

RM23.819 - ORC Section 42a Report Addendum

1. This addendum has been prepared primarily to provide an assessment of the objectives and policies of the decisions version (rather than the notified version, as inadvertently assessed in the s42a report) of the proposed Otago Regional Policy Statement. It also addresses some errors in the report, and seeks to provide further clarification on some matters.

Written approvals

2. Table 4 of the report identifies bores within, and in proximity to, the site, predicted drawdowns, and written approvals received. Table 6 lists all written approvals received (not just potentially affected bore owners).
3. I acknowledge that additional written approvals have been obtained since the preparation of the s42a report, and refer to Appendix A of Ms Collie's evidence for a full updated table of written approvals received. I acknowledge that the Applicant has also since come to a written agreement with the Millers Flat Water Company.
4. Table 7 of the report lists potentially affected bore owners who had not provided written approval. In light of the additional written approvals, Table 7 can be amended as follows:

Bore number	Owner	Purpose	Proximity to site
G44/0111	Wendy Gunn	Domestic supply	Approximately 450 m
G44/0132	Wendy Gunn	Domestic supply	Approximately 380 m
G43/0079	Gregory Fenwick Sligo	Domestic supply	Approximately 413 m
G43/0184	B & T Fairhurst	Domestic supply	Approximately 149 m
G43/0185	B & T Fairhurst	Domestic supply	Approximately 144 m

Section 6: Section 104 Evaluation

5. In Section 6.1.9 of the report, I have stated "As discussed in Sections 6.1.2 to 6.1.8 above, I consider that adverse effects on the physical aspects and mauri of water bodies, i.e. water quality and ecological values, can be appropriately managed and mitigated..." This is an error and should only refer to the physical aspects of water bodies. To clarify, I am satisfied that the physical aspects of water bodies can be appropriately managed and mitigated. However, there is insufficient information to assess adverse effects on the metaphysical aspects of water bodies, such as mauri.
6. Positive effects are addressed in Section 6.1.1 of the s42a report. At the time of preparing the report, the Applicant had not demonstrated how the proposal would promote the economic and social wellbeing of the community. However, the Applicant has since provided evidence demonstrating positive effects of the proposal and I accept this.

Assessment against the proposed Otago Regional Policy Statement

7. The following provides an assessment against the decisions version of the pORPS, as the objectives and policies of the notified version were mistakenly assessed in the report. In summary, the assessment largely remains the same. In particular, there is still insufficient information to assess whether the proposal provides for the mauri of water and gives effect to Te Mana o te Wai.

Provision	Assessment
Air	

<p>AIR-O1 – Ambient air quality The localised adverse effects of discharges to air do not compromise human health, amenity values, and mana whenua values and the life-supporting capacity of ecosystems</p>	<p>Assessment remains the same.</p>
<p>AIR-P1 – Maintain ambient air quality Ambient air quality is, at a minimum, maintained across Otago by: (1) ensuring discharges to air comply with ambient air quality limits, including ambient air quality standards and guidelines, where those have been set as limits, and (2) where limits, including ambient air quality standards and guidelines, have not been set, only allowing discharges to air if the adverse effects on ambient air quality are avoided, remedied or mitigated no more than minor.</p>	
<p>AIR-P3 - Providing for discharges to air Provide for discharges to air that do not adversely affect human health, amenity values, and mana whenua values and the life supporting capacity of ecosystems.</p>	
<p>AIR – P4 Managing certain discharges Manage the adverse effects of discharges to air by: (1) avoiding noxious or dangerous effects, (2) ensuring discharges to air do not cause offensive or objectionable effects, (3) avoiding, remedying or mitigating other adverse effects from discharges to air, including but not limited to discharges arising from: (a) outdoor burning of organic material, (b) agrichemical and fertiliser applications, (c) primary production activities, (d) activities that produce dust, and (e) industrial and trade activities. (4) locating new sensitive activities to avoid potential reverse sensitivity effects from existing consented or permitted discharges to air, unless these can be appropriately managed.</p>	<p>This policy now seeks to manage, rather than avoid, certain discharges. I consider that adverse effects of the discharges to air can be mitigated.</p>
<p>AIR – P6 Impacts on mana whenua values Ensure that discharges to air do not adversely affect mana whenua values by having particular regard to values and areas of significance to mana whenua., including wāhi tūpuna, wāhi tapu and wāhi taoka.</p>	<p>Given the submissions of Aukaha and TRONT did not specifically raise concerns about discharges to air, the proposal is not considered to be inconsistent with this policy.</p>
<p>Land and freshwater</p>	
<p>LF-WAI – Te Mana o te Wai Otago’s water bodies and their health and well-being are protected, and restored where they are degraded, so that the mauri of those water bodies is protected, and the management of land and water recognises and reflects that: (1) water is the foundation and source of all life – na te wai ko te hauora o ngā mea katoa, (2) there is an integral kinship relationship between water and Kāi Tahu whānui, and this relationship endures through time, connecting past, present and future,</p>	<p>Assessment remains the same; Aukaha’s submission states that there is insufficient information to assess whether the proposal gives effect to Te Mana o te Wai.</p>

<p>(3) each water body has a unique whakapapa and characteristics, (4) fresh water, land, and coastal water have a connectedness that supports and perpetuates life, (4A) protecting the health and well-being of water protects the wider environment, (5) Kāi Tahu exercise rakatirataka, manaakitaka and their kaitiakitaka duty of care and attention over wai and all the life it supports, and (6) all people and communities have a responsibility to exercise stewardship, care, and respect in the management of fresh water.</p>	
<p>LF-WAI-P1 In all decision-making affecting fresh water in Otago, prioritise: (1) first, the health and well-being of water bodies and freshwater ecosystems, (te hauora o te wai) and the contribution of this to the health and well-being of the environment (te hauora o te taiao), together with and the exercise of mana whenua to uphold these, (2) second, the health needs of people, (te hauora o te tangata); interacting with water through ingestion (such as drinking water and consuming resources harvested from the water body) and immersive activities (such as harvesting resources and primary contact), and (3) third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.</p>	<p>Assessment remains the same; there is insufficient information to assess whether the proposal provides for the mauri, and therefore, the health and wellbeing of water bodies.</p>
<p>LF-WAI-P2 Mana whakahaere Recognise and give practical effect to Kāi Tahu rakatirataka in respect of fresh water by: (1) facilitating partnership with, and the active involvement of, mana whenua in freshwater management and decision-making processes, (2) sustaining the environmental, social, cultural and economic relationships of Kāi Tahu with water bodies, (3) providing for a range of customary uses, including mahika kai, specific to each water body, and (4) incorporating mātauraka into decision making, management and monitoring processes, and (5) managing wai and its connections with whenua in a holistic and interconnected way – ki uta ki tai.</p>	<p>Assessment remains the same; further information is required to assess whether the proposal is consistent with these policies.</p>
<p>LF-WAI-P3 Integrated management/ki uta ki tai Manage the use of fresh water and land, using an integrated approach that is consistent with tikaka and kawa, that: (1) sustains and, to the greatest extent practicable, restores or improves: (a) the natural connections and interactions between water bodies (large and small, surface and ground, fresh and coastal, permanently flowing, intermittent and ephemeral), (b) the natural connections and interactions between land and water, from the mountains to the sea, (c) the habitats of mahika kai and indigenous species, including taoka species associated with the water body,</p>	

<p>(4) manages the effects of the use and development of land to maintain or enhance the health and well-being of freshwater, coastal water and associated ecosystems, (5) encourages the coordination and sequencing of regional or urban growth to ensure it is sustainable, (6) has regard to foreseeable climate change risks, and the potential effects of climate change on water bodies, including on their natural functioning, (7) has regard to cumulative effects, and (8) applies a precautionary approach where there is limited available information or uncertainty about potential adverse effects, in accordance with IMP6.</p>	
<p>LF-WAI-P4 – Giving effect to Te Mana o te Wai All persons exercising functions and powers under this RPS and all persons who use, develop or protect resources to which this RPS applies must recognise that LF-WAI-O1, LF-WAI-P1, LF-WAI-P2 and LF-WAI-P3 are fundamental to upholding Te Mana o te Wai, and must be given effect to when making decisions affecting fresh water, including when interpreting and applying the provisions of the LF chapter</p>	
<p>Land and freshwater</p>	
<p>LF-FW-O1A – Visions set for each FMU and rohe In each FMU and rohe in Otago and within the timeframes specified in the freshwater visions in LF-VM02 to LF-VM-O6: (1) healthy freshwater and estuarine ecosystems support healthy populations of indigenous species (including non-diadromous galaxiids and Canterbury mudfish) and mahika kai that are safe for consumption, (2) the interconnection of land, freshwater (including springs, groundwater, ephemeral water bodies, wetlands, rivers, and lakes) and coastal water is recognised, (3) fish passage within and between catchments is provided for except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats, (4) the form, function and character of water bodies reflects their natural characteristics and natural behaviours to the extent reasonably practicable, (5) the ongoing relationship of Kāi Tahu with wāhi tūpuna, including access to and use of water bodies, is sustained, (6) the health of the water supports the health of people and their connections with water bodies, (7) sustainable land and water management practices: (a) support food and fibre production and the continued social, economic, and cultural wellbeing of Otago’s people and communities, and (b) improve the resilience of communities to the effects of climate change, and (c) ensure communities are appropriately serviced by community water supplies, and other three waters infrastructure, (8) direct discharges of wastewater to water bodies are phased out to the extent reasonably practicable, and (9) freshwater is managed as part of New Zealand’s integrated response to climate change and renewable electricity generation activities are provided for.</p>	<p>(1) the proposal is considered to be consistent, given the flow augmentation conditions proposed. (2) the proposal recognises this interconnection. (3) provision of fish passage is not relevant to the proposal. (4) I consider that the proposal will not adversely impact the form, function or character of the Tima Burn or Clutha/Mata-Au. (5) given the submissions of Aukaha and TRONT, the proposal is not considered to sustain the ongoing relationship of Kāi Tahu with wāhi tupuna. (6) I consider the proposal to be consistent. (7) I consider the proposal is generally consistent with this, except in respect of supporting cultural wellbeing. (8) not applicable. (9) the proposal is not for renewable electricity generation.</p>

<p>LF-VM-O2 – Clutha Mata-au FMU vision In the Clutha Mata-au FMU, and in addition to the matters in LF-FW-O1A:</p> <p>(1) management of the FMU recognises that:</p> <p>(a) the Clutha Mata-au is a single connected system ki uta ki tai, and</p> <p>(b) the source of the wai is pure, coming directly from Tāwhirimātea to the top of the mauka and into the awa,</p> <p>(1A) sustainable abstraction occurs from lakes, river main stems or groundwater in preference to tributaries, to the extent reasonably practicable,</p> <p>(6) the national significance of the ongoing operation, maintenance and upgrading of the Clutha hydro-electricity generation scheme, including its generation capacity, storage and operational flexibility and its contribution to climate change mitigation, is recognised and protected, and potential further development is provided for within this modified catchment,</p> <p>(6A) water bodies support a range of outdoor recreation opportunities,</p> <p>(7) in the Upper Lakes rohe, the high quality waters of the lakes and their tributaries are protected, and if degraded are improved recognising the significance of the purity of these waters to Kāi Tahu and to the wider community,</p> <p>(7A) in the Lower Clutha rohe, opportunities to restore the natural form and function of water bodies are promoted wherever practicable, and</p> <p>(8) the outcomes sought are to be achieved within the following timeframes:</p> <p>(b) by 2030 in the Upper Lakes rohe,</p> <p>(c) by 2045 in the Dunstan and Roxburgh rohe, and</p> <p>(d) by 2050 in the Manuherehia and Lower Clutha rohe.</p>	<p>(1) the interconnectedness of the catchment and source of the wai is recognised.</p> <p>(1A) the groundwater take is considered to be a sustainable use of the water resource.</p> <p>(6) N/A</p> <p>(6A) the proposal will not impact the outdoor recreation opportunities supported by water bodies.</p> <p>(7) N/A</p> <p>(7A) N/A</p> <p>(8) The proposal will not affect the ability of the 2045 timeframe to be met. The proposal is therefore considered to be consistent with this objective.</p>
<p>LF-FW-P7A – Water allocation and use Within limits and in accordance with any relevant environmental flows and levels, the benefits of using fresh water are recognised and over-allocation is either phased out or avoided by:</p> <p>(1) managing over-allocation as set out in LF-FW-M6,</p> <p>(2) allocating fresh water efficiently to support the social, economic, and cultural well-being of people and communities to the extent possible within limits, including for:</p> <p>(a) community drinking water supplies,</p> <p>(b) maintaining generation output and capacity from existing renewable electricity generation schemes,</p> <p>(c) mana whenua customary or cultural needs and activities, and</p> <p>(d) primary production,</p> <p>(3) ensuring that no more fresh water is abstracted than is necessary for its intended use,</p> <p>(4) ensuring that the efficiency of fresh water abstraction, storage and conveyancing infrastructure is improved,</p> <p>(5) providing for the harvesting and storage of fresh water to meet increasing demand for water, to manage water scarcity conditions and to provide resilience to the effects of climate change, and</p>	<p>No allocation limits apply to the aquifer, and the proposal will not result in over-allocation of water.</p>

<p>(6) providing for spatial and temporal sharing of allocated fresh water between uses and users where feasible.</p>	
<p>LF-FW-P7 – Fresh water Environmental outcomes, attribute states (including target attribute states), environmental flows and levels, and limits ensure that:</p> <p>(1) the health and well-being of water bodies and freshwater ecosystems is maintained or, if degraded, improved, (2) the habitats of indigenous species with life stages dependent on water bodies are protected and sustained, (2A) the habitats of trout and salmon are protected insofar as this is consistent with (2), (2B) fish passage is provided for, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats, (3) specified rivers and lakes are suitable for primary contact within the following timeframes: (a) by 2030, 90% of rivers and 98% of lakes, and (b) by 2040, 95% of rivers and 100% of lakes, and (4) resources harvested from water bodies including mahika kai and drinking water are safe for human consumption.</p>	<p>(5) and (6) have been removed. The assessment against (1) to (4) remains the same. In particular, there is insufficient information to assess whether the proposal provides for the mauri, i.e. wellbeing, of water bodies, and Aukaha’s submission raises concerns about further loss of mahika kai.</p>
<p>LF-FW-P13 – Preserving natural character and instream values Preserve the natural character and instream values of lakes and rivers and the natural character of their beds and margins by:</p> <p>(1) avoiding the loss of values or extent of a river, unless: (a) there is a functional need for the activity in that location, and (b) the effects of the activity are managed by applying the effects management hierarchy (in relation to natural inland wetlands and rivers), (2) not granting resource consent for activities in (1) unless the consent authority is satisfied that: (a) the application demonstrates how each step of the effects management hierarchy (in relation to natural inland wetlands and rivers) will be applied to the loss of values or extent of the river, and (b) any consent is granted subject to conditions that apply the effects management hierarchy (in relation to natural inland wetlands and rivers) in respect of any loss of values or extent of the river, (c) if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7 of the NPSFM, and has had to regard to the remaining principles in Appendix 6 and 7 of the NPSFM, as appropriate, and (d) if aquatic offsetting or aquatic compensation is applied, any consent granted is subject to conditions that will ensure that the offspring or compensation will be maintained and managed over time to achieve the conservation outcomes, (3) establishing environmental flow and level regimes and water quality standards that support the health and well-being of the water body, (4) to the extent practicable, sustaining the form and function of a water body that reflects its natural behaviours,</p>	<p>(1) the proposal avoids the loss of values and extent of rivers, however, the application does not demonstrate that the loss of cultural values will be avoided. (2) the application has not applied the effects management hierarchy. (3) flow augmentation conditions proposed will maintain flows in the Tima Burn. (4) the proposal will maintain the form and function of water bodies. (5) N/A (6) N/A (7) N/A (8) the proposal is not considered to adversely affect the natural character of water bodies. (9) From the consultation provided in Mr Johnstone’s evidence, I understand that the Applicant is willing to undertake riparian revegetation along the Clutha/Mata-Au or help with a revegetation programme on another site.</p>

<p>(5) recognising and implementing the restrictions in Water Conservation Orders, (6) preventing the impounding or control of the level of Lake Wanaka, (7) preventing modification that would permanently reduce the braided character of a river, (8) controlling the use of water and land that would adversely affect the natural character of the water body, and (9) maintaining or enhancing the values of riparian margins to support habitat and biodiversity, reduce contaminant loss to water bodies and support natural flow behaviour.</p>	
<p>Land and soil</p>	
<p>LF-LS-O11 – Land and soil The availability and productive capacity of highly productive land for primary production is protected now and for future generations.</p>	<p>The mapping of highly productive land in the Otago region has not yet been undertaken.</p>
<p>LF-LS-O12 – Use, development, and protection The use, development, and protection of land and soil: (1) safeguards the life-supporting capacity of soil, (2) contributes to achieving environmental outcomes for fresh water, and (3) recognises the role of these resources in providing for the social, economic, and cultural well-being of Otago’s people and communities.</p>	<p>Ultimately, the maintenance of soil quality depends on rehabilitation of the site. Ms Stirling has recommended consent conditions in this regard, and consistency with these provisions are best assessed under the CODC application.</p>
<p>LF-LS-P16 – Maintaining soil quality Maintain soil quality by managing both land and freshwater resources, including the interconnections between soil health, vegetative cover and water quality and quantity.</p>	
<p>LF-LS-P17 – Soil values Maintain the health and productive potential of soils, to the extent reasonably practicable by managing the use and development of land in a way that is suited to the soil characteristics and that sustains mauri through healthy: (1) soil biological activity and biodiversity, (2) soil structure, and (3) soil fertility.</p>	
<p>LF-LS-P21 – Land use and fresh water The health and well-being of water bodies and freshwater ecosystems is maintained to meet environmental outcomes set for Freshwater Management Units and/or rohe by: (1) reducing or otherwise maintaining the adverse effects of direct and indirect discharges of contaminants to water from the use and development of land, (2) managing land uses that may have adverse effects on the flow of water in surface water bodies or the recharge of groundwater, (3) recognising the drylands nature of some of Otago and the resulting low water availability, and (4) maintaining or, where degraded, enhancing the habitat and biodiversity values of riparian margins.</p>	<p>The mining activity involves new discharges to water (i.e. will not reduce or maintain discharges). Despite uncertainty around the level of effect on groundwater quality, I am satisfied that adverse effects can be appropriately managed. The proposal has the potential to impact the flow of the Tima Burn, however, proposed flow augmentation conditions will ensure that flows are maintained to an acceptable level. The water take is also predominantly non-</p>

	<p>consumptive and water will be discharged to sediment retention ponds before recharging the aquifer.</p> <p>I do not consider water availability to be an issue in this case.</p> <p>As noted above, I understand that the Applicant is willing to undertake riparian revegetation along the Clutha/Mata-Au, or helping with a revegetation programme on another site.</p>
<p>LF-LS-P22 – Public access</p> <p>Provide for public access to and along lakes and rivers by:</p> <ol style="list-style-type: none"> (1) maintaining existing public access, (2) seeking opportunities to enhance public access, including access by mana whenua in their role as kaitiaki and for gathering of mahika kai mahika kai, and (3) encouraging landowners to avoid restricting access unless it is necessary to protect: <ol style="list-style-type: none"> (a) health and safety, (b) significant natural areas, (c) areas of outstanding natural character, (d) outstanding natural features and landscapes, (e) places or areas with special or outstanding historic heritage values, or (f) places or areas of significance to Kāi Tahu, including wāhi taoka, wāhi tapu and wāhi tūpuna, (g) establishing vegetation, or (h) a level of security consistent with the operational requirements of a lawfully established activity. 	<p>I acknowledge that the Applicant has now obtained written approval for the Clutha Gold Trail Charitable Trust. Whilst the cycle trail will be altered, access to the river will be maintained.</p> <p>Access will be restricted to protect public health and safety.</p> <p>Overall, I am satisfied that the proposal is consistent with the policy.</p>
Ecosystems and indigenous biodiversity	
<p>ECO-01 – Indigenous biodiversity</p> <p>Otago’s indigenous biodiversity is healthy and thriving and any overall decline in condition, quantity and diversity is halted.</p>	<p>Assessment remains the same.</p>
<p>ECO-03 – Kaitiakitaka and stewardship</p> <p>Mana whenua exercise their role as kaitiaki of Otago’s indigenous biodiversity, and Otago’s communities are recognised as stewards, who are responsible for:</p> <ol style="list-style-type: none"> (1) te hauora o te koiora (the health of indigenous biodiversity), te hauora o te taoka (the health of species and ecosystems that are taoka), and te hauora o te taiao (the health of the wider environment), while (2) providing for te hauora o te takata (the health of the people). 	
<p>ECO-P1 – Kaitiakitaka</p> <p>Enable Kāi Tahu to exercise their role as kaitiaki of Otago’s indigenous indigenous biodiversity by:</p>	

<p>(1) partnering with Kāi Tahu in the management of indigenous biodiversity to the extent desired by mana whenua, (1A) working with Kāi Tahu to identify indigenous species and ecosystems that are taoka, (2) incorporating the use of mātauraka Māori in the management and monitoring of indigenous biodiversity, and (3) facilitating access to and use of indigenous biodiversity by Kāi Tahu, including mahika kai, according to tikaka.</p>	
<p>ECO-P4 – Provision for new activities Outside of the coastal environment, maintain Otago’s indigenous biodiversity by following the sequential steps in the effects management hierarchy (in relation to indigenous biodiversity) when making decisions on plans, applications for resource consent or notices of requirement for the following activities in significant natural areas, or where they may adversely affect indigenous species and ecosystems that are taoka that have been identified by mana whenua as requiring protection: (1) the development, operation, maintenance or upgrade of specified infrastructure that provides significant national or regional public benefit that has a functional need or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka, and there are no practicable alternative locations, (1A) the development, operation and maintenance of mineral extraction activities that provide a significant national public benefit that could not otherwise be achieved within New Zealand and that have a functional need or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka, and there are no practicable alternative locations, (1B) the development, operation and maintenance of aggregate extraction activities that provide a significant national or regional benefit that could not otherwise be achieved within New Zealand and that have a functional need or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka, (1C) the operation or expansion of any coal mine that was lawfully established before August 2023 that has a functional need or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka, and there are no practicable alternative locations; except that, after 31 December 2030, this exception applies only to such coal mines that extract coking coal, (2) the development of papakāika, marae and ancillary facilities associated with customary activities on Native reserves and Māori land, (2A) the sustainable use of mahika kai and kaimoana (seafood) by mana whenua,</p>	<p>Whilst not located within a significant natural area, the further loss of mahika kai and taoka species is a concern raised in Aukaha’s submission. None of the described activities apply to the proposal.</p>

<p>(3) the use of Native reserves and Māori land to enable mana whenua to maintain their connection to their whenua and enhance social, cultural or economic well-being,</p> <p>(4) activities that are for the purpose of protecting, maintaining, restoring or enhancing a significant natural area or indigenous species or ecosystems that are taoka,</p> <p>(5) activities that are for the purpose of addressing a severe or immediate risk to public health or safety,</p> <p>(6) activities that are for the purpose of a developing a single residential dwelling on an allotment that was created before 4 August 2023, and can demonstrate there is no practicable location within the allotment where a single residential dwelling and essential associated on-site infrastructure can be constructed, or</p> <p>(7) activities that are for the purpose of harvesting indigenous tree species from an significant natural area carried out in accordance with a forest management plan or permit under Part 3A of the Forests Act 1949.</p>	
<p>ECO-P8 – Restoration and enhancement</p> <p>The extent, occupancy and condition of Otago’s indigenous biodiversity is increased by:</p> <p>(1) restoring and enhancing habitat for indigenous species, including taoka and mahika kai species,</p> <p>(2) improving the health and resilience of indigenous biodiversity, including ecosystems, species, ecosystem function, and intrinsic values, and</p> <p>(3) buffering or linking ecosystems, habitats and ecological corridors, ki uta ki tai and</p> <p>(4) prioritising all the following for restoration:</p> <p>(a) significant natural areas whose ecological integrity is degraded,</p> <p>(b) threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems,</p> <p>(c) areas that provide important connectivity or buffering functions,</p> <p>(d) areas of indigenous biodiversity on native reserves and Māori land where restoration is advanced by the Māori landowners,</p> <p>(e) any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration.</p>	<p>Flow augmentation of the Tima Burn will maintain or enhance stream flow, thereby maintaining ecological health, provided water used to augment the Tima Burn is of good quality.</p>
<p>ECO-P10 – Integrated approach</p> <p>Manage indigenous biodiversity and the effects on it from subdivision, use and development in an integrated way, which means:</p> <p>(1) ensuring any permitted or controlled activity in a regional plan or district plan rule does not compromise the achievement of ECO-O1,</p> <p>(2) recognising the interactions ki uta ki tai (from the mountains to the sea) between the terrestrial environment, fresh water, and the coastal marine area, including:</p> <p>(a) the migration of fish species between fresh and coastal waters, and</p> <p>(b) the effects of land-use activities on coastal biodiversity and ecosystems,</p>	<p>Assessment remains the same; the application does not demonstrate that ki uta ki tai management will be achieved.</p>

<p>(2A) acknowledging that climate change will affect indigenous biodiversity and managing activities which may exacerbate the effects of climate change,</p> <p>(3) providing for the coordinated management and control of subdivision, use and development, as it affects indigenous biodiversity across administrative boundaries,</p> <p>(4) working towards aligning strategies and other planning tools required or provided for in legislation that are relevant to indigenous biodiversity,</p> <p>(5) recognising the critical role of people and communities in actively managing the remaining indigenous biodiversity occurring on private land, and</p> <p>(6) adopting regulatory and non-regulatory regional pest management programmes.</p>	
<p>Hazards and risks</p>	
<p>HAZ-NH-O1 – Natural hazards Risks to people, communities and property from natural hazards within Otago are maintained where they are acceptable, and managed to ensure they do not exceed a tolerable level.</p>	<p>Assessments remain the same.</p>
<p>HAZ-NH-O2 – Adaptation Otago’s people, communities, and property are prepared for and able to adapt to the effects of natural hazards, including natural hazard risks that are exacerbated by climate change.</p>	
<p>HAZ-NH-P3 – New activities Once the level of natural hazard risk associated with an activity has been determined in accordance with HAZ-NH-P2, manage new activities to achieve the following outcomes: (1) significant natural hazard risks are avoided, (2) when the natural hazard risk is tolerable, manage the level of risk so that it does not exceed tolerable and (3) when the natural hazard risk is acceptable, maintain the level of risk.</p>	
<p>HAZ-NH-P11 – Kāi Tahu rakatirataka Recognise and provide for the rakatirataka of Kāi Tahu by: (1) enabling mana whenua to lead approaches on the management of natural hazard risks affecting native reserves and Māori land, and (2) including Kāi Tahu in decision-making on the management of natural hazard risks affecting the values of wāhi tūpuna.</p>	
<p>Historical and cultural values</p>	
<p>HCV-WT-O1 – Kāi Tahu wāhi tūpuna Wāhi tūpuna and their associated cultural values are identified and protected.</p>	<p>Assessment remains the same.</p>
<p>HCV-WT-O2 – Rakatirataka The rakatirataka of mana whenua over wāhi tūpuna is recognised, and mana whenua are able to exercise their role as kaitiaki within these areas.</p>	
<p>HCV-WT-P1 – Recognise and identify wāhi tūpuna Sustain the enduring Kāi Tahu relationship with wāhi tūpuna, including by: (1) enabling Kāi Tahu to identify as wāhi tūpuna any sites and areas of significance to mana whenua, along with the cultural values that contribute to each wāhi tūpuna being significant,</p>	

<p>(2) recognising the rakatirataka of mana whenua over wāhi tūpuna and providing for their ability to exercise their role as kaitiaki within these areas, (3) recognising and providing for connections and associations between different wāhi tūpuna, and (4) recognising and using traditional place names.</p>	
<p>HCV-WT-P2 – Management of effects on wāhi tūpuna Wāhi tūpuna are protected by: (1) avoiding significant adverse effects on the cultural values of identified wāhi tūpuna, (1A) avoiding, as the first priority, other adverse effects on the cultural values of identified wāhi tūpuna, (2) where other adverse effects demonstrably cannot be completely avoided, then either remedying or mitigating adverse effects in a manner that maintains the values of the wāhi tūpuna.</p>	

8. Overall, the assessment above is essentially the same as that in my s42a report and does not change my original recommendation.



Danielle Ter Huurne
Senior Consents Planner
13th May 2024