if those values are not themselves significant but contribute to an area being identified as a *significant natural area*²⁰) ~~identified under ECO-P2(1), or~~²¹ and
 - (b) any loss of ~~Kāi Tahu~~ taoka²² values identified and mapped under ECO-P2(2)²³, and
- (2) after (1), applying the biodiversity *effects management hierarchy (in relation to indigenous biodiversity)*²⁴ in ECO-P6, and

¹⁰ 00226.217 Kāi Tahu ki Otago

¹¹ 00239.099 Federated Farmers

¹² 00226.0038 Kāi Tahu ki Otago

¹³ 00020.018 Rayonier Matariki

¹⁴ 00226.218 Kāi Tahu ki Otago, 00230.101 Forest and Bird

¹⁵ 00226.218 Kāi Tahu ki Otago

¹⁶ 00237.007 Beef & Lamb and DINZ, 00137.016 DOC, 00226.035 Kāi Tahu ki Otago, 00120.011 Yellow-eyed Penguin Trust, 00230.016 Forest and Bird

¹⁷ 00223.100 Ngāi Tahu ki Murihiku

¹⁸ 00226.219 Kāi Tahu ki Otago

¹⁹ 00230.102 Forest and Bird

²⁰ 00230.102 Forest and Bird

²¹ 00230.102 Forest and Bird

²² 00139.129 DCC

²³ 00138.033 QLDC

²⁴ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihangā, 00137.009 DOC

- (3) prior to *significant natural areas* and indigenous species and ecosystems that are taoka being identified and mapped²⁵ in accordance with ECO-P2, adopt a precautionary approach towards activities in accordance with ~~IM-P15~~IM-P6(2).²⁶

ECO-P4 – Provision for new activities

Maintain Otago’s indigenous *biodiversity* by following the sequential steps in the *effects management hierarchy (in relation to indigenous biodiversity)*²⁷ set out in ECO-P6 when making decisions on plans, applications for *resource consent* or notices of requirement for the following activities in *significant natural areas (outside the coastal environment)*,²⁸ or where they may adversely affect indigenous species and ecosystems that are taoka:

- (1) the development, operation, maintenance²⁹ or upgrade of *nationally significant infrastructure*³⁰ and *regionally significant infrastructure* that has a *functional need*³¹ or *operational need* to locate within the relevant *significant natural area(s)* or where they may adversely affect indigenous species or ecosystems that are taoka,
- (2) the development of *papakāika*, marae and ancillary facilities associated with customary activities on Māori land,³²
- (2A) the sustainable use of *mahika kai*³³ and kaimoana (seafood) by *mana whenua*,³⁴
- (3) the use of Māori land ~~in a way that will make a significant contribution~~³⁵ to enable *mana whenua* to maintain their connection to their whenua and enhancing the³⁶ social, cultural or economic well-being ~~of *takata whenua*~~,³⁷
- (3A) the development, operation, maintenance or upgrade of mineral and/or aggregate extraction activities that provide significant national or regional benefit and that has a functional need or operational need to locate within the relevant significant natural areas(s) or where they may adversely affect indigenous species or ecosystems that are taoka,
- (4) activities that are for the purpose of protecting, restoring or enhancing a *significant natural area* or indigenous species or ecosystems that are taoka, or
- (5) activities that are for the purpose of addressing a severe ~~and~~ or³⁸ immediate *risk* to public health or safety.

²⁵ 00020.018 Rayonier Matariki

²⁶ 00139.040 DCC, 00121.027 Ravensdown

²⁷ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihanga, 00137.009 DOC

²⁸ 00237.007 Beef & Lamb and DINZ, 00137.016 DOC, 00226.035 Kāi Tahu ki Otago, 00120.011 Yellow-eyed Penguin Trust, 00230.016 Forest and Bird

²⁹ 00311.022 Trustpower Limited

³⁰ 00314.001 Transpower

³¹ 00315.046 Aurora Energy, 00138.116 QLDC

³² Māori land’ applies to land in native reserves that are held under Te Ture Whenua Māori act 1993

³³ 00226.0038 Kāi Tahu ki Otago

³⁴ 00226.220 Kāi Tahu ki Otago

³⁵ 00234.032 Te Rūnanga o Ngāi Tahu

³⁶ 00234.032 Te Rūnanga o Ngāi Tahu

³⁷ 00234.032 Te Rūnanga o Ngāi Tahu

³⁸ 00139.130 DCC

ECO-P5 – Existing activities in *significant natural areas*

Except as provided for by ECO-P4, provide³⁹ for existing activities that are lawfully established⁴⁰ within *significant natural areas* (outside the coastal environment)⁴¹ and that may adversely affect indigenous species and ecosystems that are taaka, if:

- (1) the continuation, maintenance and minor upgrades of an existing activity that is lawfully established⁴² will not lead to the loss (including through cumulative loss) of extent or degradation⁴³ of the ecological integrity of any *significant natural area* or indigenous species or ecosystems that are taaka, and
- (2) the adverse effects from the continuation, maintenance and minor upgrades of an existing activity that is lawfully established⁴⁴ are no greater in character, spatial extent, intensity or scale than they were before this RPS became operative.

ECO-P6 – Maintaining indigenous *biodiversity*

Maintain Otago's indigenous *biodiversity* (excluding the coastal environment and areas managed protected⁴⁵ under ECO-P3) by applying the following *biodiversity effects management hierarchy (in relation to indigenous biodiversity)*⁴⁶ in decision-making on applications for *resource consent* and notices of requirement.:

- ~~(1) — avoid adverse effects as the first priority,~~
- ~~(2) — where adverse effects demonstrably cannot be completely avoided, they are remedied,~~
- ~~(3) — where adverse effects demonstrably cannot be completely avoided or remedied, they are mitigated,~~
- ~~(4) — where there are residual adverse effects after avoidance, remediation, and mitigation, then the residual adverse effects are offset in accordance with APP3, and~~
- ~~(5) — if biodiversity offsetting of residual adverse effects is not possible, then:
 - ~~(a) — the residual adverse effects are compensated for in accordance with APP4, and~~
 - ~~(b) — if the residual adverse effects cannot be compensated for in accordance with APP4, the activity is avoided.~~~~

ECO-P7 – Coastal indigenous *biodiversity*

~~Coastal indigenous *biodiversity* is managed by CE-P5, and implementation of CE-P5 also contributes to achieving ECO-O1.~~

³⁹ Under RMA Schedule 1, Clause 16(2) of the RMA amend the cross-referencing error

⁴⁰ 00230.104 Forest and Bird

⁴¹ 00237.007 Beef & Lamb and DINZ, 00137.016 DOC, 00226.035 Kāi Tahu ki Otago, 00120.011 Yellow-eyed Penguin Trust, 00230.016 Forest and Bird

⁴² 00230.104 Forest and Bird

⁴³ Clause 16(2), Schedule 1, RMA (remove the italics from 'degradation' as this term is not defined in the pORPS)

⁴⁴ 00230.104 Forest and Bird

⁴⁵ 00230.105 Forest and Bird

⁴⁶ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihangā

Indigenous biodiversity in the coastal environment is managed by the relevant provisions of this chapter, except that:

- (1) significant natural areas in the coastal environment are managed by CE-P5(1) instead of ECO-P3 to ECO-P5, and
- (2) other indigenous biodiversity in the coastal environment that is not part of a significant natural area are also managed by CE-P5(2).⁴⁷

ECO-P8 – Restoration and eEnhancement⁴⁸

The extent, *occupancy*⁴⁹ and condition of Otago’s indigenous *biodiversity* is increased by:

- (1) restoring and enhancing habitat for indigenous species, including taoka and *mahika kai*⁵⁰ species,
- (2) improving the health and *resilience* of indigenous *biodiversity*, including ecosystems, species, ~~important~~⁵¹ ecosystem function, and *intrinsic values*, and
- (3) buffering or linking ecosystems, habitats and ecological corridors, *ki uta ki tai*.⁵²

ECO-P9 – *Wilding conifers*

Reduce the impact of *wilding conifers* on indigenous *biodiversity* by:

- (1) avoiding ~~afforestation~~ the planting⁵³ and *replanting* of *plantation forests* and permanent forests⁵⁴ with *wilding conifer* species listed in APP5 within:
 - (a) areas identified as *significant natural areas*, and
 - (b) buffer zones adjacent to *significant natural areas* where it is necessary to protect the *significant natural area*, and
- (2) supporting initiatives to control existing *wilding conifers* and limit their further spread.

ECO-P10 – *Integrated management*

Implement an integrated and co-ordinated approach to managing Otago’s ecosystems and indigenous *biodiversity* that:

- (1) ensures any permitted or controlled activity in a *regional plan*⁵⁵ or *district plan* rule does not compromise the achievement of ECO-O1,
- (2) recognises the interactions *ki uta ki tai* (from the mountains to the sea) between the terrestrial *environment*, *fresh water*, and the *coastal marine area*, including:

⁴⁷ 00226.223 Kāi Tahu ki Otago, 00230.106 Forest and Bird

⁴⁸ 00226.224 Kāi Tahu ki Otago

⁴⁹ 00223.099 Ngāi Tahu ki Murihiku, 00226.215 Kāi Tahu ki Otago

⁵⁰ 00226.0038 Kāi Tahu ki Otago

⁵¹ 00137.091 DOC

⁵² 00138.037 QLDC

⁵³ 00137.092 DOC

⁵⁴ 00137.092 DOC

⁵⁵ Clause 16(2), Schedule 1, RMA

- (a) ___ the migration of fish species between *fresh* and *coastal waters*, and⁵⁶
- (b) ___ the effects of land-use activities on the coastal environment,⁵⁷
- (2A) acknowledges that *climate change* will affect indigenous *biodiversity*, and manages activities which exacerbate the effects of *climate change*,⁵⁸
- (3) promotes collaboration between individuals and agencies with *biodiversity* responsibilities,
- (4) supports the various statutory and non-statutory approaches adopted to manage indigenous *biodiversity*,
- (5) recognises the critical role of people and communities in actively managing the remaining indigenous *biodiversity* occurring on private *land*, and
- (6) adopts regulatory and non-regulatory regional pest management programmes.

Methods

ECO-M1 – Statement of responsibilities

In accordance with section 62(1)(i)(iii) of the RMA 1991, the *local authorities* responsible for the control of *land* use to maintain indigenous *biological diversity* are:

- (1) the Regional Council and *territorial authorities* are responsible for specifying objectives, policies and methods in *regional* and *district plans* for managing the margins of *wetlands*, *rivers* and *lakes*,
- (2) the Regional Council is responsible for specifying objectives, policies and methods in *regional plans*:
- (a) in the *coastal marine area*,
- (b) in *wetlands*, *lakes* and *rivers*, and
- (c) in, on or under the *beds* of *rivers* and *lakes*,
- (3) in addition to (1), *territorial authorities* are responsible for specifying objectives, policies and methods in *district plans* outside of the areas listed in (2) above if they are not managed by the Regional Council under (4), and
- (4) the Regional Council may be responsible for specifying objectives, policies and methods in *regional plans* outside of the areas listed (1) above if:
- (a) the Regional Council reaches agreement with the relevant *territorial authority* or *territorial authorities*, and
- (b) if applicable, a transfer of powers in accordance with section 33 of the RMA 1991 occurs from the relevant *territorial authority* or *territorial authorities* to the Regional Council.

⁵⁶ 00226.226 Kāi Tahu ki Otago

⁵⁷ 00226.226 Kāi Tahu ki Otago

⁵⁸ 00234.033 Te Rūnanga o Ngāi Tahu

ECO-M2 – Identification of *significant natural areas*

Local authorities must:

- (1) in accordance with the statement of responsibilities in ECO-M1, identify the areas and indigenous biodiversity⁵⁹ values of *significant natural areas* as required by ECO-P2, and
- (2) map and verify⁶⁰ the areas and include the indigenous biodiversity⁶¹ values identified under (1) in the relevant *regional plans*⁶² and *district plans*, no later than 31 December 2030,⁶³
- (3) recognise that indigenous *biodiversity* spans jurisdictional boundaries by:
 - (a) working collaboratively to ensure the areas identified by different *local authorities* are not artificially fragmented when identifying *significant natural areas* that span jurisdictional boundaries, and
 - (b) ensuring that indigenous *biodiversity* is managed in accordance with this RPS,
- (4) until *significant natural areas* are identified and mapped in accordance with (1) and (2),⁶⁴ require ecological assessments to be provided with applications for resource consent and notices of requirement that identify whether affected areas are *significant natural areas* in accordance with APP2, and⁶⁵
- (5) in the following areas, prioritise identification under (1) no later than 31 December 2025:
 - (a) intermontane basins that contain indigenous vegetation and habitats,
 - (b) areas of dryland shrubs,
 - (c) braided *rivers*, including the Makarora, Mātukituki and Lower Waitaki Rivers,
 - (d) areas of montane tall tussock grasslands, and
 - (e) limestone habitats.

ECO-M3 – Identification of taoka

Local authorities must:

- (1) work together with *mana whenua* to agree a process for:
 - (a) identifying indigenous species and ecosystems that are taoka,
 - (b) describing the taoka identified in (1)(a),
 - (c) mapping or describing the location of the taoka identified in (1)(a), and
 - (d) describing the values of each taoka identified in (1)(a), and

⁵⁹ 00226.228 Kāi Tahu ki Otago

⁶⁰ 00020.018 Rayonier Matariki

⁶¹ 00226.228 Kāi Tahu ki Otago

⁶² Clause 16(2), Schedule 1, RMA

⁶³ 00139.036 DCC

⁶⁴ 00311.014 Queenstown Airport

⁶⁵ Clause 16(2), Schedule 1, RMA

- (2) notwithstanding (1), recognise that *mana whenua* have the right to choose not to identify taoka and to choose the level of detail at which identified taoka, or their location or values, are described, and
- (3) to the extent agreed by *mana whenua*, amend their *regional* and *district plans* to include matters (1)(b) to (1)(d) above.

ECO-M4 – Regional plans

Otago Regional Council must prepare or amend and maintain its *regional plans* to:

- (1) if the requirements of ECO-P3 and ECO-P6 can be met, provide for the use of *lakes* and *rivers* and their *beds*, including:
 - (a) activities undertaken for the purposes of pest control or maintaining or enhancing the habitats of indigenous fauna, and
 - (b) the maintenance and use of existing structures that are lawfully established⁶⁶ (including *infrastructure*), and
 - (c) infrastructure, mineral extraction and/or aggregate extraction that have a *functional need*⁶⁷ or *operational need* to be sited or operated in a particular location,
- (1A) control the clearance or modification of indigenous vegetation, while allowing for mahika kai⁶⁸ and kaimoana (seafood) activities,⁶⁹
- (2) require:
 - (a) resource consent applications to include information that demonstrates that the sequential steps in the *effects management hierarchy (in relation to indigenous biodiversity)*⁷⁰ in ECO-P6 have been followed, and
 - (b) that consents are not granted if the sequential steps in the effects management hierarchy (in relation to indigenous biodiversity)⁷¹ in ECO-P6 have not been followed, and
- (3) provide for activities undertaken for the purpose of restoring or enhancing the habitats of indigenous fauna.

ECO-M5 – District plans

Territorial authorities must prepare or amend and maintain their *district plans* to:

- (1) if the requirements of ECO-P3 and ECO-P6 are met, provide for the use of *land* and the surface of *water bodies* including:
 - (a) activities undertaken for the purposes of pest control or maintaining or enhancing the habitats of indigenous fauna, and

⁶⁶ 00230.113 Forest and Bird

⁶⁷ 00315.046 Aurora Energy, 00138.116 QLDC

⁶⁸ 00226.0038 Kāi Tahu ki Otago

⁶⁹ 00226.230 Kāi Tahu ki Otago / Aukaha

⁷⁰ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihanga, 00137.009 DOC

⁷¹ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihanga, 00137.009 DOC

- (b) the maintenance and use of existing *structures* (including *infrastructure*), and
 - (c) *infrastructure, mineral and/or aggregate extraction* that have a *functional* or *operational need* to be sited or operated in a particular location,
- (2) control the clearance or modification of indigenous vegetation, while allowing for *mahika kai*⁷² activities,⁷³
 - (3) promote the establishment of *esplanade reserves* and *esplanade strips*, particularly where they would support ecological corridors, buffering or connectivity between *significant natural areas*, or access to *mahika kai*,⁷⁴
 - (4) require:
 - (a) resource consent applications to include information that demonstrates that the sequential steps in the *effects management hierarchy (in relation to indigenous biodiversity)*⁷⁵ in ECO-P6 have been followed, and
 - (b) that consents are not granted if the sequential steps in the *effects management hierarchy (in relation to indigenous biodiversity)*⁷⁶ in ECO-P6 have not been followed, and
 - (5) provide for activities undertaken for the purpose of restoring or enhancing the habitats of indigenous fauna, ~~and~~⁷⁷
 - (6) prohibit the planting of *wilding conifer* species listed in APP5 within areas identified as *significant natural areas* and buffer zones adjacent to *significant natural areas*, and⁷⁸
 - (7) require buffer zones adjacent to *significant natural areas* where it is necessary to protect the *significant natural area*.⁷⁹

ECO-M6 – Engagement

Local authorities, when implementing the policies in this chapter, will:

- (1) work collaboratively with other *local authorities* to adopt an integrated approach to managing Otago's *biodiversity* across administrative boundaries,
- (2) engage with individuals (including landowners and *land* occupiers), community groups, government agencies and other organisations with a role or an interest in *biodiversity* management, and
- (3) consult directly with landowners and *land* occupiers whose properties potentially contain or are part of *significant natural areas*.

⁷² 00226.0038 Kāi Tahu ki Otago

⁷³ 00226.231 Kāi Tahu ki Otago

⁷⁴ 00226.231 Kāi Tahu ki Otago, 00226.0038 Kāi Tahu ki Otago

⁷⁵ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihanga, 00137.009 DOC

⁷⁶ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihanga, 00137.009 DOC

⁷⁷ 00140.026 Waitaki DC

⁷⁸ 00226.231 Kāi Tahu ki Otago

⁷⁹ 00140.026 Waitaki DC

ECO-M7 – Monitoring

Local authorities will:

- (1) establish long-term monitoring programmes for areas identified under ~~ECO-P1~~ECO-P2⁸⁰ that measure the net loss and gain of indigenous *biodiversity*,
- (2) record information (including data) over time⁸¹ about the state of species, vegetation types and ecosystems, including *mahika kai*⁸² species and ecosystems,⁸³
- (3) to the extent possible, use mātauraka Māori and tikaka Māori monitoring methods, as well as scientific monitoring methods, and
- (4) regularly report on matters in (1) and (2) and publish these reports.

ECO-M8 – Other incentives and mechanisms

Local authorities are encouraged to consider the use of other mechanisms or incentives to assist in achieving Policies ECO-P1 to ECO-P10, including:

- (1) providing information and guidance on the maintenance, restoration and enhancement of indigenous ecosystems ~~and~~⁸⁴ habitats, taoka and *mahika kai*⁸⁵ species and ecosystems,⁸⁶
- (2) funding assistance for restoration projects (for example, through Otago Regional Council's ECO Fund),
- (3) supporting the control of pest plants and animals, including through the provision of advice and education and implementing regulatory programmes such as the Regional Pest Management Plan,
- (4) financial incentives,
- (5) covenants to protect areas of indigenous *biodiversity* land⁸⁷, including through the QEII National Trust,
- (6) advocating for a collaborative approach between central and local government to fund indigenous *biodiversity* maintenance and enhancement, and
- (7) gathering information on indigenous ecosystems, ~~and~~⁸⁸ habitats, and taoka and *mahika kai*⁸⁹ species and ecosystems,⁹⁰ including outside *significant natural areas*.

⁸⁰ 00137.095 DOC, 00226.233 Kāi Tahu ki Otago

⁸¹ 00226.233 Kāi Tahu ki Otago

⁸² 00226.038 Kāi Tahu ki Otago

⁸³ 00226.233 Kāi Tahu ki Otago

⁸⁴ 00226.234 Kāi Tahu ki Otago

⁸⁵ 00226.038 Kāi Tahu ki Otago

⁸⁶ 00226.234 Kāi Tahu ki Otago

⁸⁷ 00230.117 Forest and Bird

⁸⁸ 00226.234 Kāi Tahu ki Otago

⁸⁹ 00226.038 Kāi Tahu ki Otago

⁹⁰ 00226.234 Kāi Tahu ki Otago

Explanation

ECO-E1 – Explanation

The first policy in this chapter outlines how the kaitiaki role of Kāi Tahu will be recognised in Otago. The policies which follow then set out a management regime for identifying *significant natural areas* and indigenous species and ecosystems that are taoka and protecting them by avoiding particular adverse *effects* on them. The policies recognise that these restrictions may be unduly restrictive for some activities within *significant natural areas*, including existing activities already established. To maintain ecosystems and indigenous *biodiversity*, the policies set out mandatory and sequential steps in an effects management hierarchy to be implemented through decision making, including providing for *biodiversity* offsetting and compensation if certain criteria are met.

Although the objectives of this chapter apply within the coastal environment, the specific management approach for *biodiversity* is contained in the CE – Coastal environment chapter. Given the *biodiversity* loss that has occurred in Otago historically, restoration or enhancement will play a part in achieving the objectives of this chapter and these activities are promoted.

Wilding conifers are a particular issue for *biodiversity* in Otago. Although *plantation forestry* is managed under the NESPF, the NESPF allows plan rules to be more stringent if they recognise and provide for the protection of *significant natural areas*. The policies adopt this direction by requiring *district plans*⁹¹ and *regional plans* to prevent ~~afforestation~~ planting of conifer species⁹² within *significant natural areas* and establish buffer zones where they are necessary to protect *significant natural areas*.

The policies recognise that managing ecosystems and indigenous *biodiversity* requires co-ordination across different areas and types of resources, as well as across organisations, communities and individual landowners. This articulates the stewardship role of all people and communities in Otago in respect of indigenous *biodiversity*.

Principal reasons

ECO-PR1 – Principal reasons

The health of New Zealand's *biodiversity* has declined significantly since the arrival of humans and remains under significant pressure. ~~Mahika kai~~ Mahika ka⁹³ and taoka species, including their abundance, have been damaged or lost through resource use, *land* use change and development in Otago. The provisions in this chapter seek to address this loss and pressure through providing direction on how indigenous *biodiversity* is to be managed.

The provisions in this chapter assist in maintaining, protecting and restoring indigenous *biodiversity* by:

- stating the outcomes sought for ecosystems and indigenous *biodiversity* in Otago,

⁹¹ Clause 16(2), Schedule 1, RMA

⁹² 00239.111 Federated Farmers

⁹³ 00226.0038 Kāi Tahu ki Otago

- requiring identification and protection of *significant natural areas* and indigenous species and ecosystems that are taoka, and
- directing how indigenous *biodiversity* is to be maintained.

This chapter will assist with achieving the outcomes sought by *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020*. Implementation of the provisions in this chapter will occur primarily through *regional* and *district plan* provisions, however *local authorities* may also choose to adopt additional non-regulatory methods to support the achievement of the objectives.

Anticipated environmental results

ECO-AER1	There is no further decline in the quality, quantity or diversity of Otago’s indigenous <i>biodiversity</i> .
ECO-AER2	The quality, quantity and diversity of indigenous <i>biodiversity</i> within Otago improves over the life of this Regional Policy Statement.
ECO-AER3	Kāi Tahu are involved in the management of indigenous <i>biodiversity</i> and able to effectively exercise their <i>kaitiakitaka</i> .
ECO-AER4	Within <i>significant natural areas</i> , the area of <i>land</i> vegetated by <i>wilding conifers</i> is reduced.

ECO – Ecosystems and indigenous *biodiversity*

Objectives

ECO-O1 – Indigenous *biodiversity*

Otago's indigenous *biodiversity* is healthy and thriving and any net¹ decline in quality condition,² quantity and diversity is halted.

ECO-O2 – Restoring ~~or~~ and³ enhancing

Restoration or enhancement activities result in a A net increase in the extent and occupancy⁴ of Otago's indigenous *biodiversity* ~~results from restoration or enhancement~~.⁵

ECO-O3 – *Kaitiakitaka*⁶ and stewardship

Mana whenua are able to exercise their role ~~recognised~~⁷ as kaitiaki of Otago's indigenous *biodiversity*, and Otago's communities are recognised as stewards, who are responsible for:

- (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 taiao (the health of the wider *environment*), while
- (2) providing for te hauora o te takata (the health of the people).

ECO-O4 – Social, economic and cultural wellbeing

Protect and manage indigenous biodiversity in such a way that provides for the social, economic, and cultural wellbeing of people and communities now and in the future.

Policies

ECO-P1 – *Kaitiakitaka*

Recognise the role of Enable⁸ Kāi Tahu to exercise their role⁹ as kaitiaki of Otago's indigenous *biodiversity* by:

¹ 00024.010 City Forests Limited

² 00306.042 Meridian

³ 00226.215 Kāi Tahu ki Otago

⁴ 00223.099 Ngāi Tahu ki Murihiku, 00226.215 Kāi Tahu ki Otago

⁵ 00322.026 Fulton Hogan

⁶ 00234.031 Te Rūnanga o Ngāi Tahu

⁷ 00226.216 Kāi Tahu ki Otago, 00234.031 Te Rūnanga o Ngāi Tahu

⁸ 00226.217 Kāi Tahu ki Otago

⁹ 00226.217 Kāi Tahu ki Otago

- (1) involving Kāi Tahu in the management of indigenous *biodiversity*, and
- (1A) working with Kāi Tahu in¹⁰ the identification of indigenous species and ecosystems that are taoka,
- (2) incorporating the use of mātauraka Māori in the management and monitoring of indigenous *biodiversity*, and
- (3) ~~providing for~~ facilitating¹¹ access to and use of indigenous biodiversity by Kāi Tahu, including *mahika kai*,¹² according to tikaka.

ECO-P2 – Identifying *significant natural areas* and taoka

Identify and map.¹³

- (1) the areas and indigenous biodiversity¹⁴ values of *significant natural areas* in accordance with APP2, and
- (2) where appropriate,¹⁵ indigenous species and ecosystems that are taoka in accordance with ECO-M3.

ECO-P3 – Protecting *significant natural areas* and taoka

Except as provided for by ECO-P4 and ECO-P5, protect *significant natural areas* (outside the coastal environment)¹⁶ and indigenous species and ecosystems that are taoka by:

- (1) first¹⁷ avoiding adverse *effects* that result in:
 - (a) any reduction of the area or indigenous biodiversity¹⁸ values identified and mapped under ECO-P2(1),¹⁹ (even if those values are not themselves significant but contribute to an area being identified as a *significant natural area*²⁰) ~~identified under ECO-P2(1), or~~²¹ and
 - (b) any loss of ~~Kāi Tahu~~ taoka²² values identified and mapped under ECO-P2(2)²³, and
- (2) after (1), applying the biodiversity effects management hierarchy (in relation to indigenous biodiversity)²⁴ in ECO-P6, and

¹⁰ 00226.217 Kāi Tahu ki Otago

¹¹ 00239.099 Federated Farmers

¹² 00226.0038 Kāi Tahu ki Otago

¹³ 00020.018 Rayonier Matariki

¹⁴ 00226.218 Kāi Tahu ki Otago, 00230.101 Forest and Bird

¹⁵ 00226.218 Kāi Tahu ki Otago

¹⁶ 00237.007 Beef & Lamb and DINZ, 00137.016 DOC, 00226.035 Kāi Tahu ki Otago, 00120.011 Yellow-eyed Penguin Trust, 00230.016 Forest and Bird

¹⁷ 00223.100 Ngāi Tahu ki Murihiku

¹⁸ 00226.219 Kāi Tahu ki Otago

¹⁹ 00230.102 Forest and Bird

²⁰ 00230.102 Forest and Bird

²¹ 00230.102 Forest and Bird

²² 00139.129 DCC

²³ 00138.033 QLDC

²⁴ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihangā, 00137.009 DOC

- (3) prior to *significant natural areas* and indigenous species and ecosystems that are taoka being identified and mapped²⁵ in accordance with ECO-P2, adopt a precautionary approach towards activities in accordance with ~~IM-P15~~IM-P6(2).²⁶

ECO-P4 – Provision for new activities

Maintain Otago’s indigenous *biodiversity* by following the sequential steps in the *effects management hierarchy (in relation to indigenous biodiversity)*²⁷ set out in ECO-P6 when making decisions on plans, applications for *resource consent* or notices of requirement for the following activities in *significant natural areas (outside the coastal environment)*,²⁸ or where they may adversely affect indigenous species and ecosystems that are taoka:

- (1) the development, operation, maintenance²⁹ or upgrade of *nationally significant infrastructure*³⁰ and *regionally significant infrastructure* that has a *functional need*³¹ or *operational need* to locate within the relevant *significant natural area(s)* or where they may adversely affect indigenous species or ecosystems that are taoka,
- (2) the development of *papakāika*, marae and ancillary facilities associated with customary activities on Māori land,³²
- (2A) the sustainable use of *mahika kai*³³ and kaimoana (seafood) by *mana whenua*,³⁴
- (3) the use of Māori land ~~in a way that will make a significant contribution~~³⁵ to enable *mana whenua* to maintain their connection to their whenua and enhancing the³⁶ social, cultural or economic well-being ~~of *takata whenua*~~,³⁷
- (3A) the development, operation, maintenance or upgrade of mineral and/or aggregate extraction activities that provide significant national or regional benefit and that has a functional need or operational need to locate within the relevant significant natural areas(s) or where they may adversely affect indigenous species or ecosystems that are taoka,
- (4) activities that are for the purpose of protecting, restoring or enhancing a *significant natural area* or indigenous species or ecosystems that are taoka, or
- (5) activities that are for the purpose of addressing a severe ~~and~~ or³⁸ immediate *risk* to public health or safety.

²⁵ 00020.018 Rayonier Matariki

²⁶ 00139.040 DCC, 00121.027 Ravensdown

²⁷ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihanga, 00137.009 DOC

²⁸ 00237.007 Beef & Lamb and DINZ, 00137.016 DOC, 00226.035 Kāi Tahu ki Otago, 00120.011 Yellow-eyed Penguin Trust, 00230.016 Forest and Bird

²⁹ 00311.022 Trustpower Limited

³⁰ 00314.001 Transpower

³¹ 00315.046 Aurora Energy, 00138.116 QLDC

³² Māori land’ applies to land in native reserves that are held under Te Ture Whenua Māori act 1993

³³ 00226.0038 Kāi Tahu ki Otago

³⁴ 00226.220 Kāi Tahu ki Otago

³⁵ 00234.032 Te Rūnanga o Ngāi Tahu

³⁶ 00234.032 Te Rūnanga o Ngāi Tahu

³⁷ 00234.032 Te Rūnanga o Ngāi Tahu

³⁸ 00139.130 DCC

ECO-P5 – Existing activities in *significant natural areas*

~~Except as provided for by ECO-P4, provide~~³⁹ for existing activities that are lawfully established⁴⁰ within *significant natural areas* (outside the coastal environment)⁴¹ and that may adversely affect indigenous species and ecosystems that are taaka, if:

- (1) the continuation, maintenance and minor upgrades of an existing activity that is lawfully established⁴² will not lead to the loss (including through cumulative loss) of extent or degradation⁴³ of the ecological integrity of any *significant natural area* or indigenous species or ecosystems that are taaka, and
- (2) the adverse *effects* from the continuation, maintenance and minor upgrades of an existing activity that is lawfully established⁴⁴ are no greater in character, spatial extent, intensity or scale than they were before this RPS became operative.

ECO-P6 – Maintaining indigenous *biodiversity*

Maintain Otago's indigenous *biodiversity* (excluding the coastal environment and areas ~~managed protected~~⁴⁵ under ECO-P3) by applying the ~~following *biodiversity effects management hierarchy (in relation to indigenous biodiversity)*~~⁴⁶ in decision-making on applications for *resource consent* and notices of requirement.:

- ~~(1) — avoid adverse effects as the first priority,~~
- ~~(2) — where adverse effects demonstrably cannot be completely avoided, they are remedied,~~
- ~~(3) — where adverse effects demonstrably cannot be completely avoided or remedied, they are mitigated,~~
- ~~(4) — where there are residual adverse effects after avoidance, remediation, and mitigation, then the residual adverse effects are offset in accordance with APP3, and~~
- ~~(5) — if *biodiversity* offsetting of residual adverse effects is not possible, then:
 - ~~(a) — the residual adverse effects are compensated for in accordance with APP4, and~~
 - ~~(b) — if the residual adverse effects cannot be compensated for in accordance with APP4, the activity is avoided.~~~~

ECO-P7 – Coastal indigenous *biodiversity*

~~Coastal indigenous *biodiversity* is managed by CE-P5, and implementation of CE-P5 also contributes to achieving ECO-O1.~~

³⁹ Under RMA Schedule 1, Clause 16(2) of the RMA amend the cross-referencing error

⁴⁰ 00230.104 Forest and Bird

⁴¹ 00237.007 Beef & Lamb and DINZ, 00137.016 DOC, 00226.035 Kāi Tahu ki Otago, 00120.011 Yellow-eyed Penguin Trust, 00230.016 Forest and Bird

⁴² 00230.104 Forest and Bird

⁴³ Clause 16(2), Schedule 1, RMA (remove the italics from 'degradation' as this term is not defined in the pORPS)

⁴⁴ 00230.104 Forest and Bird

⁴⁵ 00230.105 Forest and Bird

⁴⁶ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihangā

Indigenous biodiversity in the coastal environment is managed by the relevant provisions of this chapter, except that:

- (1) significant natural areas in the coastal environment are managed by CE-P5(1) instead of ECO-P3 to ECO-P5, and
- (2) other indigenous biodiversity in the coastal environment that is not part of a significant natural area are also managed by CE-P5(2).⁴⁷

ECO-P8 – Restoration and eEnhancement⁴⁸

The extent, *occupancy*⁴⁹ and condition of Otago’s indigenous *biodiversity* is increased by:

- (1) restoring and enhancing habitat for indigenous species, including taoka and *mahika kai*⁵⁰ species,
- (2) improving the health and *resilience* of indigenous *biodiversity*, including ecosystems, species, ~~important~~⁵¹ ecosystem function, and *intrinsic values*, and
- (3) buffering or linking ecosystems, habitats and ecological corridors, *ki uta ki tai*.⁵²

ECO-P9 – *Wilding conifers*

Reduce the impact of *wilding conifers* on indigenous *biodiversity* by:

- (1) avoiding ~~afforestation~~ the planting⁵³ and *replanting* of *plantation forests* and permanent forests⁵⁴ with *wilding conifer* species listed in APP5 within:
 - (a) areas identified as *significant natural areas*, and
 - (b) buffer zones adjacent to *significant natural areas* where it is necessary to protect the *significant natural area*, and
- (2) supporting initiatives to control existing *wilding conifers* and limit their further spread.

ECO-P10 – *Integrated management*

Implement an integrated and co-ordinated approach to managing Otago’s ecosystems and indigenous *biodiversity* that:

- (1) ensures any permitted or controlled activity in a *regional plan*⁵⁵ or *district plan* rule does not compromise the achievement of ECO-O1,
- (2) recognises the interactions *ki uta ki tai* (from the mountains to the sea) between the terrestrial *environment*, *fresh water*, and the *coastal marine area*, including:

⁴⁷ 00226.223 Kāi Tahu ki Otago, 00230.106 Forest and Bird

⁴⁸ 00226.224 Kāi Tahu ki Otago

⁴⁹ 00223.099 Ngāi Tahu ki Murihiku, 00226.215 Kāi Tahu ki Otago

⁵⁰ 00226.0038 Kāi Tahu ki Otago

⁵¹ 00137.091 DOC

⁵² 00138.037 QLDC

⁵³ 00137.092 DOC

⁵⁴ 00137.092 DOC

⁵⁵ Clause 16(2), Schedule 1, RMA

- (a) the migration of fish species between *fresh* and *coastal waters*, and⁵⁶
- (b) the effects of land-use activities on the coastal environment,⁵⁷
- (2A) acknowledges that *climate change* will affect indigenous *biodiversity*, and manages activities which exacerbate the effects of *climate change*,⁵⁸
- (3) promotes collaboration between individuals and agencies with *biodiversity* responsibilities,
- (4) supports the various statutory and non-statutory approaches adopted to manage indigenous *biodiversity*,
- (5) recognises the critical role of people and communities in actively managing the remaining indigenous *biodiversity* occurring on private *land*, and
- (6) adopts regulatory and non-regulatory regional pest management programmes.

Methods

ECO-M1 – Statement of responsibilities

In accordance with section 62(1)(i)(iii) of the RMA 1991, the *local authorities* responsible for the control of *land* use to maintain indigenous *biological diversity* are:

- (1) the Regional Council and *territorial authorities* are responsible for specifying objectives, policies and methods in *regional* and *district plans* for managing the margins of *wetlands*, *rivers* and *lakes*,
- (2) the Regional Council is responsible for specifying objectives, policies and methods in *regional plans*:
 - (a) in the *coastal marine area*,
 - (b) in *wetlands*, *lakes* and *rivers*, and
 - (c) in, on or under the *beds* of *rivers* and *lakes*,
- (3) in addition to (1), *territorial authorities* are responsible for specifying objectives, policies and methods in *district plans* outside of the areas listed in (2) above if they are not managed by the Regional Council under (4), and
- (4) the Regional Council may be responsible for specifying objectives, policies and methods in *regional plans* outside of the areas listed (1) above if:
 - (a) the Regional Council reaches agreement with the relevant *territorial authority* or *territorial authorities*, and
 - (b) if applicable, a transfer of powers in accordance with section 33 of the RMA 1991 occurs from the relevant *territorial authority* or *territorial authorities* to the Regional Council.

⁵⁶ 00226.226 Kāi Tahu ki Otago

⁵⁷ 00226.226 Kāi Tahu ki Otago

⁵⁸ 00234.033 Te Rūnanga o Ngāi Tahu

ECO-M2 – Identification of *significant natural areas*

Local authorities must:

- (1) in accordance with the statement of responsibilities in ECO-M1, identify the areas and indigenous biodiversity⁵⁹ values of *significant natural areas* as required by ECO-P2, and
- (2) map and verify⁶⁰ the areas and include the indigenous biodiversity⁶¹ values identified under (1) in the relevant *regional plans*⁶² and *district plans*, no later than 31 December 2030,⁶³
- (3) recognise that indigenous *biodiversity* spans jurisdictional boundaries by:
 - (a) working collaboratively to ensure the areas identified by different *local authorities* are not artificially fragmented when identifying *significant natural areas* that span jurisdictional boundaries, and
 - (b) ensuring that indigenous *biodiversity* is managed in accordance with this RPS,
- (4) until *significant natural areas* are identified and mapped in accordance with (1) and (2),⁶⁴ require ecological assessments to be provided with applications for resource consent and notices of requirement that identify whether affected areas are *significant natural areas* in accordance with APP2, and⁶⁵
- (5) in the following areas, prioritise identification under (1) no later than 31 December 2025:
 - (a) intermontane basins that contain indigenous vegetation and habitats,
 - (b) areas of dryland shrubs,
 - (c) braided *rivers*, including the Makarora, Mātukituki and Lower Waitaki Rivers,
 - (d) areas of montane tall tussock grasslands, and
 - (e) limestone habitats.

ECO-M3 – Identification of taoka

Local authorities must:

- (1) work together with *mana whenua* to agree a process for:
 - (a) identifying indigenous species and ecosystems that are taoka,
 - (b) describing the taoka identified in (1)(a),
 - (c) mapping or describing the location of the taoka identified in (1)(a), and
 - (d) describing the values of each taoka identified in (1)(a), and

⁵⁹ 00226.228 Kāi Tahu ki Otago

⁶⁰ 00020.018 Rayonier Matariki

⁶¹ 00226.228 Kāi Tahu ki Otago

⁶² Clause 16(2), Schedule 1, RMA

⁶³ 00139.036 DCC

⁶⁴ 00311.014 Queenstown Airport

⁶⁵ Clause 16(2), Schedule 1, RMA

- (2) notwithstanding (1), recognise that *mana whenua* have the right to choose not to identify taoka and to choose the level of detail at which identified taoka, or their location or values, are described, and
- (3) to the extent agreed by *mana whenua*, amend their *regional* and *district plans* to include matters (1)(b) to (1)(d) above.

ECO-M4 – Regional plans

Otago Regional Council must prepare or amend and maintain its *regional plans* to:

- (1) if the requirements of ECO-P3 and ECO-P6 can be met, provide for the use of *lakes* and *rivers* and their *beds*, including:
 - (a) activities undertaken for the purposes of pest control or maintaining or enhancing the habitats of indigenous fauna, and
 - (b) the maintenance and use of existing structures that are lawfully established⁶⁶ (including *infrastructure*), and
 - (c) infrastructure, mineral extraction and/or aggregate extraction that have a *functional need*⁶⁷ or *operational need* to be sited or operated in a particular location,
- (1A) control the clearance or modification of indigenous vegetation, while allowing for mahika kai⁶⁸ and kaimoana (seafood) activities,⁶⁹
- (2) require:
 - (a) resource consent applications to include information that demonstrates that the sequential steps in the *effects management hierarchy (in relation to indigenous biodiversity)*⁷⁰ in ECO-P6 have been followed, and
 - (b) that consents are not granted if the sequential steps in the effects management hierarchy *(in relation to indigenous biodiversity)*⁷¹ in ECO-P6 have not been followed, and
- (3) provide for activities undertaken for the purpose of restoring or enhancing the habitats of indigenous fauna.

ECO-M5 – District plans

Territorial authorities must prepare or amend and maintain their *district plans* to:

- (1) if the requirements of ECO-P3 and ECO-P6 are met, provide for the use of *land* and the surface of *water bodies* including:
 - (a) activities undertaken for the purposes of pest control or maintaining or enhancing the habitats of indigenous fauna, and

⁶⁶ 00230.113 Forest and Bird

⁶⁷ 00315.046 Aurora Energy, 00138.116 QLDC

⁶⁸ 00226.0038 Kāi Tahu ki Otago

⁶⁹ 00226.230 Kāi Tahu ki Otago / Aukaha

⁷⁰ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihanga, 00137.009 DOC

⁷¹ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihanga, 00137.009 DOC

- (b) the maintenance and use of existing *structures* (including *infrastructure*), and
 - (c) *infrastructure, mineral and/or aggregate extraction* that have a *functional* or *operational need* to be sited or operated in a particular location,
- (2) control the clearance or modification of indigenous vegetation, while allowing for *mahika kai*⁷² activities,⁷³
 - (3) promote the establishment of *esplanade reserves* and *esplanade strips*, particularly where they would support ecological corridors, buffering or connectivity between *significant natural areas*, or access to *mahika kai*,⁷⁴
 - (4) require:
 - (a) resource consent applications to include information that demonstrates that the sequential steps in the *effects management hierarchy (in relation to indigenous biodiversity)*⁷⁵ in ECO-P6 have been followed, and
 - (b) that consents are not granted if the sequential steps in the *effects management hierarchy (in relation to indigenous biodiversity)*⁷⁶ in ECO-P6 have not been followed, and
 - (5) provide for activities undertaken for the purpose of restoring or enhancing the habitats of indigenous fauna, ~~and~~⁷⁷
 - (6) prohibit the planting of *wilding conifer* species listed in APP5 within areas identified as *significant natural areas* and buffer zones adjacent to *significant natural areas*-, and⁷⁸
 - (7) require buffer zones adjacent to *significant natural areas* where it is necessary to protect the *significant natural area*.⁷⁹

ECO-M6 – Engagement

Local authorities, when implementing the policies in this chapter, will:

- (1) work collaboratively with other *local authorities* to adopt an integrated approach to managing Otago's *biodiversity* across administrative boundaries,
- (2) engage with individuals (including landowners and *land* occupiers), community groups, government agencies and other organisations with a role or an interest in *biodiversity* management, and
- (3) consult directly with landowners and *land* occupiers whose properties potentially contain or are part of *significant natural areas*.

⁷² 00226.0038 Kāi Tahu ki Otago

⁷³ 00226.231 Kāi Tahu ki Otago

⁷⁴ 00226.231 Kāi Tahu ki Otago, 00226.0038 Kāi Tahu ki Otago

⁷⁵ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihanga, 00137.009 DOC

⁷⁶ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihanga, 00137.009 DOC

⁷⁷ 00140.026 Waitaki DC

⁷⁸ 00226.231 Kāi Tahu ki Otago

⁷⁹ 00140.026 Waitaki DC

ECO-M7 – Monitoring

Local authorities will:

- (1) establish long-term monitoring programmes for areas identified under ~~ECO-P1~~ECO-P2⁸⁰ that measure the net loss and gain of indigenous *biodiversity*,
- (2) record information (including data) over time⁸¹ about the state of species, vegetation types and ecosystems, including *mahika kai*⁸² species and ecosystems,⁸³
- (3) to the extent possible, use mātauraka Māori and tikaka Māori monitoring methods, as well as scientific monitoring methods, and
- (4) regularly report on matters in (1) and (2) and publish these reports.

ECO-M8 – Other incentives and mechanisms

Local authorities are encouraged to consider the use of other mechanisms or incentives to assist in achieving Policies ECO-P1 to ECO-P10, including:

- (1) providing information and guidance on the maintenance, restoration and enhancement of indigenous ecosystems ~~and~~⁸⁴ habitats, taoka and *mahika kai*⁸⁵ species and ecosystems,⁸⁶
- (2) funding assistance for restoration projects (for example, through Otago Regional Council's ECO Fund),
- (3) supporting the control of pest plants and animals, including through the provision of advice and education and implementing regulatory programmes such as the Regional Pest Management Plan,
- (4) financial incentives,
- (5) covenants to protect areas of indigenous *biodiversity* land⁸⁷, including through the QEII National Trust,
- (6) advocating for a collaborative approach between central and local government to fund indigenous *biodiversity* maintenance and enhancement, and
- (7) gathering information on indigenous ecosystems, ~~and~~⁸⁸ habitats, and taoka and *mahika kai*⁸⁹ species and ecosystems,⁹⁰ including outside *significant natural areas*.

⁸⁰ 00137.095 DOC, 00226.233 Kāi Tahu ki Otago

⁸¹ 00226.233 Kāi Tahu ki Otago

⁸² 00226.038 Kāi Tahu ki Otago

⁸³ 00226.233 Kāi Tahu ki Otago

⁸⁴ 00226.234 Kāi Tahu ki Otago

⁸⁵ 00226.038 Kāi Tahu ki Otago

⁸⁶ 00226.234 Kāi Tahu ki Otago

⁸⁷ 00230.117 Forest and Bird

⁸⁸ 00226.234 Kāi Tahu ki Otago

⁸⁹ 00226.038 Kāi Tahu ki Otago

⁹⁰ 00226.234 Kāi Tahu ki Otago

Explanation

ECO-E1 – Explanation

The first policy in this chapter outlines how the kaitiaki role of Kāi Tahu will be recognised in Otago. The policies which follow then set out a management regime for identifying *significant natural areas* and indigenous species and ecosystems that are taoka and protecting them by avoiding particular adverse *effects* on them. The policies recognise that these restrictions may be unduly restrictive for some activities within *significant natural areas*, including existing activities already established. To maintain ecosystems and indigenous *biodiversity*, the policies set out mandatory and sequential steps in an effects management hierarchy to be implemented through decision making, including providing for *biodiversity* offsetting and compensation if certain criteria are met.

Although the objectives of this chapter apply within the coastal environment, the specific management approach for *biodiversity* is contained in the CE – Coastal environment chapter. Given the *biodiversity* loss that has occurred in Otago historically, restoration or enhancement will play a part in achieving the objectives of this chapter and these activities are promoted.

Wilding conifers are a particular issue for *biodiversity* in Otago. Although *plantation forestry* is managed under the NESPF, the NESPF allows plan rules to be more stringent if they recognise and provide for the protection of *significant natural areas*. The policies adopt this direction by requiring *district plans*⁹¹ and *regional plans* to prevent ~~afforestation~~ planting of conifer species⁹² within *significant natural areas* and establish buffer zones where they are necessary to protect *significant natural areas*.

The policies recognise that managing ecosystems and indigenous *biodiversity* requires co-ordination across different areas and types of resources, as well as across organisations, communities and individual landowners. This articulates the stewardship role of all people and communities in Otago in respect of indigenous *biodiversity*.

Principal reasons

ECO-PR1 – Principal reasons

The health of New Zealand's *biodiversity* has declined significantly since the arrival of humans and remains under significant pressure. ~~Mahika kai~~ Mahika ka⁹³ and taoka species, including their abundance, have been damaged or lost through resource use, *land* use change and development in Otago. The provisions in this chapter seek to address this loss and pressure through providing direction on how indigenous *biodiversity* is to be managed.

The provisions in this chapter assist in maintaining, protecting and restoring indigenous *biodiversity* by:

- stating the outcomes sought for ecosystems and indigenous *biodiversity* in Otago,

⁹¹ Clause 16(2), Schedule 1, RMA

⁹² 00239.111 Federated Farmers

⁹³ 00226.0038 Kāi Tahu ki Otago

- requiring identification and protection of *significant natural areas* and indigenous species and ecosystems that are taoka, and
- directing how indigenous *biodiversity* is to be maintained.

This chapter will assist with achieving the outcomes sought by *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020*. Implementation of the provisions in this chapter will occur primarily through *regional* and *district plan* provisions, however *local authorities* may also choose to adopt additional non-regulatory methods to support the achievement of the objectives.

Anticipated environmental results

ECO-AER1	There is no further decline in the quality, quantity or diversity of Otago’s indigenous <i>biodiversity</i> .
ECO-AER2	The quality, quantity and diversity of indigenous <i>biodiversity</i> within Otago improves over the life of this Regional Policy Statement.
ECO-AER3	Kāi Tahu are involved in the management of indigenous <i>biodiversity</i> and able to effectively exercise their <i>kaitiakitaka</i> .
ECO-AER4	Within <i>significant natural areas</i> , the area of <i>land</i> vegetated by <i>wilding conifers</i> is reduced.

LF-LS – Land and soil

Objectives

LF-LS-O11 – Land and soil

The life-supporting capacity of Otago’s soil resources is safeguarded,¹ and the [access to](#), availability and productive capacity of [highly productive land](#) for [primary production-food and fibre production](#)² is maintained,³ now and for future generations.

LF-LS-O12 – Use of land

The use of *land* in Otago maintains soil quality and contributes to achieving *environmental outcomes* for *fresh water*.

LF-LS-O13 – Resource Use and Development

To recognise the role of resource use and development within the Otago region and its contribution to enabling people and communities to provide for their social, economic and cultural wellbeing.

Policies

LF-LS-P16 – Integrated management

Recognise that maintaining soil quality requires the integrated management of *land* and *freshwater* resources including the interconnections between soil health, vegetative cover and *water* quality and quantity.

LF-LS-P17 – Soil values

Maintain the mauri, health and productive potential of soils by managing the use and development of *land* in a way that is suited to the natural soil characteristics and that sustains healthy:

- (1) soil biological activity and *biodiversity*,
- (2) soil structure, and
- (3) soil fertility.

LF-LS-P18 – Soil erosion

Minimise soil erosion, and the associated risk of sedimentation in water bodies, resulting from *land* use activities by:

¹ 00239.093 Federated Farmers

² 00235.008 OWRUG

³ 00239.093 Federated Farmers

- (1) implementing appropriate and⁴ effective management practices to retain topsoil in-situ and minimise the potential for soil to be *discharged to water bodies*, including by controlling the timing, duration, scale and location of soil exposure,
- (2) maintaining vegetative cover on erosion-prone *land, to the extent practicable*,⁵ and
- (3) promoting activities that enhance soil retention.

LF-LS-P19 – Highly productive land

Maintain the availability and productive capacity of *highly productive land* by:

- (1) identifying *highly productive land* based on the following criteria:
 - (a) the capability and versatility of the *land* to support *food and fibre production* ~~primary production~~⁶ based on, including using⁷ the Land Use Capability classification system,
 - (b) the suitability of the climate for *food and fibre production* ~~primary production~~,⁸ particularly crop production, and
 - (c) the size and cohesiveness of the area of *land* for use for *food and fibre production* ~~primary production~~,⁹ and
- (2) prioritising the use of *highly productive land* for *food and fibre production* ~~primary production~~¹⁰ ahead of other *land* uses,¹¹ except as provided by EIT-INF-P12 and EIT-INF-P16,¹² and
- (3) managing urban development in rural areas, ~~including rural lifestyle and rural residential areas~~,¹³ in accordance with UFD-P4, UFD-P7 and UFD-P8.

LF-LS-PX – Access to Mineral Resources

Management of the region’s land appropriately recognises:

- (1) The need for mineral and aggregate resources to be available for lifeline utilities, economic development and to be used for environmental remediation;
- (2) The functional and operational constraints in terms of accessing mineral and aggregate resources in the region;

⁴ 00101.043 Toitū Te Whenua

⁵ 00022.019 Graymont

⁶ 00235.008 OWRUG

⁷ 00114.025-031 Mt Cardrona Station, 00118.025-031 Maryhill Limited, 00209.012-015 Universal Developments, 00210.011-013 & 015 Lane Hocking, 00211.011-013 & 015 LAC Properties Trustees Limited

⁸ 00235.008 OWRUG

⁹ 00235.008 OWRUG

¹⁰ 00235.008 OWRUG

¹¹ 00413.004 New Zealand Cherry Corp, 00414.002 Infinity Investment Group

¹² 00314.027 Transpower

¹³ 00413.004 New Zealand Cherry Corp, 00414.002 Infinity Investment Group

- (3) The potential benefits of further development of the region’s minerals and aggregate resources in appropriate locations and providing for the continued operation and maintenance of existing lawfully established activities;
- (4) The need to manage the adverse effects of mineral or aggregate extraction activities by:
- a. Avoiding, as the first priority, locating in any of the following:
 - i. Significant natural areas;
 - ii. Outstanding natural features and landscapes;
 - iii. Natural wetlands;
 - iv. Outstanding water bodies;
 - v. Areas of high or outstanding natural character;
 - vi. Area of places of significant or outstanding historic heritage;
 - vii. Wāhi tupuna and areas with protected customary rights, and
 - viii. Area of high recreational and high amenity value.
 - b. If it is not practicable to avoid locating in areas listed in (a) above because of the functional needs or operational needs of the mineral extraction activity, manage adverse effects as follows:
 - i. In significant natural areas, in accordance with National Policy Statement for Indigenous Biodiversity;
 - ii. In waterbodies and natural wetlands in accordance with the relevant provisions in the National Policy Statement for Freshwater Management and the NESF;
 - iii. In relation to wāhi tupuna in accordance with HCV-WT-P2;
 - iv. In areas of outstanding natural character or landscapes in the coastal environment in accordance with the New Zealand Coastal Policy Statement;
and
 - v. In all other areas remedy or mitigate the adverse effects of the mineral extraction activity on the values that contribute to the area’s importance.
 - c. Avoiding unmitigated risk on the health and safety of people and the community, including through appropriate natural hazard management.

LF-LS-P20 – Land use change

Promote changes in *land* use or *land* management practices that support and¹⁴ improve:

- (1) the sustainability and efficiency of *water* use,

¹⁴ 00223.096 Ngāi Tahu ki Murihiku

- (2) resilience to the impacts of *climate change*, or
- (3) the health and quality of soil, or
- (4) water quality.¹⁵

LF-LS-P21 – Land use and fresh water

~~Achieve the improvement or maintenance of fresh water quantity, or quality~~ The health and well-being of water bodies is maintained¹⁶ or, if degraded, improved¹⁷ to meet environmental outcomes set for Freshwater Management Units and/or rohe by:

- (1) reducing or otherwise managing¹⁸ the adverse effects of¹⁹ direct and indirect discharges of contaminants to water from the use and development of land to meet environmental outcomes,²⁰ and
- (2) managing land uses that may have adverse effects on the flow of water in surface water bodies or the recharge of groundwater, and
- (3) maintaining or, where degraded, enhancing the habitat and biodiversity values of riparian margins in order to reduce sedimentation of water bodies and support improved functioning of catchment processes.²¹

LF-LS-P22 – Public access

Provide for public access to and along lakes and rivers by:

- (1) maintaining existing public access,
- (2) seeking opportunities to enhance public access, including access²² by mana whenua in their role as kaitiaki and for gathering of ~~māhika kai~~ māhika kai²³, and
- (3) encouraging landowners to ~~only~~ avoid restricting access where unless²⁴ it is necessary to protect:²⁵
 - (a) ~~public~~²⁶ health and safety,
 - (b) *significant natural areas*,
 - (c) areas of outstanding natural character,
 - (d) outstanding natural features and landscapes,
 - (e) places or areas with special or outstanding *historic heritage* values, or

¹⁵ 00409.015 Ballance

¹⁶ 00121.066 Ravensdown

¹⁷ 00226.206 Kāi Tahu ki Otago

¹⁸ 00236.073 Horticulture NZ

¹⁹ 00221.010 Silver Fern Farms

²⁰ 00236.073 Horticulture NZ

²¹ 00226.206 Kāi Tahu ki Otago

²² 00226.206 Kāi Tahu ki Otago

²³ Clause 10(2)(b)(i) – consequential amendment arising from 00226.038 Kāi Tahu ki Otago

²⁴ 00231.065 Fish and Game

²⁵ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendments arising from 00314.028 Transpower

²⁶ 00239.094 Federated Farmers

- (f) places or areas of significance to ~~takata whenua~~ Kāi Tahu, including wāhi taoka,²⁷ wāhi tapu and wāhi tūpuna,-
- (g) establishing vegetation, or²⁸
- (h) a level of security consistent with the operational requirements of a lawfully established activity.²⁹

Methods

LF-LS-M11 – Regional plans

Otago Regional Council must publicly notify a Land and Water Regional Plan no later than 31 December 2023 and then, when it is made operative, maintain that *regional plan* to:

- (1) manage *land* uses that may affect the ability of *environmental outcomes* for *water* quality to be achieved by requiring:
 - (a) the development and implementation of *certified freshwater farm plans* ~~as required by the RMA and any regulations,~~³⁰
 - (b) the adoption of practices that reduce the *risk* of sediment and nutrient loss to *water*, including by minimising the area and duration of exposed soil, using buffers, and actively managing critical source areas,
 - (c) effective management of animal effluent systems storage and the applications systems of animal effluent to land,³¹ and
 - (d) *earthworks* activities to implement effective sediment and erosion control practices and setbacks from *water bodies* to reduce the *risk* of sediment loss to *water*, and
- (2) provide for changes in *land* use that improve the sustainable and efficient allocation and use of *fresh water*, and
- (3) implement policies LF-LS-P16 to LF-~~LSE~~-P22.³²

LF-LS-M12 – District plans

Territorial authorities must prepare or amend and maintain their *district plans* no later than 31 December 2026 to:

- (1) manage *land* use change by:
 - (a) controlling the establishment of new or any spatial extension of existing *plantation forestry activities* or permanent forestry activities³³ where necessary to give effect to an objective developed under the NPSFM, and

²⁷ 00226.207 Kāi Tahu ki Otago

²⁸ 00206.041 Trojan, 00411.053 Wayfare

²⁹ 00237.047 Beef + Lamb and DINZ

³⁰ 00231.066 Fish and Game, 00226.208 Kāi Tahu ki Otago

³¹ 00240.032 NZ Pork

³² Clause 16(2) Schedule 1, RMA

³³ 00226.209 Kāi Tahu ki Otago,

- (b) ~~minimising~~ avoiding³⁴ the removal of montane³⁵ tall tussock grasslands,
- (2) provide for and ~~encourage~~ promote³⁶ the creation and enhancement of vegetated riparian margins and constructed *wetlands*, and maintain these where they already exist, ~~and~~
- (3) facilitate public access to and along³⁷ *lakes* and *ivers* by:
 - (a) requiring the establishment of *esplanade reserves* and *esplanade strips*, and
 - (b) promoting the use of legal *roads*, including paper *roads*, that connect with *esplanade reserves* and *esplanade strips*, and
- (4) maintain the availability and productive capacity of highly productive land in accordance with LF-LS-P19.³⁸
- (5) Recognise and provide for the functional need of mineral and aggregate extraction activities in accordance with LF-LS-PX.

LF-LS-M13 – Management of *beds* and riparian margins

Local authorities must prepare or amend and maintain their *regional plans*³⁹ and *district plans* to manage the condition of the *bed* and banks of *water bodies*, riparian margins and associated *lands*, including vegetative cover, to:

- (1) maintain or enhance⁴⁰ existing indigenous⁴¹ *biodiversity* values,
- (2) increase the presence, resilience and abundance of indigenous flora and fauna, particularly taoka species, including by providing for wetlands and⁴² *biodiversity* corridors within *river* systems, and requiring riparian buffers that are sufficient to maintain indigenous *biodiversity*,
- (3) support improvement in the functioning of catchment processes where these have been adversely affected by changes in margins and connected *lands* over time, and
- (4) reduce unnatural sedimentation of *water bodies*.

LF-LS-M14 – Other methods

In addition to methods LF-LS-M11 to LF-LS-M13, the methods in the LF-WAI, LF-VM and LF-FW sections are also applicable.

Explanation

LF-LS-E4 – Explanation

³⁴ 00230.95 Forest and Bird

³⁵ Clause 16(2), Schedule 1, RMA

³⁶ 00509.092 Wise Response

³⁷ 00206.042 Trojan, 00411.054 Wayfare, 00231.097 Fish and Game

³⁸ 00140.023 Waitaki DC

³⁹ Clause 16(2), Schedule 1, RMA

⁴⁰ 00509.093 Wise Response

⁴¹ 00137.079 DOC

⁴² 00509.093 Wise Response

The policies in this section of the LF chapter seek to maintain the health of Otago's soils and manage *land* uses as part of an integrated approach to sustaining soil and *water* health. The connections and interactions between these resources require a holistic approach to management.

Managing soil resources, in particular, cannot be undertaken in isolation. The policies require managing the use and development of *land* and *fresh water* to maintain soil values, recognising that soil can be valued for more than its productive use and those values should be maintained. Soil erosion is problematic for both soil and *water* health. The policies provide direction on managing erosion resulting from *land* use activities to, primarily, retain soil and prevent its *discharge* to *water*.

Highly productive land is *land* used for food and fibre production ~~primary production~~⁴³ that provides economic and employment benefits. Providing for and managing such *land* types is essential to ensure its sustainability. The policies seek to identify and prioritise *land* used for productive purposes managing urban encroachment into rural environments where appropriate.

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 the policies which seek 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, and water quality.⁴⁴ The policies also require reducing *discharges* to *water* from the use and development of *land* and managing *land* uses that are unsupportive of *environmental outcomes* for *fresh water* as identified by each *FMU*.

Maintaining public access to and along *lakes* and *rivers* is a matter of national importance under section 6 of the RMA ~~1991~~.⁴⁵ The policies in this section seek to maintain existing public access opportunities⁴⁶ and where appropriate promote enhanced⁴⁷ public access to and along *lakes* and *rivers*. Circumstances which restrict public access are set out where, for example, ~~public~~⁴⁸ health and safety is at *risk* or valued parts of the *environment* may be compromised.

Principal reasons

LF-LS-PR4 – Principal reasons

Population growth and *land* use intensification in urban and rural environments has increased demand for *land* and soil resources. It has also impacted on the quality of our *water*, increasing contamination such as by nutrients and sediment and harming ecosystems. In Otago, historical and contemporary *land* uses have *degraded* some *water bodies*, both in terms of their quantity and quality, leading to adverse effects on the mauri of *water* and the diversity and abundance of ~~mahika kai~~ mahika kai⁴⁹ resources.

Soil health is vital to wider ecological health, human health, and economic *resilience*. Otago has a rich and long history of varied forms of food and fibre production ~~primary production~~⁵⁰ on a wide range of soil types and in variable climatic conditions. Otago's highest quality soils (in terms of suitability for

⁴³ 00235.008 OWRUG

⁴⁴ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00409.015 Ballance

⁴⁵ Clause 16(2), Schedule 1, RMA

⁴⁶ 00226.212 Kāi Tahu ki Otago

⁴⁷ 00226.212 Kāi Tahu ki Otago

⁴⁸ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00239.094 Federated Farmers

⁴⁹ Clause 10(2)(b)(i) – consequential amendment arising from 00226.038 Kāi Tahu ki Otago

⁵⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00235.008 OWRUG

food and fibre production ~~primary production~~⁵¹) are mainly on the Taieri Plain, North Otago downlands, South Otago lowlands, parts of Central Otago and the Strath Taieri, and along some *river* margins. Their extent is limited and use of these soils can be constrained by external factors such as economics, erosion, natural and human induced hazards, animal, and plant pests.

Managing *land* uses is a critical component of implementing the NPSFM due to the effects of *land* use on the health and well-being of *water*. This chapter assists the Council to recognise and provide for the connections and interactions between Otago's *land* and *fresh water*, while managing the use and development of this *land*, and its effects on *fresh water*.

Riparian areas, in particular, play a key role in supporting the *water* quality and ecosystem values of *water bodies*, and it is important that this role is maintained.⁵²

Anticipated environmental results

- | | |
|--------------------|--|
| LF-LS-AER12 | The life-supporting capacity of soil is maintained or improved throughout Otago. |
| LF-LS-AER13 | The availability and capability of Otago's <i>highly productive land</i> is maintained. |
| LF-LS-AER14 | The use of <i>land</i> supports the achievement of <i>environmental outcomes</i> and objectives in Otago's <i>FMUs</i> and rohe. |

⁵¹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00235.008 OWRUG

⁵² 00226.213 Kāi Tahu ki Otago

LF-LS – Land and soil

Objectives

LF-LS-O11 – Land and soil

The life-supporting capacity of Otago’s soil resources is safeguarded,¹ and the [access to](#), availability and productive capacity of [highly productive land](#) for [primary production-food and fibre production](#)² is maintained,³ now and for future generations.

LF-LS-O12 – Use of land

The use of *land* in Otago maintains soil quality and contributes to achieving *environmental outcomes* for *fresh water*.

LF-LS-O13 – Resource Use and Development

To recognise the role of resource use and development within the Otago region and its contribution to enabling people and communities to provide for their social, economic and cultural wellbeing.

Policies

LF-LS-P16 – Integrated management

Recognise that maintaining soil quality requires the integrated management of *land* and *freshwater* resources including the interconnections between soil health, vegetative cover and *water* quality and quantity.

LF-LS-P17 – Soil values

Maintain the mauri, health and productive potential of soils by managing the use and development of *land* in a way that is suited to the natural soil characteristics and that sustains healthy:

- (1) soil biological activity and *biodiversity*,
- (2) soil structure, and
- (3) soil fertility.

LF-LS-P18 – Soil erosion

Minimise soil erosion, and the associated risk of sedimentation in water bodies, resulting from *land* use activities by:

¹ 00239.093 Federated Farmers

² 00235.008 OWRUG

³ 00239.093 Federated Farmers

- (1) implementing appropriate and⁴ effective management practices to retain topsoil in-situ and minimise the potential for soil to be *discharged to water bodies*, including by controlling the timing, duration, scale and location of soil exposure,
- (2) maintaining vegetative cover on erosion-prone *land, to the extent practicable*,⁵ and
- (3) promoting activities that enhance soil retention.

LF-LS-P19 – Highly productive land

Maintain the availability and productive capacity of *highly productive land* by:

- (1) identifying *highly productive land* based on the following criteria:
 - (a) the capability and versatility of the *land* to support *food and fibre production* ~~primary production~~⁶ based on, including using⁷ the Land Use Capability classification system,
 - (b) the suitability of the climate for *food and fibre production* ~~primary production~~,⁸ particularly crop production, and
 - (c) the size and cohesiveness of the area of *land* for use for *food and fibre production* ~~primary production~~,⁹ and
- (2) prioritising the use of *highly productive land* for *food and fibre production* ~~primary production~~¹⁰ ahead of other *land* uses,¹¹ except as provided by EIT-INF-P12 and EIT-INF-P16,¹² and
- (3) managing urban development in rural areas, ~~including rural lifestyle and rural residential areas~~,¹³ in accordance with UFD-P4, UFD-P7 and UFD-P8.

LF-LS-PX – Access to Mineral Resources

Management of the region’s land appropriately recognises:

- (1) The need for mineral and aggregate resources to be available for lifeline utilities, economic development and to be used for environmental remediation;
- (2) The functional and operational constraints in terms of accessing mineral and aggregate resources in the region;

⁴ 00101.043 Toitū Te Whenua

⁵ 00022.019 Graymont

⁶ 00235.008 OWRUG

⁷ 00114.025-031 Mt Cardrona Station, 00118.025-031 Maryhill Limited, 00209.012-015 Universal Developments, 00210.011-013 & 015 Lane Hocking, 00211.011-013 & 015 LAC Properties Trustees Limited

⁸ 00235.008 OWRUG

⁹ 00235.008 OWRUG

¹⁰ 00235.008 OWRUG

¹¹ 00413.004 New Zealand Cherry Corp, 00414.002 Infinity Investment Group

¹² 00314.027 Transpower

¹³ 00413.004 New Zealand Cherry Corp, 00414.002 Infinity Investment Group

- (3) The potential benefits of further development of the region’s minerals and aggregate resources in appropriate locations and providing for the continued operation and maintenance of existing lawfully established activities;
- (4) The need to manage the adverse effects of mineral or aggregate extraction activities by:
- a. Avoiding, as the first priority, locating in any of the following:
 - i. Significant natural areas;
 - ii. Outstanding natural features and landscapes;
 - iii. Natural wetlands;
 - iv. Outstanding water bodies;
 - v. Areas of high or outstanding natural character;
 - vi. Area of places of significant or outstanding historic heritage;
 - vii. Wāhi tupuna and areas with protected customary rights, and
 - viii. Area of high recreational and high amenity value.
 - b. If it is not practicable to avoid locating in areas listed in (a) above because of the functional needs or operational needs of the mineral extraction activity, manage adverse effects as follows:
 - i. In significant natural areas, in accordance with National Policy Statement for Indigenous Biodiversity;
 - ii. In waterbodies and natural wetlands in accordance with the relevant provisions in the National Policy Statement for Freshwater Management and the NESF;
 - iii. In relation to wāhi tupuna in accordance with HCV-WT-P2;
 - iv. In areas of outstanding natural character or landscapes in the coastal environment in accordance with the New Zealand Coastal Policy Statement; and
 - v. In all other areas remedy or mitigate the adverse effects of the mineral extraction activity on the values that contribute to the area’s importance.
 - c. Avoiding unmitigated risk on the health and safety of people and the community, including through appropriate natural hazard management.

LF-LS-P20 – Land use change

Promote changes in *land* use or *land* management practices that support and¹⁴ improve:

- (1) the sustainability and efficiency of *water* use,

¹⁴ 00223.096 Ngāi Tahu ki Murihiku

- (2) resilience to the impacts of *climate change*, or
- (3) the health and quality of soil, or
- (4) water quality.¹⁵

LF-LS-P21 – Land use and fresh water

~~Achieve the improvement or maintenance of fresh water quantity, or quality~~ The health and well-being of water bodies is maintained¹⁶ or, if degraded, improved¹⁷ to meet environmental outcomes set for Freshwater Management Units and/or rohe by:

- (1) reducing or otherwise managing¹⁸ the adverse effects of¹⁹ direct and indirect discharges of contaminants to water from the use and development of land to meet environmental outcomes,²⁰ and
- (2) managing land uses that may have adverse effects on the flow of water in surface water bodies or the recharge of groundwater, and
- (3) maintaining or, where degraded, enhancing the habitat and biodiversity values of riparian margins in order to reduce sedimentation of water bodies and support improved functioning of catchment processes.²¹

LF-LS-P22 – Public access

Provide for public access to and along lakes and rivers by:

- (1) maintaining existing public access,
- (2) seeking opportunities to enhance public access, including access²² by mana whenua in their role as kaitiaki and for gathering of ~~māhika kai~~ māhika kai²³, and
- (3) encouraging landowners to ~~only~~ avoid restricting access where unless²⁴ it is necessary to protect:²⁵
 - (a) ~~public²⁶~~ health and safety,
 - (b) *significant natural areas*,
 - (c) areas of outstanding natural character,
 - (d) outstanding natural features and landscapes,
 - (e) places or areas with special or outstanding *historic heritage* values, or

¹⁵ 00409.015 Ballance

¹⁶ 00121.066 Ravensdown

¹⁷ 00226.206 Kāi Tahu ki Otago

¹⁸ 00236.073 Horticulture NZ

¹⁹ 00221.010 Silver Fern Farms

²⁰ 00236.073 Horticulture NZ

²¹ 00226.206 Kāi Tahu ki Otago

²² 00226.206 Kāi Tahu ki Otago

²³ Clause 10(2)(b)(i) – consequential amendment arising from 00226.038 Kāi Tahu ki Otago

²⁴ 00231.065 Fish and Game

²⁵ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendments arising from 00314.028 Transpower

²⁶ 00239.094 Federated Farmers

- (f) places or areas of significance to ~~takata whenua~~ Kāi Tahu, including wāhi taoka,²⁷ wāhi tapu and wāhi tūpuna,-
- (g) establishing vegetation, or²⁸
- (h) a level of security consistent with the operational requirements of a lawfully established activity.²⁹

Methods

LF-LS-M11 – Regional plans

Otago Regional Council must publicly notify a Land and Water Regional Plan no later than 31 December 2023 and then, when it is made operative, maintain that *regional plan* to:

- (1) manage *land* uses that may affect the ability of *environmental outcomes* for *water* quality to be achieved by requiring:
 - (a) the development and implementation of *certified freshwater farm plans* ~~as required by the RMA and any regulations,~~³⁰
 - (b) the adoption of practices that reduce the *risk* of sediment and nutrient loss to *water*, including by minimising the area and duration of exposed soil, using buffers, and actively managing critical source areas,
 - (c) effective management of animal effluent systems storage and the applications systems of animal effluent to land,³¹ and
 - (d) *earthworks* activities to implement effective sediment and erosion control practices and setbacks from *water bodies* to reduce the *risk* of sediment loss to *water*, and
- (2) provide for changes in *land* use that improve the sustainable and efficient allocation and use of *fresh water*, and
- (3) implement policies LF-LS-P16 to LF-~~LSE~~-P22.³²

LF-LS-M12 – District plans

Territorial authorities must prepare or amend and maintain their *district plans* no later than 31 December 2026 to:

- (1) manage *land* use change by:
 - (a) controlling the establishment of new or any spatial extension of existing *plantation forestry activities* or permanent forestry activities³³ where necessary to give effect to an objective developed under the NPSFM, and

²⁷ 00226.207 Kāi Tahu ki Otago

²⁸ 00206.041 Trojan, 00411.053 Wayfare

²⁹ 00237.047 Beef + Lamb and DINZ

³⁰ 00231.066 Fish and Game, 00226.208 Kāi Tahu ki Otago

³¹ 00240.032 NZ Pork

³² Clause 16(2) Schedule 1, RMA

³³ 00226.209 Kāi Tahu ki Otago,

- (b) ~~minimising~~ avoiding³⁴ the removal of montane³⁵ tall tussock grasslands,
- (2) provide for and ~~encourage~~ promote³⁶ the creation and enhancement of vegetated riparian margins and constructed *wetlands*, and maintain these where they already exist, ~~and~~
- (3) facilitate public access to and along³⁷ *lakes* and *rivers* by:
 - (a) requiring the establishment of *esplanade reserves* and *esplanade strips*, and
 - (b) promoting the use of legal *roads*, including paper *roads*, that connect with *esplanade reserves* and *esplanade strips*, and
- (4) maintain the availability and productive capacity of highly productive land in accordance with LF-LS-P19.³⁸
- (5) Recognise and provide for the functional need of mineral and aggregate extraction activities in accordance with LF-LS-PX.

LF-LS-M13 – Management of *beds* and riparian margins

Local authorities must prepare or amend and maintain their *regional plans*³⁹ and *district plans* to manage the condition of the *bed* and banks of *water bodies*, riparian margins and associated *lands*, including vegetative cover, to:

- (1) maintain or enhance⁴⁰ existing indigenous⁴¹ *biodiversity* values,
- (2) increase the presence, resilience and abundance of indigenous flora and fauna, particularly taoka species, including by providing for wetlands and⁴² *biodiversity* corridors within *river* systems, and requiring riparian buffers that are sufficient to maintain indigenous *biodiversity*,
- (3) support improvement in the functioning of catchment processes where these have been adversely affected by changes in margins and connected *lands* over time, and
- (4) reduce unnatural sedimentation of *water bodies*.

LF-LS-M14 – Other methods

In addition to methods LF-LS-M11 to LF-LS-M13, the methods in the LF-WAI, LF-VM and LF-FW sections are also applicable.

Explanation

LF-LS-E4 – Explanation

³⁴ 00230.95 Forest and Bird

³⁵ Clause 16(2), Schedule 1, RMA

³⁶ 00509.092 Wise Response

³⁷ 00206.042 Trojan, 00411.054 Wayfare, 00231.097 Fish and Game

³⁸ 00140.023 Waitaki DC

³⁹ Clause 16(2), Schedule 1, RMA

⁴⁰ 00509.093 Wise Response

⁴¹ 00137.079 DOC

⁴² 00509.093 Wise Response

The policies in this section of the LF chapter seek to maintain the health of Otago's soils and manage *land* uses as part of an integrated approach to sustaining soil and *water* health. The connections and interactions between these resources require a holistic approach to management.

Managing soil resources, in particular, cannot be undertaken in isolation. The policies require managing the use and development of *land* and *fresh water* to maintain soil values, recognising that soil can be valued for more than its productive use and those values should be maintained. Soil erosion is problematic for both soil and *water* health. The policies provide direction on managing erosion resulting from *land* use activities to, primarily, retain soil and prevent its *discharge* to *water*.

Highly productive land is *land* used for food and fibre production ~~primary production~~⁴³ that provides economic and employment benefits. Providing for and managing such *land* types is essential to ensure its sustainability. The policies seek to identify and prioritise *land* used for productive purposes managing urban encroachment into rural environments where appropriate.

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 the policies which seek 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, and water quality.⁴⁴ The policies also require reducing *discharges* to *water* from the use and development of *land* and managing *land* uses that are unsupportive of *environmental outcomes* for *fresh water* as identified by each *FMU*.

Maintaining public access to and along *lakes* and *rivers* is a matter of national importance under section 6 of the RMA ~~1991~~.⁴⁵ The policies in this section seek to maintain existing public access opportunities⁴⁶ and where appropriate promote enhanced⁴⁷ public access to and along *lakes* and *rivers*. Circumstances which restrict public access are set out where, for example, ~~public~~⁴⁸ health and safety is at *risk* or valued parts of the *environment* may be compromised.

Principal reasons

LF-LS-PR4 – Principal reasons

Population growth and *land* use intensification in urban and rural environments has increased demand for *land* and soil resources. It has also impacted on the quality of our *water*, increasing contamination such as by nutrients and sediment and harming ecosystems. In Otago, historical and contemporary *land* uses have *degraded* some *water bodies*, both in terms of their quantity and quality, leading to adverse effects on the mauri of *water* and the diversity and abundance of ~~maihika kai~~ maihika kai⁴⁹ resources.

Soil health is vital to wider ecological health, human health, and economic *resilience*. Otago has a rich and long history of varied forms of food and fibre production ~~primary production~~⁵⁰ on a wide range of soil types and in variable climatic conditions. Otago's highest quality soils (in terms of suitability for

⁴³ 00235.008 OWRUG

⁴⁴ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00409.015 Ballance

⁴⁵ Clause 16(2), Schedule 1, RMA

⁴⁶ 00226.212 Kāi Tahu ki Otago

⁴⁷ 00226.212 Kāi Tahu ki Otago

⁴⁸ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00239.094 Federated Farmers

⁴⁹ Clause 10(2)(b)(i) – consequential amendment arising from 00226.038 Kāi Tahu ki Otago

⁵⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00235.008 OWRUG

food and fibre production ~~primary production~~⁵¹) are mainly on the Taieri Plain, North Otago downlands, South Otago lowlands, parts of Central Otago and the Strath Taieri, and along some *river* margins. Their extent is limited and use of these soils can be constrained by external factors such as economics, erosion, natural and human induced hazards, animal, and plant pests.

Managing *land* uses is a critical component of implementing the NPSFM due to the effects of *land* use on the health and well-being of *water*. This chapter assists the Council to recognise and provide for the connections and interactions between Otago's *land* and *fresh water*, while managing the use and development of this *land*, and its effects on *fresh water*.

Riparian areas, in particular, play a key role in supporting the *water* quality and ecosystem values of *water bodies*, and it is important that this role is maintained.⁵²

Anticipated environmental results

- | | |
|--------------------|--|
| LF-LS-AER12 | The life-supporting capacity of soil is maintained or improved throughout Otago. |
| LF-LS-AER13 | The availability and capability of Otago's <i>highly productive land</i> is maintained. |
| LF-LS-AER14 | The use of <i>land</i> supports the achievement of <i>environmental outcomes</i> and objectives in Otago's <i>FMUs</i> and rohe. |

⁵¹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00235.008 OWRUG

⁵² 00226.213 Kāi Tahu ki Otago

21 July 2022

The Hearings Administrator – Proposed Otago Regional
Policy Statement
Otago Regional Council

hearingsadministrator@orc.govt.nz

Dear Hearings Administrator

Suggested changes to Proposed Otago Regional Policy Statement to address mining

Introduction

I act for Oceana Gold (New Zealand) Limited (**OGNZL**).

OGNZL has had its consultant planner prepare suggested changes to the proposed Otago Regional Policy Statement (**PORPS**) to address mining which it requests the Otago Regional Council (**ORC**) report writers to consider and comment on. I am aware that the ORC has recently gained an extension to the PORPS timetable which now requires ORC to provide supplementary evidence by 5 August 2022. OGNZL asks that ORC consider these proposed changes as part of its supplementary evidence, and OGNZL will then be able to respond in its evidence to any revisions or alternative provisions to address mining that the ORC report writers consider appropriate.

ORC has failed to make provision for mining in the notified PORPS and has failed to subsequently address the topic in the section 42A report in a responsible way, despite acknowledging the importance of mining to the region¹. Therefore, OGNZL has taken upon itself the task of developing appropriate wording to be inserted in the PORPS to address the current lacuna and has discussed these suggested changes with two other submitters in the extractives industry. OGNZL requests that this letter and the attached proposed changes be made available to other submitters for their consideration, and if necessary, comment in submitter's evidence in due course. OGNZL is happy to discuss the proposed changes in more detail with any interested submitter or the ORC.

In the time available between pre-hearing meetings and evidence being required, OGNZL has concentrated on key changes to the LF-LS, UFD and ECO chapters. However, OGNZL reserves its position to suggest in its evidence further changes to other chapters of the PORPS, including the IM chapter.

¹ PORPS Report 5: Submission on Part 2 – Resource management overview at paragraph 61.

Changes to the Land and Soil provisions

OGNZL proposes an amendment to “LF-LS-O11 – Land and Soil” to recognise the importance of providing access to land for primary production. A new objective “LF-LS-O13 – Resource Use and Development” is proposed to recognise the important role of resource use and development in Otago. The amendments are necessary to provide support for mining in Otago, an aspect which, despite referencing the value of mining to the region’s GDP, is entirely lacking in the PORPS.

The other proposed change is inclusion of a new policy which ensures that management of the region’s land recognises the need for mineral resources to be available, and the functional and operational constraints of accessing mineral resources and the potential benefits of further mineral development in appropriate locations recognised. The policy then sets out an effects management hierarchy for managing adverse effects. For consistency with the higher order national policy documents and NES, the policy directly refers to managing effects in accordance with the National Policy Statement for Indigenous Biodiversity (**NPSIB**) when the activity is in a significant natural area, and in accordance with the National Policy Statement for Freshwater Management (**NPSFM**) and the National Environmental Standards for Freshwater (**NESF**) when the activity is in a waterbody or natural wetland.

It is hoped that this direct reference to the operative national direction will address ORC’s concern that the draft NPSIB has no legal standing and does not need to be followed. Whilst OGNZL accepts that the draft NPSIB has no legal effect, OGNZL considers that the exposure draft NPSIB is consistent with both the previous version of the draft NPSIB and the proposed changes to the NESF in providing a consenting pathway for mining. The ORC has not addressed how it proposes to “give effect” to the NPSIB once it comes into force, something which is likely to happen before the RPS hearing process concludes, and a reference to the NPSIB in the RPS will help ensure the new ORPS is not outdated and flawed from the outset. The alternative (a subsequent Council-initiated plan change) on top of what is now 7 years of ongoing Policy review processes (and counting) is unnecessary, disruptive and a significant waste of Council and submitter time and resources.

Urban Form and Development

OGNZL proposes a new policy which provides for primary production activities which have a functional or operational need. This proposed policy provides much needed recognition of the benefits of primary production activities whilst ensuring adverse effects are appropriately managed.

Other proposed changes to the UFD policies also enable primary production activities and ensure access to the natural and physical resources upon which they rely.

ECO provisions

OGNZL has consistently noted to the Council, both in formal submissions and in discussions, that the PORPS fails to provide for the functional and operational needs of important mineral extraction activities where these intersect with SNAs. In OGNZL's formal submission on the PORPS extensive evidence of the need to address this issue, and the consequences of not doing so, was provided.

This is acknowledged in the section 42A Report, Chapter 1 at page 208 where the author states:

"I note that the submission of Oceana Gold specifically highlights the provisions in the ECO chapter and helpfully sets out, in detail, the issues that arise from the application of these provisions to the Macraes Mine".

Given this recognition in the "Introduction and general themes" chapter of the section 42A Report, OGNZL is intensely frustrated that the issue appears to be poorly understood and glossed over by the author of that part of the section 42A report dealing with Chapter 10, Ecosystems and indigenous biodiversity.

To put this into context, Council has no excuse for being unaware that:

- Mining in Otago is a regionally important activity, and the Macraes Mine is nationally significant
- Significant biodiversity values are widespread in the Macraes area
- The development of the mineral resource in the Macraes area will on occasion unavoidably result in adverse effects on areas that qualify as SNAs using the criteria in the PORPS, or any other reputable criteria ecologists might refer to
- Previous developments at Macraes have demonstrated that unavoidable residual adverse effects on significant biodiversity values (after minimisation and remediation) are able to be offset and compensated to produce net positive outcomes for biodiversity
- Proposed national policy direction (in the form of the 2019 draft NPSIB and the 2022 exposure draft NPSIB) has consistently recognised the need to provide a consenting pathway for mineral development that intersects with significant biodiversity values
- The partially operative ORPS recognises and provides for the management of this intersection.

Considering this context, the treatment of this topic in the Chapter 10 section 42A report is exceptionally poor. The failure of Council to recognise and deal responsibly with the need to maintain a consenting pathway for mineral development consistent with proposed national direction, and in line with what it knows has worked successfully in the past to achieve good outcomes that protect and maintain biodiversity while enabling the benefits of mining at Macraes to be realised, is egregious.

At paragraph 194 the author of the Chapter 10 part of the Section 42A Report quotes from an ecological report commissioned from Wildlands to assist the Council respond to submissions (and attached as Appendix 10c). Because the Chapter 10 Report places reliance on this quote several important points need to be made in connection with it:

- The Wildlands report refers to a study undertaken for the Waitaki District Council and notes that *"no surveys were undertaken on land owned by Oceana Gold"*.

- The report then states “*The Deepdell North Stage III project, which the submitter notes was consented, did not affect any SNAs.*”
- What the report does not note is that the Deepdell North Stage III project, and indeed all OGNZL’s developments, take place on land owned by the company – all of which is excluded from the analysis Wildlands discusses in the quote at paragraph 194 of the Chapter 10 report and upon which the author of that report relies.
- As OGNZL’s written submission, and in particular the evidence of ecologist Dr Thorsen shows, the area affected by the Deepdell North Stage III project qualifies as SNA. This is also known to Dr Lloyd of Wildlands who provided ecological advice to the Waitaki District Council as part of the resource consenting process for that project.
- As Dr Thorsen explains in his evidence, and as Dr Lloyd knows, in the Deepdell North Stage III project example a combination of offsetting and compensation was proposed and agreed by all ecologists to represent a good outcome for biodiversity. The experienced Commissioners that granted consents for this project were appointed jointly by the Otago Regional and Waitaki District Councils.
- Similarly, as the Council knows (because it is one of the consent authorities) residual adverse effects on significant biodiversity have been successfully addressed in other OGNZL recent mining projects (Coronation and Coronation North).
- While it *may* be the case that at some level “...the quality of offsetting and compensation approaches has often been very poor in New Zealand” that is certainly not the case as far as OGNZL’s activities at Macraes are concerned, and indeed the approaches taken by OGNZL, its ecologists (including Dr Thorsen), and the Waitaki District Council and its ecologists (including Dr Lloyd) in designing, reviewing, implementing and monitoring offsets and compensation model how this can be done successfully.

The approach of the Chapter 10 Report author seems to be that because offsetting and compensation may have been poor elsewhere, the PORPS should not make provision to allow such measures to be considered in the future in relation to mining activities, even though national policy indications are consistent in providing for these, and even though the evidence at Macraes is that these approaches can be and are applied responsibly and effectively.

In the hope that Council will apply its mind to this topic suggested amendments to Objective ECO-O4, Policy ECO-P4 and Policy ECO-P6 are provided that reflect indicative national direction and recognise the reality that opportunities to consider the future development of regionally and nationally important mineral resources that unavoidably adversely affect SNA values must be included in the new RPS.

Yours faithfully



Stephen Christensen

Project Barrister

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