

**From:** Rick Zwaan <r.zwaan@forestandbird.org.nz>  
**Sent:** Friday, 3 September 2021 3:47 p.m.  
**To:** RPS  
**Cc:** Natasha Sitarz  
**Subject:** Forest & Bird PORPS 2021 Submission  
**Attachments:** Forest & Bird Submission on the Proposed Otago Regional Policy Statement 2021 .docx; Forest & Bird Submission on the Proposed Otago Regional Policy Statement 2021 .pdf; form-5-written-submissions-form-on-proposed-otago-rps-2021 (1).pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** LATE, Submission - Sector stakeholder

Kia ora,

Please see attached Forest & Bird's submission on the proposed Otago Regional Policy Statement 2021.

Apologies for not getting this in strictly by 3pm, there have been some technical difficulties faced due to remote working. I trust you will still accept it.

Ngā mihi,

**Rick Zwaan**

**Regional Conservation Manager – Otago-Southland**

**M:** 021 845 587

**E:** [r.zwaan@forestandbird.org.nz](mailto:r.zwaan@forestandbird.org.nz)

PO Box 6230, Dunedin North, Dunedin 9059

**You can join Forest & Bird at [www.forestandbird.org.nz](http://www.forestandbird.org.nz) or check us out at [Facebook](#) | [Forest and Bird](#)**

## Proposed Otago Regional Policy Statement 2021

### Information for Submitters

Submissions must be in the prescribed form (Form 5) specified by the Resource Management Act and must be received by Otago Regional Council  
**by 3 pm Friday 3 September 2021**

**Privacy:** Be aware that **all submissions are considered public**, including your name and address which will be uploaded to ORC website as part of this process. The Council and further submitters will use your name and contact details for correspondence in relation to the making of the Regional Policy Statement.

#### **LODGE A SUBMISSION MANUALLY** (*USING FORM BELOW*)

A template complying with the requirements of Form 5 is provided below. Once completed, please forward to ORC by one of the following:

**Email:** [rps@orc.govt.nz](mailto:rps@orc.govt.nz) Submissions in MS Word or other editable format are preferred, if possible

**Post:** Otago Regional Council, Private Bag 1954, Dunedin 9054. Att: ORC Policy Team

**Hand Delivery at**

Dunedin: Otago Regional Council Office, 70 Stafford St, Dunedin, Att: ORC Policy Team

Queenstown: Terrace Junction, 1092 Frankton Road, Queenstown, Att: ORC Policy Team

Alexandra: William Fraser Building, Dunorling Street, Alexandra. Att: ORC Policy Team

#### **INQUIRIES**

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

Phone: ORC Call Centre: 0800 474 082, Monday - Friday, 8am-5pm

## NOTES TO PERSON MAKING A SUBMISSION

If you are a person who could gain an advantage in **trade competition** through the submission, your right to make a submission may be limited by [clause 6\(4\)](#) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be **struck out** if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Go to Written Submission Form on next page

# Written Submission on Proposed Otago Regional Policy Statement 2021

*(Submissions must be received by Otago Regional Council by 3 pm Friday 3 September 2021)*

## To: Otago Regional Council

1. **Name of submitter** *(full name of person/persons or organisation making the submission. Note: The submissions will be referred to by the name of the submitter)*

Royal Forest and Bird Protection Society NZ (Forest & Bird)

2. This is a submission on the **Proposed Otago Regional Policy Statement 2021**.
3. I ~~could~~/**could not** *(Select one)* gain an advantage in trade competition through this submission. *(See notes to person making submission)*
4. I **am/am not** *(Select one)* directly affected by an effect of the subject matter of the submission that
- adversely affects the environment; and
  - does not relate to trade competition or the effects of trade competition *(See notes to person making submission)*
5. I ~~wish/do not wish~~ *(Select one)* to be heard in support of my submission
6. If others make a similar submission, I **will/will not** *(Select one)* consider presenting a joint case with them at a hearing

## 7. Submitter Details

- a. **Signature of submitter** *(or person authorised to sign on behalf of submitter)*



- b. **Signatory name, position, and organisation** *(if signatory is acting on behalf of a submitter organisation or group referred to at Point 1 above)*

Name: Rick Zwaan

Position: Regional Conservation Manager Otago/Southland

Organisation: Royal Forest and Bird Protection Society NZ (Forest & Bird)

- c. **Date**

3 Sep. 21

**Address for service of submitter** (*This is where all correspondence will be directed*)

**d. Contact person** (*name and designation, if applicable*)

Rick Zwaan

**e. Email:**

r.zwaan@forestandbird.org.nz

**f. Telephone:**

021 845 587

**g. Postal address** (*or alternative method of service under [section 352](#) of the Act*):

PO Box 6230, Dunedin North, Dunedin 9059

**8. My submission is – see attached full submission :**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<p><i>The <b>specific provisions</b> of the proposal that my submission relates to are:</i></p> <p><i>(Please enter the relevant objective, policy, method, or 'other' provision reference where possible. For example, 'AIR-O1'.)</i></p>	<p><i>I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b>.</i></p> <p><i>(Please indicate "support" or "oppose" or "amend")"</i></p>	<p><i>The <b>reasons</b> for my views are:</i></p>	<p><i>I seek the following <b>decision</b> from the local authority:</i></p> <p><i>(Please be as clear as possible – for example, include any alternative wording for specific provision amendments.)</i></p>

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**Note:** Additional rows for each separate provision or submission point should be added as required.



# Forest & Bird

TE REO O TE TAIAO | *Giving Nature a Voice*

## Submission on the Proposed Otago Regional Policy Statement 2021

3 September 2021

To: Proposed RPS, Otago Regional Council

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

From: Royal Forest and Bird Protection Society NZ (Forest & Bird)

Contact: Rick Zwaan, Regional Conservation Manager Otago/Southland

Email: [r.zwaan@forestandbird.org.nz](mailto:r.zwaan@forestandbird.org.nz)

Telephone: 021 845 587

- Forest & Bird could not gain an advantage in trade competition through this submission.
- Forest & Bird wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.

## INTRODUCTION

1. Forest & Bird is New Zealand's largest non-governmental conservation organisation with many members and supporters. Volunteers in 50 branches carry out community conservation projects around New Zealand. It has 4 branches in Otago. Forest & Bird's constitutional purpose is:

*To take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and the natural features of New Zealand.*

2. In support of that purpose, Forest & Bird regularly participates in resource management processes at the national, regional and district level.
3. We appreciate that the ORC has undertaken the view of the RPS at pace as part of its efforts to create a fit for purpose planning framework for Otago which is a goal we support and is long overdue.

4. This is a submission on all provisions of the proposed RPS, on behalf of Forest & Bird's Branches and Forest & Bird nationally. It begins with general overall submissions followed by specific submissions on each provision of interest to Forest & Bird.
5. Our submissions are set out in the Key Issues and in relation to specific provisions in the Table below.
6. For the purposes of this submission, relief sought includes such other relief, including consequential changes, as is necessary to give effect to the relief sought.

## **PROCESS**

7. Forest & Bird is concerned that the intention to use the freshwater planning process to consider the proposed Regional Policy Statement (pRPS) in its entirety is inappropriate and does not follow the requirements set out in s80A of the RMA.
8. Forest & Bird has a number of concerns with this approach, including that:
  - a. There are a number of provisions within the pRPS which do not relate to freshwater
  - b. Following this process reduces the ability for submissions to be considered by those with expertise outside of freshwater matters
  - c. By not having a solid legal basis for using this process there is a high risk of a successful challenge by anyone unsatisfied with the outcome at the end of the process which would result in a huge amount of wasted time, effort, and expense
9. As such, we are working with ORC on a declaration to help determine the legal basis for the notification and use of the freshwater planning process.
10. Without prejudice to our primary position that it is not lawful to put the entire RPS through the freshwater planning process, we will continue to engage with the process underway.
11. Forest & Bird supported the request from Federated Farmers and others to provide for a two-week extension on the submission deadline due to the constraints the COVID-19 Level 4 & 3 lockdowns placed on our ability to properly engage and produce a substantive submission on this important document. ORC declined the and we believe this will negatively impact the ability for groups and members of the public to adequately engage in this important process.



## **KEY ISSUES FOR THIS SUBMISSION**

- Indigenous biodiversity
- Definitions
- Environmental limits
- Effects management
- Coastal environment
- Freshwater and NPS-FM

### **Indigenous Biodiversity**

12. Forest & Bird is generally supportive of the RPS direction to identify and protect significant indigenous vegetation and significant habitats of indigenous fauna. However, some of the terminology creates uncertainty as to whether protection only occurs for areas identified on maps or is provided for all areas by applying the criteria. In Forest & Birds view it is the criteria which determines significance and the weight is therefore on the criteria not whether an area is mapped. However, we support the mapping of areas and this enables proactive protection and provides certainty for establishing permitted activities in plans.
13. The protection of significant natural areas requires an assessment of effects and the values of the significant area at the time of consent. This enable the most recent information to be considered by a decision maker. So, while we support the recording of values of significant natural areas as part of the mapping exercise and suggest these be schedules in the relevant plans, a further assessment is required for any consent application that may adversely affect these areas.
14. Forest & Bird concerned with the approach which appears to exclude the identification and protection of significant natural areas in the coastal environment. Forest & bird considers that significant natural areas should be determined in the same way throughout the district and that the NZCPS directive provisions should be applied additionally.
15. Anticipating the imminent release of the National Policy Statement on Indigenous Biodiversity (NPS-IB), this RPS should reflect the provisions in that NPS as far as possible and not create provisions that would frustrate the implementation of the NPS-IB.

### **Amendment**

16. Amend the ECO provisions to:
  - a. ensure that all areas meeting the APP2 significance criteria are to be protected
  - b. That values identified through mapping will be schedules in the plan but will not be used as a comprehensive list.
  - c. That resource consents will include assessment to identify values of any area which meets the significance criteria to provide the best and most recent information

- d. Direct regional and district councils to map significant natural areas within the coastal environment.
17. Amend the RPS to support the implementation of NPS-IB when it is released and avoid creating provisions that would frustrate the implementation of the NPS-IB

### **Environmental limits**

18. The term 'environmental limits' comes up throughout the RPS but isn't defined. This creates a vacuum with no clarity on how it is intended to be interpreted in the policies it occurs in.
19. While 'environmental limits' may be defined in the future through subsequent plans or provision under the proposed framework for the Natural and Built Environment Act, this has yet to occur and until it does the term has little effect.

### **Amendments**

20. To provide clarity, the RPS should be amended throughout to remove the term environmental limits and replace it with the outcome sought (e.g. 'to maintain and restore ecosystem health and indigenous biodiversity') unless it is clear that there is a specific environmental limit which cannot be breached for that particular objective policy or method.

### **Effects management**

21. In many places throughout the RPS there is policy direction or methods which seek to 'minimise' adverse effects. While we support the intent of this it is often not strong enough to provide a clear direction on what is needed in order to reach minimisation.
22. A minimisation approach still results in residual effects which can create cumulative adverse effects.
23. Instead, it is normally appropriate to first avoid, then remedy, then mitigate any remaining adverse effects. This places the emphasis on avoiding the effects in the first place.

### **Amendments**

24. We have highlighted this in various sections in the detailed table below but suggest it should be addressed consistently throughout the RPS where appropriate.

### **New Zealand Coastal Policy Statement**

25. Forest & Bird is generally satisfied with the extent to which the RPS has given effect to the NZCPS. However, there are some gaps and inconsistencies and uncertainty which require amendments.
26. Forest & Bird considers that significant natural areas should be identified in the coastal environment by applying the criteria in APP2. This includes within the coastal marine area (CMA). The matter set out in Policy 11 of the NZCPS should form additional criteria. Forest and Bird supports the mapping of indigenous biodiversity meeting that Policy where possible and considers that these areas should be identified as "SNAs" or significant marine areas (SMA) where a distinction for the coastal marine area is required. However there will be cases where the Policy 11 matters cannot easily be mapped, for example indigenous taxa may not be stationary to be mapped. This in no way should reduce the level of protection afforded to them. The RPS will therefore need to ensure that plans and consent processes allow for assessments to determine adverse effects by applying Policy 11.
27. Forest & Bird also considered it would be of benefit for councils when mapping outstanding natural character, feature and landscapes to record and include within their plans the character, features and values for each area.
28. The RPS includes a policy for precaution however it does not capture all aspects of Policy 3 of the NZCPS. Amendments are required to ensure that that Policy of the NZCPS is applied in the coastal environment. The RPS also fails to capture the NZCPS precautionary approach which is intended to allow for natural adjustments for coastal processes, natural defences, ecosystems, habitat and species.
29. The explanation of the CE provisions suggests that here are prescriptive policies of the RPS which have been excluded from the RPS. This is concerning as it makes the relationship with and between policies in the RPS uncertain with respect to the coastal environment. It also means that consenting processes cannot rely on the RPS and will need to refer directly to the NZCPS until plans are amended to give effect to both documents.
30. The NZCPS also makes provision for "wetlands" relying on the RMA definition of that term. However it is not clear that the RPS has adequacy provided for their protection and restoration as important to the natural character of the coastal environment and natural defences against coastal hazards.

31. The effects management hierarchies set out in the proposed RPS should not be applied within the coastal environment as provision for offsetting and compensation in particular will conflict with the NZCSP.

### **Amendments**

32. Amend the CE provisions to:
- a. Include areas identified as meeting Policy 11 of the NZCPS as SNA's or SMA's in addition to meeting the APP2 criteria.
  - b. Direct that plans schedule the available information on values of SNA/SMAs but that this is not used as the sole source of information and that consenting processes will identify values
  - c. Direct that plans schedule the character, features and values of mapped natural character, features and landscapes.
  - d. Include the Policy 3 precautionary approach from the NZCPS
  - e. Allow for natural adjustments for coastal processes, natural defences, ecosystems, habitat and species to adapt to effects of climate change.
  - f. Include prescriptive provisions of the NZCPS
  - g. Make provision of wetlands necessary to give effect to the NZCPS.
33. Amend other chapters of the RPS as necessary to ensure that the effects management hierarchies are not applied within the coastal environment.

### **Freshwater**

34. The land and freshwater section lacks an overarching vision and objective for freshwater in Otago. This means the FMU specific visions have no overall objective and are presently inconsistent and lacking in many ways. Without an overall vision for freshwater in Otago Forest & Bird fears the requirements of the NPS-FM won't be achieved.
35. Forest & bird has some concerns that the approach to outstanding water bodies does not clearly seek to protect the significant values of those waterbodies. The NPSFM is distinct to the identification being based on outstanding values and the protection being of significant values of the waterbody. Amendments are suggesting in relation to the LF-WAI provisions in the table below.
36. The definition and application of the effects management hierarchy in the proposed RPS is problematic. It creates potential for plan to end up with provisions which are less stringent than the NES for Freshwater and effects which would be inconsistent with the NPSFM.

## **Amendment**

37. In the detailed table below we have set out a draft overall vision for the region and outlined the rationale in more detail.
38. Amend the RPS as necessary to ensure that the effects management hierarchies are not applied within the coastal environment.

## SUBMISSION TABLE

Provision	Oppose or support (with amendments)	Submission-Reasons	Submission- decision sought
<b>Definition of terms</b>			
Commercial port activity	Oppose	The term is not used in the RPS. It also captures “development” which may capture capital expenditure on expansion or other new activities. Those activities should not be captured by the definition until they are lawfully established.	Delete
effects management hierarchy	Oppose in part	<p>Extending the definition to natural wetlands is inappropriate. This would not give effect to the NZCPS and would potentially create conflicts with the NES for Freshwater by making aquatic offsetting and compensation available to activities under those regulations that is not available under the NPSFM definition.</p> <p>The term as used within the plan causes inconsistencies with the NPSFM and NES for Freshwater as well as confusion with the approach set out in ECO-P6.</p>	<p>Amend as follows:</p> <p>“has the same meaning as in clause 3.21 of the National Policy Statement for Freshwater Management 2020 (as set out in the box below) and <del>in this RPS</del> <u>also applies to natural inland wetlands and rivers in the circumstances set out in the NPSFM.</u>”</p> <p>Make other consequential amendments to ensure that the effects management hierarchy is applied only for those activities specified in the NPSFM and amendments to ensure that the RPS would not conflict with the NES for Freshwater by directing plan provisions that would be more lenient or duplicate those of the NES.</p> <p>Make other amendments to resolve any confusion in terminology with the approach set out in ECO-P6</p>
Hard protection structure	Oppose in part	This wording could make it difficult to word plan provisions which seek to distinguish between lawfully established hard protection structures and new hard protection structures.	Amend the definition as it applies beyond the coastal environment as follows: “...outside the coastal environment, means any dam, weir, stopbank, carriageway, groyne, or reservoir, and any structure <del>or appliance of any kind</del> <u>which is specifically established for that has the primary purpose or effect of protecting an activity from or mitigating effects of natural hazard flooding risk</u>

		The definition is very broad in its purpose which could result in unforeseen use of hard protection structures.	mitigation.”
Highly valued natural features and landscapes	Support in part	It would be helpful to clarify that these are amenity landscapes under the NES for Plantation Forestry so that the RPS can set direction for plans to provide for protection from plantation forestry.	Amend the definition as follows: “highly valued natural features, landscapes and seascapes are areas which contain attributes and values of significance under Sections 7(c) and 7(f) of the RMA 1991, which have been identified in accordance with APP9, <u>and which are considered are amenity landscapes for the purpose of implementing the NES for Plantation Forestry.</u> ”
Indigenous vegetation	Support	The definition is appropriate for the protection of vegetation native to ecological districts	Retain
Key civic public spaces	Support in part	This term is not used within the RPS.  Sunlight is important to the retention and restoration of indigenous vegetation in urban areas, including in public open space.	Add a method for district councils to provide for and protect key civic public spaces
Loss of values	Oppose in part	It is not clear whether consideration of loss of values in respect of natural wetlands and natural inland wetlands would mean that there is no consideration for adverse effects or loss of values in respect of other “wetlands” as defined under the RMA. The definition excludes considerations for the coastal environment necessary to give effect to the NZCPS.	Ensure the RPS provides direction for the protection of wetlands as defined in the RMA and to achieve s6(a). Add consideration for natural character of the coastal environment under (b)
Regionally significant infrastructure	Oppose in part	Forest & Bird would support a clear, specific and confined definition of RSI It is important to get this right as plan	Amend as follows:  means:

		<p>provisions are generally more enabling towards RSI than other infrastructure. Specificity is also necessary to avoid unintended consequences where RSI applies to specified infrastructure under the NES for Freshwater.</p> <p>As written the definition could capture many activities which are not of regional significance. Not only is this inappropriate it creates uncertainty for subsequent provisions giving effect to the NZCPS, the NPSFM and protection for indigenous biodiversity under s6(c) of the RMA.</p> <p>Forest &amp; Bird suggests amendments to limit the activities and infrastructure to those which are of regional significance and to remove those where there is uncertainty.</p>	<p>(1) roads classified as being of regional importance in accordance with the One Network Road Classification,</p> <p>(2) electricity sub-transmission infrastructure <u>of the National Grid or local distribution network</u>,</p> <p>(3) renewable electricity generation facilities that connect with the local distribution network but not including renewable electricity generation facilities designed and operated principally for supplying a single premise or facility,</p> <p>(4) telecommunication and radiocommunication facilities <u>as respectively defined in section 5 of the Telecommunications Act 2001 and in section 2 of the Radiocommunications Act 1989</u>,</p> <p>(5) facilities for public transport, including terminals and stations,</p> <p>(6) the following airports: Dunedin, Queenstown, Wanaka, Alexandra, Balclutha, Cromwell, Oamaru, Taieri.</p> <p><u>(6A) port of Otago Dunedin,</u></p> <p>(7) navigation infrastructure associated with airports <u>identified in (6) and commercial ports identified in (6A) which are nationally or regionally significant</u>,</p> <p>(8) defence facilities <u>for defence purposes in accordance with the Defence Act 1990</u>,</p> <p>(9) community drinking water abstraction, supply treatment and distribution infrastructure that provides no fewer than 25 households with drinking water for not less than 90 days each calendar year, <del>and community water supply abstraction, treatment and distribution infrastructure</del> (excluding delivery systems or infrastructure primarily deployed for the delivery of water for irrigation of land or rural agricultural drinking-water supplies)</p> <p>(10) <del>community</del> <u>municipal</u> stormwater infrastructure,</p> <p>(11) <u>municipal</u> wastewater and sewage collection, treatment and disposal infrastructure serving no fewer than 25 households, and</p> <p>(12) Otago Regional Council's hazard mitigation works including flood protection infrastructure <del>and drainage schemes</del>.</p>
Residual risk	Support in part	Needs clarification to the matter it relates to, to avoid confusion with	<u>in relation to natural hazard risk</u> , means the risk remaining after the implementation or undertaking of all available and practicable risk



		residual effects	management measures.
Risk	Support	It is not clear whether this meaning is intended to apply to the use of this term beyond the coastal environment.	Clarify whether the meaning is applied to the use of the term beyond the coastal environment.
Rural area	Oppose in part	<p>Forest &amp; Bird is concerned that the default approach to all areas being considered a rural area if it is not an urban area would capture reserves, national parks, CMA or other areas where rural activities may not be appropriate or may not be appropriate as the primary activity.</p> <p>However, provisions and explanations suggest that these relate to productive capacity, rural residential and rural lifestyle.</p> <p>Include a definition of rural area that either clear includes or excludes areas where primary production activities are not appropriate such as in national parks. Ensure that provisions for rural activities, production activities or residential activities do not override protection of natural values.</p> <p>The relationship between “urban area”, “urban environment” and “rural area” is unclear particularly as to whether there are any other areas beyond this considered in the RPS.</p>	If rural production is the focus of rural areas then national parks and land held for other purposes should not be considered “rural area”. Include a definition which sets out the meaning for “rural area” where that term is used in the RPS, rather than a default.
Specified infrastructure	Support in part	Using the same definitions as set out in high order documents can be helpful, however the scope of matters to which definitions are applied may not be the	Amend as follows: “in relation to freshwater, has the same meaning as in clause 3.21 of the National Policy Statement for Freshwater Management 2020 (as set out in the box below)”

		same. The approach to “specified infrastructure” set out in the NES for Freshwater is not appropriate beyond freshwater where other directives may apply such as the NZCPS and s6 beyond freshwater.	
Significant natural area	Oppose in part	<p>SNAs should be protected in the coastal environment.</p> <p>Identification of SNA’s in this environment is necessary to extend protection from plantation forestry under the NES for Plantation Forestry.</p> <p>Significant areas should also be identified within the CMA, either using the same term “significant natural area” or with the term “significant marine areas”. The criteria in APP2 already includes terminology for marine areas by recognising Representativeness within coastal marine biogeographic region.</p>	<p>Amend as follows:  “means areas of significant indigenous vegetation and significant habitats of indigenous fauna <del>that are located outside the coastal environment.</del>”</p> <p>Ensure that Significant Natural Area includes areas within the CMA or use an alternative term such as Significant Marine Area and amend APP2 to capture both terms.</p>
Taxa	Support in part	It would be helpful to state that this definition applies throughout the region, not just where the NZCPS applies. Taxa is used in APP2 for example	Amend so that the definition is applied throughout the region
Threatened species	Support	Provides clarity over the meaning of the term	Retain
Urban area	Oppose in part	Including future urban is confusing as these areas are often primarily used for rural activities until rezoning occurs. The	means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that is, or is intended to be, predominantly urban in character. <del>This includes but is not limited to any land identified in District Plans</del>

		definition is not clear about how natural environmental values fit within the area and purpose of urban character. This makes the distinction to the definition for rural area somewhat confusing.	<del>as being within any urban growth boundary or equivalent however described, any residential zone, commercial and mixed use zone, industrial zone and future urban zone as listed in the National Planning Standards or its present District Plan zone equivalent.</del> Urban environments are a subset of urban areas.
Vulnerability	Support in part	It is not clear if the definition is intended to apply beyond impacts of natural hazards.	<u>In relation to natural hazards</u> , means the conditions determined by physical, social, economic and environmental factors or processes which increase the susceptibility of an individual, a community, assets or systems to the impacts of hazards.
Well-functioning urban environments	Support in part	The NPS UD definition sets out minimum requirements. The RPS should add to this to ensure integration with protection and maintenance of indigenous biodiversity, recognising the benefits of retaining and restoring indigenous biodiversity in urban areas	Either add to the definition or ensure that where this term is used additional considerations are included: <ul style="list-style-type: none"> <li>• a well functioning urban environment in Otago, is one in which indigenous biodiversity forms a substantive part; and</li> <li>• to protect and restore indigenous biodiversity within urban areas;</li> </ul>
wetland	Support	As per RMA	Retain
<b>SRMR – Significant resource management issues for the region</b>			
SRMR-12 – Climate change is likely to impact our economy and environment	Support in part	There is no uncertainty as to whether climate change will have an impact, it will. Environment, 2 <sup>nd</sup> para Recognises impact of sea level rise on coastal habitats and ecosystems but fails to capture the additional problem that the ability for coastal migration of habitats and ecosystems can be prevented by hard protection structures or other infrastructure. The issue does not capture the issues which the NZCPS seeks to address,	Amend the heading of SRMR 12 SRMR-12 – <del>Climate change is likely to</del> <u>will</u> impact our economy and <i>environment</i> Amend the second paragraph of SRMR-12 to recognise the impact which hard protection structures can have in terms of restricting coastal habitats and preventing coastal migration of coastal habitats and ecosystems. Include policy to address these issues.

		including Objective 4, Objective 5 and Policy 3 of the NZCPS.	
SRMR–15 – Freshwater demand exceeds capacity in some places	Support	This provides a fairly accurate general overview	Retain
SRMR–16 – Declining water quality has adverse effects on the environment, our communities, and the economy	Support	This provides a fairly accurate general overview	Retain
SRMR–17 – Rich and varied biodiversity has been lost or degraded due to human activities and the presence of pests and predators	Support in part	<p>Broadly support this with some amendments to improve the accuracy. The report referenced (Wildlands (2020)) refers to ecosystem types. There are sometimes thousands of ecosystems of a particular type.</p> <p>This impact snapshot fails to recognise the impacts of pollution from land use and discharges on native fish communities.</p> <p>The passage of freshwater fish is also impounded by many dams and</p>	<p>Amend as follows:</p> <p>“Impact snapshot Environmental ... There are 62 ecosystems <u>types</u> in the Otago region. ... Inland Otago has degraded native fish communities, due to <u>degraded water quality from pollution from land use change and discharges, over abstracted water bodies</u>, the presence of <del>the Clutha</del> dams and their <i>effects</i> on eel populations and trout predation on native galaxiids. ... Social</p>

		structures outside of the Clutha/Mata-Au. The negative impact of introduced species on native ecosystems and species is well established and known so doesn't need a qualifier.	... Some introduced species such as trout, deer and pigs have social and recreation values but may also have impacts on native ecosystems and species."
SRMR-I11 – Cumulative impacts and resilience – the environmental costs of our activities in Otago are adding up with tipping points potentially being reached	Support in part	Amendments are needed to give effect to the NPSFM and NZCPS.	Amend the "Context" discussion to recognise and include the need and ability for environmental restoration Amend the "Impact snapshot" for Environment needs to be clearer in terms of thresholds and limits that retain and improve ecosystem function and indigenous biodiversity at a healthy rich and diverse state. Rather than working towards a tipping point we should be working towards restoring and improving ecosystem health.
<b>IM – Integrated management</b>			
IM-O1 – Long term vision	Support in part	Broadly, captures the purpose of the RMA and the objectives of higher order documents such as the NPSFM. Amendment needed to reflect the prioritisation of these documents.	Amend IM-O1 as follows: IM-O1 – Long term vision The management of <i>natural and physical resources</i> in Otago, by and for the people of Otago, including Kāi Tahu, and as expressed in all resource management plans and decision making, achieves healthy, resilient, and safeguarded natural systems, and the ecosystem services they offer, <u>and provided this is achieved</u> supports the well-being of present and future generations, mō tātou, ā, mō kā uri ā muri ake nei.
IM-O2 – Ki uta ki tai	Support	This objective is appropriate for integrated management	Retain
IM-O3 –	Support	Needs to recognise the need for	Amend IM-O3 as follows:

Environmentally sustainable impact	with amendments	restoration degraded ecosystems.	Otago's communities carry out their activities in a way that preserves <u>and restores</u> environmental integrity, form, function, and resilience, so that the life-supporting capacities of air, water, soil, ecosystems, and indigenous biodiversity endure for future generations
IM-O4 – Climate change	Support with amendments	This should be strengthened to recognise mitigation action could be stronger than required by national direction.	Amend IM-O4 as follows: Otago's communities, including Kāi Tahu, understand what climate change means for their future, and climate change responses in the region, including adaptation and mitigation actions, are aligned with <u>or stronger than</u> national level climate change responses and are recognised as integral to achieving the outcomes sought by this RPS.
IM-P1 – Integrated approach	Support in part	While integrated management is important and forest & Bird generally supports the Objectives, Forest & Bird is concerned that there could be unforeseen consequences with placing them as overriding for the interpretation of all other provisions in the RPS.	Amend IM-P1 as follows: 'IM-P1 – Integrated approach The objectives and policies in this RPS form an integrated package, in which: (1) all activities are carried out within the environmental constraints of this RPS, (2) all provisions relevant to an issue or decision must be considered, (3) if multiple provisions are relevant, they must be considered together and applied according to the terms in which they are expressed, and (4) <del>notwithstanding the above, all provisions must be interpreted and applied to</del> <u>achieves</u> the integrated management objectives IM-O1 to IM-O4"
IM-P2 – Decision priorities	Support in part	Support the intent of mauri of the natural environment but would be helpful to have this defined to help strengthen it. Consideration should be given to going further than long-term life supporting capacity or suggestion that it should not be secured in the short term and retained into the long term for future generations. The term "natural environment " is not	Amend IM-P2 (1) as follows  (1) firstly, secure the <del>long-term</del> life-supporting capacity and mauri of <del>the</del> natural <u>resources environment for current and future generations,</u>

		defined. It would be better to rely on terminology of the RMA.	
IM-P4 – Setting a strategic approach to ecosystem health	Support in part	Ecosystem health is often undermined by cumulative effects of many minor effects. This policy needs to be strengthened to address this to require proactive management and measurement of cumulative effects. The resiliency of ecosystems is also important to ensure they are healthy over the long term as required by IM-O1. Amendments to capture cumulative effects and the precautionary approach are needed to give effect to the NPSFM and NZCPS	Amend IM-P4 as follows: “Healthy <u>and resilient</u> ecosystems and ecosystem services are achieved through a planning framework that: (1) protects their intrinsic values, (2) takes a long-term strategic approach that recognises changing environments, (3) recognises and provides for ecosystem complexity and interconnections, <u>and</u> (4) anticipates, or responds swiftly to, changes in activities, pressures, environmental state and trends, <u>and</u> (5) <u>measures cumulative effects on the environment and requires their proactive management, including by taking a precautionary approach when considering effects of activities.</u> ”
IM-P10 – Climate change adaptation and mitigation	Support in part	Needs to ensure that climate change adaptation and mitigation efforts don’t negatively impact on the other environmental outcomes desired.	Amend IM-P10 as follows: “IM-P10 – <i>Climate change</i> adaptation and mitigation Identify and implement <i>climate change</i> adaptation and mitigation methods for Otago that: 1. minimise the <i>effects of climate change</i> processes or <i>risks</i> to existing activities, 2. prioritise avoiding the establishment of new activities in areas subject to <i>risk</i> from the <i>effects of climate change</i> , unless those activities reduce, or are resilient to, those <i>risks</i> , and 3. provide Otago’s communities, including Kāi Tahu, with the best chance to thrive, even under the most extreme <i>climate change</i> scenarios, 4. <u>Provide for ecological migration and adaption.</u> ”
IM-P12 – Contravening	Oppose in part	This provides very broad powers to contravene other aspects of the RPS	Amend as follows: IM-P12 – Contravening environmental bottom lines for climate change

<p>environmental bottom lines for climate change mitigation</p>		<p>which is inappropriate. The extent of offsetting and compensation allowed provides few limits on how they can be used and would result in continued loss of important and significant values in the region.</p> <p>As written the policy is inconsistent with the NPSFM, NES for Freshwater and the NZCPS.</p>	<p>mitigation</p> <p>Where a proposed activity provides or will provide enduring regionally or nationally significant mitigation of climate change impacts, with commensurate benefits for the well-being of people and communities and the wider environment, decision makers may, at their discretion, allow non-compliance with an environmental bottom line set in any policy or method of this RPS only if they are satisfied that:</p> <p>(1) the activity is designed and carried out to have the smallest possible environmental impact consistent with its purpose and functional needs,</p> <p>(2) the activity is consistent and coordinated with other regional and national climate change mitigation activities,</p> <p>(3) adverse effects on the environment <del>that cannot be</del> <u>are</u> avoided, remedied, or mitigated <del>are offset, or compensated for if an offset is not possible, in accordance with any specific criteria for using offsets or compensation, and ensuring that any offset is:</del></p> <p><del>(a) undertaken where it will result in the best ecological outcome,</del></p> <p><del>(b) close to the location of the activity, and</del></p> <p><del>(c) within the same ecological district or coastal marine biogeographic region,</del></p> <p>(4) the activity will not impede either the achievement of the objectives of this RPS or the objectives of regional policy statements in neighbouring regions, and</p> <p>(5) the activity will not contravene a bottom line set in a national policy statement or national environmental standard, <u>and</u></p> <p><u>(6) there are no other reasonable alternatives, including changes in the nature or scale of associated activities."</u></p>
<p>IM–M4 – Climate change response</p>	<p>Support in part</p>	<p>This method needs to go further require councils to identify indigenous species and habitats and ecosystems that are at risk and to develop programmes for protection and adaption. The terminology should also be changed to</p>	<p>Amend IM–M4 as follows:</p> <p>By January 2027, local authorities (led by Otago Regional Council) must together, in partnership with Kāi Tahu and in consultation with Otago’s communities, develop climate change responses for the region that achieve climate change adaptation and mitigation, and that include:</p> <p>(1) identifying <u>indigenous species and habitats and ecosystems which are at</u></p>



		align with the RMA.  To help achieve the climate change objectives above there needs to be a clearer direction in regional and district plans to reduce emissions.	risk and developing programmes for protection and adaption, (X) <u>identifying infrastructure or other buildings that are natural and built resources vital to environmental and community resilience and well-being,</u> ... (4) <u>amend regional and district plans to provide for initiatives that reduce greenhouse gas emissions</u>
<b>CE – Coastal environment</b>			
CE–O1 – Safeguarding the coastal environment	Oppose in part	The objective fails to capture freshwater within the coastal environment. Nor does the objective capture protection of indigenous biodiversity, which is broad concept including as set out under Policy 11 and Objective 1 of the NZCPS	Amend CE-O1 as follows: “CE–O1 – Safeguarding the coastal environment The integrity, form, functioning and resilience of Otago's coastal environment is safeguarded so that: 1. the mauri of <i>coastal water</i> is protected, and restored where it has <i>degraded</i> , 2. <del>coastal</del> <i>water</i> quality supports healthy ecosystems, natural habitats, water-based recreational activities, existing activities, and customary uses, including practices associated with mahika kai and kaimoana, 3. the dynamic and interdependent natural biological and physical processes in the coastal environment are maintained or enhanced, 4. <del>representative or significant areas of</del> <u>indigenous biodiversity</u> <del>are</del> <u>is</u> protected, and 5. <i>surf breaks</i> of national significance are protected.”
CE–O2 – Maintaining or enhancing highly valued areas of the coastal environment	Oppose on part	It is not clear what highly valued areas are and the approach appears inconsistent with the NZCPS direction with respect to natural features and landscapes.	Amend as follows: “CE–O2 – Maintaining or enhancing <u>public access and recreation opportunities</u> <del>highly valued areas of the coastal environment</del> Public access, recreation opportunities, <del>and highly valued natural features and landscapes</del> <u>in the coastal environment</u> are maintained or enhanced.”
CE–O3 – Natural character, features and	Oppose in part	The proposed wording does not give effect to the NZCPS, in particular Objective 2 and Policies 13, 14 and 15 of	Amend as follows:

landscapes		NZCPS.	<p><i>“CE-03 – Natural character, features and landscapes</i>  Areas of natural character, natural features, landscapes and seascapes within the coastal environment are protected from inappropriate activities, and <u>rehabilitation efforts are restoration areas of the coastal environment where degradation has occurred is encouraged where the values of these areas have been compromised.</u>”</p>
CE-04 – Kāi Tahu associations with Otago’s coastal environment	Support in part	The term “relationship” is used in the NZCPS	<p>Amend as follows:</p> <p><i>“CE-04 – Kāi Tahu associations with Otago’s coastal environment</i>  The enduring cultural <del>association</del> <u>relationship</u> of Kāi Tahu with Otago’s coastal environment is recognised and provided for, and <i>mana whenua</i> are able to exercise their kaitiaki role within the coastal environment.”</p>

<p><i>CE-05 – Activities in the coastal environment</i></p>	<p>Oppose in part</p>	<p>Fails to recognise activities affecting the water quality in the coastal environment or to limit activities to those that have a functional need within the CMA.</p>	<p>Amend as follows:</p> <p><i>“CE-05 – Activities in the coastal environment</i>  Activities in the coastal environment:</p> <ol style="list-style-type: none"> <li>(1) make efficient use of space occupied <u>and have a functional need to locate</u> in the <i>coastal marine area</i>,</li> <li>(2) are of a scale, density and design compatible with their location,</li> <li>(3) <u>maintain and improve the quality of water in waterbodies and coastal water</u>,</li> <li>(4) are only provided for within appropriate locations and limits, and</li> <li>(5) maintain or enhance public access to and along the <i>coastal marine area</i>, including for customary uses.”</li> </ol>
<p><i>CE-P1 – Links with other chapters</i></p>	<p>Oppose in part</p>	<p>It is not clear that the CE provisions apply in all cases for activities within the coastal environment and where activities beyond the coastal environment may have effects downstream or on receiving environments.</p>	<p>Amend as follows:</p> <p><i>“CE-P1 – Links with other chapters</i>  Recognise that <u>in addition to the CE provisions</u>:</p> <ol style="list-style-type: none"> <li>(1) coastal hazards must be identified in accordance with CE-P2(4) and managed in accordance with the HAZ-NH – Natural hazards section of this RPS;</li> <li>(2) port activities must be managed in accordance with the TRAN – Transport section of this RPS; and</li> <li>(3) <i>historic heritage</i> must be managed in accordance with the HCV – Historical and cultural values section of this RPS.</li> <li>(4) <u>Land and water use activities beyond the coastal environment must be undertaken in a way that achieves the objectives and outcomes for the coastal environment</u>,</li> <li>(5) <u>the ECO indigenous biodiversity provisions apply</u>,</li> <li>(6) <u>The NLF natural features and landscape provisions apply”</u></li> </ol>
<p><i>CE-P2 –</i></p>	<p>Support in part</p>	<p>the policy fails to identify or require the identification of a matters necessary to</p>	<p>Amend as follows:</p>

<p><i>Identification</i></p>		<p>give effect to the NZCPS</p>	<p><i>“CE–P2 – Identification</i>  Identify the following in the coastal environment:</p> <ol style="list-style-type: none"> <li>(1) the landward extent of the coastal environment, recognising that the coastal environment includes: <ol style="list-style-type: none"> <li>(a) the <i>coastal marine area</i>,</li> <li>(b) islands within the <i>coastal marine area</i>,</li> <li>(c) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these,</li> <li>(d) areas at risk from coastal hazards as identified in CE–P2(4),</li> <li>(e) coastal vegetation and the habitat of indigenous coastal species including migratory birds,</li> <li>(f) elements and features that contribute to the natural character, landscape, visual qualities or <i>amenity values</i>,</li> <li>(g) items of cultural and <i>historic heritage</i> in the <i>coastal marine area</i> or on the coast,</li> <li>(h) inter-related coastal marine and terrestrial systems, including the intertidal zone, and</li> <li>(i) physical resources and built facilities, including <i>infrastructure</i>, that have modified the coastal environment,</li> </ol> </li> <li>(2) areas of <i>water</i> quality in the <i>coastal marine area</i> that are considered to have deteriorated so that it is having a significant adverse <i>effect</i> on ecosystems, natural habitats, or water-based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering, and cultural activities such as mahika kai and harvesting of kaimoana,</li> <li>(3) areas of <i>coastal water</i> where <i>takata whenua</i> have a particular interest,</li> <li>(4) areas that are potentially affected by coastal hazards (including tsunamis), giving priority to the identification of areas at high <i>risk</i> of being affected, and</li> <li>(5) the nationally significant <i>surf breaks</i> at Karitane, Papatowai, The Spit, and Whareakeake and any regionally significant <i>surf breaks</i>.</li> <li>(6) <u>Significant natural areas in accordance with Policy ECO-P2,</u></li> </ol>
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			<p>(7) <u>Areas where preserving natural character requires objectives, policies and rules, and include those provisions,</u></p> <p>(8) <u>Identify coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects,</u></p> <p>(9) <u>identifying areas and opportunities for restoration or rehabilitation of natural character,</u></p> <p>(10) <u>Identify areas and times where vehicle access is appropriate and where vehicles are otherwise restricted on beaches, foreshore and seabed and adjacent land.”</u></p>
CE-P3 – Coastal water quality	Support in part	The NZCPS seeks to improve the quality of both coastal and fresh water. The relationship with provisions of other RPS chapters for land and water use activities within and beyond the coastal environment is not clear.	Amend CE-P3 or add a new policy to give effect to the NZCPS in terms of water quality throughout the coastal environment and for impacts of activities beyond the coastal environment.
CE-P4 – Natural character	Support in part	Gives effect to Policy 13 and with the amendments sought to CE-P2 above and methods below will give effect to Policy 14 of the NZCPS	Retain CE-P4, amend CE-P2 as sought above and add methods to give effect to Policy 14 of the NZCPS
CE-P5 – Coastal indigenous biodiversity	support	While the NZCPS does consider and set direction with respect to indigenous biodiversity throughout its provisions, and this will need to be given effect to in other parts of the RPS and within plans, this policy does gives effect to Policy 11	Retain
CE-P6 – Natural features, landscapes and seascapes	Support in part	This policy will need the support of methods or amendment to APP9 to capture the NZCPS direction fort identification which includes at minimum by land typing, soil characterisation and landscape characterisation and having	Retain CE-P6 and make amendments to give effect to policy 15 of the NZCPS and to clarify the relationship with provisions of the NFL chapter.

		regard to the values it sets out. In addition, the relationship to the NFL chapter is not explained.	
CE-P7 – Surf breaks	Support in part	Surf breaks are recognised as a matter of natural character under Policy 13 of the NZCPS. As drafted this policy would lead to adverse effect inconsistent with Policy 13 of the NZCPS	Amend as follows: “CE-P7 – <i>Surf breaks</i> Manage Otago’s nationally and regionally significant <i>surf breaks</i> so that: <ol style="list-style-type: none"> <li>1. nationally significant <i>surf breaks</i> are protected by avoiding adverse <i>effects</i> on the <i>surf breaks</i>, including on access to and use and enjoyment of them, and</li> <li>2. the values of and access to regionally significant <i>surf breaks</i> are maintained, <u>and</u></li> <li>3. <u>avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on surf breaks.</u>”</li> </ol>
CE-P8 – Public access	Support in part	Clause 9 requires amending as the NZCPS requirements do not extend to permitted activities  Bird breeding and roosting areas can change and may not be captured within a recognised SNA. Restrictions may also be temporary in nature.  Policy direction is needed for consideration of long term availability for access including for future generations.  Vehicle access is restrictive under the NZCPS and should not be confused with provisions for walking access  Disturbance of intertidal habitats by	Amend as follows: “CE-P8 – <i>Public access</i> Maintain or enhance public <u>walking access</u> to, <del>and</del> <u>along and adjacent to the coastal marine area</u> , unless restricting public access is necessary: <ol style="list-style-type: none"> <li>1. to protect public health and safety,</li> <li>2. to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna,</li> <li>3. to protect dunes, estuaries and other sensitive natural areas or habitats,</li> <li>4. to protect places or areas containing <i>historic heritage</i> of regional or national significance,</li> <li>5. to protect places or areas of significance to <i>takata whenua</i>, including <i>wāhi tapu</i> and <i>wāhi tūpuna</i>,</li> <li>6. for defence purposes in accordance with the Defence Act 1990,</li> <li>7. for temporary activities or special events,</li> <li>8. <u>During bird breeding and roosting to protect indigenous species, or</u></li> <li>9. to ensure a level of security consistent with the operational requirements of a <u>consented</u> <del>lawfully established</del> activity.</li> </ol>

		vehicle access along beaches is a specific concern recognised in RMIA-CE-13 the RPS, yet there is no policy direction on this. The methods only direct regional councils to implement Policy 20. Bylaws are not sufficient for TAs. Transfer of powers may be appropriate for integrated management purposes as different restrictions from MHWS may not be effective or efficient.	<p><u>Apart from emergency vehicles, vehicle access and use on beaches, foreshore and seabed is only provided for at:</u></p> <ol style="list-style-type: none"> <li>1. <u>identified locations required for boat launching, as the only practicable means of access to private property or public facilities, or for the operation of existing commercial activities,</u></li> <li>2. <u>Identified areas and times for recreational vehicular use.”</u></li> </ol> <p>Make further amendments to CE-P8 or add another policy to capture considerations for long term availability of access including for future generations.</p>
CE-P9 – Activities on land within the coastal environment	Support	While this policy does not capture all the consideration necessary to give effect to Policy 6 of the NZCPS it captures key aspects without precluding further considerations.	Retain
CE-P10 – Activities within the coastal marine area	Support in part	The proposed wording suggests intensive use rather than efficient use and could encourage use without consideration for cumulative impacts	<p>Amend as follows:</p> <p>“CE-P10 – Activities within the <i>coastal marine area</i></p> <p>Use and development in the <i>coastal marine area</i> must:</p> <ol style="list-style-type: none"> <li>1. <u>be efficient and enable multiple uses of structures in the coastal marine area</u> wherever reasonable and practicable,</li> <li>2. maintain or improve the integrity, form, function and <i>resilience</i> of the <i>coastal marine area</i>, and</li> <li>3. have a <i>functional or operational need</i> to be located in the <i>coastal marine area</i>, or</li> <li>4. have a public benefit or opportunity for public recreation that cannot practicably be located outside the <i>coastal marine area</i>.” </li></ol>
CE-M1 – Identifying the coastal environment	Support in part	Forest & Bird has concerns with lines on maps failing to capture areas which should be considered part of the coastal environment. For this reason we consider that the RPS should provide	<p>Amend as follows:</p> <p>“CE-M1 – <i>Identifying the coastal environment</i></p> <p><i>Local authorities</i> must:</p>

		direction for plans to enable consideration on a case by case basis.	<ol style="list-style-type: none"> <li>1. no later than 31 May 2023, work collaboratively to: <ol style="list-style-type: none"> <li>(a) identify the landward extent of the coastal environment, in accordance with CE-P2(1),</li> <li>(b) map the landward extent of the coastal environment area in the relevant <i>regional</i> and <i>district plans</i>.</li> </ol> </li> <li>2. <u>Provide for case by case consideration of whether consented activities in the vicinity of the coast are or are not within that environment.</u></li> </ol>
CE-M2 – Identifying other areas	Support in part	where areas meeting CE-P5 are mapped they should be combined with any matted SNAs in the coastal environment to avoid duplication or confusion and ensure the same high-level of protection is given to all significant indigenous biodiversity in the coastal environments.	<p>Amend as follows:</p> <p><i>“CE-M2 – Identifying other areas</i>  <i>Local authorities must work collaboratively together to:</i></p> <ol style="list-style-type: none"> <li>1. identify areas and values of high and outstanding natural character within their jurisdictions in accordance with CE-P4(1), map the areas and describe their values in the relevant <i>regional</i> and <i>district plans</i>, and identify their capacity to accommodate change through use or development while protecting the values that contribute to the natural character of the area being considered high or outstanding,</li> <li>2. identify areas and values of outstanding natural features, landscapes, and seascapes (in the coastal environment) within their jurisdictions in accordance with CE-P6(1), map the areas and describe their values in the relevant <i>regional</i> and <i>district plans</i>, and identify their capacity to accommodate change through use or development while protecting the values that contribute to the natural features, landscapes, and seascapes being considered outstanding,</li> <li>3. identify areas and values of indigenous <i>biodiversity</i> within their jurisdictions in accordance with CE-P5, map the areas and describe their values in the relevant <i>regional</i> and <i>district plans</i> <u>combined with mapped and described SNAs</u>, and</li> <li>4. prioritise identification under (1) – (3) in areas that are: <ol style="list-style-type: none"> <li>(a) likely to face development or growth pressure over the life of this RPS, or</li> <li>(b) likely to contain outstanding natural character areas,</li> </ol> </li> </ol>



			outstanding natural features or landscapes, and areas of significant indigenous <i>biodiversity</i> , including the areas in the table below. ...”
CE-M3 – <i>Regional plans</i>	Support in part	Policy IM-15 cannot be relied upon to capture the precautionary approach of the NZCPS. Include additional clauses to capture amendments sought to policies above	Amend as follows: “CE-M3 – <i>Regional plans</i> Otago Regional Council must prepare or amend and maintain its <i>regional plans</i> no later than 31 December 2028 to: <ol style="list-style-type: none"> <li>1. map areas of deteriorated <i>water</i> quality in the coastal environment, in accordance with CE- P2(2) and CE-P2(3),</li> <li>2. map the areas and characteristics of, and access to, nationally and regionally significant <i>surf breaks</i>,</li> </ol> <u>X. Include other mapping as set out in the CE policies,</u> <u>XX. Control, permit or otherwise restrict vehicle access to beaches, foreshore and the seabed,</u> <ol style="list-style-type: none"> <li>3. require development to be set back from the <i>coastal marine area</i> where practicable to protect the natural character, open space, public access and <i>amenity values</i> of the coastal environment,</li> <li>4. manage the <i>discharge</i> of <i>contaminants</i> into <i>coastal water</i> by: <ol style="list-style-type: none"> <li>(a) ...</li> </ol> </li> <li>5. control the use and development of the <i>coastal marine area</i>, in order to: <ol style="list-style-type: none"> <li>(a) preserve the natural character; natural landscapes, features, and seascapes; and indigenous <i>biodiversity</i> of the <i>coastal marine area</i> in accordance with CE-P4, CE-P5 and CE-P6, and</li> <li>(b) manage Otago’s nationally and regionally significant <i>surf breaks</i> in accordance with CE- P7,</li> </ol> </li> <li>6. include provisions requiring the adoption of a precautionary approach to assessing the <i>effects</i> of activities in the coastal environment in accordance with IM-P15 where: <ol style="list-style-type: none"> <li>(a) there is scientific uncertainty, or</li> <li>(b) there are potentially significant or irreversible adverse <i>effects</i>,</li> </ol> <u>or</u> </li> </ol>

			<p>(c) <u>where coastal resources potentially vulnerable to effects from climate change,</u></p> <p>7. identify areas appropriate for aquaculture and the forms and limits associated with providing for aquaculture that will enable achievement of objectives CE–O1 to CE–O5,…”</p> <p>In all other respects retain CE-M3</p>
CE–M4 – District plans	Support in part	For the same reasons as set out for CE-M3	<p>Amend as follows:  “CE–M4 – <i>District plans</i>  <i>Territorial authorities</i> must prepare or amend and maintain their <i>district plans</i> to:</p> <p><u>X. Include mapping as set out in the CE policies beyond the coastal marine area,</u></p> <p><u>XX. Control, permit or otherwise restrict vehicle access to beaches, foreshore and the seabed,</u></p> <ol style="list-style-type: none"> <li>1. control the location, density and form of <i>subdivision</i> in the coastal environment (outside the <i>coastal marine area</i>),</li> <li>2. control the location, scale and form of <i>buildings</i> and <i>structures</i> in the coastal environment (outside the <i>coastal marine area</i>),</li> <li>3. control the location and scale of <i>earthworks</i> and vegetation planting, modification and removal in the coastal environment (outside the <i>coastal marine area</i>),</li> <li>4. require <i>resource consent</i> for uses of <i>land</i> on reclamations that have occurred after the date this RPS becomes operative,</li> <li>5. provide for the establishment of <i>esplanade reserves</i> and <i>esplanade strips</i>,</li> <li>6. include provisions requiring the adoption of a precautionary approach to assessing the <i>effects</i> of activities in the coastal environment in accordance with IM–P15 where: <ol style="list-style-type: none"> <li>(a) there is scientific uncertainty, or</li> <li>(b) there are potentially significant or irreversible adverse <i>effects</i>,</li> </ol> </li> </ol>

			<p><u>or</u>  (c) <u>where coastal resources potentially vulnerable to effects from climate change,</u></p> <ol style="list-style-type: none"> <li>7. provide for walking access to the <i>coastal marine area</i> in accordance with Policy 19 of the NZCPS,</li> <li>8. control vehicle access to the <i>coastal marine area</i> in accordance with Policy 20 of the NZCPS,</li> <li>9. recognise <i>takata whenua</i> needs for <i>papakāika</i>, marae and associated developments within the coastal environment and make appropriate provision for them,</li> <li>10. provide access to nationally and regionally significant <i>surf breaks</i>, and</li> <li>11. provide for and encourage activities undertaken for the primary purpose of restoring natural character, features, or landscapes in accordance with CE–P4 and CE–P6.”</li> </ol>
CE–M5 – Other incentives and mechanisms	Support in part	The language is uncertain and it is not clear what encouragement the council is intending to provide to authorities. In terms of vehicles on beaches bylaws should not be the primary method of restricting access for the reasons set out on the policy above. However they may be a useful other mechanism.	<p>Amend as follows:</p> <p><i>“CE–M5 – Other incentives and mechanisms</i>  <del>Local authorities are encouraged to consider the use of other mechanisms or incentives to assist in achieving Policies CE–P2 to CE–P12 as appropriate,</del>  including:</p> <ol style="list-style-type: none"> <li>1. identifying areas and opportunities within the coastal environment for restoration or rehabilitation,</li> <li>2. identifying opportunities to enhance or restore public walking access in accordance with Policy 19(c) of the NZCPS,</li> <li>3. promoting the removal of abandoned or redundant structures that have no heritage, amenity or reuse value,</li> <li>4. funding assistance for restoration projects (for example, through Otago Regional Council’s ECO Fund),</li> <li>5. development or design guidelines (for example, colour palettes for <i>structures</i> in the coastal environment),</li> <li>6. rating differentials for <i>land</i> that is protected due to its status as a high or outstanding natural character area <u>or as an SNA,</u></li> </ol>

			<ul style="list-style-type: none"> <li>7. education and advice,</li> <li>8. research relevant to the <i>effects</i> of activities on: <ul style="list-style-type: none"> <li>1. coastal network <i>infrastructure</i>,</li> <li>2. coastal values,</li> <li>3. coastal hazards,</li> <li>4. riparian vegetation cover or any <i>land</i> cover that contributes to supporting coastal values or mitigating coastal hazards, or</li> <li>5. areas particularly sensitive to <i>land</i> use changes,</li> </ul> </li> <li>9. facilitating the restoration, rehabilitation or creation of coastal habitats, particularly when it: <ul style="list-style-type: none"> <li>1. encourages the natural regeneration of indigenous species,</li> <li>2. buffers or links ecosystems, habitats and areas of significance that contribute to ecological corridors, or</li> <li>3. maintains or enhances the provision of indigenous ecosystem services, and</li> </ul> </li> <li>10. bylaws controlling vehicle access to and along the <i>coastal marine area</i> in accordance with Policy 20 of the NZCPS.”</li> </ul>
CE-E1 - Explanation	Oppose in part	<p>A “balancing” is not appropriate. There are directive policies of the NZCPS for protection which must be implemented. Not including the prescriptive policies of the NZCPS means that the NZCPS is not given effect to by the NZCPS and cannot be relied upon for plan making or consenting.</p> <p>Apparently the values of the coastal env are provided for in other chapters listed. It is not clear which other chapters are relevant to values of the coastal environment.</p>	<p>Delete the words “balance of” in the last sentence of the second paragraph. Make consequential changes to the explanation to reflect amendments sought in this submission.</p> <p>Clarify the relationship of the coastal chapter with provisions in other chapters that apply within the coastal environment .</p>
CE-AER1	Oppose in part	The outcome is uncertain and does not reflect the protection required by the NZCPS	<p>Amend as follows:  “The values of the coastal environment are <u>safeguarded and preserved for future generations</u> <del>not adversely affected or lost because of inappropriate uses</del>”</p>

			of the <i>natural and physical resources</i> in the coastal environment.”
CE-AER2	Support in part	Improvement is also appropriate.	Amend as follows: “There is no reduction in the extent of identified areas of high and outstanding natural character in the coastal environment <u>and areas are improved where degradation has occurred.</u> ”
CE-AER3	support	Appropriate for natural character	Retain
CE-AER4	Support	This refers to quality of water but the policies are largely focused on coastal water and would not achieve this.	Retain CE-AER4  Make amendments to the CE policies to improve the quality of water in the coastal environment.
<b>LF – Land and freshwater</b>			
LF-WAI-O1	Support	Captures the concepts set out in the NPSFM	Retain
LF-WAI-P1 – Prioritisation	Support in part	Broadly support and note the consistency with the NPSFM. Should be amended to provide clarity that the consumption of harvested resources is from those harvested directly from the waterbody and not, for example, irrigated crops. This would prevent a misinterpretation that abstraction for irrigation is a second order rather than third order priority as the NPSFM intends.  Further, to provide clarity and ensure EIT policies aren’t misinterpreted, the third priority should be amended to make it clear that use or allocation of fresh water for hydroelectricity generation is a third	Amend LF-WAI-P1 as follows: “In all management of <i>fresh water</i> in Otago, prioritise: 1) first, the health and well-being of <i>water bodies</i> and <i>freshwater</i> ecosystems, te hauora o te wai and te hauora o te taiao, and the exercise of <i>mana whenua</i> to uphold these, <sup>47</sup> 2) second, the health and well-being needs of people, te hauora o te tangata; interacting with <i>water</i> through ingestion (such as <i>drinking water</i> and consuming <del>harvested</del> resources <u>harvested from the waterbody</u> ) and immersive activities (such as harvesting resources and bathing), and 3) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future, <u>including hydroelectricity generation.</u> ”

		order priority.	
LF-WAI-P3 – Integrated management/ki uta ki tai	Support in part	Needs explicit provision to restore freshwater (to meet NPS-FM requirement). In order to meet LF-WAI-O1 and LF-WAI-P1 and the NPS-FM requirements, decisionmakers should use the naturalised waterbody as a starting point for assessing decisions against.	Amend as follows: “LF-WAI-P3 – Integrated management/ki uta ki tai Manage the use of <i>fresh water</i> and <i>land</i> in accordance with tikaka and kawa, using an integrated approach that: <ol style="list-style-type: none"> <li>1. recognises and sustains the connections and interactions between <i>water bodies</i> (large and small, surface and ground, fresh and coastal, permanently flowing, intermittent and ephemeral),</li> <li>2. sustains and, wherever possible, restores the connections and interactions between <i>land</i> and <i>water</i>, from the mountains to the sea,</li> <li>3. sustains and, <del>wherever possible</del>, restores the habitats of mahika kai and indigenous species, including taoka species associated with the <i>water body</i>,</li> <li>4. manages the <i>effects</i> of the use and development of <i>land</i> to maintain <del>or enhance</del> <u>and restore</u> the health and well-being of <i>fresh water</i> and <i>coastal water</i>,</li> <li>5. <del>Encourages</del> <u>requires</u> the coordination and sequencing of regional or urban growth to ensure it is sustainable,</li> <li>6. has regard to foreseeable <i>climate change risks</i>, <del>and</del></li> <li>7. has regard to cumulative <i>effects</i> and the need to apply a precautionary approach where there is limited available information or uncertainty about potential adverse <i>effects</i>,</li> <li>8. <u>Considers effects against the naturalised flow and natural state of a waterbody when making decisions on flow, allocation, standards for water quality, and activities which may affect the health, well-being, and resilience of water bodies and freshwater ecosystems.</u>”</li> </ol>
LF-WAI-P4 - Giving effect to <i>Te Mana o te Wai</i>	Support	This is a helpful policy to help ensure <i>Te Mana o te Wai</i> is achieved	Retain
LF-WAI-AER2	Support in part	This must be extended to reflect the emphasis on restoration above	Amend LF-WAI-ARE2 as follows: “The mauri of Otago’s <i>water bodies</i> and their health and well-being is

			protected and restored.”
<b>LF-VM – Visions and management</b>			
LF-VM-O1 – Otago wide vision	New provision	<p>The NPS-FM s3.3 requires visions to be ambitious and clear on what the outcomes to be achieved are - noting that they are to be difficult to achieve but not impossible. There is currently no overarching vision for which the specific FMU visions are set to achieve. Forest &amp; Bird notes the requirement to work with mana whenua and communities on developing FMU visions. It’s unclear what process has been followed to do this and the extent to which communities have been involved. The FMU specific visions do not add up to an overall view of the whole. Many also miss basic aspects of river management and required values of the NPS-FM, yet these are present in other visions creating an inconsistent and sometimes contradictory approach. At present, these visions won’t achieve the required outcomes in the LF-WAI chapter.</p> <p>Some of the wording is imprecise and not helpful for providing policy direction (e.g. ‘creative ecological approaches’ is unclear).</p> <p>The dates in the FMU visions are too far away and do not meet the ambition required by the NPS-FM. Some aspects fail to put timeframes on at all.</p>	<p>Add a new overarching vision to apply to all FMUs in Otago as follows:  <u>“LF-VM-O1 – All of Otago catchment vision</u>  <u>By no later than 2040, in all Otago catchments:</u></p> <ol style="list-style-type: none"> <li><u>(1) water bodies are protected at, or restored to a state of good health, well-being and resilience,</u></li> <li><u>(2) activities relating to water support the health, well-being and resilience of affected water bodies,</u></li> <li><u>(3) the natural form and function of water bodies, including with respect to water quality, sedimentation and flows, mimics that of their natural behaviour,</u></li> <li><u>(4) ecosystem connections between freshwater, wetlands and the coastal environment are protected and restored,</u></li> <li><u>(5) wetland, estuary and lagoon extent has been restored as much as practical where it has been lost, and their quality is protected and restored,</u></li> <li><u>(6) the habitat of indigenous species is protected and restored, and indigenous species are able to migrate easily within and between catchments,</u></li> <li><u>(7) food is available to be harvested from water bodies in abundance and is safe to consume,</u></li> <li><u>(8) people have abundant, quality opportunities to connect with and recreate within or close to a wide range of water bodies,</u></li> <li><u>(9) there are no direct discharges of waste water to water bodies, and</u></li> <li><u>(10) fresh water is managed in accordance with the LF-WAI objectives and policies.”</u></li> </ol> <p>Make the required consequential amendments to specific FMU visions in LF-VM-O2 to LF-VM-O6 to ensure the overarching vision above applies to all of them while retaining FMU specific provisions and timeframes where appropriate to be stronger than provided for in LF-VM-O1.</p>

		<p>In the Central Otago context, with catchments affected by over-abstraction deemed permit holders have already had 30 years to improve practise and reduce environmental effects.</p> <p>The relevant goals within the vision objectives should all be achieved by, at most, 2040. Forest &amp; Bird supports retaining shorter timeframes where these are already proposed.</p> <p>Forest &amp; Bird proposes an overarching vision for all FMUs in Otago to resolve these issues. We note that the indicative wording provided may need to be expanded to capture aspects we can't speak for.</p>	
LF-VM-O2 – LF-VM-O6	Support in part	For the reasons for LF-VM-O1 above	Make the required consequential amendments to specific FMU visions in LF-VM-O2 to LF-VM-O6 to ensure the overarching vision set out in LF-VM-O1 above applies to all of them while retaining FMU specific provisions and timeframes where appropriate to be stronger than provided for in LF-VM-O1.
<b>LF-FW – Fresh water</b>			
LF-FW-O8 – Fresh water	Support in part	<p>The NPSFM is to identify water bodies that are outstanding by their outstanding values and then to protect the significant values of the outstanding water body. This means that if a waterbody is outstanding for a recreational or use value, it is not necessarily the recreation or use that is protected but rather the</p>	<p>Amend LF-FW-O8 – Fresh water as follows:</p> <p>(5) <del>the significant and outstanding values of</del> Otago's outstanding water bodies are identified and <u>their significant values are protected.</u></p> <p><u>(6) the objectives set out in LF-VM-O1 - LF-VM-O6 are achieved</u></p>



		<p>significant values of the waterbody</p> <p>Clarity is needed to ensure the visions for catchments in Otago set out above are achieved.</p>	
LF-FW-O9 - <i>Natural wetlands</i>	Support	This is an important objective to help give effect to the NPS-FM and NES-F	Retain
LF-FW-O10 -	support	Forest & Bird supports this objective and is pleased that provision is given for wetlands generally (as defined in the RMA) which will help protect wetlands of important value which may otherwise slip through the definition of natural wetland. Additional policy is needed to protect and restore these wetlands.	Retain
LF-FW-P7	Support in part	Resilience of water bodies is also important	<p>(1) the health, <u>resilience</u>, and well-being of <i>water bodies</i> is maintained or, if <i>degraded</i>, improved,</p> <p>(2) the habitats of indigenous species associated with <i>water bodies</i> are protected, including by providing for fish passage,</p> <p>...</p> <p>(5) existing <i>over-allocation</i> is phased out and future <i>over-allocation</i> is avoided, and <i>fresh water</i> is allocated within environmental limits and used efficiently.</p>
LF-FW-P8	support	Aligns with NPS-FM needs a method to ensure this mapping is done by 2030 as per 3.23 4) of the NPS-FM	Retain with amendments needed to methods to ensure these are mapped
LF-FW-P9	support in part	The NES-F provides far more detail on how this is to be achieved. A note to direct readers to the NES would be helpful	Add a note or additional policy point to direct that further detail in the NES-F applies
LF-FW-P10	Support in part	'Where possible' introduces a degree of judgement and lack of clarity in the policy direction	Improve the ecosystem health, hydrological functioning, <i>water</i> quality and extent of <i>natural wetlands</i> that have been degraded or lost by requiring, <u>where possible</u> :

LF-FW-P12	Support in part	Change needed to reflect changes described in LF-FW-O8	<p>The significant and outstanding values of <i>outstanding water bodies</i> are identified and their significant values are protected by:</p> <ol style="list-style-type: none"> <li>1. Identifying <u>outstanding water bodies</u> in the relevant <i>regional and district plans, and during consenting process</i> and</li> <li>2. protected by avoiding adverse <i>effects</i> on <u>their</u> values.</li> </ol>
LF-FW-P13	Support in part	<p>Additional policy is needed to provide for the protection of wetlands in LF-PW-O10. Instream values also need to be protected.</p> <p>The policy also provides little protection for lakes too.</p>	<p>Create a new policy appropriate for wetlands or amend as follows: Preserve the natural character <u>instream values</u> of <i>wetlands, lakes and rivers</i> and their <i>beds</i> and margins by:</p> <ol style="list-style-type: none"> <li>(1) avoiding the <i>loss of values</i> or extent of a <u>wetland, lake or river</u>, unless: ...</li> <li>(2) (a) the application demonstrates how each step of the <i>effects management hierarchies</i> in (1)(b) will be applied to the <i>loss of values</i> or extent of the <u>wetland, lake or river</u>, and</li> </ol>
LF-FW-P14	Support in part	<p>Additional policy is needed to provide for the protection of wetlands in LF-PW-O10. Needs to be stronger direction than promote which is a term that provides little meaning.</p>	<p>Amend LF-FW-P14 as follows:</p> <p>Where the natural character <u>or instream values</u> of <i>wetlands, lakes and rivers</i> and their margins has been reduced or lost, <del>promote</del> require actions that:</p> <p>...</p>
LF-FW-P15	Support in part	<p>Minimise does not provide strong enough direction to improve water quality. We should not be discharging any wastewater into freshwater unless it is appropriately treated and an appropriate effects management hierarchy should be in place</p>	<p><del>Minimise</del> <u>Avoid</u> the adverse <i>effects</i> of direct and indirect <i>discharges</i> of <i>stormwater</i> and <i>wastewater</i> to <i>fresh water</i> by:</p> <ol style="list-style-type: none"> <li>1. except as required by LF-VM-O2 and LF-VM-O4, <del>preferring</del> <u>require</u> <i>discharges of wastewater to land</i> over <i>discharges to water</i>, unless adverse <i>effects</i> associated with a <i>discharge to land</i> are greater than a <i>discharge to water</i>, and</li> <li>2. requiring: <ol style="list-style-type: none"> <li>1. all sewage, industrial or trade waste to be <i>discharged</i> into a reticulated <i>wastewater</i> system, where one is available,</li> <li>2. all <i>stormwater</i> to be <i>discharged</i> into a reticulated system, where one is available,</li> <li>3. implementation of methods to progressively reduce the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring for</li> </ol> </li> </ol>

			<ul style="list-style-type: none"> <li>reticulated <i>stormwater</i> and <i>wastewater</i> systems,</li> <li>4. on-site <i>wastewater</i> systems to be designed and operated in accordance with best practice standards,</li> <li>5. <i>stormwater</i> and <i>wastewater discharges</i> to meet any applicable water quality standards set for <i>FMUs</i> and/or <i>rohe</i>, and</li> <li>6. the use of water sensitive urban design techniques to avoid or mitigate the potential adverse <i>effects of contaminants</i> on receiving <i>water bodies</i> from the <i>subdivision</i>, use or development of <i>land</i>, wherever practicable, and</li> <li>3. <del>promoting</del> <u>providing</u> for the reticulation of <i>stormwater</i> and <i>wastewater</i> in urban areas.</li> </ul>
<b>LF-LS-Land and Soil</b>			
LF-LS-M12	Support in part	There has already been extensive loss of tall tussocks and we need to protect and restore what's left	Amend as follows:  ...  (1)(b) <del>avoiding</del> <u>minimising</u> the removal of tall tussock grasslands, and
<b>ECO – Ecosystems and indigenous biodiversity</b>			
ECO–O1 – Indigenous biodiversity	Support	this is a good outcome for indigenous biodiversity in Otago However this may not be sufficient to give effect to higher order documents including the NZCPS, NPSFM and the upcoming NPS for indigenous biodiversity.	Otago's indigenous biodiversity is healthy and thriving and any decline in quality, quantity and diversity is halted.
ECO–O2 – Restoring or enhancing	Oppose in part	Objective O2 appears intended to redress the decline which O1 would at least halt. However the relationship between the objectives is uncertain as O2 uses	A net increase in the extent, <u>quality, quantity</u> and <del>occupancy</del> <u>diversity</u> of Otago's indigenous biodiversity results from restoration <del>or enhancement</del> <u>and improvement</u> .

		<p>different terms with respect to increase than the terms used in respect of decline.</p> <p>The terms “or enhancement” are not supported. Both restoration and improvement are the appropriate outcomes and objective for a net increase consistent with halting decline. Forest and Bird supports an objective for increasing indigenous biodiversity in Otago. We recognise that it may take some time to halt the decline in some cases and that biodiversity offsetting may be appropriate for some activities of particular national or regional significance. However, a net increase should not be achieved on the basis of offsetting or compensation as those measures cause and then redress a loss or decline in indigenous biodiversity. A net increase objective is only appropriate where it is achieved through restoration and improvement.</p>	
ECO-03 – Kaitiakiaka and stewardship	Support	<p>There is a potential for inconsistency in the proposed wording where biodiversity intersects with freshwater NPSFM priorities and also s5 of the RMA. This can simply be addressed by removing the suggestion of a priority for (2) over (1).</p>	<p>Amend as follows:  “ECO-03 – Kaitiakiaka and stewardship  Mana whenua are recognised 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), <del>while and</del>  (2) <del>providing</del> for te hauora o te takata (the health of the people).”</p>
ECO-P1 –	Support	<p>its important that any provision for</p>	<p>Retain or amend to provide greater clarity that “in accordance with</p>

Kaitiakitaka		access and use is in accordance with tikaka so that significant values are recognised and protected.	tikaka” will recognise and protect significant values.
ECO-P2 – Identifying significant natural areas and taoka	Support in part	APP2 sets out criteria to determine the significance of areas and values of indigenous biodiversity , it does not identify areas and values. The policy needs to be clarifies so that it is clear the criteria is the mechanism that identifies as area as significant.	Amend as follows: “ECO-P2 – Identifying significant natural areas and taoka Identify: (1) <u>Areas and values of indigenous biodiversity that meet the significance criteria in accordance with APP2 are identified as significant natural areas</u> <del>the areas and values of significant natural areas in accordance with APP2,</del> and (2) <u>Identify</u> indigenous species and ecosystems that are taoka in accordance with ECO-M3.”
ECO-P3 – Protecting significant natural areas and taoka	Support in part	The exceptions are not appropriate as ECO-P3 should still be applies as far as possible. Not is it necessary to refer to ECO-P4 and ECO-P5 as exceptions because all policies must be implemented. The wording of ECO-P4 is clear that specific circumstances apply. ECO-P5 (as amended) would allow for continued operation and the maintenance of lawfully established activities where adverse effects do not result in the loss of extent or degradation and should therefore be consistent with ECO-P3 in any case. The policy lacks proactive direction for protection. Waiting until an adverse effect results in any reduction or loss is too late, the wording should reflect a precautionary approach. The term “reduction” does not provide a	Amend as follows: “ECO-P3 – Protecting significant natural areas and taoka <del>Except as provided for by ECO-P4 and ECO-P5,</del> protect <i>significant natural areas</i> and indigenous species and ecosystems that are taoka by: (1) avoiding adverse effects that <u>have potential to result in:</u> (a) any <del>reduction</del> <u>decline</u> of the area <del>or values (even if those values are not themselves significant)</del> <u>identified under ECO-P2(1) or the values that contribute to the area being identified as significant,</u> <del>or and</del> (b) any loss of Kāi Tahu values, and (2) after (1), <u>for any other adverse effects</u> applying the biodiversity effects management hierarchy in ECO-P6, and (3) <del>prior to</del> <u>including mapped</u> significant natural areas and indigenous species and ecosystems that are taoka <u>as overlays in plans, and</u> (a) <u>providing policy and methods in plans for protection measures including: pest control, fencing and covenants; and</u> (4) <u>including provision for identification of significant natural areas in accordance with APP2 in consenting processes where adverse effects on indigenous biodiversity have potential to be more than minor; and</u> (5) <del>being identified in accordance with ECO-P2,</del> adopt a precautionary approach towards activities in accordance with IM-P15.”

		<p>clear link to the objectives</p> <p>It is unclear how a value that is identified under ECO-P2 would not be significant as the APP2 is that meeting any one or more criteria determines significant. However, it is unclear how the policy would be applied as the criteria does not set out to identify values per se.</p> <p>Forest &amp; Bird considers that the values which contribute to the significance of an area should be protected and to ensure that the most up-to-date information on values is available the identification of values should be undertaken as part of an effects assessment.</p> <p>Adverse effects must be avoided in both cases of (1)(a) and (b) as an area could hold values for both.</p> <p>For reasons discussed above it is mapping of areas is important for achieving protection, particularly to assist in strategic planning, however there still needs to be an assessment to determine whether other areas meet the criteria through consenting processes.</p>	
ECO-P4 – Provision for new activities	Oppose in part	<p>The policy is unclear as to whether it is intended to provide direction on indigenous biodiversity generally or just SNAs and taoka.</p> <p>Councils have the function for maintenance of indigenous biodiversity, however this must be implemented in a way that provides for protection to</p>	<p>Delete ECO-P4 or amend as follows:</p> <p><u>“ECO-P4 – Provision for <del>new activities specified</del> new development and use in significant natural areas identified in accordance with APP2, and taoka identified in accordance with ECO-M3.</u></p> <p><u>Maintain Otago’s indigenous biodiversity by following the sequential steps in the effects management hierarchy set out in ECO-P6 w</u>When making decisions on plans, applications for resource consent or notices of requirement <u>recognised that for the following specified development and use activities are</u></p>

	<p>achieve responsibilities under s6(c). The policy heading suggests it would apply to all new activities which is not the case and nor would that be appropriate. The policy is confusing in this respect as it is not clear what happens for other “new activities” and because it would establish an approach would create confusion for the expiration of existing consents where a new consent is required. It is not appropriate in our view for the RPS to go into this level of detail for the management of consenting activities. Rather the RPS should set direction with respect to any specific development or use that may be appropriate within significant areas subject to the availability of offsetting and compensation.</p> <p>Even where “no net loss” and “no loss of rare or vulnerable species” is achieved, offsetting can still result in the loss of significant values and may not ensure that biodiversity is maintained in all cases (unless a like for like offset is achieved). As such it should not be generally available for just any activity. This must be clearly set out in the RPS so that the matters and purposes for which offsetting is specifically available to be considered is only those that would provide for significant benefits to the</p>	<p><u>more likely to be appropriate than other activities in significant natural areas, or where <del>they activities</del> may adversely affect indigenous species and ecosystems that are taoka by following the sequential steps in the effects management hierarchy set out in ECO-P6:</u></p> <p>(1) the development or upgrade of nationally and regionally significant infrastructure that has a functional or operational need to locate within the relevant significant natural area(s) or where <del>they activities</del> may adversely affect indigenous species or ecosystems that are taoka,</p> <p>(2) the development of papakāika, marae and ancillary facilities associated with customary activities on Māori land,</p> <p>(3) the use of Māori land in a way that will make a significant contribution to enhancing the social, cultural or economic well-being of takata whenua,</p> <p>(5) activities that are for the purpose of protecting, restoring <del>or enhancing and improving</del> a significant natural area or indigenous species or ecosystems that are taoka, or</p> <p>(5) activities that are for the purpose of addressing a severe and immediate risk to public health or safety.”</p>
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		<p>wellbeing of communities. If the policy cannot be clearly worded to address these concerns it should be deleted.</p>	
<p>ECO-P5 – Existing activities in significant natural areas</p>	<p>Oppose in part</p>	<p>Forest &amp; Bird accepts that maintenance and operation of lawfully established activities within significant areas may appropriately continue where this does not lead to loss or degradation of such areas. However, the policy as proposed is uncertain and confusing for the following reasons: It is not clear what an existing activity is under the RPS. For some activities determining existing and new activities is dictated by higher order documents and regulation, including the NPSFM in relation to “improved pasture” under the definition of natural wetland and the Stock Exclusion Regulations for stock exclusion from waterbodies. Forest &amp; Bird is concerned that the approach of P4 and P5 would undermine the RMA consenting process where renewing a consent is to be treated as a new application. The ability for councils to appropriately consider effects of a proposal, including where existing effects are no longer considered appropriate and where a new consent for an activity should be declined.</p>	<p>Amend as follows: “ECO-P5 – <u>Existing Maintenance and operation of activities in significant natural areas</u> <del>Except as provided for by ECO-P4,</del> provide for <u>the maintenance and continuing operation of existing lawfully established activities</u> within significant natural areas and that may adversely affect indigenous species and ecosystems that are taoka, if: (1) the <u>maintenance and continuing operation</u> <del>continuance of an existing lawfully established activity</del> will not lead to the loss (including through cumulative loss) of extent or degradation of the ecological integrity of any significant natural area or indigenous species or ecosystems that are taoka, and (2) the adverse effects <u>of the maintenance and continuing operation</u> <del>of an existing activity</del> are no greater in character, spatial extent, intensity or scale than they were before this RPS became operative. <u>and</u> <u>(3) the activity is not within 10m of a freshwater body or within the coastal environment.”</u></p>



		The RPS should not perpetuate activities which were not lawfully established.	
ECO-P6 – Maintaining indigenous biodiversity	Support in part	<p>Forest &amp; Bird is generally supportive of this biodiversity management hierarchy, subject to amendments to APP3, APP4 and ECO-P3, as it is not generally available for activities in areas under ECO-P3 meeting the APP2 criteria. However we are concerned that there is little if any ability for decision makers to decline a consent where an offset or compensation is offered by an applicant consistent with the hierarchy. This is of some concern as there is no policy direction to avoid significant adverse effects or to recognise that the potential scale of adverse effects and loss of indigenous biodiversity could make the activity inappropriate. Applying this policy in the coastal environment would be inconsistent with the NZCPS which sets out direction to avoid and avoid significant adverse effects in Policies 11, 13 and 15, to avoid certain activities under Policies 10 and 23 as well as many other requirements where adverse effects are to be avoided. There is also potential for inconsistency with the NPSFM and NES-F in relation to any wetland that may not meet the significance criteria (under ECO-P3). This is because the mitigation hierarchy set out in the NPSFM is only available to</p>	<p>Amend as follows:  “ECO-P6 – Maintaining indigenous biodiversity  Maintain Otago’s indigenous biodiversity (excluding the coastal environment and areas <del>managed</del> <u>protected</u> under ECO-P3) by applying the following biodiversity effects management <u>hierarchy order</u> 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, <u>and</u>  (4) <u>beyond the coastal environment</u> where there are residual adverse effects after avoidance, remediation, and mitigation, then the residual adverse effects are offset in accordance with APP3, and  (5) <u>beyond the coastal environment</u> if biodiversity offsetting of residual adverse effects is not possible <u>in accordance with APP3</u>, 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.</p> <p>Amend other policy throughout the plan relating to natural wetlands, natural inland wetlands and rivers and activities within and within 10 metres of them to ensure that the effects management hierarchy is applied and that offsetting and compensation under ECO-P6 is not available to activities beyond those provided for under the NPSFM and NES for Freshwater.”</p>

		<p>specified activities. This makes ECO-P6 potentially more lenient than the NES-F for other activities. Clear direction in policies relating to wetlands or activities within and within 10m of them is needed to ensure that offsetting and compensation are not available. The methods for implementing of this policy in plans will also need to ensure inconsistencies are avoided and the NPSFM is given effect to.</p> <p>The use of the same terminology “effect management hierarchy” in ECO-P6 a that defined for the NPSFM interpretation is confusing.</p>	
ECO-P7 – Coastal indigenous biodiversity	Support in part	<p>The wording does not accurately reflect Policy CE-P5 which sets out direction to protect indigenous biodiversity and to manage effects of adverse activities in the coastal environment to give effect to Policy 11 of the NZCPS.</p> <p>Other CE policies are also relevant to effects on indigenous biodiversity, including CE-P3, CE-P4, CE-P6, CE-P8, CE-P9 and CE-P10</p>	<p>Amend ECO-P7 as follows:</p> <p>“ECO-P7 – <del>Coastal</del> <u>indigenous biodiversity in the coastal environment</u></p> <p><del>Coastal indigenous biodiversity in the coastal environment is managed by protected under CE-P5, and implementation of CE-P5 also contributes to achieving ECO-O1.</del>”</p> <p>Make other amendments to recognise that other CE policies are also relevant to managing adverse effects of activities on indigenous biodiversity in the coastal environment.</p>
ECO-P8 – Enhancement	Oppose in part	<p>Forest &amp; Bird is concerned that the term enhancement is subjective and allows for adverse effects or loss so long as the outcome is considered an enhancement.</p> <p>The term “improve” is more certain to</p>	<p>Amend as follows:</p> <p>“ECO-P8 – <del>Enhancement</del> <u>Restoration and improvement</u></p> <p>The extent, occupancy and condition of Otago’s indigenous biodiversity is increased by:</p> <p>(1) restoring and <del>enhancing</del> <u>improving</u> habitat for indigenous species, including</p>

		achieve gains without further loss.	taoka and mahika kai species, (2) improving the health and resilience of indigenous biodiversity, including ecosystems, species, important ecosystem function, and intrinsic values, and (3) buffering or linking ecosystems, habitats and ecological corridors.”
ECO-P9 – Wilding conifers		<p>Wilding conifers have a well known impact on indigenous species and habitats as well as an adverse impact on landscape values.</p> <p>It’s inappropriate for plantation forests of any exotics to be established or established in SNAs or in buffer zones to protect SNAs. This is counter to the purpose of SNAs.</p> <p>Additionally, wilding conifers should not be able to be planted in areas of high value or where there is a risk to spread into such areas that would adversely affect indigenous biodiversity and ecosystem health.</p> <p>The goal should be to eliminate wilding conifers otherwise efforts to control and reduce their spread become difficult to sustain.</p>	<p>Amend as follows: “ECO-P9 – Wilding conifers Reduce the impact of wilding conifers on indigenous biodiversity by: (1) avoiding afforestation and replanting of plantation forests <del>with wilding conifer species listed in APP5</del> 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 <u>(2) avoiding afforestation and replanting of plantation forests with wilding conifer species listed in APP5 within:</u> <u>(a) areas identified in a district plan as being of high amenity values;</u> <u>(b) outstanding natural features and landscapes; and</u> <u>(c) the coastal environment; and</u> <u>(d) within other areas, including prevailing upwind of such areas, where wilding spread would have adverse effects on indigenous biodiversity, ecosystem health or restoration where degraded; and</u> <del>(23)</del> supporting initiatives to control <u>and eliminate</u> existing wilding conifers and limit <del>their</del> further spread.”</p>
ECO-P10 – Integrated management	Support in part	<p>Clause (1) is uncertain as any rule in a plan that would compromise ECO-O1 would be inconsistent and unlikely to be appropriate to give effect to the RPS. It would be more appropriate to set</p>	<p>Amend as follows: “ECO-P10 – Integrated management Implement an integrated and co-ordinated approach to managing Otago’s</p>

		<p>policy direction for plans to only apply permitted or controlled activity rules for activities that may adversely affect indigenous biodiversity for maintenance and operation of lawfully established activities, for health and safety reasons or to establish fencing to protect significant natural areas. In all cases effects of such activities should be no more than minor at those activity statuses.</p>	<p>ecosystems and indigenous <i>biodiversity</i> that:</p> <p>(1) ensures any permitted or controlled activity in a <i>regional or district plan rule</i> <u>which has potential for adverse effects on indigenous biodiversity would not result in a more than minor adverse effect and would protect significant natural areas in accordance with ECO-P3</u><del>does not compromise the achievement of ECO-O1,</del></p> <p>(2) recognises the interactions <i>ki uta ki tai</i> (from the mountains to the sea) between the terrestrial <i>environment, fresh water, and the coastal marine area</i>, including the migration of fish species between <i>fresh and coastal waters</i>,</p> <p>(3) promotes collaboration between individuals and agencies with <i>biodiversity</i> responsibilities,</p> <p>(4) supports the various statutory and non-statutory approaches adopted to manage indigenous <i>biodiversity</i>,</p> <p>(5) recognises the critical role of people and communities in actively managing the remaining indigenous <i>biodiversity</i> occurring on private <i>land</i>, and</p> <p>(6) adopts regulatory and non-regulatory regional pest management programmes <u>and other pest management necessary to protect significant natural areas.</u>"</p>
ECO-M1 – Statement of responsibilities	Support in part	Forest & Bird supports the shared responsibility in riparian margins. There are some amendments necessary to clarify responsibilities.	Amend as follows: "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:

			<p>(1) the Regional Council and territorial authorities are responsible for specifying objectives, policies and methods in regional and district plans for <del>managing</del> <u>maintain indigenous biological diversity within</u> the margins of wetlands, rivers and lakes,</p> <p>(2) the Regional Council is responsible for specifying objectives, policies and methods in regional plans:</p> <p>(a) in the coastal marine area,</p> <p>(b) in wetlands, lakes and rivers, and</p> <p>(c) in, on or under the beds of rivers and lakes,</p> <p>(3) <del>in addition to (1)</del>, 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</p> <p>(4) the Regional Council may be <u>solely</u> responsible for specifying objectives, policies and methods in regional plans outside of the areas listed <del>(4)</del> above if:</p> <p>(a) the Regional Council reaches agreement with the relevant territorial authority or territorial authorities, and</p> <p>(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.”</p>
ECO-M2 – Identification of significant natural areas	Support in part	<p>the method needs clear direction for both identification and protection of significant natural areas by mapping and through consent requirements. Priorities for mapping should also include the coastal environment to assist in giving effect to the NZCPS and to recognise the affects of climate change placing extra pressure on indigenous diversity in these areas</p>	<p>Amend as follows:</p> <p>“ECO-M2 – Identification of significant natural areas</p> <p>Local authorities must:</p> <p>(1) in accordance with <del>the statement of</del> responsibilities in ECO-M1, identify the areas and values of significant natural areas as required by ECO-P2, and</p> <p>(2) map the areas and include <del>the any attributes and</del> <u>values identified in applying the APP2 criteria under (1)</u> in the relevant regional and district plans, <u>and</u></p> <p><u>(X) provide for the identification of other areas meeting the criteria in APP2 through consenting processes;</u></p> <p>(3) recognise that indigenous biodiversity spans jurisdictional boundaries by:</p> <p>(a) working collaboratively to ensure the areas identified by different local authorities are not artificially fragmented when identifying significant natural</p>

			<p>areas that span jurisdictional boundaries, and</p> <p>(b) ensuring that indigenous biodiversity is managed in accordance with this RPS,</p> <p>(4) require ecological assessments to be provided with applications for resource consent and notices of requirement that identify whether affected areas <u>include indigenous biodiversity that meets criteria for</u> <del>are</del> significant natural areas in accordance with APP2,</p> <p>(5) in the following areas, prioritise identification under (1) <u>and (2)</u> no later than 31 December 2025:</p> <p>(a) intermontane basins that contain indigenous vegetation and habitats,</p> <p>(b) areas of dryland shrubs,</p> <p>(c) braided rivers, including the Makarora, Mātukituki and Lower Waitaki Rivers,</p> <p>(d) areas of montane tall tussock grasslands, and</p> <p>(e) <u>limestone habitats; and</u></p> <p>(f) <u>the coastal environment.</u>”</p>
ECO-M3 – Identification of taoka	support	Forest & Bird supports this and would like to ensure adequate resourcing is provided to ensure it happens extensively across the region.	<p>Retain and amend as necessary to support the identification and protection of taoka such as below:</p> <p>ECO-M3 – Identification of taoka</p> <p>Local authorities must:</p> <p>(1) work together with mana whenua to agree a process for:</p> <p>(a) identifying indigenous species and ecosystems that are taoka,</p> <p>(b) describing the taoka identified in (1)(a),</p> <p>(c) mapping or describing the location of the taoka identified in (1)(a) <u>throughout the region</u>, and</p> <p>(d) describing the values of each taoka identified in (1)(a), and</p> <p>(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</p> <p>(3) to the extent agreed by mana whenua, amend their regional and district plans to include matters (1)(b) to (1)(d) above.</p>

ECO-M4 – Regional plans	Oppose in part	There may be other considerations as to whether such activities area appropriate to locations and circumstances. For example CE provisions which give effect to the NZCPS or NPSFM, to avoid inconsistency with restrictions under regulations such as the NES-F and Stock Restriction Regulations.	Amend as follows: “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 <u>in appropriate locations and circumstances</u> , including: (a) activities undertaken for the purposes of pest control or maintaining or <del>enhancing</del> <u>improving</u> the habitats of indigenous fauna, and (b) the maintenance and use of <del>existing</del> <u>lawfully established</u> structures (including infrastructure), and (c) infrastructure that has a functional or operational need to be sited or operated in a particular location, (2) require: (a) resource consent applications to include information that demonstrates that the sequential steps in the effects management hierarchy in ECO-P6 have been followed, and (b) that consents are not granted if the sequential steps in the effects management hierarchy in ECO-P6 have not been followed, and (3) provide for activities undertaken for the purpose of restoring <del>or enhancing</del> <u>and improving</u> the habitats of indigenous fauna, <u>and</u> <u>(X) in all cases consider whether it may be appropriate to grant consent with conditions or for consent to be declined due to locational circumstances and to achieve other policy and objectives of the RPS.</u> ”
ECO-M5 – District plans	Oppose in part	There may be other considerations as to whether such activities area appropriate to locations and circumstances. For example CE provisions which give effect to the NZCPS or NPSFM, to avoid inconsistency with restrictions under regulations such as the NES-F setbacks from natural wetlands.	Amend as follows: “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 <u>in appropriate locations and circumstances</u> , including: (a) activities undertaken for the purposes of pest control or maintaining or

		The method should be written so that any potential for conflict with the upcoming NPS for indigenous biodiversity is low	<p><del>enhancing</del> <u>improving</u> the habitats of indigenous fauna, and</p> <p>(b) the maintenance and use of <del>existing</del> <u>lawfully established</u> structures (including infrastructure), and</p> <p>(c) infrastructure that has a functional or operational need to be sited or operated in a particular location,</p> <p>(2) control the clearance or modification of indigenous vegetation,</p> <p>(3) promote the establishment of esplanade reserves and esplanade strips, particularly where they would support ecological corridors, buffering or connectivity between significant natural areas,</p> <p>(4) require:</p> <p>(a) resource consent applications to include information that demonstrates that the sequential steps in the effects management hierarchy in ECO-P6 have been followed, and</p> <p>(b) that consents are not granted if the sequential steps in the effects management hierarchy in ECO-P6 have not been followed, and</p> <p>(5) provide for activities undertaken for the purpose of restoring <del>or enhancing</del> <u>and improving</u> the habitats of indigenous fauna, and</p> <p><u>(X) in all cases consider whether it may be appropriate to grant consent with conditions or for consent to be declined due to locational circumstances and to achieve other policy and objectives of the RPS, and</u></p> <p>(6) prohibit the planting of wilding conifer species listed in APP5 within areas identified as significant natural areas.”</p>
ECO-M6 – Engagement	Support	Direction for engagement is appropriate	Retain
ECO-M7 – Monitoring	Support in part	Monitoring should also assist in measuring the success of protection of significant natural areas	<p>Amend as follows:</p> <p>“ECO-M7 – Monitoring</p> <p>Local authorities will:</p> <p>(1) establish long-term monitoring programmes for areas identified under ECO-P1 <u>and ECO-P2</u> that measure the net loss and gain of indigenous biodiversity,</p> <p>(2) record information (including data) about the state of species, vegetation types and ecosystems <u>and in a way that over time can measure success of ECO-</u></p>



			<p>P3,  (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.”</p>
ECO–M8 – Other incentives and mechanisms	Support in part	<p>For reasons set out above “improvement” is a more appropriate word than “enhancement”  Given the focus of this chapter it should be clear that the relevant covenants are those that would protect indigenous biodiversity.  Fencing is another mechanism which council funding may assist with.</p>	<p>Amend as follows:  “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 <del>enhancement</del> <u>improvement</u> of indigenous ecosystems and habitats,  (2) funding assistance for restoration projects (for example, through Otago Regional Council’s ECO Fund) and <u>fencing of significant natural areas</u>,  (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,  (X) <u>financial incentives</u>,  (4) covenants to protect <u>indigenous biodiversity areas of land</u>, including through the QEII National Trust,  (5) advocating for a collaborative approach between central and local government to fund indigenous biodiversity maintenance and <del>enhancement</del> <u>improvement</u>, and  (6) gathering information on indigenous ecosystems and habitats, including outside significant natural areas.”</p>
ECO–E1 – Explanation	Oppose in part	<p>the explanation appears to confuse the management of activities with responsibilities and functions for the protection and maintenance of indigenous biodiversity.  It would also be helpful to explain the relationship of the ECO chapter with the CE chapter and the extent to which it gives effect to the NZCPS. Likewise with</p>	<p>Amend the last sentence in the first paragraph as follows:  The provisions in this chapter seek to address this loss and pressure through providing direction on how <u>land use, development and subdivision activities are indigenous biodiversity is to be managed.</u>  Add the following:  <u>The provisions in this chapter apply within the coastal environment in addition to those in the:</u>  (i) <u>CE chapter and assist in giving effect to the NZCPS; and</u>  (ii) <u>LF-FW and assist in giving effect to the NPSFM.</u></p>

		respect to the NPSFM.	
ECO-AER4	Oppose in part	This environmental result needs to be updated to reflect the changes to ECO-P9 outlined above.	Amend as follows:  “ECO-AER4  <del>Within significant natural areas,</del> the area of <i>land</i> vegetated by <i>wilding conifers</i> is <del>reduced</del> and efforts for elimination of <i>wilding conifers</i> are increased <u>throughout the region.</u> ”
<b>EIT – Energy, infrastructure and transport</b>			
EIT-EN-02 – <i>Renewable electricity generation</i>	Oppose in part	While s6 may be considered as environmental limits it is not clear whether that is the intent of this objective. Environmental limits are not defined in the RPS. In addition focusing on environmental limits may result in conflict with the NPSFM where the wellbeing of the waterbody is a first priority and restoration is required where degradation has occurred or is occurring. This objective could also lead to outcomes which do not give effect to the NZCPS.	Amend as follows: “EIT-EN-02 – <i>Renewable electricity generation</i> The generation capacity of <i>renewable electricity generation activities</i> in Otago: (1) is maintained and, <del>if practicable maximised where appropriate</del> <u>increased, while maintaining and restoring ecosystem health, within environmental limits, and</u> (2) contributes to meeting New Zealand’s national target for <i>renewable electricity generation.</i> ”
EIT-EN-P1 – Operation and maintenance	Oppose in part	Giving effect to the NPSFM requires more than just minimising adverse effects. The mitigation hierarchy in the NES for Freshwater also requires avoidance as far as practicable in the first instance, for those activities to which it can be applied. More lenient provisions would conflict with the NES.	Amend as follows: “EIT-EN-P1 – Operation and maintenance The operation and maintenance of existing renewable electricity generation activities is provided for while, <u>avoiding adverse effects as far as practicable, then</u> minimising its adverse effects <u>and restoring freshwater where it is degraded or degradation is occurring.</u> ”

EIT-EN-P2 – Recognising <i>renewable electricity generation activities</i> in decision making	Oppose in part	The policy wording suggests that these three considerations are the only matters which decisions need to consider. This is inappropriate as provisions in other chapters, in particular those that give effect to the NPSFM and NZCPS are also relevant and may override provision for renewable energy in some cases.  The policy framework needs to recognise that allocation for renewable electricity generation is a third priority under the NPSFM.	Amend EIT-EN-P2 as follows:  “Decisions on the allocation and use of <i>natural and physical resources</i> , including the use of <i>fresh water</i> and development of <i>land</i> , <u>include</u> :  (1) recognise the national, regional and local benefits of existing <i>renewable electricity generation activities</i> ,  (2) take into account the need to at least maintain current <i>renewable electricity generation capacity</i> , and  (3) recognise that the attainment of increases in <i>renewable electricity generation capacity</i> will require significant development of <i>renewable electricity generation activities</i> .”
EIT-EN-P4 – Identifying new sites or resources	Support in part	It would be inappropriate to prioritise develop of areas where adverse effects highly valued natural and physical resources and mana whenua values can't be avoided.	“Amend EIT-EN-P4 as follows:  Provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for <i>renewable electricity generation</i> and, when selecting a site for new <i>renewable electricity generation</i> , prioritise those where adverse <i>effects</i> on highly valued <i>natural and physical resources</i> and <i>mana whenua</i> values can be avoided <del>or, at the very least, minimised.</del> ”
EIT-EN-P5 – Non-renewable energy generation	Support with amendme nts	This helps give effect to objectives of reducing greenhouse gas emissions in the region. Should be extended to prevent the replacement of non-renewable energy sources (e.g. coal boilers). This will help with the climate change objectives acknowledging that climate change will have a detrimental effect on indigenous biodiversity in the	Amend EIT-EN-P5 as follows:  “Avoid the development <u>or replacement</u> of non-renewable energy generation activities in Otago and facilitate <u>change from</u> <del>the replacement</del> of non-renewable energy sources, including the use of fossil fuels, in energy generation.”

		region.	
EIT-EN-M1 – <i>Regional plans</i>	Support in part	Same reasons as for change to EIT-EN-P4 above	<p>Consider replacing the words “environmental limit” as the meaning is uncertain</p> <p>Amend EIT-EN-M1 as follows:</p> <p>“Otago Regional Council must prepare or amend and maintain its <i>regional plans</i> to:</p> <ol style="list-style-type: none"> <li>(1) provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for <i>renewable electricity generation</i>,</li> <li>(2) require the prioritisation of sites for new <i>renewable electricity generation activities</i> where adverse <i>effects</i> on highly valued <i>natural and physical resources</i> and <i>mana whenua</i> values can be avoided <del>or, at the very least,</del> minimised,</li> <li>(3) manage the adverse <i>effects</i> of developing or upgrading <i>renewable electricity generation activities</i> that: <ol style="list-style-type: none"> <li>(a) are within the <i>beds of lakes and rivers</i> and the <i>coastal marine area</i>, or</li> <li>(b) involve the taking, use, damming or diversion of <i>water</i> and <i>discharge of water</i> or <i>contaminants</i>,</li> </ol> </li> <li>(4) provide for the operation and maintenance of existing <i>renewable electricity generation activities</i>, including their <i>natural and physical resource</i> requirements, within the environmental limits, and</li> <li>(5) restrict the establishment of activities that may adversely affect the efficient functioning of <i>renewable electricity generation</i></li> </ol>

			<i>infrastructure (including impacts on generation capacity)."</i>
EIT-EN-M2 – <i>District plans</i>	Support in part	<p>Deletion of 'or, at the very least, minimised' for the Same reasons as for change to EIT-EN-P4 above.</p> <p>Addition of (8) is needed to give effect to EIT-EN-P5</p>	<p>Amend EIT-EN-M2 as follows:</p> <p><i>"Territorial authorities must prepare or amend and maintain their district plans to:</i></p> <ol style="list-style-type: none"> <li>(1) provide for activities associated with the investigation, identification and assessment of potentialsites and energy sources for <i>renewable electricity generation</i>,</li> <li>(2) require the prioritisation of sites for new <i>renewable electricity generation activities</i> where adverse <i>effects</i> on highly valued <i>natural and physical resources</i> and <i>mana whenua</i> values can be avoided <del>or, at the very least, minimised</del>,</li> <li>(3) manage the adverse <i>effects</i> of developing or upgrading <i>renewable electricity generation activities</i> that: <ol style="list-style-type: none"> <li>(a) are on the surface of <i>rivers</i> and <i>lakes</i> and on <i>land</i> outside the <i>coastal marine area</i>, or</li> <li>(b) the <i>beds</i> of <i>lakes</i> and <i>rivers</i>,</li> </ol> </li> <li>(4) provide for the continued operation and maintenance of <i>renewable electricity generation activities</i> on the surface of <i>rivers</i> and <i>lakes</i> and on <i>land</i> outside the <i>coastal marine area</i> and the <i>beds</i> of <i>lakes</i> and <i>rivers</i>,</li> <li>(5) restrict the establishment or occurrence of activities that may adversely affect the efficient functioning of <i>renewable electricity generation infrastructure</i>,</li> </ol>

			<p>(6) require the design of <i>subdivision</i> development to optimise solar gain, including through roading, lot size, dimensions, layout and orientation, and</p> <p>(7) require design of transport <i>infrastructure</i> that provides for multi-modal transport options in urban and rural residential locations.</p> <p>(8) <u>Restrict the development or replacement of non-renewable energy generation activities in Otago and facilitate change from non-renewable energy sources, including the use of fossil fuels, in energy generation.</u></p>
<b>INF – Infrastructure</b>			
EIT-INF-04 – Provision of <i>infrastructure</i>	Support in part	As discussed in the introduction, the term ‘environmental limits’ is not defined and needs to be defined or replaced with the desired outcome	Amend EIT-INF-04 as needed to define what is meant by environmental limits
EIT-INF-05 – Integration	Support in part	Avoidance of adverse effects should be the first priority	Amend EIT-INF-05 as follows:  “Development of <i>nationally</i> and <i>regionally significant infrastructure</i> , as well as <i>land</i> use change, occurs in a co-ordinated manner to <u>avoid or</u> minimise adverse <i>effects</i> on the <i>environment</i> and increase efficiency in the delivery, operation and use of the <i>infrastructure</i> .”
EIT-INF-P11 – Operation and maintenance	Support in part	Minimising effects is not strong enough to prevent ongoing environmental effects and an effects management hierarchy approach is needed.	Amend EIT-INF-P11 as follows:  “Except as provided for by ECO-P4, allow for the operation and maintenance of existing <i>nationally</i> and

			<p><i>regionally significant infrastructure</i> while:</p> <p>(1) avoiding, as the first priority, <del>significant</del> adverse <i>effects</i> on the <i>environment</i>, and</p> <p>(2) if avoidance is not <u>demonstrably practicable</u>, <del>and for other adverse effects, minimising</del> <u>remedy any remaining adverse effects on the environment, if remaining adverse effects cannot be demonstrably completely remedied then mitigate remaining adverse effects.</u>"</p>
EIT-INF-P12 – Upgrades and development	Support in part	As written it is not clear that indigenous biodiversity and natural character in the coastal environment is to be protected, not is the relationship with BIO chapter clear. Upgrading and development of infrastructure, including for national and regionally significant should not be exempt from the protection, maintenance and restoration provisions in the BIO. Any provisions which would provide for or enable, must be in the context of also protecting, maintaining and restoring indigenous biodiversity. We also seek amendments to the BIO chapter which would apply to infrastructure.	<p>Add the following clause to EIT-INF-P12:  <u>"adverse effects on indigenous biodiversity are avoided and managed as set out in the BIO and CE chapters and natural character in the CE chapter"</u></p> <p>Make amendments to additional policies as needed so that provisions which would provide for or enable infrastructure activities, must be in the context of also protecting, maintaining and restoring indigenous biodiversity</p>
EIT-INF-P13 – Locating and managing <i>effects of infrastructure</i>	Support in part	Minimising effects is not strong enough to prevent ongoing environmental effects and an effects management hierarchy approach is needed.	<p>Amend EIT-INF-P13 (2) (a) (iv) as follows:</p> <p>...</p> <p>(2) (a)(iv) in other areas listed in EIT-INF-P13 (1) above, <del>minimise</del> <u>avoid, remedy, then mitigate</u>, the adverse <i>effects</i> of the <i>infrastructure</i> on the values that contribute to the area's importance, and</p> <p>...</p>

TRAN – Transport			
EIT-TRAN-O10 – <i>Commercial port activities</i>	Support in part	As discussed in the introduction, the term ‘environmental limits’ is not defined and needs to be defined or replaced with the desired outcome.	Amend EIT-TRAN-O10 as needed to define what is meant by environmental limits
EIT-TRAN-P23 – <i>Commercial port activities</i>	Support in part	As above it is unclear how all of CE-P3 to CE-P12 are all ‘environmental limits’ and risks interpretation of which are or aren’t. Could be better to have ‘consistent with’ or ‘with the constraints of’	Amend EIT-TRAN-P23 as needed to define what is meant by environmental limits
EIT-TRAN-M7 – <i>Regional plans</i>	Support in part	Environmental limits issue discussed above	Amend as needed to define what is meant by environmental limits
HAZ – Hazards and risks			
HAZ-NH-O1 – <i>Natural hazards</i>	Support in part	Consideration of impacts on ecosystem health and indigenous biodiversity from natural hazards needs to be considered. For example, sea level rise may reduce the available habitat of threatened species like hoiho and provision for natural or managed retreat for these species needs to be provided for when managing the risks.	Amend HAZ-NH-O1 as follows:  “Levels of <i>risk</i> to people, communities, <u>ecosystem health, indigenous biodiversity</u> , and property from <i>natural hazards</i> within Otago do not exceed atolerable level.”
HAZ-NH-O2 – <i>Adaption</i>	Support in part	Impacts on ecosystem health and indigenous biodiversity from natural hazards needs to be considered. For example, sea level rise may reduce the available habitat of threatened species like hoiho and provision for natural or managed retreat for these species needs	Amend HAZ-NH-O2 as follows:  “Otago’s people, property, <u>ecosystem health, indigenous biodiversity</u> , and communities are prepared for and able to adapt to the <i>effects of natural hazards</i> , including <i>climate change</i> .”



		to be provided for when managing the risks.	
HAZ–NH–P1 – Identifying areas subject to <i>natural hazards</i>	Support in part	Same rationale as HAZ-NH-O2-Adaptation above	Amend HAZ–NH–P1 as follows:  “Identify areas where <i>natural hazards</i> may adversely affect Otago’s people, communities, <u>ecosystem health, indigenous biodiversity, and property</u> by assessing:  ...”
HAZ–NH–P6 – Protecting features and systems that provide hazard mitigation	support	This is a helpful policy recognising that natural ecosystem services can help reduce risks and impacts of natural hazards. E.g. protection of dune systems can reduce coastal flooding, and restoration of natural functioning of rivers can reduce flooding.	Retain
HAZ–NH–P7 – Mitigating <i>natural hazards</i>	Support in part	Generally support this approach with amendments to ensure protection and restoration or enhancement of natural features and systems that reduce risks have been considered first.  Hard protection measures shouldn’t increase the risk to indigenous biodiversity or ecosystem health consistent with our rationale above for	Amend HAZ–NH–P7 as follows:  “Prioritise <i>risk</i> management approaches that reduce the need for <i>hard protection structures</i> or similar engineering interventions, and provide for <i>hard protection structures</i> only when:  (1) <u>natural systems or features, or natural systems and features with restoration or improvements, are unable to manage the risk to a level the community is able to tolerate</u>  (2) <i>hard protection structures</i> are essential to manage <i>risk</i> to a level the community is able to tolerate,  (3) there are no reasonable alternatives that result in reducing the <i>risk</i> exposure,  (4) <i>hard protection structures</i> would not result in an increase in <i>risk</i>

			<p>to people, communities, <u>ecosystem health, indigenous biodiversity, and property, including displacement of risk off-site,</u></p> <p>(5) the adverse <i>effects</i> of the <i>hard protection structures</i> can be adequately managed, and</p> <p>(6) the mitigation is viable in the reasonably foreseeable long term or provides time for future adaptation methods to be implemented, or</p> <p>(7) the <i>hard protection structure</i> protects a <i>lifeline utility</i>, or a facility for essential or emergency services.”</p>
<b>HAZ-CL – Contaminated land</b>			
HAZ-CL-P18 – Waste facilities and services	Support in part	<p>Rather than minimise the potential adverse effects on the environment the policy should follow the effects management hierarchy prioritising avoidance of potential adverse effects.</p> <p>This is necessary to ensure HAZ-CL-AER6 is achieved.</p>	<p>Amend as follows:</p> <p>“When providing for the development of facilities and services for the storage, recycling, recovery, treatment and disposal of <i>waste materials</i>:</p> <p>(1) avoid adverse <i>effects</i> on the health and safety of people,</p> <p>(2) <u>manage the potential for adverse effects on the environment by:</u></p> <p style="margin-left: 40px;">a) <u>avoid potential adverse effects as the first priority</u></p> <p style="margin-left: 40px;">b) <u>where potential adverse effects demonstrably cannot be completely avoided they are minimised,</u></p> <p style="margin-left: 40px;">c) <u>where adverse effects demonstrably cannot be completely avoided or minimised they are remedied,</u></p> <p style="margin-left: 40px;">d) <u>where adverse effects demonstrably cannot be completely avoided, minimised or remedied, they are mitigated</u></p> <p style="margin-left: 40px;"><del>minimise the potential for adverse effects on the environment to occur,</del></p> <p>(3) minimise <i>risk</i> associated with <i>natural hazard</i> events, and</p>

			(4) restrict the establishment of activities that may result in reverse sensitivity <i>effects</i> near <i>waste</i> management facilities and services.”
<b>NFL – Natural features and landscapes</b>			
NFL-O1 – Outstanding and <i>highly valued natural features and landscapes</i>	Support	It is not clear what is meant by highly values natural features and landscapes If these include amend it landscapes this needs to be clear so that provisions which are more stringent that then NES for Plantation Forestry may apply	Retain NFL-O1 Add a definition to set out the meaning of “highly values natural features and landscapes”
NFL-P2	Support	The directive to avoid is appropriate to protect outstanding features and landscapes	Retain
NFL-P4	Support	Restoration is appropriate	Retain
<b>UFD – Urban form and development</b>			
UDF-O4	Oppose in part	It is not clear what is meant by the viability of the rural sector or the council's role in this is. It is also confusing given the definition of rural area which is a default of anything not urban.	Amend the objective to capture the viability or life supporting capacity of natural resources and clarify what is meant with respect to the “rural sector”.
UFD-P7 –Rural Areas	Support in part	The management of rural areas and in particular enabling primary production on this basis fails to provide for the maintenance and protection of indigenous biodiversity. It is not entirely clear what the important features and values of rural areas are as necessary to implement policy UFD-P7	Amend the definition of “rural area” to explain the important values and features”. And clarify the relationship of the area with areas that are not rural or urban. Amend UFD-P7 –Rural Areas as follows: “The management of rural areas: (X) provides for the maintenance and protection of indigenous biodiversity in accordance with BIO chapter, (1) provides for the maintenance and, wherever possible, enhancement of important features and values identified by this RPS,

			<p>(2) outside areas identified in (1), maintains the productive capacity, amenity and character of rural areas,</p> <p>(3) enables primary production particularly on land or soils identified as highly productive in accordance with LF–LS–P19,</p> <p>(4) facilitates rural industry and supporting activities,</p> <p>(5) directs rural residential and rural lifestyle development to areas zoned for that purpose in accordance with UFD–P8,</p> <p>(6) restricts the establishment of residential activities, sensitive activities, and non-rural businesses which could adversely affect, including by way of reverse sensitivity, the productive capacity of highly productive land, primary production and rural industry activities, and</p> <p>(7) otherwise limits the establishment of residential activities, sensitive activities, and non-rural businesses to those that can demonstrate an operational need to be located in rural areas.”</p>
Appendices			
APP1 – Criteria for identifying outstanding water bodies	Support in part	As set out in relation to the policy for identification of Outstanding waterbodies, it is important point is that a distinction is made between “outstanding values” being those that make a water body outstanding and “significant values” being the values of an outstanding waterbody which are to be protected.	<p>Retain APP1</p> <p>Make amendments as necessary to ensure that significant values of Outstanding Waterbodies are protected, including through stringent provisions to restrict activities which would be inconsistent with protecting and identification of the significant values in consent processes.</p>
APP2– Significance criteria for indigenous biodiversity	support	The criteria follow best practice and ecological advice. We suggest one minor change to remove duplication.	Retain other than amending Rarity (iv) to remove the distribution limits as it is covered in Distinctiveness (i).
APP3 – Criteria for biodiversity offsetting	Oppose in part	Amendments are needed to ensure any availability for offsetting achieve the ECO	<p>Amend criteria (1)(b) as follows:</p> <p>(b) reasonably measurable loss within the ecological district <u>or coastal marine biogeographic region</u> to an At Risk-Declining taxon, <del>other than manuka</del> (<u>Leptospermum scoparium</u>), under the New Zealand Threat Classification</p>

		objectives of the RPS, gives effect to the NZCPS, NPSFM and as far as possible the future NPS for indigenous biodiversity and implements councils responsibilities under s6(c) of the RMA	System (Townsend et al, 2008).  Add to the criteria under (2) as follows: <u>(i) limits to offsetting have been observed, including where the loss of rare or vulnerable species or a naturally rare or uncommon ecosystem type makes an offset inappropriate or where there is uncertainty of success</u> Add a footnote to the word "observed" that this means the decision maker must take these considerations into account.
APP4 - Criteria for biodiversity compensation	Oppose in part	Amendments are needed to ensure any availability for compensation achieves the ECO objectives of the RPS, gives effect to the NZCPS, NPSFM and as far as possible the future NPS for indigenous biodiversity and implements councils responsibilities under s6(c) of the RMA  Needs to be consistent with achieving ECO-O1 to ensure that "any decline in quality, quantity and diversity is halted."	Amend criteria (1)(c) as follows: (c) removal, <del>or</del> loss <del>or</del> decline in the <del>quality of viability</del> of a naturally rare or uncommon ecosystem type that is associated with indigenous vegetation or habitat of indigenous fauna,..." Add to the criteria under (2) as follows: <u>(x) limits to compensation have been observed, including where the loss of rare or vulnerable species or a naturally rare or uncommon ecosystem type makes an offset inappropriate or where there is uncertainty of success</u> Add a footnote to the word "observed" that this means the decision maker must take these considerations into account.

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