

APPENDIX A
pORPS Consent Orders

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14(1) of Schedule 1 to the Act

BETWEEN ALLIANCE GROUP LIMITED
(ENV-2016-CHC-112)

AYRBURN FARM DEVELOPMENT LIMITED AND BRIDESDALE FARM DEVELOPMENTS LIMITED
(ENV-2016-CHC-108)

HENLEY DOWNS LAND HOLDINGS LIMITED
(ENV-2016-CHC-111)

HORTICULTURE NEW ZEALAND
(ENV-2016-CHC-114)

OCEANA GOLD NEW ZEALAND LIMITED
(ENV-2016-CHC-103)

OTAGO WATER RESOURCE USERS GROUP
(ENV-2016-CHC-124)

PIONEER ENERGY LIMITED
(ENV-2016-CHC-121)

QUEENSTOWN AIRPORT CORPORATION LIMITED
(ENV-2016-CHC-117)

RAVENSDOWN LIMITED
(ENV-2016-CHC-85)

REAL JOURNEYS LIMITED
(ENV-2016-CHC-109)



REMARKABLES PARK LIMITED AND
QUEENSTOWN PARK LIMITED

(ENV-2016-CHC-119)

TRANSPower NEW ZEALAND LIMITED

(ENV-2016-CHC-113)

TRUSTPOWER LIMITED

(ENV-2016-CHC-82)

WISE RESPONSE INCORPORATED

(ENV-2016-CHC-106)

PORT OTAGO LIMITED

(ENV-2016-CHC-86)

ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED

(ENV-2016-CHC-102)

Appellants

AND

OTAGO REGIONAL COUNCIL

Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 28 June 2018

**CONSENT ORDER
(Chapter 1)**

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that the Otago Regional Council is directed to amend Chapter 1 of the Proposed Otago Regional Policy



Statement as set out in Appendices 1, 2 and 3, attached to and forming part of this order; and

- (2) the appeals insofar as they relate to Chapter 1 of the Proposed Otago Regional Policy Statement are otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] The following parties have lodged appeals under clause 14(1) of Schedule 1 of the Resource Management Act 1991 ("the RMA" or "the Act") against parts of a decision of the Otago Regional Council on Chapter 1 of the Proposed Otago Regional Policy Statement:

- (a) Alliance Group Limited (dated 8 December 2016);
- (b) Ayrburn Farm Development Limited and Bridesdale Farm Developments Limited (dated 10 February 2017);
- (c) Henley Downs Land Holdings Limited (dated 9 December 2016);
- (d) Horticulture New Zealand (dated 9 December 2016);
- (e) Oceana Gold New Zealand Limited (dated 9 December 2016);
- (f) Otago Water Resource Users Group (dated 9 December 2016);
- (g) Port Otago Limited (dated 7 December 2016);
- (h) Pioneer Energy Limited (dated 9 December 2016);
- (i) Queenstown Airport Corporation Limited (dated 9 December 2016);
- (j) Ravensdown Limited (dated 7 December 2016);
- (k) Real Journeys Limited (amended appeal dated 10 February 2017);
- (l) Remarkables Park Limited and Queenstown Park Limited (dated 9 December 2016);
- (m) Royal Forest and Bird Protection Society of New Zealand Incorporated (dated 9 December 2016);
- (n) Transpower New Zealand Limited (dated 9 December 2016);
- (o) Trustpower Limited (dated 5 December 2016); and
- (p) Wise Response Incorporated (dated 8 December 2016).



[2] Objective 1.1 and its implementing policies 1.1.1, 1.1.2, 1.1.4 were appealed by various parties. The court has now read and considered the consent memorandum of the parties dated 3 May 2018 which proposes to resolve these appeals in respect of Chapter 1 of the Proposed Otago Regional Policy Statement.

Other relevant matters

[3] A number of parties joined these appeals under s 274 of the RMA and they have signed the memorandum setting out the relief sought.¹

Orders

[4] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the purpose and principles of the Act including, in particular, Part 2.



J R Jackson
Environment Judge



¹ As set out in the Consent Memorandum: Chapter 1 dated 3 May 2018.

APPENDIX 1

Method 3: Regional Plans

- 3.1 *Regional Plans will set objectives, policies and methods to implement policies in the RPS as they relate to Regional Council areas of responsibility. All objectives and policies of the RPS must be considered and given effect to when preparing Regional Plans. Matters in the methods can also be taken into account when considering resource consent applications.*

Method 4: City and District Plans

- 4.1 *City and district plans will set objectives, policies and methods to implement policies in the RPS as they relate to the City or District Council areas of responsibility. All objectives and policies of the RPS must be considered and given effect to when preparing city and district plans. Matters in the methods can also be taken into account when considering resource consent applications.*



Anticipated Environmental Results

1. Resource management in Otago is integrated

Objective 1.1

Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities

Objective 1.2~~1~~

Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago

AER 1.1

The economic, social, and cultural wellbeing of Otago's people and communities is enabled through sustainable use, development and protection of natural and physical resources.

AER 1.2~~1~~

Natural and physical resources are managed in an integrated way



PART B Chapter 1 Resource management in Otago is integrated

This first chapter recognises that the different parts of the natural and physical environment are interconnected. The integrated management of natural and physical resources and human values is essential to safeguard the life-supporting capacity of the environment and enable the social, cultural, and economic wellbeing of all people and communities.

Objective 1.1

Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities

<u>Policy 1.1.1</u>	<u>Economic wellbeing</u>	<u>11</u>
<u>Policy 1.1.2</u>	<u>Social and cultural wellbeing and health and safety</u>	<u>11</u>

Objective 1.12

Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago. Page

<u>Policy 1.12.1</u>	<u>Integrated resource management</u>	<u>1345</u>
<u>Policy 1.1.2</u>	<u>Economic wellbeing</u>	<u>17</u>
<u>Policy 1.1.3</u>	<u>Social and cultural wellbeing and health and safety</u>	<u>17</u>



Objective 1.1 Otago’s resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities

Issue

The social and economic wellbeing of Otago’s communities depends on use and development of natural and physical resources.

Loss or degradation of resources can diminish their intrinsic values and constrains opportunities for use and development now and into the future.

Some of Otago’s resources are nationally or regionally important for their natural values and economic potential and so warrant careful management.

Policy 1.1.1 Economic wellbeing

Provide for the economic wellbeing of Otago’s people and communities by enabling the resilient and sustainable use and development of natural and physical resources.

Method 2: Regional, City and District Council Relationships

Method 2.1, Method 2.2

Method 3: Regional Plans

Method 3.1

Method 4: City and District Plans

Method 4.1

Policy 1.1.2 Social and cultural wellbeing and health and safety

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

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

Method 1: Kāi Tahu Relationships

Method 1.1, Method 1.2



Method 2: Regional, City and District Council Relationships

Method 2.1, Method 2.2

Method 3: Regional Plans

Method 3.1

Method 4: City and District Plans

Method 4.1

Method 9: Advocacy and Facilitation

Method 9.1.2 g

Principal Reasons and Explanation

Sustainable management under the RMA includes enabling social, economic and cultural wellbeing for present and future generations. Resource management decisions need to recognise that individual and community wellbeing depends on use, development and protection of natural and physical resources.



Objective 1.12 **Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago**

Issue:

Natural and physical resources are interconnected, complex and should be managed in an integrated, sustainable, consistent and effective way because the use of one resource may adversely affect another. Inefficient and ineffective responses or unexpected adverse effects can occur when activities affecting a resource are often undertaken by different resource users, governed by different legislation, or and administered by different local authorities. Plans need to address diverse and conflicting interests.

Policy 1.12.1 Integrated resource management

Achieve integrated management of Otago's natural and physical resources, by all of the following:

- a) Coordinating the management of interconnected natural and physical resources;
- b) Taking into account the impacts of management of one natural or physical resource on the values of another, or on the environment
- c) Recognising that the value and function of a natural or physical resource may extend beyond the immediate, or directly adjacent, area of interest;
- d) Ensuring that resource management approaches across administrative boundaries are consistent and complementary;
- e) Ensuring that effects of activities on the whole of a natural or physical resource are considered when that resource is managed as subunits.
- f) Managing adverse effects of activities to give effect to the objectives and policies of the Regional Policy Statement.
- g) Promoting healthy ecosystems and ecosystem services;
- h) Promoting methods that reduce or negate the risk of exceeding sustainable resource limits.

Method 2: Regional, City and District Council Relationships

Method 2.1, Method 2.2

Method 3: Regional Plans

Method 3.1

Method 4: City and District Plans

Method 4.1

Method 9: Advocacy and Facilitation

Method 9.2

Policy 1.1.2 Economic wellbeing

Provide for the economic wellbeing of Otago's people and communities by enabling the use and development of natural and physical resources only if the adverse effects of those activities on the environment can be managed to give effect to the objectives and policies of the Regional Policy Statement.



~~Method 2: Regional, City and District Council Relationships~~

~~Method 2.1 Method 2.2~~

~~Method 3: Regional Plans~~

~~Method 3.1~~

~~Method 4: City and District Plans~~

~~Method 4.1~~

[Policy 1.1.2 relocated to 1.1.1]

~~Policy 1.1.3 Social and cultural wellbeing and health and safety~~

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

- ~~a) Recognising and providing for Kāi Tahu values;~~
- ~~b) Taking into account the values of other cultures;~~
- ~~c) Taking into account the diverse needs of Otago's people and communities;~~
- ~~d) Promoting good quality and accessible infrastructure and public services;~~
- ~~e) Avoiding significant adverse effects of activities on human health.~~

~~Method 1: Kāi Tahu Relationships~~

~~Method 1.1 Method 1.2~~

~~Method 2: Regional, City and District Council Relationships~~

~~Method 2.1 Method 2.2~~

~~Method 3: Regional Plans~~

~~Method 3.1~~

~~Method 4: City and District Plans~~

~~Method 4.1~~

~~Method 9: Advocacy and Facilitation~~

~~Method 9.1.2.g~~

[Policy 1.1.3 relocated to 1.1.2]

Principal Reasons and Explanation:

The RMA requires that resources are managed in an integrated way.

The management of natural and physical resources needs to be integrated to ensure that resource management decisions are consistent, take account of the linkages between all parts of the environment and recognise and provide for the diversity of different interests and values associated with resources.



**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of appeals under clause 14(1) of Schedule 1
to the Act
BETWEEN FEDERATED FARMERS OF NEW
ZEALAND INCORPORATED
(ENV-2016-CHC-120)
OTAGO WATER RESOURCE USERS
GROUP
(ENV-2016-CHC-124)
REMARKABLES PARK LIMITED AND
QUEENSTOWN PARK LIMITED
(ENV-2016-CHC-119)
Appellants
AND OTAGO REGIONAL COUNCIL
Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 28 June 2018

**CONSENT ORDER
(Kāi Tahu: Chapter 2)**

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeals are allowed to the extent that the Otago Regional Council is directed to amend Chapter 2 of the Proposed Otago Regional Policy



Statement as set out in Appendix 1 attached to and forming part of this order; and

- (2) the appeals insofar as they concern Chapter 2 of the Proposed Otago Regional Policy Statement are otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] The following parties have lodged appeals under clause 14(1) of Schedule 1 of the Resource Management Act 1991 ("the RMA" or "the Act") against parts of a decision of the Otago Regional Council on Kāi Tahu: Chapter 2 of the Proposed Otago Regional Policy Statement:

- (a) Otago Water Resource Users Group ("OWRUG") (dated 9 December 2016);
- (b) Remarkables Park Limited and Queenstown Park Limited ("RPL and QPL") (dated 9 December 2016); and
- (c) Federated Farmers of New Zealand Incorporated ("Federated Farmers") (dated 9 December 2016).

[2] Objective 2.2 was appealed by Federated Farmers. Policy 2.3.3 was appealed by RPL and QPL. OWRUG appealed Policies 2.2.1 and 2.2.2, and Methods 1.1.1 and 1.4.1.

[3] The court has now read and considered the consent memorandum of the parties dated 3 May 2018 which proposes to resolve these appeals, in respect of Chapter 2 of the Proposed Otago Regional Policy Statement.



Other relevant matters

[4] A number of parties joined these appeals under s 274 of the RMA and they have signed the memorandum setting out the relief sought.¹

Orders

[5] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the purpose and principles of the Act including, in particular, Part 2.



J R Jackson
Environment Judge



¹ As set out in the Consent Memorandum: Kāi Tahu: Chapter 2 dated 3 May 2018.

APPENDIX 1

Policy 2.2.1 Kāi Tahu wellbeing

Manage the natural environment to support Kāi Tahu wellbeing by all of the following:

- a) ~~Ensuring the sustainable management of resources supports~~ Recognising and providing for their customary uses and cultural values in Schedules 1A and B; and,
- b) Safe-guarding the life-supporting capacity of natural resources.

Policy 2.2.2 Recognising sites of cultural significance

Recognise and provide for the protection of wāhi tūpuna, as described in Schedule 1C. by all of the following:

- a) Avoiding significant adverse effects on those values which that contribute to the identified wāhi tūpuna being significant;
- b) Avoiding, remedying, or mitigating other adverse effects on the identified wāhi tūpuna;
- c) Managing these landscapes and the identified wāhi tūpuna sites in a culturally appropriate manner.

Method 1: Kāi Tahu Relationships

Method 1.1, Method 1.2, Method 1.3, Method 1.4

Method 2: Regional, City and District Council Relationships

Method 2.2.4, Method 2.2.2

Method 1.1.1

1.1 Regional, city and district councils will develop processes to:

- 1.1.1 Establish and maintain effective resource management relationships with Kāi Tahu based on the principle of partnership a mutual obligation to act reasonably and in good faith;

Method 1.2.1

1.2 Regional, city and district councils will collaborate with Kāi Tahu to:

- 1.2.1 Identify and protect places, areas and landscapes of cultural, spiritual or traditional significance to them, in accordance with Policy 2.2.2, 3.1.10, 3.2.3 and Schedule 3.

Method 1.4.1

1.4 Regional, city and district councils may:

- 1.4.1 Delegate and transfer any one or more of their functions, powers or duties to an iwi authority in accordance with section 33 of the RMA, and where this provides an efficient and effective service.



Method 3.1.1

Objectives, policies and methods to implement the following policies:

3.1.1 Policy 2.2.2 : by including in regional plans encompassing wāhi tupuna sites: providing for the management of culturally sensitive information and the protection of culturally sensitive areas through the use of silent files and heritage alert layers by local authorities;

- a) provisions to recognise wāhi tupuna and to protect the values that contribute to wāhi tupuna being significant;
- b) the location on plans of the wāhi tupuna to be protected and the values that contribute to their significance, using the guide in schedule 1C to assist;

Method 4.1.1

Objectives, policies and methods to implement the following policies:

4.1.1 Policy 2.2.2 by:

- a. including provisions to recognise the wahi tupuna and to protect the values that contribute to wahi tupuna being significant;
- b. Identifying the location on plans of the wahi tapuna to be protected and the values that contribute to their significance, using the guide in Schedule 1C to assist.

Method 4.2.5

City and District Councils will implement the following policies: ...

4.2.5 Policy Policies 2.2.2 and 5.2.3 : by ensuring methods for protecting culturally important sites are culturally appropriate;

Method 5.1.4

5.1 Identification of important resources ...

5.1.4 Regional council will engage with Kāi Tahu to identify the cultural values of resources and requirements for customary uses;:-

- a. Identify the cultural values of resources and requirements for customary uses;
- b. Identify wāhi tūpuna and the values that contribute to their significance, including sites and landscapes of cultural significance to Kāi Tahu such as wāhi tapu and other elements identified in schedule 1C.



**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of appeals under clause 14(1) of Schedule 1
to the Act
BETWEEN BP OIL NEW ZEALAND LIMITED, MOBIL
OIL NEW ZEALAND LIMITED AND Z
ENERGY LIMITED
(ENV-2016-CHC-115)
DUNEDIN CITY COUNCIL
(ENV-2016-CHC-84)
REAL JOURNEYS LIMITED
(ENV-2016-CHC-109)
TRANSPower NEW ZEALAND LIMITED
(ENV-2016-CHC-113)
WISE RESPONSE INCORPORATED
(ENV-2016-CHC-106)
Appellants
AND OTAGO REGIONAL COUNCIL
Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 28 June 2018

**CONSENT ORDER
(Natural Hazards)**

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

OTAGO REGIONAL POLICY STATEMENT – NATURAL HAZARDS CONSENT ORDER



- (1) the appeals are allowed to the extent that the Otago Regional Council is directed to amend to the Proposed Otago Regional Policy Statement as set out in Appendix 1 attached to and forming part of this order; and
- (2) the appeals insofar as they relate to Natural Hazards are otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] The following parties have lodged appeals under clause 14(1) of Schedule 1 of the Resource Management Act 1991 ("the RMA" or "the Act") against parts of a decision of the Otago Regional Council on Objective 4.1: Natural Hazards of the Proposed Otago Regional Policy Statement:

- (a) BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited (dated 8 December 2016);
- (b) Dunedin City Council (dated 7 December 2016);
- (c) Real Journeys Limited (amended notice dated 10 February 2017);
- (d) Wise Response Incorporated (dated 8 December 2016); and
- (e) Transpower New Zealand Limited (dated 9 December 2016).

[2] The court has now read and considered the consent memorandum of the parties dated 3 May 2018 which proposes to resolve these appeals, as they relate to Natural Hazards.

Other relevant matters

[3] A number of parties joined these appeals under s 274 of the RMA and have signed the memorandum setting out the relief sought.¹

¹ As set out in the Consent Memorandum: Natural Hazards dated 3 May 2018.



Orders

[4] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the purpose and principles of the Act including, in particular, Part 2.



J R Jackson
Environment Judge



APPENDIX 1

Issue:

Natural hazard events, such as flooding and earthquakes, have the potential to injure people and damage property. Natural hazards may be exacerbated by the effects of climate change, which include sea level rise, and greater frequency and intensity of extreme weather events.

It is sometimes difficult and costly for a community to recover from a hazard event.

Policy 4.1.4 Assessing activities for natural hazard risk

Assess activities for natural hazard risk to people, property and communities, by considering all of the following:

- a) The natural hazard risk identified, including residual risk;
- b) Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods;
- c) The long term viability and affordability of those measures;
- d) Flow-on effects of the risk to other activities, individuals and communities;
- e) The availability of, and ability to provide, lifeline utilities, and essential and emergency services, during and after a natural hazard event.

Policy 4.1.5 Natural hazard risk

Manage natural hazard risk to people, property and communities, with particular regard to all of the following:

- a) The risk posed, considering the likelihood and consequences of natural hazard events;
- b) ~~The implications of residual risk, including the risk remaining after implementing or undertaking risk reduction and hazard mitigation measures;~~
- c) The community's tolerance of that risk, now and in the future, including the community's ability and willingness to prepare for and adapt to that risk, and respond to an event;
- d) ~~The changing nature of tolerance to risk;~~
- de) Sensitivity of activities to risk.
- e) The need to encourage system resilience;
- f) The social costs of recovery.

Policy 4.1.6 Avoiding Minimising increased increase in natural hazard risk

Minimise natural hazard risk to people, communities, property and other aspects of the environment by:

- a) Avoiding activities that result in significant risk from natural hazard;
- b) Enabling activities that result in no or low residual risk from natural hazard;
- c) Avoiding activities that increase risk in areas potentially affected by coastal hazards over at least the next 100 years;
- d) Encouraging the location of infrastructure away from areas of hazard risk where practicable;
- e) Minimising any other risk from natural hazard.

~~Manage natural hazard risk to people and communities, by both:~~



- a) ~~Avoiding activities that significantly increase risk including displacement of risk off-site; and~~
- b) ~~Avoiding activities that increase risk in areas potentially affected by coastal hazards over at least the next 100 years.~~

Policy 4.1.7 Reducing existing natural hazard risk

Reduce existing natural hazard risk to people and communities, including by all of the following:

- a) Encouraging activities that:
 - i. Reduce risk; or
 - ii. Reduce community vulnerability;
- b) Discouraging activities that:
 - i. Increase risk; or
 - ii. Increase community vulnerability;
- c) Considering the use of exit strategies for areas of significant risk to people and communities;
- d) Encouraging design that facilitates:
 - i. Recovery from natural hazard events; or
 - ii. Relocation to areas of lower risk; or
 - iii. Mitigation of risk;
- e) Relocating lifeline utilities, and facilities for essential and emergency service, to areas of reduced risk, where appropriate and practicable;
- f) Enabling development, upgrade, maintenance and operation of lifeline utilities and facilities for essential and emergency services;
- g) Re-assessing natural hazard risk to people and communities, and community tolerance of that risk, following significant natural hazard events.

Policy 4.1.10 Mitigating natural hazards

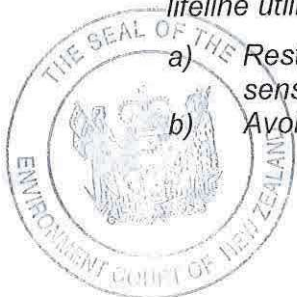
Give preference to risk management approaches that reduce the need for hard protection structures or similar engineering interventions, and provide for hard protection structures only when all of the following apply:

- a) Those measures are essential to reduce risk to a level the community is able to tolerate;
- b) There are no reasonable alternatives that result in reducing the risk exposure;
- c) It would not result in an increase in risk to people and communities, including displacement of risk off-site;
- d) The adverse effects can be adequately managed;
- e) The mitigation is viable in the reasonably foreseeable long term.

Policy 4.1.13 Hazard mitigation measures, lifeline utilities, and essential and emergency services

Protect the functional ~~needs and operational requirements~~ of hazard mitigation measures, lifeline utilities, and essential or emergency services, including by all of the following:

- a) Restricting the establishment of ~~those other~~ activities that may result in reverse sensitivity effects on those measures, utilities or services;
- b) Avoiding significant adverse effects on those measures, utilities or services;



- c) *Avoiding, remedying or mitigating other adverse effects on those measures, utilities or services;*
- d) *Maintaining access to those measures, utilities or services for maintenance and operational purposes;*
- e) *Managing other activities in a way that does not restrict the ability of those mitigation measures, utilities or services to continue functioning.*

Functional needs *The locational, operational, practical or technical needs of an activity, including development and upgrades.*

System *A set of discrete components interconnected and working together to function as a complex whole.*



**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of appeals under clause 14(1) of Schedule 1
to the Act
BETWEEN DUNEDIN CITY COUNCIL
(ENV-2016-CHC-84)
WISE RESPONSE INCORPORATED
(ENV-2016-CHC-106)
REMARKABLES PARK LIMITED AND
QUEENSTOWN PARK LIMITED
(ENV-2016-CHC-119)
Appellants
AND OTAGO REGIONAL COUNCIL
Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 28 June 2018

**CONSENT ORDER
(Climate Change)**

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeals are allowed to the extent that the Otago Regional Council is directed to amend the Proposed Otago Regional Policy Statement as set out in Appendix 1 attached to and forming part of this order; and
- (2) the appeals insofar as they relate to Climate Change are otherwise dismissed.



B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] The following parties have lodged appeals under clause 14(1) of Schedule 1 of the Resource Management Act 1991 (“the RMA” or “the Act”) against parts of a decision of the Otago Regional Council on Section 4.2 Climate Change of the Proposed Otago Regional Policy Statement:

- (a) Dunedin City Council (dated 7 December 2016);
- (b) Wise Response Incorporated (dated 8 December 2016); and
- (c) Remarkables Park Limited and Queenstown Park Limited (“RPL and QPL”) (dated 9 December 2016).

[2] Objective 4.2, the associated issue statement and implementing Policies 4.2.1 and 4.2.2 were appealed by parties. The court has now read and considered the consent memorandum of the parties dated 3 May 2018 which proposes to resolve these appeals.

Other relevant matters

[3] A number of parties joined these appeals under s 274 of the RMA and they have signed the memorandum setting out the relief sought.¹

Orders


[4] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;

¹ As set out in the Consent Memorandum: Climate Change dated 3 May 2018.



- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the purpose and principles of the Act including, in particular, Part 2.



J R Jackson
Environment Judge



APPENDIX 1

Issue:

~~Climate change will bring higher sea levels and an increased frequency of climate-related natural hazard events, which will increase the risk that communities face.~~

Climate change is creating environmental and economic outcomes that negatively affect the sustainability of natural and physical resources. These include higher sea levels, increased frequency of natural hazard events, and changing distribution of plants and animals. There is significant uncertainty over the rate and scale of change.

National and international policy frameworks have set objectives and guidance for New Zealand to proactively work toward reducing the rate of global warming.

Policy 4.2.1 Sea level rise

Ensure Otago's people and communities are able to adapt to, or mitigate the effects of sea level rise, over no less than 100 years, by using:

- a) A sea level rise of at least 1 metre by 2115, relative to 1990 mean sea level (Otago Metric Datum); and
- b) Adding an additional 10mm per year beyond 2115, or the most up-to-date national or regional guidance on likely sea level rise.

Policy 4.2.2 Climate change

Ensure Otago's people and communities are able to mitigate and adapt to, ~~or mitigate~~ the effects of climate change, over no less than 100 years, by all of the following:

- a) Taking into account the effects of climate change, including by using the best relevant climate change data;
- b) Applying a precautionary approach ~~to~~ when assessing and managing the effects of climate change where there is scientific uncertainty and potentially significant or irreversible effects;
- c) Encouraging activities that assist to reduce or mitigate the effects of climate change.
- d) Encouraging system resilience.

Principal Reasons and Explanation:

Communities need consistent guidance on sea level rise, and extreme weather events, and all other adverse effects of climate change to manage their those adverse effects.

~~Climate change will bring~~ is bringing higher sea levels and ~~may increase~~ is increasing the frequency and severity of climate related natural hazards ~~such as including~~ flooding, landslips, erosion and drought. Stormwater systems may not be able to cope with heavier rainfall. Other effects of climate change include changing distributions of plants and animals, and consequential effects, such as the risk of saltwater intrusion into groundwater as a result of rising sea levels. There may be other adverse effects from climate change that are not yet known. A precautionary approach is required where there is scientific uncertainty.

~~There may be benefits from higher temperatures such as opportunities for growing different crops and reduced demand for heating in winter.~~

The effects of climate change will result in social, environmental and economic costs, and in some circumstances benefits. It is prudent that these changes be planned for now, so that the impacts can be reduced.



**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14(1) of Schedule 1 to the Act

BETWEEN BP OIL NEW ZEALAND LIMITED, MOBIL OIL NEW ZEALAND LIMITED AND Z ENERGY LIMITED
(ENV-2016-CHC-115)

FEDERATED FARMERS OF NEW ZEALAND INCORPORATED
(ENV-2016-CHC-120)

HORTICULTURE NEW ZEALAND
(ENV-2016-CHC-114)

OTAGO WATER RESOURCE USERS GROUP
(ENV-2016-CHC-124)

TRUSTPOWER LIMITED
(ENV-2016-CHC-82)

TRANSPower NEW ZEALAND LIMITED
(ENV-2016-CHC-113)

WISE RESPONSE INCORPORATED
(ENV-2016-CHC-106)

Appellants

AND OTAGO REGIONAL COUNCIL
Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 28 June 2018

OTAGO REGIONAL POLICY STATEMENT – ENERGY CONSENT ORDER



**CONSENT ORDER
(Energy)**

- A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:
- (1) the appeals are allowed to the extent that the Otago Regional Council is directed to amend the Proposed Otago Regional Policy Statement as set out in Appendix 1 attached to and forming part of this order; and
 - (2) the appeals insofar as they relate to Section 4.4: Energy are otherwise dismissed.
- B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] The following parties have lodged appeals under clause 14(1) of Schedule 1 of the Resource Management Act 1991 ("the RMA" or "the Act") against parts of a decision of the Otago Regional Council on Section 4.4: Energy of the Proposed Otago Regional Policy Statement:

- (a) BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited (dated 8 December 2016);
- (b) Federated Farmers of New Zealand Incorporated (dated 9 December 2016);
- (c) Horticulture New Zealand (dated 9 December 2016);
- (d) Otago Water Resource Users Group (dated 9 December 2016);
- (e) Trustpower Limited (dated 5 December 2016);
- (f) Transpower New Zealand Limited (dated 9 December 2016); and
- (g) Wise Response Incorporated (dated 8 December 2016).



[2] The court has now read and considered the consent memorandum of the parties dated 3 May 2018 which proposes to resolve these appeals in respect of Section 4.4 (Energy).

Other relevant matters

[3] A number of parties joined these appeals under s 274 of the RMA and have signed the memorandum setting out the relief sought.¹

Orders

[4] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conforms and gives effect to the purpose and principles of Part 2 of the Act as particularised in the National Policy Statement for Renewable Electricity Generation and the National Policy Statement on Electricity Transmission.



J R Jackson
Environment Judge



¹ As set out in full in the Consent Memorandum: Energy dated 3 May 2018.

APPENDIX 1

Objective 4.4 ~~Energy supplies to Otago's communities~~ resources and supplies are secure, reliable and sustainable

Policy 4.4.1 **Renewable electricity generation**

~~Recognise and provide for the development, operation, maintenance, and upgrading of renewable electricity generation activities, by both all of the following:~~

- a) ~~Recognising the benefits associated with those activities;~~
- b) ~~Recognising the functional needs of those activities;~~
- c) ~~Recognising the importance of the resource needs of those activities;~~
- da) ~~Encouraging Promoting the efficient use of existing structures or facilities; and~~
- eb) ~~Providing for activities associated with the investigation, and identification, and development of potential renewable electricity generation sites and sources.~~

Policy 4.4.3 **Protecting existing-renewable electricity generation**

~~Protect the generating capacity generation output of existing nationally or regionally significant renewable electricity generation activities, by all of the following:~~

- a) ~~Recognising their functional needs of renewable electricity generation activities, including physical resource supply needs;~~
- b) ~~Restricting the establishment of those activities that may result in reverse sensitivity effects, Avoiding, to the extent reasonably practicable, reverse sensitivity effects on their functional needs;~~
- c) ~~Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure them; except when sub-clause d) applies;~~
- d) ~~Having particular regard to avoiding, remedying or mitigating adverse effects from new water takes on those which do not have a specified water allocation volume.~~

Policy 4.4.4 **Efficient transport of electricity**

~~Enable electricity transmission and distribution infrastructure activities that achieve all of the following:~~

- a) ~~Maintenance or improvement of the security and reliability of electricity supply;~~
- b) ~~Enhancement of the safety, efficiency and effectiveness of the infrastructure efficiency of transporting electricity; and~~
- c) ~~Avoidance, remediation or mitigation of adverse effects from that activity.~~

Policy 4.4.5 **Electricity distribution infrastructure**

~~Protect Recognise and provide for electricity distribution infrastructure, by all of the following:~~

- a) ~~Recognising the functional needs of electricity distribution activities;~~
- b) ~~Restricting the establishment of activities that may result in reverse sensitivity effects;~~
- c) ~~Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure;~~



- d) Minimising adverse effects of new and upgraded electricity distribution infrastructure on existing land uses;
- e) Identifying significant electricity distribution infrastructure and managing effects of potentially incompatible activities through methods such as corridors.
- ~~d) Protecting existing distribution corridors for infrastructure needs, now and for the future.~~

Policy 4.4.6 Energy efficient transport

Enable energy efficient and sustainable transport for Otago's communities, by all of the following:

- a) Encouraging the development of compact and well integrated urban areas, to reduce travel needs within those areas;
- b) Ensuring that transport infrastructure in urban areas has good connectivity, both within new urban areas and between new and existing urban areas, by all of the following:
 - i. Placing a high priority on walking, cycling, and public transport, where appropriate;
 - ii. Maximising pedestrian and cycling networks connectivity, and integration with public transport;
 - iii. Having high design standards for pedestrian and cyclist safety and amenity;
- c) Enabling the development or upgrade of transport infrastructure and associated facilities that both:
 - i. Increase freight efficiency; and
 - ii. Foster the uptake of new technologies for more efficient energy uses, and renewable or lower emission transport fuels.
- d) Fostering uptake of public transportation through provision of safe, reliable and well sheltered alternatives to private transport.

Policy 4.4.7 Fuels

Recognise and provide for reliable and resilient fuel supply chain infrastructure to meet community fuel needs, including facilities for the transition to a lower-carbon future.

Method 3: Regional Plans

Method 3.1

Method 4: City and District Plans

Method 4.1

Method 4.1.19

Objectives, policies and methods to implement the following policies:

4.1.19 Policy 4.4.5: by:

- a. Where necessary, providing controls for buildings, structures and other activities adjacent to electricity infrastructure, to ensure the functional needs of that infrastructure are not compromised based on NZECP34:2001 Electrical Code of Practice for Electrical Safe Distances and the Electricity (Hazards from Trees) Regulations 2003 (prepared under the Electricity Act 1992);



- b. Identifying significant electricity distribution infrastructure on planning maps;
- c. Where necessary, providing controls on activities to ensure that the functional needs of the significant electricity distribution infrastructure are not compromised.

Method 3.1.3

Objectives, policies and methods to implement the following policies: ...

3.1.3 Policies 3.1.1, ~~3.1.2,~~ and to 3.1.5, and Policies 4.3.3, 4.4.1 and 4.4.3:

- a. Manage land use and vegetation removal within the beds of lakes and rivers, wetlands, riparian areas, and in the coastal environment;
- b. In appropriate circumstances, provide for activities that have a functional need to be located in the beds of rivers, lakes, wetlands, and their margins.
- ~~c.b.~~ Manage change in river morphology;
- ~~d.e.~~ Encourage restoration of water margins;
- ~~e.d.~~ Managing noise in the coastal marine area;
- ~~f.e.~~ Identify freshwater management units that include all freshwater bodies in Otago in accordance with the National Policy Statement for Freshwater Management 2014;
- ~~g.f.~~ Maintain good water quality and improve it where it is degraded.
- ~~h.~~ Provide for resource users, people and communities that rely on fresh water within environmental limits;
- ~~i.~~ Set limits and targets to give effect to the National Policy Statement for Freshwater Management 2014;

Significant electricity distribution infrastructure

Means electricity infrastructure which supplies:

- a) Essential public services (such as hospitals and lifeline facilities);
- b) Other regionally significant infrastructure or individual consumers requiring supply of 1MW or more;
- c) 700 or more consumers; or
- d) Communities that are isolated and which do not have an alternative supply in the event the line or cable is compromised and where the assets are difficult to replace in the event of failure.



**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14(1) of Schedule 1 to the Act

BETWEEN

AYRBURN FARM DEVELOPMENT LIMITED AND BRIDESDALE FARM DEVELOPMENTS LIMITED
(ENV-2016-CHC-108)

CLUTHA DISTRICT COUNCIL
(ENV-2016-CHC-105)

DARBY PLANNING LP
(ENV-2016-CHC-110)

DUNEDIN CITY COUNCIL
(ENV-2016-CHC-84)

ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED
(ENV-2016-CHC-122)

HENLEY DOWNS LAND HOLDINGS LIMITED
(ENV-2016-CHC-111)

HORTICULTURE NEW ZEALAND
(ENV-2016-CHC-114)

REAL JOURNEYS LIMITED
(ENV-2016-CHC-109)

REMARKABLES PARK LIMITED AND QUEENSTOWN PARK LIMITED
(ENV-2016-CHC-119)

TRANSPower NEW ZEALAND LIMITED
(ENV-2016-CHC-113)



Appellants

AND

OTAGO REGIONAL COUNCIL

Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 28 June 2018

**CONSENT ORDER
(Urban Growth and Development)**

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that the Otago Regional Council is directed to make amendments to the Proposed Otago Regional Policy Statement as set out in Appendix 1 attached to and forming part of this order; and
- (2) the appeals insofar as they relate to Urban Growth and Development are otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] The following parties have lodged appeals under clause 14(1) of Schedule 1 of the Resource Management Act 1991 (“the RMA” or “the Act”) against parts of a decision of the Otago Regional Council on Section 4.5: Urban Growth and Development of the Proposed Otago Regional Policy Statement:

- (a) Ayrburn Farm Development Limited and Bridesdale Farm Developments Limited (dated 10 February 2017);



- (b) Clutha District Council (dated 9 December 2016);
- (c) Darby Planning LP (amended notice dated 10 February 2017);
- (d) Dunedin City Council (dated 7 December 2016);
- (e) Environmental Defence Society Incorporated (dated 9 December 2016);
- (f) Henley Downs Land Holdings Limited (dated 9 December 2016);
- (g) Horticulture New Zealand (dated 9 December 2016);
- (h) Real Journeys Limited (amended appeal dated 10 February 2017);
- (i) Remarkables Park Limited and Queenstown Park Limited (dated 9 December 2016); and
- (j) Transpower New Zealand Limited (dated 9 December 2016).

[2] The court has now read and considered the consent memorandum of the parties dated 3 May 2018 which proposes to resolve these appeals.

Other relevant matters

[3] A number of parties joined these appeals under s 274 of the RMA and have signed the memorandum setting out the relief sought.¹

Orders

[4] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conforms and gives effect to the purpose and principles of Part 2 of the Act as particularised in the National Policy Statement on Urban Development Capacity.



J R Jackson
Environment Judge



¹ As set out in the Consent Memorandum: Urban Growth dated 3 May 2018.

APPENDIX 1

Objective 4.5 ~~Urban growth and development is well designed, reflects local character~~ occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments

Policy 4.5.1 ~~Managing~~ Providing for urban growth and development

~~Manage~~ Provide for urban growth and development in a strategic and co-ordinated way, including by all of the following:

- a) Ensuring future urban growth areas are in accordance with any future development strategy for that district.
- ba) ~~Ensuring there is sufficient~~ Monitoring supply and demand of residential, commercial and industrial zoned land capacity, to cater for the demand for such land, over at least the next 20 years;
- c) Ensuring that there is sufficient housing and business land development capacity available in Otago;
- d) Setting minimum targets for sufficient, feasible capacity for housing in high growth urban areas in Schedule 6
- eb) ~~Coordinating urban growth and the development and the extension of urban areas with relevant infrastructure development programmes, to provide infrastructure in an efficient and effective way.~~
- fe) ~~Identifying future growth areas and managing the subdivision, use and development of rural land outside these areas to achieve all of the following~~ Having particular regard to:
 - i. Providing ~~Minimise~~ for rural production activities by minimising adverse effects on significant soils and activities which sustain food production on rural activities and significant soils;
 - ii. Minimising ~~Minimise~~ competing demands for natural resources;
 - iii. Maintaining ~~Maintain~~ high and outstanding natural character in the coastal environment; outstanding natural features, landscapes, and seascapes; and areas of significant indigenous vegetation and significant habitats of indigenous fauna or enhance significant biological diversity, landscape or natural character values;
 - iv. Maintaining ~~Maintain~~ important cultural or historic heritage values;
 - v. Avoiding ~~Avoid~~ land with significant risk from natural hazards;
- d) ~~Considering the need for urban growth boundaries to control urban expansion;~~
- ge) Ensuring efficient use of land;
- h) Restricting urban growth and development to areas that avoid reverse sensitivity effects unless those effects can be adequately managed;
- if) Encouraging ~~Requiring~~ the use of low or no emission heating systems where ambient air quality is:
 - i. Below standards for human health; or
 - ii. Vulnerable to degradation given the local climatic and geographical context;
- g) ~~Giving effect to the principles of good urban design, in Schedule 5;~~
- h) ~~Restricting the location of activities that may result in reverse sensitivity effects on existing activities.~~



- j) Consolidating existing coastal settlements and coastal urban areas where this will contribute to avoiding or mitigating sprawling or sporadic patterns of settlement and urban growth.

Method 2: Regional, City and District Council Relationships

Method 2.1, Method 2.2

Method 4: City and District Plans

Method 4.1.5, Method 4.1.12, Method 4.2.4, Method 4.2.7,
Method 4.2.10

Method 5: Research, Monitoring and Reporting

Method 5.2.3

Method 6: Non RMA Strategies and Plans

Method 6.2

~~Policy 4.5.2 — Planned and coordinated urban growth and development~~

~~Where urban growth boundaries or future urban development areas, are identified in a district plan, control the release of land within those boundaries or areas, by:~~

- ~~a) Staging development, using identified triggers to release new stages for development; or~~
- ~~b) Releasing land in a way that ensures both:
 - ~~i. a logical spatial development; and~~
 - ~~ii. efficient use of existing land and infrastructure before new land is released; and~~~~
- ~~c) Avoiding urban development beyond the urban growth boundary or future urban development area.~~

~~Method 2: Regional, City and District Council Relationships~~

~~Method 2.1, Method 2.2~~

~~Method 4: City and District Plans~~

~~Method 4.1.12, Method 4.2.4~~

Policy 4.5.27 Integrating infrastructure with land use

Achieve the strategic integration of infrastructure with land use, by undertaking all of the following:

- a) Recognising and providing for the functional needs of infrastructure of regional or national importance;
- b) Locating and designing infrastructure to take into account all of the following:
 - i. Actual and reasonably foreseeable land use change;
 - ii. The current population and projected demographic changes;
 - iii. Actual and reasonably foreseeable change in supply of, and demand for, infrastructure services;
 - iv. Natural and physical resource constraints;
 - v. Effects on the values of natural and physical resources;
 - vi. Co-dependence with other infrastructure;



- vii. *The effects of climate change on the long term viability of that infrastructure;*
- viii. *Natural hazard risk.*
- e) ~~Locating growth and development :~~
 - i. ~~Within areas that have sufficient infrastructure capacity; or~~
 - ii. ~~Where infrastructure services can be upgraded or extended efficiently and effectively;~~
- cd) *Coordinating the design and development of infrastructure with land use change in growth and redevelopment planning.*

Method 2: Regional, City and District Council Relationships

Method 2.1, Method 2.2

Method 3: Regional Plans

Method 3.1

Method 4: City and District Plans

Method 4.1

Method 6: Non RMA Strategies and Plans

Method 6.3.1

Method 7: Education and Information

Method 7.1.4

Method 9: Advocacy and Facilitation

Method 9.1.2

Policy 4.5.3 Urban design

~~*Design new urban development with regard to: Encourage the use of Schedule 5 good urban design principles in the subdivision and development of urban areas.*~~

- a) *A resilient, safe and healthy community;*
- b) *A built form that relates well to its surrounding environment;*
- c) *Reducing risk from natural hazards;*
- d) *Good access and connectivity within and between communities;*
- e) *A sense of cohesion and recognition of community values;*
- f) *Recognition and celebration of physical and cultural identity, and the historic heritage values of a place;*
- g) *Areas where people can live, work and play;*
- h) *A diverse range of housing, commercial, industrial and service activities;*
- i) *A diverse range of social and cultural opportunities.*

Method 3 District Plans

Method 3.1

~~Method 2: Regional, City and District Council Relationships~~

~~*Method 2.1, Method 2.2*~~

~~Method 4: City and District Plans~~

~~*Method 4.1*~~



Method 7: — Education and Information

Method 7.1.4

Method 9: — Advocacy and Facilitation

Method 9.1.4, Method 9.1.5

Method 2: Regional, City and District Council Relationships

2.1 Regional, city and district councils together will:

2.1.4 Policy 4.5.1: by applying an integrated management approach to achieving air quality standards, including through advising district plan users on regional rules and building consent requirement the use of building controls.

Method 4: City and District Plans

4.2 Implementing district plans.

City and District Councils will implement the following policies:

4.2.4 Policies 4.5.1, 4.5.2, and 5.3.1 : by preparing or requiring structure plans for large scale land use changes, including subdivision;

4.2.7 Policy 4.5.1: For high growth areas, as defined under the NPS Urban Development Capacity, by developing a future development strategy.

4.2.10 Policy 4.5.1: For medium growth areas, as defined under the NPS Urban Development Capacity, by developing a future development strategy.

Schedule 5 — Urban form and design

~~Good quality urban design offers a safe and enjoyable setting for people to work, live and play in, and fosters a positive relationship between the community and their natural environment. It caters to the needs of all, offers many lifestyle choices, and supports a healthy community. It also contributes to the community's identity and cohesion, and reflects the community values.~~

- ~~1. A safe and enjoyable environment~~
 - ~~a. Provides lively and pleasant places for people to enjoy~~
 - ~~b. Reflects the importance of community spaces~~
 - ~~c. Protects public open space, and improves the quality, quantity and distribution of local open space over the long term~~
 - ~~d. Creates transport networks that are safer~~
 - ~~e. Creates safe, attractive and secure pathways and links between town centres and landmarks and neighbourhoods~~
 - ~~f. Provides a comfortable and safe urban environment~~
 - ~~g. Considers the impact of design on people's health~~
 - ~~h. Reduce risk from natural and man-made hazards, including avoiding areas of significant risk~~
- ~~2. A positive relationship between the~~
 - ~~a. Has regard to the suitability of development in regard to the viability of required resources such as water~~



*community and its
natural
environment*

- b. Provides a positive contribution to the environmental health of urban streams, and the coastal environment*
- c. Manages the use of resources carefully, through environmentally responsive and sustainable design solutions*
- d. Minimises the effects of increased impervious surfaces and manages contamination*
- e. Promotes the maintenance, enhancement or protection of natural resources*
- f. Recognises features or values which warrant protection or preservation*
- g. Utilises green technologies in the design and construction of buildings and infrastructure*
- h. Facilitates green networks that link public and private open space*
- i. Promotes innovation and resource use efficiency*
- j. Promotes energy efficiency in transport and urban form, including site layout and building design*
- k. Incorporates renewable energy sources and passive solar gain*
- l. Reflects natural features such as rivers, lakes, wetlands and topography*
- m. Provides for ecological corridors*
- n. Protects areas of indigenous biological diversity and habitat for indigenous fauna*
- o. Utilises low impact design techniques*

*3. Supports a healthy
community, and
offers many
choices and
opportunities*

- a. Ensures urban environments provide opportunities for all.*
- b. Supports design which is flexible and adaptable and which will remain useful over the long term*
- c. Facilitates access to services and efficient movement of goods and people*
- d. Promotes transport networks that are safe, legible, attractive and well connected*
- e. Provides for public transport, roading, cycling and walking networks that are integrated with each other and the land uses they serve*
- f. Places a high priority on walking, cycling and public transport*
- g. Provides environments that encourage people to become more physically active*
- h. Maximises pedestrian connectivity*
- i. Results in buildings that are adapted to local climatic conditions*
- j. Acknowledges the need for a diverse range of housing and creates a range of housing opportunities and choices*



- ~~k. — Ensures public spaces are accessible by everybody, including people with disabilities~~
- ~~l. — Creates areas where people can live, work and play~~
- ~~m. — Enables a diverse range of commercial, industrial and services activities~~
- 4. ~~Contributes to the community's identity and cohesion, and reflects community values~~
 - ~~a. — Builds upon physical and cultural identity~~
 - ~~b. — Celebrates cultural identity and recognises the historic heritage values of a place~~
 - ~~c. — Provides formal and informal opportunities for social and cultural interaction~~
 - ~~d. — Enables a range of opportunities~~

Schedule 6: Housing capacity

This schedule will be amended in accordance with NPS Urban Development Capacity requirements. Refer to Policy 4.5.1(c) Providing for urban growth and development

Future development In accordance with the NPS Urban Development Capacity strategy



**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14(1) of Schedule 1 to the Act

BETWEEN ALLIANCE GROUP LIMITED
(ENV-2016-CHC-112)

BP OIL NEW ZEALAND LIMITED, MOBIL OIL NEW ZEALAND LIMITED AND Z ENERGY LIMITED
(ENV-2016-CHC-115)

CLUTHA DISTRICT COUNCIL
(ENV-2016-CHC-105)

DUNEDIN CITY COUNCIL
(ENV-2016-CHC-84)

HORTICULTURE NEW ZEALAND
(ENV-2016-CHC-114)

OCEANA GOLD NEW ZEALAND LIMITED
(ENV-2016-CHC-103)

QUEENSTOWN AIRPORT CORPORATION LIMITED
(ENV-2016-CHC-117)

REMARKABLES PARK LIMITED AND QUEENSTOWN PARK LIMITED
(ENV-2016-CHC-119)

TRANSPower NEW ZEALAND LIMITED
(ENV-2016-CHC-113)

Appellants

AND OTAGO REGIONAL COUNCIL
Respondent



Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 28 June 2018

**CONSENT ORDER
(Hazardous Substances)**

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that the Otago Regional Council is directed to amend the Proposed Otago Regional Policy Statement as set out in Appendix 1 attached to and forming part of this order; and
- (2) the appeals insofar as they relate to Section 4.6 (Hazardous Substances) are otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] The following parties have lodged appeals under clause 14(1) of Schedule 1 of the Resource Management Act 1991 (“the RMA” or “the Act”) against parts of a decision of the Otago Regional Council on Section 4.6: Hazardous Substances of the Proposed Otago Regional Policy Statement:

- (a) Alliance Group Limited (dated 8 December 2016);
- (b) BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited (dated 8 December 2016);
- (c) Clutha District Council (dated 9 December 2016);
- (d) Dunedin City Council (dated 7 December 2016);



- (e) Horticulture New Zealand (dated 9 December 2016);
- (f) Oceana Gold New Zealand Limited (dated 9 December 2016);
- (g) Queenstown Airport Corporation Limited (dated 9 December 2016);
- (h) Remarkables Park Limited and Queenstown Park Limited (dated 9 December 2016); and
- (i) Transpower New Zealand Limited (dated 9 December 2016).

[2] The court has now read and considered the consent memorandum of the parties dated 3 May 2018 which proposes to resolve these appeals.

Other relevant matters

[3] A number of parties joined these appeals under s 274 of the RMA and have signed the memorandum setting out the relief sought.¹

Orders

[4] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conforms and gives effect to the purpose and principles of Part 2 of the Act as particularised in the National Environmental Standard for Accessing and Managing Contaminants in Soil to Protect Human Health.



J R Jackson
Environment Judge



¹ As set out in full in the Consent Memorandum: Hazardous Substances dated 3 May 2018.

APPENDIX 1

Policy 4.6.2 Use, storage and disposal of hazardous substances

~~Manage the use, storage and disposal of hazardous substances to avoid accidental spillage or release of these substances, by all of the following:~~

- ~~a) Providing secure containment for the storage of hazardous substances of those substances in case of accidental spillage;~~
- b) Minimising risk associated with natural hazard events;
- c) ~~Avoiding adverse effects of these substances on~~ Ensuring the health and safety of people; ~~and~~
- ~~d) a) Avoiding, remedying or mitigating adverse effects on the environment and on other values;~~
- ~~ed) Providing for the development of facilities to safely store, transfer, process, handle and dispose of hazardous substances ;~~
- ~~fe) Ensuring hazardous substances are treated or disposed of at authorised facilities, in accordance with the relevant disposal instructions regulatory requirements;~~
- ~~gf) Restricting the location and intensification of activities that may result in reverse sensitivity effects near authorised facilities for hazardous substance bulk storage, treatment or disposal;~~
- hg) Encouraging the use of best management practices.

Policy 4.6.5 Managing contaminated land

Ensure contaminated or potentially contaminated land does not pose an unacceptable risk to people and the environment, by:

- a) Assessing and, if required, monitoring contaminant levels and environmental risks;
- b) Protecting human health in accordance with regulatory requirements;
- c) Minimising adverse effects of the contaminants on the environment.

~~Manage the use of contaminated land, to protect people and the environment from adverse effects, by all of the following:~~

- ~~a) Prior to subdivision or development of potentially contaminated land, requiring a site investigation be undertaken to determine the nature and extent of any contaminants;~~
- ~~b) Where there is contamination:
 - ~~i. Requiring an assessment of associated environmental risks; and~~
 - ~~ii. Remediating contaminated land;~~~~
- ~~c) Considering the need for ongoing monitoring of contaminant levels and associated risks.~~



Policy 4.6.7 Waste minimisation responses

Encourage activities to give effect to the waste minimisation hierarchy of responses, by:

- a) Giving preference to reducing waste generated; then
- b) Reusing waste; then
- c) Recycling waste; then
- d) Recovering resources from waste; then
- e) Treatment; then
- fe) Disposing residual waste to authorised landfill a disposal facility.

Policy 4.6.8 Waste storage, recycling, recovery, treatment and disposal

Manage the storage, recycling, recovery, treatment and disposal of waste materials by undertaking all of the following:

- a) Providing for the development of facilities and services for the storage, recycling, recovery, treatment and disposal of waste materials;
- b) ~~Avoiding adverse effects on~~ Ensuring the health and safety of people; and
- c) ~~avoiding, remedying and mitigating~~ Minimising adverse effects on the environment and other values;
- de) Minimising risk associated with natural hazard events;
- ed) Restricting the location of activities that may result in reverse sensitivity effects near waste management facilities and services.

Policy 4.6.9 New Contaminated land

Avoid the creation of new contaminated land or, where this is not practicable, minimise adverse effects on the environment.

Principal Reasons and Explanation:

Resources need to be carefully used to minimise the material disposed of as waste.

Waste materials and hazardous substances need to be carefully managed to avoid creating environmental problems or adversely affecting human health.

Hazardous substances can be dangerous when not managed appropriately but are essential components of some activities. Hazardous substances and their waste should also be managed to avoid creating environmental problems or adversely affecting human health, in accordance with regulatory requirements.



**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under clause 14(1) of Schedule
1 to the Act
BETWEEN DUNEDIN CITY COUNCIL
(ENV-2016-CHC-84)
Appellant
AND OTAGO REGIONAL COUNCIL
Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 28 June 2018

**CONSENT ORDER
(Public Access)**

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that the Otago Regional Council is directed to amend the Proposed Otago Regional Policy Statement as set out in Appendix 1 attached to and forming part of this order; and
- (2) the appeal insofar as it relates to Public Access is otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS



Introduction

[1] The Dunedin City Council lodged an appeal under clause 14(1) of Schedule 1 of the Resource Management Act 1991 ("the RMA" or "the Act") against parts of a decision of the Otago Regional Council on Policy 5.1.1: Public Access of the Proposed Otago Regional Policy Statement.

[2] The court has now read and considered the consent memorandum of the parties dated 3 May 2018 which proposes to resolve the appeal in respect of Policy 5.1.1.

Other relevant matters

[3] The following parties gave notice of an interest in this appeal under Section 274 of the Act and have signed the memorandum setting out the relief sought:

- (a) Federated Farmers of New Zealand Incorporated;
- (b) Royal Forest and Bird Protection Society of New Zealand Incorporated;
- (c) Remarkables Park Limited and Queenstown Park Limited;
- (d) Otago Water Resource Users Group;
- (e) Transpower New Zealand Limited; and
- (f) Radio New Zealand Limited.

[4] No other person has given notice of intention to become a party under s 274.

Orders

[5] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;



- (a) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the purpose and principles of the Act including, in particular, Part 2.



J R Jackson
Environment Judge



APPENDIX 1

Policy 5.1.1 Public access

Maintain and or enhance public access to the natural environment, including to the coast, lakes, rivers and their margins, and where possible areas of cultural or historic significance, unless restricting access is necessary for one or more of the following:

- a) *Protecting public health and safety;*
- b) *Protecting the natural heritage and ecosystem values of sensitive natural areas or habitats;*
- c) *Protecting identified sites and values associated with historic heritage or cultural significance to Kāi Tahu ;*
- d) *Ensuring a level of security consistent with the operational requirements of a lawfully established activity.*



**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of appeals under clause 14(1) of Schedule 1
to the Act
BETWEEN CENTRAL OTAGO DISTRICT COUNCIL
(ENV-2016-CHC-123)
DUNEDIN CITY COUNCIL
(ENV-2016-CHC-84)
OCEANA GOLD NEW ZEALAND LIMITED
(ENV-2016-CHC-103)
QUEENSTOWN AIRPORT
COROPORATION LIMITED
(ENV-2016-CHC-117)
REAL JOURNEYS LIMITED
(ENV-2016-CHC-109)
Appellants
AND OTAGO REGIONAL COUNCIL
Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 28 June 2018

**CONSENT ORDER
(Historic Heritage)**

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

OTAGO REGIONAL POLICY STATEMENT – HISTORIC HERITAGE CONSENT ORDER



- (1) the appeals are allowed to the extent that the Otago Regional Council is directed to amend the Proposed Otago Regional Policy Statement as set out in Appendix 1 attached to and forming part of this order; and
- (2) the appeals insofar as they relate to Historic Heritage are otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] The following parties have lodged appeals under clause 14(1) of Schedule 1 of the Resource Management Act 1991 ("the RMA" or "the Act") against parts of a decision of the Otago Regional Council on Section 5.2: Historic Heritage of the Proposed Otago Regional Policy Statement:

- (a) Central Otago District Council (dated 9 December 2016);
- (b) Dunedin City Council (dated 7 December 2016);
- (c) Oceana Gold New Zealand Limited (dated 9 December 2016);
- (d) Queenstown Airport Corporation Limited (dated 9 December 2016); and
- (e) Real Journeys Limited (amended notice dated 10 February 2017).

[2] The court has now read and considered the consent memorandum of the parties dated 3 May 2018 which proposes to resolve these appeals as they relate to Historic Heritage.

Other relevant matters

[3] A number of parties joined these appeals under s 274 of the RMA and have signed the memorandum setting out the relief.¹

¹ As set out in the Consent Memorandum: Historic Heritage dated 3 May 2018.



Orders

[4] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the purpose and principles of the Act including, in particular, Part 2.



J R Jackson
Environment Judge



APPENDIX 1

Policy 5.2.3 Managing historic heritage

Protect and enhance places and areas of historic heritage, by all of the following:

- a) Recognising that some places or areas are known or may contain archaeological sites, wāhi tapu or wāhi taoka which could be of significant historic or cultural value;
- b) Applying these provisions immediately upon discovery of such previously unidentified archaeological sites or areas, wāhi tapu or wāhi taoka;
- c) Avoiding adverse effects on those values which that contribute to the area or place being of regional or national significance;
- d) ~~Avoiding~~ Minimising significant adverse effects on other values of areas and places of historic heritage;
- e) Remedying when adverse effects on other values cannot be avoided;
- f) Mitigating when adverse effects on other values cannot be avoided or remedied;
- g) Encouraging the integration of historic heritage values into new activities;
- h) Enabling adaptive reuse or upgrade of historic heritage places and areas where historic heritage values can be maintained.

Schedule 56 Criteria for the identification of historic heritage values

The identification of items, places and areas of historic heritage value will be based on but not limited to the following criteria:

1. The extent to which the item, place or area reflects important or representative aspects of Otago or New Zealand history.
2. The association of the item, place or area with events, persons, or ideas of importance in Otago or New Zealand history.
3. The potential of the item, place or area to provide knowledge of Otago or New Zealand history.
4. The importance of the item, place or area to tangata whenua.
5. The community association with, or public esteem for, the item, place or area.
6. The potential of the item, place or area for public education.
7. The technical accomplishment, value or design of the item, place or area.
8. The symbolic or commemorative value of the item, place or area.
9. The importance of identifying historic items, places or areas known to date from an early period of New Zealand settlement.
10. The importance of identifying rare types of historic items, places or areas.
11. The extent to which the item, place, or area forms part of a wider historical and cultural item, place or area.



Physical values

1. *Archaeological information* Does the place or area have the potential to contribute information about the human history of the region, or to current archaeological research questions, through investigation using archaeological methods?
2. *Architecture* Is the place significant because of its design, form, scale, materials, ornamentation, style, period, craftsmanship or other architectural element?
3. *Technology* Does the place demonstrate innovative or important methods of construction or design, does it contain unusual construction materials, is it an early example of the use of a particular construction technique or does it have the potential to contribute information about technological history?
4. *Scientific* Does the area or place have the potential to provide scientific information about the history of the region?
5. *Rarity* Is the place or area, or are features within it, unique, unusual, uncommon or rare at a district, regional or national level or in relation to particular historical themes?
6. *Representativeness* Is the place or area a good example of its class, for example, in terms of design, type, features, use, technology or time period?
7. *Integrity* Does the place have integrity, retaining significant features from its time of construction, or later periods when important modifications or additions were carried out?
8. *Vulnerability* Is the place vulnerable to deterioration or destruction or is threatened by land use activities?
9. *Context or Group* Is the place or area part of a group of historic heritage places, a landscape, a townscape or setting which when considered as a whole amplify the historic heritage values of the place and group/landscape or extend its significance?

Historic values

10. *People* Is the place associated with the life or works of a well-known or important individual, group or organisation?
11. *Events* Is the place associated with an important event in local, regional or national history?
12. *Patterns* Is the place associated with important aspects, processes, themes or patterns of local, regional or national history?



Cultural values

13. Identity *Is the place or area a focus of community, regional or national identity or sense of place, and does it provide evidence of cultural or historical continuity?*
14. Public esteem *Is the place held in high public esteem for its historic heritage or amenity values or as a focus of spiritual, political, national or other cultural sentiment?*
15. Commemorative *Does the place have symbolic or commemorative significance to people who use or have used it, or to the descendants of such people, as a result of its special interest, character, landmark, amenity or visual appeal?*
16. Education *Could the place contribute, through public education, to people's awareness, understanding and appreciation of New Zealand's history and cultures?*
17. Takata whenua *Is the place important to Kāi Tahu takata whenua for traditional, spiritual, cultural or historical reasons?*
18. Statutory recognition *Does the place or area have recognition in New Zealand legislation or international law including: World Heritage Listing under the World Heritage Convention 1972; registration under the Heritage New Zealand Pouhere Taonga Act 2014; is it an archaeological site as defined by the Heritage New Zealand Pouhere Taonga Act 2014; is it a statutory acknowledgement under claim settlement legislation; or is it recognised by special legislation?*



**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of appeals under clause 14(1) of Schedule 1
to the Act
BETWEEN RAYONIER NEW ZEALAND LIMITED
(ENV-2016-CHC-69)
ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED
(ENV-2016-CHC-102)
Appellants
AND OTAGO REGIONAL COUNCIL
Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 28 June 2018

**CONSENT ORDER
(Dry Catchments)**

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that the Otago Regional Council is directed to amend the Proposed Otago Regional Policy Statement as set out in Appendix 1 attached to and forming part of this order; and
- (2) the appeals in so far as they relate to Dry Catchments are otherwise dismissed.



B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] The following parties have lodged appeals under clause 14(1) of Schedule 1 of the Resource Management Act 1991 ("the RMA" or "the Act") against parts of a decision of the Otago Regional Council on Policy 5.3.2 of the Proposed Otago Regional Policy Statement:

- (a) Rayonier New Zealand Limited (dated 8 December 2016);
- (b) Royal Forest and Bird Protection Society of New Zealand Incorporated (dated 9 December 2016).

[2] The court has now read and considered the consent memorandum of the parties dated 3 May 2018 which proposes to resolve these appeals as they relate to Dry Catchments.

Other relevant matters

[3] A number of parties joined these appeals under s 274 of the RMA and have signed the memorandum setting out the relief sought.¹

Orders

[4] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;



¹ As set out in full in the Consent Memorandum: Dry Catchments dated 3 May 2018.

- (a) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the purpose and principles of the Act including, in particular, Part 2.



J R Jackson
Environment Judge



APPENDIX 1

Policy 5.3.2 ***Plantation forestry Managing land use change in dry catchments***

Manage land use change in dry catchments, to avoid any significant reduction in water yield. by: In dry catchments avoid plantation forestry activities that would result in significant, including cumulative, reductions in water yield.

- a) *Controlling any extension of forestry activities within those catchments that would result in a significant reduction in water yield, including cumulative reductions; and*
- b) *Minimising the conversion of tall tussock grasslands to species which are less able to capture and hold precipitation.*

Method 3: ***Regional Plans***

Objectives, policies and methods to implement the following policies:

- 3.1.1645 *Policy 5.3.2: by including provisions managing plantation forestry land use change in dry catchments where this will impact on water yield.*



**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of appeals under clause 14(1) of Schedule 1
 to the Act
BETWEEN CLUTHA DISTRICT COUNCIL
 (ENV-2016-CHC-105)
 QUEENSTOWN AIRPORT
 CORPORATION LIMITED
 (ENV-2016-CHC-117)
 Appellants
AND OTAGO REGIONAL COUNCIL
 Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 28 June 2018

**CONSENT ORDER
(Commercial Activities)**

- A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:
- (1) the appeal is allowed to the extent that the Otago Regional Council is directed to amend the Proposed Otago Regional Policy Statement as set out in Appendix 1 attached to and forming part of this order; and
 - (2) the appeals insofar as they relate to Policy 5.3.3 are otherwise dismissed.
- B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.



REASONS

Introduction

[1] The following parties have lodged appeals under clause 14(1) of Schedule 1 of the Resource Management Act 1991 (“the RMA” or “the Act”) against parts of a decision of the Otago Regional Council on Policy 5.3.3: Distribution of Commercial Activities of the Proposed Otago Regional Policy Statement:

- (a) Clutha District Council (dated 9 December 2016);
- (b) Queenstown Airport Corporation Limited (dated 9 December 2016).

[2] The court has now read and considered the consent memorandum of the parties dated 24 May 2018 which proposes to resolve these appeals in respect of Policy 5.3.3.

Other relevant matters

[3] A number of parties joined these appeals under s 274 of the RMA and have signed the memorandum setting out the relief sought.¹

Orders

[4] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court’s endorsement fall within the court’s jurisdiction, and conform to the purpose and principles of the Act including, in particular, Part 2.



J R Jackson
Environment Judge



¹ As set out in full in the Consent Memorandum: Commercial Activities dated 24 May 2018.

APPENDIX 1

Policy 5.3.3 Distribution of commercial activities

Manage the distribution of commercial activities by:

- a) Enabling a wide variety of commercial, social and cultural activities in central business districts, and town and commercial centres;
- b) Enabling smaller commercial centres to service local community needs;
- c) Restricting commercial activities outside of a) and b) when such activities are likely to undermine the vibrancy and viability of those centres;
- d) Encouraging the adaptive reuse of existing buildings.

~~Manage the distribution of commercial activities in larger urban areas, to maintain the vibrancy of the central business district and town centres and support local commercial needs, by all of the following:~~

- ~~a) — Enabling a wide variety of commercial, social and cultural activities in the central business district;~~
- ~~b) — Encouraging the adaptive re-use reuse of existing buildings;~~
- ~~c) — Avoiding unplanned extension of commercial activities that has significant adverse effects on the central business district and town centres, including on the efficient use of infrastructure, employment and services;~~
- ~~d) — Enabling smaller town centres to service local community needs.~~



**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of appeals under clause 14(1) of Schedule 1
to the Act
BETWEEN CLUTHA DISTRICT COUNCIL
(ENV-2016-CHC-105)
OCEANA GOLD NEW ZEALAND LIMITED
(ENV-2016-CHC-103)
REMARKABLES PARK LIMITED AND
QUEENSTOWN PARK LIMITED
(ENV-2016-CHC-119)
Appellants
AND OTAGO REGIONAL COUNCIL
Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 28 June 2018

**CONSENT ORDER
(Industrial Activities)**

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeals are allowed to the extent that the Otago Regional Council is directed to amend the Proposed Otago Regional Policy Statement as set out in Appendix 1 attached to and forming part of this order; and
- (2) the appeals insofar as they relate to Policy 5.3.4 of the Proposed Otago Regional Policy Statement are otherwise dismissed.



- B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] The following parties have lodged appeals under clause 14(1) of Schedule 1 of the Resource Management Act 1991 (“the RMA” or “the Act”) against parts of a decision of the Otago Regional Council on Policy 5.3.4 Industrial land of the Proposed Otago Regional Policy Statement:

- (a) Clutha District Council (dated 9 December 2016);
- (b) Oceana Gold New Zealand Limited (dated 9 December 2016); and
- (c) Remarkables Park Limited and Queenstown Park Limited (“RPL and QPL”) (dated 9 December 2016).

[2] The court has now read and considered the consent memorandum of the parties dated 3 May 2018 which proposes to resolve these appeals.

Other relevant matters

[3] A number of parties joined these appeals under s 274 of the RMA and they have signed the memorandum setting out the relief sought.¹

Orders

[4] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;

¹ As set out in the Consent Memorandum: Industrial Activities dated 3 May 2018.



- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the purpose and principles of the Act including, in particular, Part 2.



J R Jackson
Environment Judge



APPENDIX 1

Policy 5.3.4 Industrial land

Manage the finite nature of land suitable and available for industrial activities, by all of the following:

- a) *Providing specific areas to accommodate the effects of industrial activities;*
- b) *Providing a range of land suitable for different industrial activities, including land-extensive activities;*
- c) *Restricting the establishment of activities in industrial areas that may are likely to result in:*
 - i. *Reverse sensitivity effects; or*
 - ii. *Inefficient use of industrial land or infrastructure.*



**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14(1) of Schedule 1 to the Act

BETWEEN AYRBURN FARM DEVELOPMENT LIMITED AND BRIDESDALE FARM DEVELOPMENTS LIMITED
(ENV-2016-CHC-108)

DARBY PLANNING LP
(ENV-2016-CHC-110)

HENLEY DOWNS LAND HOLDINGS LIMITED
(ENV-2016-CHC-111)

REAL JOURNEYS LIMITED
(ENV-2016-CHC-109)

REMARKABLES PARK LIMITED AND QUEENSTOWN PARK LIMITED
(ENV-2016-CHC-119)

Appellants

AND OTAGO REGIONAL COUNCIL
Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 28 June 2018

**CONSENT ORDER
(Tourism and Outdoor Recreation)**



A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that the Otago Regional Council is directed to make amendments to the Proposed Otago Regional Policy Statement as set out in Appendix 1 attached to and forming part of this order; and
- (2) the appeals are otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] The following parties have lodged appeals under clause 14(1) of Schedule 1 of the Resource Management Act 1991 ("the RMA" or "the Act") against parts of a decision of the Otago Regional Council of the Proposed Otago Regional Policy Statement:

- (a) Ayrburn Farm Development Limited and Bridesdale Farm Developments Limited (dated 10 February 2017);
- (b) Darby Planning LP (amended notice dated 10 February 2017);
- (c) Henley Downs Land Holdings Limited (dated 9 December 2016);
- (d) Real Journeys Limited (amended appeal dated 10 February 2017); and
- (e) Remarkables Park Limited and Queenstown Park Limited (dated 9 December 2016).

[2] The proposed RPS did not contain any express provisions for tourism and outdoor recreation, parties propose the introduction of a new Policy 5.3.6 to resolve these appeals.

[3] The court has now read and considered the consent memorandum of the parties dated 3 May 2018 which proposes to resolve the appeals.



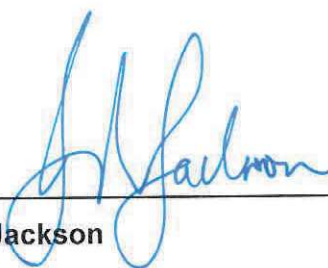
Other relevant matters

[4] Many parties¹ joined these appeals under s 274 of the RMA and as they have signed the memorandum setting out the relief sought.

Orders

[5] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the purpose and principles of the Act including, in particular, Part 2.



J R Jackson
Environment Judge



¹ As set out in full in the Consent Memorandum: Tourism and Outdoor Recreational dated 24 May 2018.

APPENDIX 1

Policy 5.3.6 Tourism and outdoor recreation

Recognise the social and economic value of some forms of outdoor recreation and tourism having access to, and being located within, outstanding natural features and landscapes.

