

BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under Clause 14(1) of the First Schedule of the Act on the Proposed Otago Regional Policy Statement

BETWEEN

OCEANA GOLD NEW ZEALAND LIMITED (ENV-2016-CHC-000103)
WISE RESPONSE INCORPORATED (ENV-2016-CHC-000106)
CLUTHA DISTRICT COUNCIL (ENV-2016-CHC-000105)
DUNEDIN CITY COUNCIL (ENV-2016-CHC-000084)
HENLEY DOWNS LAND HOLDINGS LIMITED
(ENV-2016-CHC-000111)
PIONEER ENERGY LIMITED (ENV-2016-CHC-000121)
REAL JOURNEYS LIMITED (ENV-2016-CHC-000109)
REMARKABLES PARK LIMITED AND QUEENSTOWN PARK LIMITED
(ENV-2016-CHC-000119)
TRUSTPOWER LIMITED (ENV-2016-CHC-000082)
ALLIANCE GROUP LIMITED (ENV-2016-CHC-000112)
DARBY PLANNING LP (ENV-2016-CHC-000110)
ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED
(ENV-2016-CHC-000122)
FEDERATED FARMERS OF NEW ZEALAND INCORPORATED
(ENV-2016-CHC-000120)
ROYAL FOREST AND BIRD PROTECTION SOCIETY OF
NEW ZEALAND INCORPORATED (ENV-2016-CHC-000102)
HORTICULTURE NEW ZEALAND (ENV-2016-CHC-000114)
OTAGO WATER RESOURCE USERS GROUP
(ENV-2016-CHC-000124)
RAVENSDOWN LIMITED (ENV-2016-CHC-000085)
AYRBURN FARM DEVELOPMENTS LIMITED AND BRIDESDALE
FARM DEVELOPMENTS LIMITED (ENV-2016-CHC-000108)
PORT OTAGO LIMITED (ENV-2016-CHC-000086)
TRANSPower NEW ZEALAND LIMITED (ENV-2016-CHC-000113)
QUEENSTOWN AIRPORT CORPORATION LIMITED
(ENV-2016-CHC-000117)

Appellants

AND **OTAGO REGIONAL COUNCIL**

Respondent

CONSENT MEMORANDUM: CHAPTER 3: NATURAL RESOURCES
Dated 6 July 2018

ROSS DOWLING MARQUET GRIFFIN
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CONSENT MEMORANDUM: CHAPTER 3: NATURAL RESOURCES

May it Please the Court:

Introduction

- 1 Chapter 3 of the Proposed Otago Regional Policy Statement ("PORPS") deals with Otago's natural resources and ecosystems.
- 2 The first part of the chapter, under Objective 3.1, provides for the recognition and maintenance of all natural resources.
- 3 The second part of the chapter, under Objective 3.2, focuses on the identification, protection and enhancement of natural resources that are nationally or regionally important.¹

Introductory Statement

- 4 In the decisions version of the PORPS, the introductory statement reads:

"The sustainable management of the environment, including safeguarding the life-supporting capacity of natural resources and recognising the intrinsic values of ecosystems, is essential to provide for the current and future wellbeing of people and communities.

The economy, particularly primary production, tourism, and mineral and petroleum exploration and extraction, strongly relies on the quantity and quality of natural resources and the ecosystem services they provide.

This chapter begins with the recognition and maintenance of all natural resources. The second part focuses on the identification, protection, and enhancement of natural resources that are nationally or regionally important."²

- 5 The statement is the subject of appeals by Oceana Gold New Zealand Limited ("OGL")³ and Wise Response Incorporated ("Wise Response").⁴

Oceana Gold New Zealand Limited Appeal⁵

- 6 In its appeal, OGL requested the addition of:

"However, it is important to recognise that some economic activities such as mining consumptively use natural resources and by their very nature these resources cannot be preserved for future generations"⁶

¹ See the Introduction of the Chapter at page 20 of the decisions version

² Page 20

³ ENV-2016-CHC-103

⁴ ENV-2016-CHC-106

⁵ ENV-2016-CHC-103

⁶ Paragraphs 9(b)(i) and 10(a)(ii), pages 7 and 12, Notice of Appeal

7 The following persons gave notice of an interest in OGL's appeal on the introduction under Section 274 of the Resource Management Act 1991 ("the Act"):

- Royal Forest and Bird Protection Society of New Zealand Incorporated ("RFBPS")
- Minister of Energy and Resources
- Queenstown Lakes District Council ("QLDC")
- Remarkables Park Limited and Queenstown Park Limited ("RPL and QPL")
- Transpower New Zealand Limited ("Transpower")

Wise Response Incorporated Appeal⁷

8 In its appeal, Wise Response requested the inclusion of a new paragraph, between the first and second paragraphs in the decisions version, reading:

*"Use of a natural resource induces individual and corporate responsibility to manage them sustainably for the collective benefit of all of society including future generations. Evaluation of long-term consequences for our activities must concur with ethical priorities of justice and intergenerational environmental stewardship."*⁸

9 The following persons gave notice of an interest in Wise Response's appeal on the introduction under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated ("Federated Farmers")
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated ("Surfbreak")
- Environmental Defence Society Incorporated ("EDS")
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group ("OWRUG")
- Oceana Gold New Zealand Limited
- Dunedin City Council ("DCC")
- Alliance Group Limited ("Alliance")
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga ("Kāi Tahu")
- Central Otago Environmental Society Incorporated ("COES")

10 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

⁷ ENV-2016-CHC-106

⁸ Paragraph 7.5, page 3, Notice of Appeal

Resolution

11 It is proposed to amend the introduction to read:

~~“People and communities need to sustainably—The sustainable management of the environment, including safeguarding—Safeguarding the life-supporting capacity of natural resources and recognising the intrinsic values of ecosystems, is are essential to provide for the current and future wellbeing of people and communities.~~

The economy, particularly primary production, tourism, and mineral and petroleum exploration and extraction, strongly relies on the quantity and quality of natural resources and the ecosystem services they provide.

This chapter begins with the recognition and maintenance of all natural resources. The second part focuses on the identification, protection, and enhancement of natural resources that are nationally or regionally important. This chapter is not concerned with sustaining mineral resources for future generations.

12 The changes to paragraph 1 incorporate elements of the text proposed by Wise Response.

13 The additional sentence in the third paragraph reflects the relief requested by OGL.

14 The parties consider that the amendments are within the jurisdiction of the Court and give effect to the relevant parts of the Act.

Objective 3.1

15 In the decisions version of the PORPS, Objective 3.1 reads:

“Objective 3.1 The values of Otago’s natural resources are recognised, maintained and enhanced”⁹

16 Objective 3.1 is the subject of appeals by:

- Clutha District Council (“Clutha”)¹⁰
- Dunedin City Council¹¹
- Henley Downs Land Holdings Limited (“Henley”)¹²
- Oceana Gold New Zealand Limited¹³
- Pioneer Energy Limited (“Pioneer”)¹⁴
- Real Journeys Limited (“Real Journeys”)¹⁵
- Remarkables Park Limited and Queenstown Park Limited¹⁶

⁹ Page 22

¹⁰ ENV-2016-CHC-105

¹¹ ENV-2016-CHC-084

¹² ENV-2016-CHC-111

¹³ ENV-2016-CHC-103

¹⁴ ENV-2016-CHC-121

¹⁵ ENV-2016-CHC-109

¹⁶ ENV-2016-CHC-119

- Trustpower Limited (“Trustpower”)¹⁷
- Wise Response Incorporated¹⁸

Clutha District Council Appeal¹⁹

17 In its appeal, Clutha requested Objective 3.1 be amended to read:

“The values of Otago’s natural and physical resources are recognised, maintained and enhanced.”²⁰

18 The following persons gave notice of an interest in Clutha’s appeal on Objective 3.1 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand (“HortNZ”)
- Dunedin City Council
- Queenstown Airport Corporation Limited (“QAC”)

19 Royal Forest and Bird Protection Society of New Zealand Incorporated gave notice, but withdrew on 10 February 2017.

Dunedin City Council Appeal²¹

20 In its appeal, DCC asked for Objective 3.1 to be amended to read:

“Objective 3.1 The values of Otago’s natural resources are recognised, maintained, and or enhanced”²²

21 The following persons gave notice of an interest in DCC’s appeal on Objective 3.1 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited (“Radio NZ”)
- Minister of Energy and Resources
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group

¹⁷ ENV-2016-CHC-082

¹⁸ ENV-2016-CHC-106

¹⁹ ENV-2016-CHC-105

²⁰ Paragraphs 11 to 14, page 2, Notice of Appeal

²¹ ENV-2016-CHC-084

²² Appeal point 7, page 14, Notice of Appeal

- Queenstown Airport Corporation Limited
- Transpower New Zealand Limited

Henley Downs Land Holdings Limited Appeal²³

22 In its appeal, Henley requested Objective 3.1 to be amended to read:

*"Objective 3.1 The regionally significant values of Otago's natural and physical resources are recognised and protected from inappropriate subdivision, use and development, ~~maintained and enhanced~~"*²⁴

23 The following persons gave notice of an interest in Henley's appeal on Objective 3.1 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Alliance Group Limited
- Queenstown Airport Corporation Limited

Oceana Gold New Zealand Limited Appeal²⁵

24 In its appeal, OGL requested that Objective 3.1 be replaced with:

*"Objective 3.1 Protection, use and development of natural and physical resources recognises environmental constraints: Reinstate this objective;"*²⁶

25 The following persons gave notice of an interest in OGL's appeal on Objective 3.1 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Queenstown Airport Corporation Limited
- Otago Water Resource Users Group
- Transpower New Zealand Limited
- Minister of Energy and Resources

²³ ENV-2016-CHC-111

²⁴ Paragraph 10(e), page 4, Notice of Appeal

²⁵ ENV-2016-CHC-103

²⁶ Paragraph 10(a)(xvi), page 14, Notice of Appeal

Pioneer Energy Limited Appeal²⁷

26 In its appeal, Pioneer requested Objective 3.1 read:

*"The values of Otago's natural and physical resources are recognised, maintained and where appropriate enhanced."*²⁸

27 The following persons gave notice of an interest in Pioneer's appeal on Objective 3.1 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Dunedin City Council
- Queenstown Airport Corporation Limited
- Ballance Agri-Nutrients Limited ("Ballance")

Real Journeys Limited Appeal²⁹

28 In its amended appeal dated 10 February 2017, Real Journeys requested Objective 3.1 be amended to read:

*"The regionally significant values of Otago's natural resources are recognised and protected from inappropriate subdivision, use and development."*³⁰

29 The following persons gave notice of an interest in Real Journeys' appeal on Objective 3.1 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Alliance Group Limited
- Queenstown Airport Corporation Limited

Remarkables Park Limited and Queenstown Park Limited Appeal³¹

30 In its appeal, RPL and QPL stated:

²⁷ ENV-2016-CHC-121

²⁸ Paragraph 4, page 2, Notice of Appeal

²⁹ ENV-2016-CHC-109

³⁰ Paragraph 13(e), page 4, Amended Notice of Appeal dated 10 February 2017

³¹ ENV-2016-CHC-119

“4.7 the PRPS does not appropriately balance protection of landscapes and values of natural importance with appropriate subdivision, use and development in the region;

4.8 RPL and QPL consider Chapter should be amended to:

a) Only protect landscapes and values of national importance from inappropriate use and subdivision ...

b) To acknowledge the subdivision, use and development can be appropriate;

c) Only maintain and enhance “significance” and “highly valued” natural and physical resources as oppose to “all” natural and physical resources (Objective 3.1 and 3.2): ...”³²

31 The appellants requested relief that gave effect to the matters raised in its appeal, including:

“ii Objective 3.1, 3.2 and 3.3 to clarify that only values and landscapes of national importance should be protected from inappropriate subdivision, use and development.

iii Objectives 3.1 and 3.2 to clarify that only “regionally significant” resources are maintained, protected or enhanced”³³

32 The following persons gave notice of an interest in RPL and QPL’s appeal on Objective 3.1 under Section 274 of the Act:

- Environmental Defence Society Incorporated
- Horticulture New Zealand
- Otago Water Resource Users Group
- Dunedin City Council
- Queenstown Airport Corporation Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Darby Planning LP (“Darby”)
- Henley Downs Land Holdings Limited
- Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited (“Ayrburn and Bridesdale”)
- Real Journeys Limited
- Queenstown Lakes District Council

Trustpower Limited Appeal³⁴

33 In its appeal, Trustpower requested that Objective 3.1 be amended to read:

“The values of Otago’s natural and physical resources are recognised, maintained and enhanced”³⁵

³² Paragraphs 4.7 and 4.8, page 4, Notice of Appeal

³³ Paragraph 5.1(a)(ii) and (iii), page 6, Notice of Appeal

³⁴ ENV-2016-CHC-082

³⁵ Paragraph 8.3(a), page 3, Notice of Appeal

34 The following persons gave notice of an interest in Trustpower's appeal on Objective 3.1 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Dunedin City Council
- Queenstown Airport Corporation Limited
- Alliance Group Limited
- Environmental Defence Society Incorporated
- Transpower New Zealand Limited
- Contact Energy Limited ("Contact")

Wise Response Incorporated Appeal³⁶

35 In its appeal, Wise Response requested Objective 3.1 be amended to read:

"The function and values of Otago's ecosystems and natural resources are recognised, maintained and enhanced"³⁷

36 The following persons gave notice of an interest in Wise Response's appeal on Objective 3.1 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Queenstown Airport Corporation Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Central Otago Environmental Society Incorporated

³⁶ ENV-2016-CHC-106

³⁷ Paragraph 7.6, page 3, Notice of Appeal

- 37 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

Resolution

- 38 It is proposed Objective 3.1 be amended to read:

“Objective 3.1 The functions and values of Otago’s ecosystems and natural resources are recognised, maintained ~~and~~ or enhanced where degraded”

- 39 The introduction of the words “*functions*” and “*ecosystems*” give effect to the Wise Response appeal.

- 40 The addition of “*where degraded*” is a response to the appeals seeking the qualification “*where appropriate*”³⁸ or protection from “*inappropriate subdivision and development*”.³⁹

- 41 The replacement of “*and*” by “*or*” gives effect to the DCC appeal.

- 42 The parties consider the changes are within the jurisdiction of the Court and are consistent with the relevant provisions of the Act.

Policy 3.1.1 Fresh Water

- 43 In the decisions version of the PORPS, Policy 3.1.1 reads:

“Policy 3.1.1 Fresh water

Manage fresh water to achieve all of the following:

- a) Maintain or enhance ecosystem health in all Otago aquifers, and rivers, lakes, wetlands, and their margins;*
- b) Maintain or enhance the range and extent of habitats provided by fresh water, including the habitat of trout and salmon;*
- c) Recognise and provide for the migratory patterns of freshwater species, unless detrimental to indigenous biological diversity;*
- d) Avoid aquifer compaction and seawater intrusion in aquifers;*
- e) Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded;*
- f) Maintain or enhance coastal values;*
- g) Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers;*
- h) Maintain or enhance the quality and reliability of existing drinking and stock water supplies;*
- i) Recognise and provide for important recreation values;*

³⁸ Pioneer’s Appeal

³⁹ Henley, Real Journeys, and RPL and QPL Appeals

- j) *Maintain or enhance the amenity and landscape values of rivers, lakes, and wetlands;*
- k) *Control the adverse effects of pest species, prevent their introduction and reduce their spread;*
- l) *Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion;*
- m) *Avoid, remedy, or mitigate adverse effects on existing infrastructure that is reliant on fresh water.*⁴⁰

44 Policy 3.1.1 is the subject of appeals by:

- Alliance Group Limited⁴¹
- Darby Planning LP⁴²
- Environmental Defence Society Incorporated⁴³
- Federated Farmers of New Zealand Incorporated⁴⁴
- Royal Forest and Bird Protection Society of New Zealand Incorporated⁴⁵
- Henley Downs Land Holdings Limited⁴⁶
- Horticulture New Zealand⁴⁷
- Oceana Gold New Zealand Limited⁴⁸
- Otago Water Resource Users Group⁴⁹
- Real Journeys Limited⁵⁰
- Trustpower Limited⁵¹
- Wise Response Incorporated⁵²

Alliance Group Limited Appeal⁵³

45 In its appeal, Alliance requested Policy 3.1.1 be amended to read:

“Policy 3.1.1 Fresh water

Where appropriate, manage freshwater to: ~~Manage fresh water to achieve all of the following:~~

- a) *Maintain or enhance ecosystem health in all Otago aquifers, and rivers, lakes, wetlands, and their margins;*
- b) *Maintain or enhance a range and extent of habitats provided by fresh water, including the habitat of trout and salmon;*

⁴⁰ Page 22

⁴¹ ENV-2016-CHC-112

⁴² ENV-2016-CHC-110

⁴³ ENV-2016-CHC-122

⁴⁴ ENV-2016-CHC-120

⁴⁵ ENV-2016-CHC-102

⁴⁶ ENV-2016-CHC-111

⁴⁷ ENV-2016-CHC-114

⁴⁸ ENV-2016-CHC-103

⁴⁹ ENV-2016-CHC-124

⁵⁰ ENV-2016-CHC-109

⁵¹ ENV-2016-CHC-082

⁵² ENV-2016-CHC-106

⁵³ ENV-2016-CHC-112

- c) *Provide for the migratory patterns of freshwater species, unless detrimental to indigenous biological diversity;*
- d) *Avoid aquifer compaction and seawater intrusion in aquifers;*
- e) *Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded;*
- f) *Maintain or enhance coastal values;*
- g) *Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers;*
- h) *Maintain or enhance the quality and reliability of existing drinking and stock water supplies;*
- i) *Provide for important recreation values;*
- j) *Maintain or enhance the amenity and landscape values of rivers, lakes, and wetlands;*
- k) *Control the adverse effects of pest species, prevent their introduction and reduce their spread;*
- l) *Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion;*
- m) *Avoid, remedy, or mitigate adverse effects on existing infrastructure that is reliant on fresh water;*
- n) *Maintain infrastructure and industry that provides for the economic, health and safety and social wellbeing of the community to operate within their design parameters and provide for appropriate upgrade and expansion of infrastructure and industry that are reliant on access to fresh water resources;*
- o) *Maintain the ability of water users to provide for the economic, health and safety and social wellbeing of the community.*⁵⁴

46 The following persons gave notice of an interest in Alliance's appeal on Policy 3.1.1 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Herbert Heritage Wetlands Group ("Herbert Heritage")
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Otago Fish and Game Council and Central South Island Fish and Game Council ("F&G")
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

⁵⁴ Paragraphs 6 to 8, pages 1 and 2, Notice of Appeal

47 In its amended appeal dated 10 February 2017, Darby requested Policy 3.1.1 to be amended to read:

“Policy 3.1.1 Managing for fresh water values

Recognise regionally significant freshwater values and manage freshwater values, to achieve all of the following:

- a) ~~Maintain or enhance~~ Support healthy ecosystems health in all Otago aquifers, and rivers, lakes, wetlands, and their margins; and
- b) ~~Maintain or enhance~~ Retain the range and extent of habitats provided by fresh water, including the habitat of trout and salmon; and
- c) Protect outstanding water bodies and wetlands from inappropriate subdivision, use and development; and
- d) ~~Recognise and provide for the~~ Protect migratory patterns of freshwater species from inappropriate subdivision, use and development, unless detrimental to indigenous biological diversity; and
- e) Avoid aquifer compaction and seawater intrusion in aquifers; and
- f) Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded; and
- g) Maintain or enhance coastal values supported by freshwater values; and
- h) Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers; and
- i) ~~Maintain or enhance the~~ Retain quality and reliability of existing drinking and stock water supplies; and
- j) Protect Kāi Tahu values from inappropriate subdivision, use and development; and
- k) Provide for other cultural values, as identified in Schedule 1A; and
- l) ~~Recognise and provide for~~ Protect important recreation values from inappropriate subdivision, use and development; and
- m) ~~Maintain or enhance the~~ aesthetic amenity and landscape values of rivers, lakes, and wetlands; and
- n) ~~Control~~ Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and
- o) ~~Avoid, remedy or m-~~ Mitigate the adverse effects of natural hazards, including flooding and erosion; and
- p) ~~Avoid, remedy, or mitigate adverse effects on~~ Maintain the ability of existing infrastructure that is reliant on fresh water to operate within their design parameters.⁵⁶

48 The following persons gave notice of an interest in Darby’s appeal on Policy 3.1.1 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated

⁵⁵ ENV-2016-CHC-110

⁵⁶ Paragraph 8(a) and 8(c), pages 2 and 3, Amended Notice of Appeal dated 10 February 2017

- Remarkables Park Limited and Queenstown Park Limited
- Queenstown Lakes District Council
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council

Environmental Defence Society Incorporated Appeal⁵⁷

49 In its appeal, EDS requested that the opening line of Policy 3.1.1 be amended to read:

“Manage fresh water to safeguard its life supporting capacity and to achieve all of the following.”⁵⁸

50 The following persons gave notice of an interest in EDS’s appeal on Policy 3.1.1 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Transpower New Zealand Limited
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Queenstown Lakes District Council
- Otago Fish and Game Council and Central South Island Fish and Game Council

Federated Farmers of New Zealand Incorporated Appeal⁵⁹

51 In its appeal, Federated Farmers requested two amendments to Policy 3.1.1:

“b) Maintain or enhance the range and extent of habitats provided by fresh water, including the habitat of trout and salmon;”⁶⁰

“(n) Provide for the economic and social wellbeing of the Otago region and its inhabitants.”⁶¹

52 The following persons gave notice of an interest in Federated Farmers’ appeal on Policy 3.1.1 under Section 274 of the Act:

⁵⁷ ENV-2016-CHC-122

⁵⁸ Paragraph 12, pages 4 and 5, and paragraph 16(a), page 6, Notice of Appeal

⁵⁹ ENV-2016-CHC-102

⁶⁰ Paragraph 1.2.5, page 4, Notice of Appeal

⁶¹ Paragraph 1.2.6, page 4, Notice of Appeal

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Dunedin City Council
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Herbert Heritage Wetlands Group
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Alliance Group Limited
- Transpower New Zealand Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

Royal Forest and Bird Protection Society of New Zealand Incorporated Appeal⁶²

53 In its appeal, RFBPS requested the following amendments to Policy 3.1.1:

- b) Maintain or enhance the range and extent of habitats provided by fresh water; ~~including the habitat of trout and salmon.~~
- n) Ensure all water bodies are safe for human health and contact recreation;
- o) Halt the decline of indigenous species;
- p) Phase out the over allocation of freshwater that adversely affects water quality and in stream flows by 2035;
- q) Set limits and targets to achieve ecological health for all water bodies.⁶³

54 The following persons gave notice of an interest in RFBPS's appeal on Policy 3.1.1 under Section 274 of the Act:

- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Trustpower Limited

⁶² ENV-2016-CHC-102

⁶³ Paragraph 18(a) and (b), page 6, Notice of Appeal

- Transpower New Zealand Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council

Henley Downs Land Holdings Limited Appeal⁶⁴

55 In its appeal, Henley requested Policy 3.1.1 be amended to read:

"Policy 3.1.1 Managing for fresh water values

Recognise regionally significant freshwater values and ~~M~~manage freshwater values, to achieve ~~all of the following~~:

- ~~Maintain or enhance~~ Support healthy ecosystems ~~health~~ in all Otago aquifers, and rivers, lakes, wetlands, and their margins; and*
- ~~Maintain or enhance~~ Retain the range and extent of habitats provided by fresh water, including the habitat of trout and salmon; and*
- Protect outstanding water bodies and wetlands from inappropriate subdivision, use and development; and*
- ~~Recognise and provide for the~~ Protect migratory patterns of freshwater species from inappropriate subdivision, use and development, unless detrimental to indigenous biological diversity; and*
- Avoid aquifer compaction and seawater intrusion in aquifers; and*
- Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded; and*
- Maintain or enhance coastal values supported by freshwater values; and*
- Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers; and*
- ~~Maintain or enhance the~~ Retain quality and reliability of existing drinking ~~and stock~~ water supplies; and*
- Protect Kāi Tahu values from inappropriate subdivision, use and development; and*
- Provide for other cultural values, as identified in Schedule 1A; and*
- ~~Recognise and provide for~~ Protect important recreation values from inappropriate subdivision, use and development; and*
- ~~Maintain or enhance the~~ aesthetic amenity and landscape values of rivers, lakes, and wetlands; and*
- ~~Control~~ Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and*
- ~~Avoid, remedy or m~~ Mitigate the adverse effects of natural hazards, including flooding and erosion; and*
- ~~Avoid, remedy, or mitigate adverse effects on~~ Maintain the ability of existing infrastructure that is reliant on fresh water to operate within their design parameters."⁶⁵*

⁶⁴ ENV-2016-CHC-111

⁶⁵ Paragraph 10(e), page 4, Notice of Appeal

56 The following persons gave notice of an interest in Henley's appeal on Policy 3.1.1 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Alliance Group Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council

Horticulture New Zealand Appeal⁶⁶

57 In its appeal, HortNZ requested provision for "*food protection*" in Policy 3.1.1.⁶⁷

58 The following persons gave notice of an interest in HortNZ's appeal on Policy 3.1.1 under Section 274 of the Act:

- Remarkables Park Limited and Queenstown Park Limited
- Herbert Heritage Wetlands Group
- Otago Water Resource Users Group
- Dunedin City Council
- Transpower New Zealand Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council

Oceana Gold New Zealand Limited Appeal⁶⁸

59 In its appeal, OGL requested a new line item:

"g) *Protect important economic uses of water*"⁶⁹

60 The following persons gave notice of an interest in OGL's appeal on Policy 3.1.1 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Dunedin City Council

⁶⁶ ENV-2016-CHC-114

⁶⁷ Appeal point 2, pages 4 and 5, Notice of Appeal

⁶⁸ ENV-2016-CHC-103

⁶⁹ Paragraph 10(a)(iii), page 12, Notice of Appeal

- Otago Water Resource Users Group
- Transpower New Zealand Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council
- Minister of Energy and Resources

Otago Water Resource Users Group Appeal⁷⁰

61 In its appeal, OWRUG requested the following changes to Policy 3.1.1:

- "a) ~~Maintain or enhance ecosystem health~~Recognise and provide for healthy ecosystems in all Otago aquifers, and rivers, lakes wetlands and their margins."
- b) ~~Maintain or enhance~~Avoid, remedy, or mitigate adverse effects on the range and extent of habitats provided by freshwater, including the habitat of trout and salmon;
- g) ~~Maintain or enhance~~Avoid, remedy, or mitigate adverse effects on the natural functioning of rivers, lakes and wetlands the riparian margins, and aquifers;
- J) ~~Maintain or enhance~~Avoid, remedy, or mitigate adverse effects on the amenity and landscape values of rivers, lakes and wetlands.⁷¹

62 The following person gave notice of an interest in OWRUG's appeal on Policy 3.1.1 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Environmental Defence Society Incorporated
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Director-General of Conservation ("DOC")
- Trustpower Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

63 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

⁷⁰ ENV-2016-CHC-106

⁷¹ Paragraph 6.5(d), page 6, Notice of Appeal

64 In its amended appeal dated 10 February 2017, Real Journeys requested Policy 3.1.1 be amended to read:

“Policy 3.1.1 Managing for fresh water values

Recognise regionally significant freshwater values and ~~M~~manage freshwater values. to achieve all of the following:

- a) ~~Maintain or enhance~~ Support healthy ecosystems health in all Otago aquifers, and rivers, lakes, wetlands, and their margins; and*
- b) ~~Maintain or enhance~~ Retain the range and extent of habitats provided by fresh water, including the habitat of trout and salmon; and*
- c) Protect outstanding water bodies and wetlands from inappropriate subdivision, use and development; and*
- d) ~~Recognise and provide for the~~ Protect migratory patterns of freshwater species from inappropriate subdivision, use and development, unless detrimental to indigenous biological diversity; and*
- e) Avoid aquifer compaction and seawater intrusion in aquifers; and*
- f) Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded; and*
- g) Maintain or enhance coastal values supported by freshwater values; and*
- h) Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers; and*
- i) ~~Maintain or enhance the~~ Retain quality and reliability of existing drinking and stock water supplies; and*
- j) Protect Kāi Tahu values from inappropriate subdivision, use and development; and*
- k) Provide for other cultural values, as identified in Schedule 1A; and*
- l) ~~Recognise and provide for~~ Protect important recreation values from inappropriate subdivision, use and development; and*
- m) ~~Maintain or enhance the~~ aesthetic amenity and landscape values of rivers, lakes, and wetlands; and*
- n) ~~Control~~ Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and*
- o) ~~Avoid, remedy or m~~ Mitigate the adverse effects of natural hazards, including flooding and erosion; and*
- p) ~~Avoid, remedy, or mitigate adverse effects on~~ Maintain the ability of existing infrastructure that is reliant on fresh water to operate within their design parameters.”⁷³*

65 The following persons gave notice of an interest in Real Journeys' appeal on Policy 3.1.1 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated

⁷² ENV-2016-CHC-109

⁷³ Paragraph 13(e), pages 4 and 5, Amended Notice of Appeal dated 10 February 2017

- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Alliance Group Limited

Trustpower Limited Appeal⁷⁴

66 In its appeal, Trustpower requested Policy 3.1.1 be amended to read:

“Manage fresh water to ~~achieve all of the following:~~

*n) Recognise and provide for the social and economic benefits of water use, including for infrastructure.”*⁷⁵

67 The following persons gave notice of an interest in Trustpower’s appeal on Policy 3.1.1 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Alliance Group Limited
- Environmental Defence Society Incorporated
- Transpower New Zealand Limited
- Contact Energy Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council

Wise Response Incorporated Appeal⁷⁶

68 In its appeal, Wise Response requested the addition of a sub-paragraph in Policy 3.1.1:

*“o) Give effect to the obligations imposed by the National Policy Statement for Freshwater Management”*⁷⁷

⁷⁴ ENV-2016-CHC-082

⁷⁵ Paragraph 9.3(a), pages 3 and 4, Notice of Appeal

⁷⁶ ENV-2016-CHC-106

⁷⁷ Paragraph 7.7, page 3, Notice of Appeal

69 The following persons gave notice of an interest in Wise Response's appeal on Policy 3.1.1 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Alliance Group Limited
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Central Otago Environmental Society Incorporated
- Otago Fish and Game Council and Central South Island Fish and Game Council

70 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

Resolution

71 It is proposed that Policy 3.1.1 be amended to read:

"Policy 3.1.1 Fresh water

Safeguard the life-supporting capacity of fresh water and manage fresh water to:

- a) *Maintain good quality water and enhance water quality where it is degraded, including for:*
 - i. *Important recreation values, including contact recreation; and*
 - ii. *Existing drinking and stock water supplies;*
- b) *Maintain or enhance aquatic:*
 - i. *Ecosystem health;*
 - ii. *Indigenous habitats; and*
 - iii. *Indigenous species and their migratory patterns.*
- c) *Avoid aquifer compaction and seawater intrusion;*
- d) *Maintain or enhance, as far as practicable:*
 - i. *Natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers;*
 - ii. *Coastal values supported by fresh water;*
 - iii. *The habitat of trout and salmon unless detrimental to indigenous biological diversity; and*
 - iv. *Amenity and landscape values of rivers, lakes, and wetlands;*

- e) Control the adverse effects of pest species, prevent their introduction and reduce their spread;
- f) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion; and,
- g) Avoid, remedy or mitigate adverse effects on existing infrastructure that is reliant on fresh water.

Manage fresh water to achieve all of the following:

- ~~a) Maintain or enhance ecosystem health in all Otago aquifers, and rivers, lakes, wetlands, and their margins;~~
- ~~b) Maintain or enhance the range and extent of habitats provided by fresh water, including the habitat of trout and salmon;~~
- ~~c) Recognise and provide for the migratory patterns of freshwater species, unless detrimental to indigenous biological diversity;~~
- ~~d) Avoid aquifer compaction and seawater intrusion in aquifers;~~
- ~~e) Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded;~~
- ~~f) Maintain or enhance coastal values;~~
- ~~g) Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers;~~
- ~~h) Maintain or enhance the quality and reliability of existing drinking and stock water supplies;~~
- ~~i) Recognise and provide for important recreation values;~~
- ~~j) Maintain or enhance the amenity and landscape values of rivers, lakes, and wetlands;~~
- ~~k) Control the adverse effects of pest species, prevent their introduction and reduce their spread;~~
- ~~l) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion;~~
- ~~m) Avoid, remedy, or mitigate adverse effects on existing infrastructure that is reliant on fresh water."~~

72 While the policy appears to be completely rewritten, it retains many of the elements of the decisions version:

72.1 "Manage fresh water" in the opening line.

72.2 "Maintain good water quality and enhance it where it is degraded" reflects paragraph e) of the decisions version.

72.3 "Recreation values" is taken from paragraph i) of the decisions version.

72.4 "Existing drinking and stock water supplies" comes from paragraph h) of the decisions version.

72.5 "Maintain or enhance ecosystem health" is from paragraph a) of the decisions version.

- 72.6 *"Habitats"* and *"migratory patterns"* derive from paragraphs b) and c) of the decisions version, although limited to indigenous habitats and species as a result of the RFBPS appeal.
- 72.7 *"Avoid aquifer compaction and seawater intrusion"* reproduces paragraph d) of the decisions version.
- 72.8 Maintaining and enhancing the natural functioning of lakes, rivers and wetland, their riparian margins and aquifers follows paragraph g) of the decisions version, subject to the qualifier *"as far as practicable"*.
- 72.9 Maintaining or enhancing *"coastal values"* is derived from paragraph f) of the decisions version with the addition of two qualifiers, *"as far as practicable"* and *"supported by freshwater"*.
- 72.10 The *"habitat of trout and salmon"* is taken from paragraph b) of the decisions version, but subject to the qualifiers *"as far as practicable"* and *"unless detrimental to the indigenous biological diversity"*.
- 72.11 Maintaining and enhancing amenity and landscape values of rivers, lakes and wetlands is taken from paragraph j) of the decisions version but subject to the qualifier *"as far as practicable"*.
- 72.12 Sub-paragraph e) concerning pest species was paragraph k) in the decisions version.
- 72.13 Paragraph f) concerning natural hazards was paragraph l) in the decisions version.
- 72.14 Paragraph g) concerning infrastructure was paragraph m) in the decisions version.
- 73 The changes to the substance of the policy are:
- 73.1 *"Safeguard the life-supporting capacity of fresh water"* which is introduced as a result of the EDS appeal.
- 73.2 The reference to contact recreation is introduced as a result of the RFBPS appeal.
- 73.3 The limitation of new paragraph b) to indigenous habitats and indigenous species and their migratory patterns, is a result of the RFBPS and Federated Farmers appeals; correspondingly the maintenance and enhancement of habitat of trout and salmon are

subject to the qualifier “*unless detrimental to indigenous biological diversity*”.

73.4 New paragraph d) makes maintenance or enhancement of the listed matters subject to the qualifier “*as far as practicable*”. The qualifier is introduced as a consequence of the OWRUG appeal which submitted to “*maintain or enhance*” of at least three of these matters might prevent any activity affecting them and accordingly requested the substitution of “*avoid, remedy or mitigate adverse effects*” for the words “*maintain or enhance*”. Other appeals, such as Federated Farmers, OGL and Trustpower, expressly raised the concern about the policy constraining the use of water.

73.5 The words “*coastal values supported by fresh water*” give effect to the Darby, Henley and Real Journeys appeal.

74 The parties consider that the amendments are within the jurisdiction of the Court, are consistent with and give effect to the relevant provisions of the Act and the National Policy Statement on Freshwater Management 2014 (“NPSFWM”) and help achieve Objective 3.1 (as amended).

Policy 3.1.2 Bed of rivers, lakes, wetlands, and their margins

75 In the decisions version of the PORPS, Policy 3.1.2 reads:

“Policy 3.1.2 Beds of rivers, lakes, wetlands, and their margins

Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to achieve all of the following:

- a) Maintain or enhance their natural functioning;*
- b) Maintain good water quality, or enhance it where it has been degraded;*
- c) Maintain or enhance ecosystem health and indigenous biological diversity;*
- d) Maintain or enhance natural character;*
- e) Maintain or enhance amenity values;*
- f) Control the adverse effects of pest species, prevent their introduction and reduce their spread;*
- g) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion;*
- h) Maintain or enhance bank stability.”⁷⁸*

⁷⁸ Page 23

76 The policy is the subject of appeals by:

- Darby Planning LP⁷⁹
- Environmental Defence Society Incorporated⁸⁰
- Federated Farmers of New Zealand Incorporated⁸¹
- Henley Downs Land Holdings Limited⁸²
- Oceana Gold New Zealand Limited⁸³
- Otago Water Resource Users Group⁸⁴
- Real Journeys Limited⁸⁵
- Trustpower Limited⁸⁶

Darby Planning LP Appeal⁸⁷

77 In its amended appeal dated 10 February 2017, Darby requested Policy 3.1.2 be amended to read:

"Policy 3.1.2 Managing for the values of B beds of rivers, and lakes, wetlands, and their margins

~~Manage the~~ recognise the values of beds of rivers, lakes, wetlands, and their margins, and manage them to riparian vegetation to achieve all of the following:

- a) ~~Maintain or enhance~~ protect or restore their natural functioning; and
- b) Protect outstanding waterbodies and wetlands from inappropriate subdivision use and development; and
- c) Maintain good water quality, or enhance it where it has been degraded; and
- d) ~~Maintain or enhance~~ ecosystem health and indigenous biological biodiversity;
- e) Retain the range and extent of habitats supported; and
- f) Maintain or enhance natural character; and
- g) Protect Kāi tahu values from inappropriate subdivision, use, and development; and
- h) Provide for other cultural values as identified in Schedule 1A; and
- i) ~~Maintain or their aesthetic and enhance~~ amenity values; and
- j) ~~Control the~~ avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and
- k) ~~Avoid, remedy or mitigate~~ the adverse effects of natural hazards, including flooding and erosion; and
- l) ~~Maintain or enhance~~ bank stability.⁸⁸

⁷⁹ ENV-2016-CHC-110

⁸⁰ ENV-2016-CHC-122

⁸¹ ENV-2016-CHC-120

⁸² ENV-2016-CHC-111

⁸³ ENV-2016-CHC-103

⁸⁴ ENV-2016-CHC-124

⁸⁵ ENV-2016-CHC-109

⁸⁶ ENV-2016-CHC-082

⁸⁷ ENV-2016-CHC-110

⁸⁸ Paragraph 8(c), page 3, Amended Notice of Appeal dated 10 February 2017

78 The following persons gave notice of an interest in Darby's appeal on Policy 3.1.2 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council

Environmental Defence Society Incorporated Appeal⁸⁹

79 In its appeal, EDS requested that the opening line of Policy 3.1.2 be amended to read:

"Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to safeguard the life supporting capacity of fresh water and to achieve all of the following."⁹⁰

80 The following person gave notice of an interest in EDS's appeal on this policy under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Queenstown Lakes District Council
- Horticulture New Zealand
- Transpower New Zealand Limited
- Oceana Gold New Zealand Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council

Federated Farmers of New Zealand Incorporated Appeal⁹¹

81 In its appeal, Federated Farmers requested Policy 3.1.2 be amended to read:

"Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to achieve all of the following:

⁸⁹ ENV-2016-CHC-122

⁹⁰ Paragraph 16(b), page 6, Notice of Appeal

⁹¹ ENV-2016-CHC-120

- d) *Maintain or enhance overall natural character;*
- e) *Maintain or enhance overall amenity values;*⁹²

82 The following persons gave notice of an interest in Federated Farmers' appeal on Policy 3.1.2 under Section 274 of the Act:

- Royal Forest and Bird Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Herbert Heritage Wetlands Group
- Oceana Gold New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Alliance Group Limited
- Transpower New Zealand Limited
- Otago Fish and game Council and Central South Island Fish and Game Council

Henley Downs Land Holdings Limited Appeal⁹³

83 In its appeal, Henley requested Policy 3.1.2 be amended to read:

Policy 3.1.2 Managing for the values of B beds of rivers, and lakes, wetlands, and their margins

~~Manage the~~ Recognise the values of beds of rivers, lakes, wetlands, and their margins, and manage them to riparian vegetation to achieve all of the following:

- a) *~~Maintain or enhance~~ Protect or restore their natural functioning; and*
- b) *~~Protect outstanding water bodies and wetlands~~ from inappropriate subdivision use and development; and*
- c) *~~Maintain good water quality, or enhance it where it has been degraded;~~ and*
- d) *~~Maintain or enhance~~ ecosystem health and indigenous biological biodiversity; and*
- e) *~~Retain the range and extent of habitats supported;~~ and*
- f) *~~Maintain or enhance natural character;~~ and*
- g) *~~Protect Kāi tahu values~~ from inappropriate subdivision, use, and development; and*
- h) *~~Provide for other cultural values~~ as identified in Schedule 1A; and*
- i) *~~Maintain or~~ their aesthetic and ~~enhance~~ amenity values; and*
- j) *~~Control the~~ Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and*

⁹² Paragraph 1.3.3, pages 4 and 5, Notice of Appeal

⁹³ ENV-2016-CHC-111

- k) ~~Avoid, remedy or Mitigate~~ the adverse effects of natural hazards, including flooding and erosion; and
- l) ~~Maintain or enhance~~ bank stability.⁹⁴

84 The following persons gave notice of an interest in Henley's appeal on Policy 3.1.2 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Alliance Group Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council

Oceana Gold New Zealand Limited Appeal⁹⁵

85 In its appeal, OGL stated "*Mining will sometimes will have unavoidable adverse effects on the beds of rivers, wetlands and their margins, and the values supported will not be maintained or enhanced. This has not been recognised in this policy;*"⁹⁶

86 OGL requested that unavoidable adverse effects should be recognised, remedied, mitigated or compensated.⁹⁷

87 It also requested that Policy 3.1.2 be amended to "*explain whether there is a priority ranking or how the factors are meant to be balanced against one another;*"⁹⁸

88 The following persons gave notice of an interest of OGL's appeal on Policy 3.1.2 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council
- Otago Water Resource Users Group
- Alliance Group Limited

⁹⁴ Paragraph 10(e), page 5, Notice of Appeal

⁹⁵ ENV-2016-CHC-103

⁹⁶ Paragraph 9(b)(iii), page 8, Notice of Appeal

⁹⁷ Paragraph 10(a)(iv), page 12, Notice of Appeal

⁹⁸ Paragraph 10(a)(iv), page 12, Notice of Appeal

- Transpower New Zealand Limited

Otago Water Resource Users Group Appeal⁹⁹

89 In its appeal, OWRUG requested that paragraph a) “*Maintain or enhance their natural functioning*” be deleted.¹⁰⁰

90 The following persons gave notice of an interest in OWRUG’s appeal on Policy 3.1.2 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Otago Fish and Game Council and Central South Island Fish and Game Council
- Minister of Energy and Resources
- Transpower New Zealand Limited
- Otago Water Resource Users Group
- Queenstown Lakes District Council
- Alliance Group Limited

91 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

Real Journeys Limited Appeal¹⁰¹

92 In its amended appeal dated 10 February 2017, Real Journeys requested Policy 3.1.2 be amended to read:

“Policy 3.1.2 Managing for the values of B beds of rivers, and lakes, wetlands, and their margins

~~Manage the~~ recognise the values of beds of rivers, lakes, wetlands, and their margins, and manage them to riparian vegetation to achieve all of the following:

- ~~Maintain or enhance~~ protect or restore their natural functioning; and
- Protect outstanding waterbodies and wetlands from inappropriate subdivision use and development; and
- Maintain good water quality, or enhance it where it has been degraded; and
- ~~Maintain or enhance~~ ecosystem health and indigenous biological biodiversity;

⁹⁹ ENV-2016-CHC-124

¹⁰⁰ Paragraph 6.6(d), page 7, Notice of Appeal

¹⁰¹ ENV-2016-CHC-109

- e) Retain the range and extent of habitats supported; and
- f) Maintain or enhance natural character; and
- g) Protect Kāi tahu values from inappropriate subdivision, use, and development; and
- h) Provide for other cultural values as identified in Schedule 1A; and
- i) Maintain or enhance their aesthetic and amenity values; and
- j) ~~Control the~~ avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and
- k) ~~Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion; and~~
- l) ~~Maintain or enhance bank stability.~~¹⁰²

93 The following persons gave notice of an interest in Real Journeys' appeal on Policy 3.1.2 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Alliance Group Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council

Trustpower Limited Appeal¹⁰³

94 In its appeal, Trustpower requested Policy 3.1.2 be amended to read:

"Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to achieve all of the following:

a) Maintain or enhance their natural functioning;

...

*i) Recognise and provide for the social and economic benefits of water use, including for infrastructure*¹⁰⁴

95 The following person gave notice of an interest in Trustpower's appeal on Policy 3.1.2 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited

¹⁰² Paragraph 13(e), pages 5 and 6, Amended Notice of Appeal dated 10 February 2017

¹⁰³ ENV-2016-CHC-082

¹⁰⁴ Paragraph 9.3(b), page 4, Notice of Appeal

- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Alliance Group Limited
- Environmental Defence Society Incorporated
- Transpower New Zealand Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council
- Surfbreak Protection Society Incorporated

Resolution

96 It is proposed to resolve the appeals on Policy 3.1.2 by amending the policy to read:

"Policy 3.1.2 Beds of rivers, lakes, wetlands, and their margins

Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to:

- a) *Safeguard the life supporting capacity of fresh water;*
- b) *Maintain good quality water, or enhance it where it has been degraded;*
- c) *Maintain or enhance bank stability;*
- d) *Maintain or enhance ecosystem health and indigenous biological diversity*
- e) *Maintain or enhance, as far as practicable:*
 - i. Their natural functioning and character; and*
 - ii. Amenity values;*
- f) *Control the adverse effects of pest species, prevent their introduction and reduce their spread; and,*
- g) *Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion.*

~~*Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to achieve all of the following:*~~

- ~~a) *Maintain or enhance their natural functioning;*~~
- ~~b) *Maintain good water quality, or enhance it where it has been degraded;*~~
- ~~c) *Maintain or enhance ecosystem health and indigenous biological diversity;*~~
- ~~d) *Maintain or enhance natural character;*~~
- ~~e) *Maintain or enhance amenity values;*~~
- ~~f) *Control the adverse effects of pest species, prevent their introduction and reduce their spread;*~~
- ~~g) *Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion;*~~
- ~~h) *Maintain or enhance bank stability."*~~

- 97 While the policy appears to be rewritten in its entirety, it retains most of the elements of the decisions version of the policy:
- 97.1 The opening line retains “*Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation*” although the words “*to achieve all of the following*” had been omitted in response to the appeals by Darby, Federated Farmers, Henley, Real Journeys and Trustpower.
- 97.2 “*Maintain good water quality, or enhance where it has been degraded*” corresponds to paragraph b) of the decisions version.
- 97.3 “*Maintain or enhance bank stability*” repeats paragraph h) of the decisions version.
- 97.4 “*Maintain or enhance ecosystem health and indigenous biological diversity*” repeats paragraph c) of the decisions version.
- 97.5 “*Maintain or enhance their natural functioning and character*” and “*amenity values*” correspond to paragraphs a) and e) of the decisions version with the addition of the qualifier “*as far as practicable*”.
- 97.6 Paragraphs f) and g) are retained from the decisions version.
- 97.7 Aside from omitting the words “*to achieve all of the following*” the substantial changes are to add:
- 97.7.1 “*Safeguard the life supporting capacity of fresh water*” in response to the EDS appeal.
- 97.7.2 The words “*as far as practicable*” for maintaining or enhancing the natural functioning character and amenity values in response to the Federated Farmers and OWRUG appeals.
- 98 The parties consider the proposed amendments are within the jurisdiction of the Court, are consistent with and give effect to the relevant parts of the Act and the NPSFWM, and help to achieve Objective 3.1 (as amended).

Policy 3.1.3 Water allocation and use

- 99 In the decisions version of the PORPS, Policy 3.1.3 read:

“Policy 3.1.3 Water allocation and use

Ensure the efficient allocation and use of water by undertaking all of the following:

- a) *Requiring that the volume of water allocated does not exceed what is necessary for its efficient use;*

- b) *Encouraging the development or upgrade of infrastructure that increases use efficiency.*¹⁰⁵

100 This policy is the subject of appeals by:

- Environmental Defence Society Incorporated¹⁰⁶
- Federated Farmers of New Zealand Incorporated¹⁰⁷
- Wise Response Incorporated¹⁰⁸

Environmental Defence Society Incorporated Appeal¹⁰⁹

101 In its appeal, EDS requested that Policy 3.1.3 be amended to read:

“The allocation and use of fresh water is managed to achieve fresh water objectives established in regional plans by:

- a) Avoiding new and further over allocation, and phasing out existing over allocation, of ground and surface water takes;
- b) Avoiding new and further over allocation, and phasing out existing over allocation, of contaminants;
- c) Ensureing the efficient allocation and use of water by undertaking all of the following.”¹¹⁰

102 The following persons gave notice of an interest in EDS’s appeal on Policy 3.1.3 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited (“the Oil Companies”)
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Transpower New Zealand Limited
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Alliance Group Limited
- Queenstown Lakes District Council
- Otago Fish and Game Council and Central South Island Fish and Game Council

¹⁰⁵ Page 23

¹⁰⁶ ENV-2016-CHC-122

¹⁰⁷ ENV-2016-CHC-120

¹⁰⁸ ENV-2016-CHC-106

¹⁰⁹ ENV-2016-CHC-122

¹¹⁰ Paragraph 16(d), page 6, Notice of Appeal

Federated Farmers of New Zealand Incorporated Appeal¹¹¹

103 In its appeal, Federated Farmers requested paragraph b) of Policy 3.1.3 be amended to read:

“b) Encouraging the development or upgrade of infrastructure that increases use efficiency, where the environmental or economic benefits of such an upgrade outweigh the economic costs.”¹¹²

104 The following persons gave notice of an interest in Federated Farmers’ appeal on Policy 3.1.3 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Herbert Heritage Wetlands Group
- Otago Water Resource Users Group
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Alliance Group Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council
- Transpower New Zealand Limited

Wise Response Incorporated Appeal¹¹³

105 In its appeal, Wise Response requested that paragraph a) of Policy 3.1.3 be amended to read:

“Requiring that the volume and instantaneous flow rate of water allocated does not exceed what is necessary for its efficient use,”¹¹⁴

106 The following persons gave notice of an interest in Wise Response’s appeal on Policy 3.1.3 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council

¹¹¹ ENV-2016-CHC-120

¹¹² Paragraph 1.4.3, page 5, Notice of Appeal

¹¹³ ENV-2016-CHC-106

¹¹⁴ Paragraph 7.8, page 3, Notice of Appeal

- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Central Otago Environmental Society Incorporated
- Otago Fish and Game Council and Central South Island Fish and Game Council

107 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

Resolution

108 It is proposed that Policy 3.1.3 be amended to read:

“Policy 3.1.3 Water allocation and use

Manage the allocation and use of fresh water by undertaking all of the following:

- a) *Recognising and providing for the social and economic benefits of sustainable water use;*
- b) *Avoiding over-allocation, and phasing out existing over-allocation, resulting from takes and discharges;*
- c) *Ensure Ensuring the efficient allocation and use of water by undertaking all of the following:*
 - ai) *Requiring that the volume of water allocated does not exceed what is necessary for its efficient use;*
 - ii) *Encouraging the development or upgrade of infrastructure that increases use efficiency; -*
 - iii) *Providing for temporary dewatering activities necessary for construction or maintenance.”*

109 Some of the appeals on Policy 3.1.1, fresh water, requested provision in that policy for social and economic benefits of water use. In particular:

109.1 Alliance requested new paragraphs n) and o) as follows:

*“n) Maintain infrastructure and industry that provides for the economic, health and safety and social wellbeing of the community to operate within their design parameters and provide for appropriate upgrade and expansion of infrastructure and industry that are reliant on access to fresh water resources.”*¹¹⁵

*“o) Maintain the ability of water users to provide for the economic, health and safety and social wellbeing of the community.”*¹¹⁶

¹¹⁵ Paragraph 8(n), page 2, Notice of Appeal

¹¹⁶ Paragraph 8(o), page 2, Notice of Appeal

109.2 Federated Farmers requested a new n):

“(n) Provide for the economic and social wellbeing of the Otago region and its inhabitants.”¹¹⁷

109.3 HortNZ requested specific provision for food production.

109.4 Trustpower proposed a new n):

“(n) Recognise and provide for the social and economic benefits of water use, including for infrastructure.”¹¹⁸

110 The parties agree that recognising providing for the social and economic benefits of the use of water is better placed in the policy expressly concerned with water allocation and use, rather than Policy 3.1.1.

111 Paragraph a) has been inserted accordingly.

112 Paragraph b) has been included in response to the EDS appeal; as a qualification, paragraph c)(iii) has been introduced to expressly provide for temporary dewatering activities for construction or maintenance purposes, so that such activities neither offend the prohibition on over-allocation nor cut across the injunction to ensure the efficient allocation and use of water.

113 The word “*volume*” is considered potentially confusing, a point highlighted by the Wise Response appeal and has therefore been removed.

114 The parties consider the amendments are within the jurisdiction of the Court, give effect to the relevant provisions of the Act and NPSFWM, and help achieve Objective 3.1 (as amended).

Policy 3.1.4 Water shortage

115 In the decisions version of the PORPS, Policy 3.1.4 reads:

“Policy 3.1.4 Water shortage

Manage for water shortage by undertaking all of the following:

- a) *Encouraging collective coordination and rationing of the take and use of water when river flows or aquifer levels are lowering, to avoid breaching any minimum flow or aquifer level restriction;*
- b) *Encouraging water harvesting and storage, to reduce demand on water bodies during periods of low flows.”¹¹⁹*

¹¹⁷ Paragraph 1.2.6, page 4, Notice of Appeal

¹¹⁸ Appeal point 2, page 4, Notice of Appeal

¹¹⁹ Page 23 and 24

116 This policy is the subject of appeals by:

- Horticulture New Zealand¹²⁰
- Wise Response Incorporated¹²¹

Horticulture New Zealand Appeal¹²²

117 In its appeal, HortNZ requested the substitution of “*Encourage [sic]*” in paragraph b) of the policy with “*Enable [sic]*”.¹²³

118 The following persons gave notice of an interest in HortNZ’s appeal on Policy 3.1.4 under Section 274 of the Act:

- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Transpower New Zealand Limited
- Herbert Heritage Wetlands Group

Wise Response Incorporated Appeal¹²⁴

119 In its appeal, Wise Response requested Policy 3.1.4 be amended to read:

“Policy 3.1.4 Water shortage

Manage for water shortage by undertaking all of the following:

- Actively promoting land management that retain and improve moisture capture, natural infiltration, soil moisture holding capacity and deep percolation to enhance natural hydrological systems;*
- Encouraging collective coordination and rationing of the take and use of water when river flows or aquifer levels are lowering, to avoid breaching any minimum flow or aquifer level restriction;*
- ~~Encouraging~~ Only permitting water harvesting and storage, to reduce demand on water bodies during periods of low flows when subject to environmental flow regimes that give effect to all of Objective 3.1.”¹²⁵*

120 The following persons gave notice of an interest in Wise Response’s appeal on Policy 3.1.4 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council

¹²⁰ ENV-2016-CHC-114

¹²¹ ENV-2016-CHC-106

¹²² ENV-2016-CHC-114

¹²³ Appeal point 3, page 5, Notice of Appeal

¹²⁴ ENV-2016-CHC-106

¹²⁵ Paragraph 7.9, pages 3 and 4, Notice of Appeal

- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Dunedin City Council
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Central Otago Environmental Society Incorporated
- Horticulture New Zealand

121 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

Resolution

122 It is proposed to amend Policy 3.1.4 to read:

“Policy 3.1.4 Water shortage

Manage for water shortage by undertaking all of the following:

- a) Encouraging land management that improves moisture capture, infiltration, and soil moisture holding capacity.*
- ~~ba)~~ Encouraging collective coordination and rationing of the take and use of water when river flows or aquifer levels are lowering, to avoid breaching any minimum flow or aquifer level restriction to optimise use of water available for taking;*
- ~~cb)~~ Providing forEncouraging water harvesting and storage, subject to allocation limits and flow management, to reduce demand on water bodies during periods of low flows.”*

123 The new paragraph a) gives effect in part effect to the Wise Response appeal.

124 In its appeal on Policy 3.1.1, HortNZ requested provision in that policy for food production. The reasons given for its appeal, HortNZ stated:

“... the addition is sought to provide a policy framework when considering the importance of food production and food security when developing regional and district plans and assessing resource consents. There is recognition of the importance of soil to primary production but the soil is of little value unless fresh water is available. While the plan separates the various resources they collectively contribute to a production system so need to be addressed in an integrated way”.¹²⁶

125 The parties consider that Policy 3.1.4 is a “better fit” for the relief requested by HortNZ.

126 Paragraph b) (formerly paragraph a)) is amended accordingly by introducing the words “to optimise use of water available for taking”.

¹²⁶ Appeal point 2, pages 4 and 5, Notice of Appeal

- 127 In response to the HortNZ appeal, the words “*providing for*” are substituted for “*encouraging*” in what is now paragraph c) (formerly paragraph b) of the policy).
- 128 The words “*subject to allocation limited and flow management*” have been added to what is now paragraph c) to give effect to Wise Response’s appeal on this point.
- 129 The parties consider the amendments proposed are within the jurisdiction of the Court, give effect to relevant provisions of the Act and the NPSFWM, and help achieve Objective 3.1 (as amended).

Policy 3.1.5 Coastal water

- 130 In the decisions version of the PORPS, Policy 3.1.5 reads:

“Policy 3.1.5 Coastal water

Manage coastal water to achieve all of the following:

- a) Maintain or enhance healthy coastal ecosystems;*
- b) Maintain or enhance the range of habitats provided by the coastal marine area, including the habitat of trout and salmon;*
- c) Recognise and provide for the migratory patterns of coastal water species unless detrimental to indigenous biological diversity;*
- d) Maintain coastal water quality or enhance it where it has been degraded;*
- e) Maintain or enhance coastal values;*
- f) Recognise and provide for important recreation values;*
- g) Control the adverse effects of pest species, prevent their introduction and reduce their spread.”¹²⁷*

- 131 This policy is the subject of appeals by:

- Alliance Group Limited¹²⁸
- Dunedin City Council¹²⁹
- Royal Forest and Bird Protection Society of New Zealand Incorporated¹³⁰
- Ravensdown Limited (“Ravensdown”)¹³¹

Alliance Group Limited Appeal¹³²

- 132 In its appeal, Alliance requested that Policy 3.1.5 be amended to read:

¹²⁷ Page 24

¹²⁸ ENV-2016-CHC-112

¹²⁹ ENV-2016-CHC-084

¹³⁰ ENV-2016-CHC-102

¹³¹ ENV-2016-CHC-085

¹³² ENV-2016-CHC-112

“Policy 3.1.5 Coastal water

Where appropriate, manage coastal water to: ~~achieve all of the following:~~

- a) *Maintain or enhance healthy coastal ecosystems;*
- b) *Maintain or enhance the range of habitats provided by the coastal marine area, including the habitat of trout and salmon;*
- c) *Provide for the migratory patterns of coastal water species unless detrimental to indigenous biological diversity;*
- d) *Maintain coastal water quality or enhance it where it has been degraded;*
- e) *Maintain or enhance cultural values;*
- f) *Provide for important recreation values;*
- g) *Control the adverse effects of pest species, prevent their introduction and reduce their spread.*
- h) *Maintain infrastructure and industry that provides for the economic, health and safety and social wellbeing of the community to operate within their design parameters and provide for appropriate upgrade and expansion of infrastructure and industry that are reliant on access to coastal water resources;*
- i) *Maintain the ability of coastal users to provide for the economic, health and safety and social wellbeing of the community.*¹³³

133 The following persons gave notice of an interest in Alliance’s appeal on Policy 3.1.5 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Herbert Heritage Wetlands Group
- Dunedin City Council
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Otago Fish and Game Council and Central South Island Fish and Game Council

Dunedin City Council Appeal¹³⁴

134 In its appeal, DCC requested the addition of a new paragraph h):

“Policy 3.1.5 Coastal water

Manage coastal water to achieve all of the following:

...

- h) *Mitigate the adverse effects of natural hazards, including flooding and erosion.*¹³⁵

¹³³ Paragraph 14, page 4, Notice of Appeal

¹³⁴ ENV-2016-CHC-084

¹³⁵ Appeal point 18, page 23, Notice of Appeal

135 The following persons gave notice of an interest in DCC's appeal on Policy 3.1.5 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Transpower New Zealand Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council

Ravensdown Limited Appeal¹³⁶

136 In its appeal, Ravensdown requested that:

136.1 Paragraph d) be amended to read:

“Maintain or enhance coastal water quality; and”

136.2 A new paragraph h) be included:

“Allow for the economic use of and discharges into coastal water within a sustainable range”¹³⁷

137 The following persons gave notice of an interest in Ravensdown's appeal on Policy 3.1.5 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council
- Te Rūnanga o Ngāi Tahu (“Te Rūnanga”)
- Alliance Group Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council

Royal Forest and Bird Protection Society of New Zealand Incorporated Appeal¹³⁸

138 In its appeal, RFBPS requested that paragraph b) of Policy 3.1.5 be amended to read:

¹³⁶ ENV-2016-CHC-085

¹³⁷ Paragraph 8(b), page 2, Notice of Appeal

¹³⁸ ENV-2016-CHC-102

"b) ~~Maintain or enhance~~ Retain the full range of habitats and indigenous species in provided by the coastal marine area; and, including the habitat of trout and salmon."¹³⁹

139 The following persons gave notice of an interest in RFBPS's appeal on Policy 3.1.5 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Dunedin City Council
- Transpower New Zealand Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council

Environmental Defence Society Incorporated Appeal¹⁴⁰

140 In its appeal, EDS was critical of the PORPS for not giving effect in full to the New Zealand Coastal Policy Statement ("NZCPS"), and further relief was requested for amendments to fully address the reasons for its appeal.¹⁴¹ It did not expressly reference Policy 3.1.5.

141 The following persons gave notice of an interest in EDS's appeal in this respect under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Queenstown Airport Corporation Limited
- Alliance Group Limited
- Director-General of Conservation

¹³⁹ Paragraph 18(c), page 6, Notice of Appeal

¹⁴⁰ ENV-2016-CHC-122

¹⁴¹ Paragraph 8(f), page 3, and paragraph 34(b), page 11, Notice of Appeal

- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Otago Fish and Game Council and Central South Island Fish and Game Council

Resolution

142 It is proposed to amend Policy 3.1.5 to read:

“Policy 3.1.5 Coastal water

Manage coastal water to:

- a) Maintain coastal water quality or enhance it where it has been degraded;***
- b) Maintain healthy coastal ecosystems, the range of indigenous habitats provided by the coastal marine area, and the migratory patterns of indigenous coastal water species or enhance these values where they have been degraded;***
- c) Maintain or enhance important recreation values;***
- d) Maintain or enhance, as far as practicable:*
 - i. Coastal values; and***
 - ii. The habitats provided by the coastal marine area for trout and salmon unless detrimental to indigenous biological diversity.*****
- e) Control the adverse effects of pest species, prevent their introduction and reduce their spread.***

Manage coastal water to achieve all of the following:

- a) ~~Maintain or enhance healthy coastal ecosystems;~~***
- b) ~~Maintain or enhance the range of habitats provided by the coastal marine area, including the habitat of trout and salmon;~~***
- c) ~~Recognise and provide for the migratory patterns of coastal water species unless detrimental to indigenous biological diversity;~~***
- d) ~~Maintain coastal water quality or enhance it where it has been degraded;~~***
- e) ~~Maintain or enhance coastal values;~~***
- f) ~~Recognise and provide for important recreation values;~~***
- g) ~~Control the adverse effects of pest species, prevent their introduction and reduce their spread.”~~***

143 While the policy appears to be significantly rewritten, many of the elements of the decisions version of Policy 3.1.5 are retained:

143.1 New paragraph a), maintaining or enhancing coastal water quality corresponds to paragraph d) of the decisions version.

143.2 In new paragraph b), “maintain healthy coastal ecosystems” and enhancing this value where degraded corresponds in large part to

paragraph a) of the decisions version; the words “*where degraded*” are considered more precise than “*where appropriate*” as requested in the Alliance appeal.

143.3 In new paragraph b), maintaining the range of indigenous habitats provided by the coastal marine area and the migratory patterns of indigenous coastal species, replicates in part paragraphs b) and c) of the decisions version of the policy.

143.4 The introduction of the adjective “*indigenous*” in paragraph b) and the maintenance and enhancement as far as practicable of habitats in the coastal marine area of trout and salmon, unless detrimental to indigenous biological diversity, in paragraphs b) and d) of the amended policy are a response to the RFBPS appeal.

143.5 The maintenance and enhancement of coastal values in (now) paragraph d)(i) repeats paragraph e) of the decisions version, subject to the qualifier “*as far as practicable*”; the words “*as far as practicable*” are preferred to “*where appropriate*” as requested in the Alliance appeal.

143.6 Paragraph e) concerning the control of the adverse effects of pest species replicates paragraph g) in the decisions version of the policy.

143.7 Important recreation values now in paragraph c) were the subject of paragraph f) in the decisions version of the policy.

143.8 In paragraph c) of the revised policy, the direction is now to “*maintain or enhance*” important recreation values. This terminology mirrors and gives effect to Objective 4 and Policy 6.2(b) of the NZCPS.

144 The structure of the policy is intended to achieve consistency with other policies in Section 3.1 of the PORPS.

145 As a result of the changes to Policies 3.1.1 to 3.1.5, corresponding changes are proposed to Methods 3.1.3, 4.1.4 and 4.1.15:

“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.”

“4.1.43 Policies 3.1.2, 3.1.9 and 3.2.2: by including provisions to:

- ~~a.~~ ~~m~~Maintain or enhance ecosystems and biological diversity; and to
- ~~b.~~ ~~p~~Protect significant indigenous vegetation and significant habitats of indigenous fauna; ;
- ~~c.~~ Control the clearance or modification of indigenous vegetation and habitats of indigenous fauna.”

“4.1.15 Policy 3.1.2, 4.3.3, 4.4.1 and 4.4.3: by providing, in appropriate circumstances, for activities that have a functional need to be located in the beds of rivers, lakes, wetlands, and their margins.”

146 The parties consider the amendments to Policy 3.1.5 and Methods 3.1.3, 4.1.4, and 4.1.15 are within the jurisdiction of the Court, give effect to relevant provisions of the Act and to the NZCPS, and help achieve Objective 3.1 (as amended).

Policy 3.1.6 Air quality

147 This policy is the subject of the appeal by Ravensdown Limited¹⁴².

148 The following persons gave notice of an interest in Ravensdown’s appeal on this policy under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council
- Queenstown Airport Corporation Limited
- Alliance Group Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

149 No party now seeks an amendment to this policy.

¹⁴² ENV-2016-CHC-085

Policy 3.1.7 Soil values

150 In the decisions version of the PORPS, Policy 3.1.7 reads:

“Policy 3.1.7 Soil values

Manage soils to achieve all of the following:

- a) Maintain or enhance their life supporting capacity;*
- b) Maintain or enhance soil biological diversity;*
- c) Maintain or enhance biological activity in soils;*
- d) Maintain or enhance soil function in the storage and cycling of water, nutrients, and other elements through the biosphere;*
- e) Maintain or enhance soil function as a buffer or filter for contaminants resulting from human activities, including aquifers at risk of leachate contamination;*
- f) Maintain or enhance soil resources for primary production;*
- g) Maintain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained;*
- h) Avoid the creation of contaminated land;*
- i) Control the adverse effects of pest species, prevent their introduction and reduce their spread.”¹⁴³*

151 This policy is the subject of appeals by:

- Alliance Group Limited¹⁴⁴
- Dunedin City Council¹⁴⁵
- Henley Downs Land Holdings Limited¹⁴⁶
- Horticulture New Zealand¹⁴⁷
- Oceana Gold New Zealand Limited¹⁴⁸
- Real Journeys Limited¹⁴⁹
- Remarkables Park Limited and Queenstown Park Limited¹⁵⁰
- Wise Response Incorporated¹⁵¹

Alliance Group Limited Appeal¹⁵²

152 In its appeal, Alliance requested that Policy 3.1.7 be amended to read:

¹⁴³ Page 25

¹⁴⁴ ENV-2016-CHC-112

¹⁴⁵ ENV-2016-CHC-084

¹⁴⁶ ENV-2016-CHC-111

¹⁴⁷ ENV-2016-CHC-114

¹⁴⁸ ENV-2016-CHC-103

¹⁴⁹ ENV-2016-CHC-109

¹⁵⁰ ENV-2016-CHC-119

¹⁵¹ ENV-2016-CHC-106

¹⁵² ENV-2016-CHC-112

"Policy 3.1.7 Soil values

Where appropriate, manage soils to achieve all of the following:

- a) *Maintain or enhance their life supporting capacity;*
- b) *Maintain or enhance soil biological diversity;*
- c) *Maintain or enhance biological activity in soils;*
- d) *Maintain or enhance soil function in the storage and cycling of water, nutrients, and other elements through the biosphere;*
- e) *Maintain or enhance soil function as a buffer or filter for contaminants resulting from human activities, including aquifers at risk of leachate contamination;*
- f) *Maintain or enhance soil resources for primary production;*
- g) *Maintain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained;*
- h) ~~*Avoid the creation of contaminated land;*~~
- i) *Control the adverse effects of pest species, prevent their introduction and reduce their spread.*
- j) *Maintain the ability to use soils for infrastructure and industry and by those providing for the economic, health and safety and social wellbeing of the community.*¹⁵³

153 The following persons gave notice of an interest in Alliance's appeal on Policy 3.1.7 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Ballance Agri-Nutrients Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Herbert Heritage Wetlands Group

Dunedin City Council Appeal¹⁵⁴

154 The two parts of the DCC appeal relate to Policy 3.1.7.

155 At appeal point 2, the DCC requested that Policy 3.1.7 be amended to read:

¹⁵³ Paragraph 17, pages 5 and 6, Notice of Appeal

¹⁵⁴ ENV-2016-CHC-084

"Policy 3.1.7 Soil values

Manage soils to achieve all of the following:

...

- h) ~~Avoid the creation of contaminated land~~ *Appropriately managing activities that may result in soil contamination; (preferred)*

Or, if a directive policy must be included

Minimise the adverse effects of existing contamination of soil; and

Avoid, where practicable, significant new soil contamination occurring."¹⁵⁵

156 Appeal point 9 of the DCC appeal requested that Policy 3.1.7 be amended to read:

"Policy 3.1.7 Soil values

Manage soils to achieve all of the following:

- h) ~~Avoid the creation of contaminated land;~~ *Minimise the adverse effects of existing contamination of soil;*

- i) *Avoid, where practicable, significant new soil contamination occurring; and*

- j) ~~‡~~ *Control the adverse effects of pest species, prevent their introduction and reduce their spread.*

Also: Clearly identify in the methods how each of the provisions in this policy will be given effect to, including through Regional Plans."¹⁵⁶

157 The following persons gave notice of an interest in DCC's appeal on Policy 3.1.7 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Alliance Group Limited
- Transpower New Zealand Limited

Henley Downs Land Holdings Limited Appeal¹⁵⁷

158 In its appeal, Henley requested that Policy 3.1.7 be amended to read:

¹⁵⁵ Appeal point 2, page 7, Notice of Appeal

¹⁵⁶ Appeal point 9, pages 16 and 17, Notice of Appeal

¹⁵⁷ ENV-2016-CHC-111

Policy 3.1.7 Managing for Soil values

~~Manage soils to achieve all of the following: Recognise soil values that are of regional significance, and manage those soils to:~~

- ~~a) Maintain or enhance their life supporting capacity; and~~
- ~~b) Maintain or enhance soil biological biodiversity; and~~
- ~~c) Maintain or enhance biological activity in soils; and~~
- ~~d) Maintain or enhance soil's function in the storage and cycling of water, and nutrients, and other elements through the biosphere; and~~
- ~~e) Maintain or enhance soil's function as a buffer or filter for contaminants pollutants resulting from human activities, including aquifers at risk of leachate contamination; and~~
- ~~f) Maintain or enhance Ensure the primary use of regionally significant soil resources is for primary production purposes; and~~
- ~~g) Protect Kāi tahu values from inappropriate subdivision, use, and development; and~~
- ~~h) Provide for other cultural values, as identified in Schedule 1A; and~~
- ~~i) Maintain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained; and~~
- ~~j) Maintain highly valued soil resources; and~~
- ~~k) Avoid the creation of contamination land; of soil from inappropriate subdivision, use, and development; and~~
- ~~l) Control Avoid the adverse effects of pest species, prevent their introduction and reduce their spread.¹⁵⁸~~

159 The following persons gave notice of an interest in Henley's appeal on Policy 3.1.7 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council

Horticulture New Zealand Appeal¹⁵⁹

160 In its appeal, HortNZ requested that paragraph f) of Policy 3.1.7 be amended to read:

*"Maintain or enhance soil resources for primary production, particularly food production."*¹⁶⁰

¹⁵⁸ Paragraph 10(e), pages 5 and 6, Notice of Appeal

¹⁵⁹ ENV-2016-CHC-114

¹⁶⁰ Appeal point 4, page 5, Notice of Appeal

161 The following persons gave notice of an interest in HortNZ's appeal on Policy 3.1.7 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council
- Transpower New Zealand Limited

Oceana Gold New Zealand Limited ("OGL") Appeal¹⁶¹

162 In its appeal, OGL requested that paragraph h) of Policy 3.1.7 be deleted or amended to read:

*"Avoid, remedy or mitigate any potential contamination of soil."*¹⁶²

163 The following persons gave notice of an interest in OGL's appeal on Policy 3.1.7 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Transpower New Zealand Limited

Real Journeys Limited Appeal¹⁶³

164 In its appeal, Real Journeys requested that Policy 3.1.7 be amended to read:

Policy 3.1.7 Managing for Soil values

Manage soils to achieve all of the following: Recognise soil values that are of regional significance and manage those soils to:

- Maintain ~~or enhance~~ their life supporting capacity; and***
- Maintain ~~or enhance~~ soil biological biodiversity; and***
- Maintain ~~or enhance~~ biological activity in soils; and***
- Maintain ~~or enhance~~ soil's function in the storage and cycling of water, and nutrients, and other elements through the biosphere; and***
- Maintain ~~or enhance~~ soil's function as a buffer or filter for ~~contaminants~~ pollutants resulting from human activities, including aquifers at risk of leachate contamination; and***

¹⁶¹ ENV-2016-CHC-103

¹⁶² Paragraph 10(a)(v), pages 12 and 13, Notice of Appeal

¹⁶³ ENV-2016-CHC-109

- f) ~~Maintain or enhance~~ ensure the primary use of regionally significant soil resources is for primary production purposes; and
- g) Protect Kāi tahu values from inappropriate subdivision, use, and development; and
- h) Provide for other cultural values, as identified in Schedule 1A; and
- i) ~~Maintain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained; and~~
- j) Maintain highly valued soil resources; and
- k) ~~Avoid the creation of contamination land; of soil from inappropriate subdivision, use, and development; and~~
- l) ~~Control~~ Avoid the adverse effects of pest species, prevent their introduction and reduce their spread.¹⁶⁴

165 The following persons gave notice of an interest in Real Journeys' appeal on Policy 3.1.7 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited

Remarkables Park Limited and Queenstown Park Limited Appeal¹⁶⁵

166 In its appeal, RPL and QPL requested that Policy 3.1.7 be amended to recognise that only significant soils ought to be maintained or enhanced.¹⁶⁶

167 The following persons gave notice of an interest in RPL and QPL's appeal on Policy 3.1.7 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Environmental Defence Society Incorporated
- Horticulture New Zealand
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Darby Planning LP
- Henley Downs Land Holdings Limited

¹⁶⁴ Paragraph 13(e), pages 6 and 7, Amended Notice of Appeal dated 10 February 2017

¹⁶⁵ ENV-2016-CHC-119

¹⁶⁶ Paragraph 4.8(d), page 4, and paragraph 5.1(a)(iv), page 6, Notice of Appeal

- Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited
- Real Journeys Limited
- Queenstown Lakes District Council

Wise Response Incorporated Appeal¹⁶⁷

168 In its appeal, Wise Response requested that paragraph f) of Policy 3.1.7 be amended to read:

“f) ~~“Maintain or enhance soil resources~~ Actively promote soil conservation methods, carbon sequestration and natural fertility where soil is used for primary production.”¹⁶⁸

169 The following persons gave notice of an interest in Wise Response's appeal on Policy 3.1.7 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Dunedin City Council
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Central Otago Environmental Society Incorporated

170 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

Resolution

171 It is proposed that Policy 3.1.7 be amended to read:

“Policy 3.1.7 Soil values

Safeguard the life-supporting capacity of soil and manage soil to:

- a) Maintain or enhance as far as practicable
- i. Soil biological diversity;
 - ii. Biological activity in soils;
 - iii. Soil function in the storage and cycling of water, nutrients, and other elements through the biosphere;

¹⁶⁷ ENV-2016-CHC-106

¹⁶⁸ Paragraph 7.10, page 4, Notice of Appeal

iv. Soil function as a buffer or filter for contaminants resulting from human activities, including aquifers at risk of leachate contamination;

v. Soil fertility where soil is used for primary production;

- b) Where a) is not practicable, minimise adverse effects;
- c) Recognise that urban and infrastructure development may result in loss of soil values.
- d) Control the adverse effects of pest species, prevent their introduction and reduce their spread;
- e) Retain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained.

Manage soils to achieve all of the following:

- ~~(a) — Maintain or enhance their life supporting capacity;~~
- ~~(b) — Maintain or enhance soil biological diversity;~~
- ~~(c) — Maintain or enhance biological activity in soils;~~
- ~~(d) — Maintain or enhance soil function in the storage and cycling of water, nutrients, and other elements through the biosphere;~~
- ~~(e) — Maintain or enhance soil function as a buffer or filter for contaminants resulting from human activities, including aquifers at risk of leachate contamination;~~
- ~~(f) — Maintain or enhance soil resources for primary production;~~
- ~~(g) — Maintain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained;~~
- ~~(h) — Avoid the creation of contaminated land;~~
- ~~(i) — Control the adverse effects of pest species, prevent their introduction and reduce their spread.”~~

172 While appearing to have been entirely rewritten, the policy retains the elements of the decisions version:

172.1 “life supporting capacity” is moved to the opening line from paragraph a) in the decisions version; safeguarding, the statutory term used in Section 5, is substituted for “maintain or enhance” and is consistent with the expression of the amended Policy 3.1.1, Fresh Water.

172.2 In new paragraph a), sub-paragraphs i), ii), iii), iv) and v) correspond with paragraphs b), c), d), e) and f) of the decisions version.

172.3 Paragraphs d) and e) of the amended policy replicate paragraphs i) and g) respectively in the decisions version.

173 The key changes are:

173.1 The qualification of “*maintain or enhance*” by “*as far as practicable*” in paragraph a); this phrase is preferred to “*where appropriate*” as proposed by Alliance’s appeal;

173.2 As a result of the introduction of “*as far as practicable*” in paragraph a), paragraph b) begins “*Where a) is not practicable, minimise adverse effects*”.

173.3 “*Soil fertility*” has been preferred to “*soil resources for primary production*” in the decisions version; this is in part a response to HortNZ’s appeal seeking recognition for food production; soil fertility facilitates food production and food production is the purpose of much “*primary production*”.

173.4 Paragraph h) in the decisions version, “*avoid the creation of contaminated land*” has been omitted, as it overlaps with Policy 4.6.9 which deals with the creation of contaminated land. The deletion adopts the OGL appeal and is in part a response to the DCC appeal.

173.5 A new paragraph c), “*recognise that urban and infrastructure development may result in loss of soil values*”, is a consequential change to this policy for consistency with the agreed changes to Objective 4.5 and its accompanying policies, which are the subject of a separate consent memorandum.¹⁶⁹

174 The parties consider that the amendments are within the jurisdiction of the Court, are consistent with and give effect to the relevant provisions of the Act and help achieve Objective 3.1 (as amended).

Policy 3.1.8 Soil erosion

175 In the decisions version of the PORPS, Policy 3.1.8 reads:

“Policy 3.1.8 Soil erosion

Minimise soil erosion resulting from activities, by undertaking all of the following:

- a) *Using appropriate erosion controls;*
- b) *Maintaining vegetative cover on erosion prone land;*
- c) *Remediating land where significant soil erosion has occurred;*
- d) *Encouraging activities that enhance soil retention.”¹⁷⁰*

¹⁶⁹ Section 4.5 Urban Growth and Development

¹⁷⁰ Page 25

176 This policy is the subject of appeals by

- Remarkables Park Limited and Queenstown Park Limited¹⁷¹
- Wise Response Incorporated¹⁷²

Remarkables Park Limited and Queenstown Park Limited Appeal¹⁷³

177 In their appeal, RPL and QPL requested that the policy be amended to give "*greater clarity as to whether it relates to the management of water bodies or earthworks.*"¹⁷⁴

178 The following persons gave notice of an interest in RPL and QPL's appeal on Policy 3.1.8 under Section 274 of the Act:

- Environmental Defence Society Incorporated
- Horticulture New Zealand
- Otago Water Resource Users Group
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Darby Planning LP
- Henley Downs Land Holdings Limited
- Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited
- Real Journeys Limited
- Queenstown Lakes District Council

Wise Response Incorporated Appeal¹⁷⁵

179 In its appeal, Wise Response requested that paragraph a) of Policy 3.1.8 be amended to read:

"a) *Using appropriate erosion controls and soil conservation methods.*"¹⁷⁶

180 The following persons gave notice of an interest in Wise Response's appeal on Policy 3.1.8 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council

¹⁷¹ ENV-2016-CHC-119

¹⁷² ENV-2016-CHC-106

¹⁷³ ENV-2016-CHC-119

¹⁷⁴ Paragraph 5.1(a)(xvi), page 7, Notice of Appeal

¹⁷⁵ ENV-2016-CHC-106

¹⁷⁶ Paragraph 7.11, page 4, Notice of Appeal

- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Central Otago Environmental Society Incorporated

181 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

Resolution

182 It is proposed to resolve the appeals on Policy 3.1.8 by amending the policy to read:

“Policy 3.1.8 Soil erosion

Minimise soil erosion resulting from activities, by undertaking all of the following:

- a) Using appropriate erosion controls and soil conservation methods;*
- b) Maintaining vegetative cover on erosion prone land;*
- c) Remediating land where significant soil erosion has occurred;*
- d) Encouraging activities that enhance soil retention.”*

183 The amendment gives effect to the Wise Response appeal.

184 The parties consider the amendment is within the jurisdiction of the Court, is consistent with and gives effect to the relevant provisions of the Act and helps achieve Objective 3.1 (as amended).

Policy 3.1.9 Ecosystems and indigenous biological diversity

185 In the decisions version of the PORPS, Policy 3.1.9 reads:

“Policy 3.1.9 Ecosystems and indigenous biological diversity

Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to achieve all of the following:

- a) Maintain or enhance ecosystem health and indigenous biological diversity;*
- b) Maintain or enhance biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;*
- c) Maintain or enhance areas of predominantly indigenous vegetation;*
- d) Recognise and provide for important hydrological services, including the services provided by tussock grassland;*
- e) Recognise and provide for natural resources and processes that support indigenous biological diversity;*

- f) *Maintain or enhance habitats of indigenous species and the habitat of trout and salmon that are important for recreational, commercial, cultural or customary purposes;*
- g) *Control the adverse effects of pest species, prevent their introduction and reduce their spread.*¹⁷⁷

186 The policy is the subject of appeals by:

- Alliance Group Limited¹⁷⁸
- Darby Planning LP¹⁷⁹
- Federated Farmers of New Zealand Incorporated¹⁸⁰
- Royal Forest and Bird Protection Society of New Zealand Incorporated¹⁸¹
- Henley Downs Land Holdings Limited¹⁸²
- Oceana Gold New Zealand Limited¹⁸³
- Real Journeys Limited¹⁸⁴
- Remarkables Park Limited and Queenstown Park Limited¹⁸⁵
- Trustpower Limited¹⁸⁶
- Wise Response Incorporated¹⁸⁷

Alliance Group Limited Appeal¹⁸⁸

187 In its appeal, Alliance requested that Policy 3.1.9 be deleted.¹⁸⁹

188 The following persons gave notice of an interest in Alliance's appeal on policy 3.1.9 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Herbert Heritage Wetlands Group
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council

¹⁷⁷ Page 26

¹⁷⁸ ENV-2016-CHC-112

¹⁷⁹ ENV-2016-CHC-110

¹⁸⁰ ENV-2016-CHC-120

¹⁸¹ ENV-2016-CHC-102

¹⁸² ENV-2016-CHC-111

¹⁸³ ENV-2016-CHC-103

¹⁸⁴ ENV-2016-CHC-109

¹⁸⁵ ENV-2016-CHC-119

¹⁸⁶ ENV-2016-CHC-082

¹⁸⁷ ENV-2016-CHC-106

¹⁸⁸ ENV-2016-CHC-112

¹⁸⁹ Paragraph 20, page 6, Notice of Appeal

- Director-General of Conservation
- Trustpower Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Otago Fish and Game Council and Central South Island Fish and Game Council

Darby Planning LP Appeal¹⁹⁰

189 In its appeal, Darby requested that Policy 3.1.9 be amended to read:

“Policy 3.1.9 Managing for Ecosystem and indigenous biological diversity values

Manage Recognise the values of ecosystems and indigenous biological diversity and manage ecosystems and indigenous biodiversity, to in terrestrial, freshwater and marine environments to achieve all of the following:

- a) *Maintain or enhance ecosystem health and indigenous biological diversity; and*
- ~~b) *Maintain or enhance biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;*~~
- b) ~~e) *Maintain or enhance areas of predominantly indigenous vegetation;*~~
- c) *Buffer or link existing ecosystems; and*
- d) ~~*Recognise and provide for Protect important hydrological services, including the services provided by tussock grassland; and*~~
- e) ~~*Recognise and provide for Protect natural resources and processes that support indigenous biological diversity from inappropriate subdivision, use, and development; and*~~
- f) ~~*Maintain or enhance habitats of indigenous species and the habitat of trout and salmon that are important for recreational, commercial, cultural or customary purposes; and*~~
- g) *Protect biodiversity significant to Kāi Tahu from inappropriate subdivision, use, and development; and*
- h) ~~*Control Avoid the adverse effects of pest species, prevent their introduction and reduce their spread.”*~~¹⁹¹

190 The following persons gave notice of an interest in Darby’s appeal on policy 3.1.9 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council

¹⁹⁰ ENV-2016-CHC-110

¹⁹¹ Paragraph 9(b), pages 4 and 5, Amended Notice of Appeal dated 10 February 2017

Federated Farmers of New Zealand Incorporated Appeal¹⁹²

191 In its appeal, Federated Farmers requested that Policy 3.1.9 be amended to read:

"c) Maintain or enhance areas of predominantly indigenous vegetation, excluding regrowth in pasture;

and:

f) Maintain or enhance habitats of indigenous species ~~and the habitat of trout and salmon~~ that are important for recreational, commercial, cultural or customary purposes;

...or that an advice note is added to provide clarity around how the interests of indigenous species will be balanced against those of introduced species, where these may be in conflict."¹⁹³

192 The following persons gave notice of an interest in Federated Farmers' appeal on policy 3.1.9 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Dunedin City Council
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Herbert Heritage Wetlands Group
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Transpower New Zealand Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council

Henley Downs Land Holdings Limited Appeal¹⁹⁴

193 In its appeal, Henley requested the same amendment to Policy 3.1.9 as Darby.¹⁹⁵

194 The following persons gave notice of an interest in Henley's appeal on policy 3.1.9 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited

¹⁹² ENV-2016-CHC-120

¹⁹³ Paragraph 1.5.4, page 6, Notice of Appeal

¹⁹⁴ ENV-2016-CHC-111

¹⁹⁵ Paragraph 11(b), page 7, Notice of Appeal

- Dunedin City Council
- Otago Fish and Game Council and Central South Island Fish and Game Council

Oceana Gold New Zealand Limited Appeal¹⁹⁶

195 In its appeal, OGL requested that Policy 3.1.9 be amended:

195.1 To provide for instances where indigenous biodiversity values may not be maintained or enhanced; and

195.2 Requested that paragraph a) be amended by adding “*at a regional scale*”.¹⁹⁷

196 The following persons gave notice of an interest in OGL’s appeal on policy 3.1.9 under Section 274 of the Act:

- Minister of Energy and Resources
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Transpower New Zealand Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council

Real Journeys Limited Appeal¹⁹⁸

197 In its appeal, Real Journeys requested the same amendments to Policy 3.1.9 as Darby and Henley.¹⁹⁹

198 The following persons gave notice of an interest in Real Journeys’ appeal on policy 3.1.9 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council

¹⁹⁶ ENV-2016-CHC-103

¹⁹⁷ Paragraph 10(a)(vi), page 13, Notice of Appeal

¹⁹⁸ ENV-2016-CHC-109

¹⁹⁹ Paragraph 14(b), pages 8 and 9, Notice of Appeal

Remarkables Park Limited and Queenstown Park Limited Appeal²⁰⁰

- 199 In its appeal, RPL and QPL requested that Policy 3.1.9 be amended to maintain or enhance and recognise and provide for only regionally or nationally significant natural and physical resources.²⁰¹
- 200 The following persons gave notice of an interest in RPL and QPL's appeal on policy 3.1.9 under Section 274 of the Act:
- Environmental Defence Society Incorporated
 - Otago Water Resource Users Group
 - Oceana Gold New Zealand Limited
 - Dunedin City Council
 - Darby Planning LP
 - Henley Downs Land Holdings Limited
 - Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited
 - Real Journeys Limited
 - Queenstown Lakes District Council
 - Otago Fish and Game Council and Central South Island Fish and Game Council
 - Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

Royal Forest and Bird Protection Society of New Zealand Incorporated Appeal²⁰²

- 201 In its appeal, RFBPS requested that Policy 3.1.9 h) be amended to read:

*"h) Buffer or link existing ecosystems."*²⁰³

- 202 The following persons gave notice of an interest in RFBPS's appeal on policy 3.1.9 under Section 274 of the Act:
- Surfbreak Protection Society Incorporated
 - Environmental Defence Society Incorporated
 - Queenstown Lakes District Council
 - Remarkables Park Limited and Queenstown Park Limited
 - Otago Water Resource Users Group
 - Oceana Gold New Zealand Limited
 - Dunedin City Council
 - Transpower New Zealand Limited

²⁰⁰ ENV-2016-CHC-119

²⁰¹ Paragraph 5.1(a)(v), page 6, Notice of Appeal

²⁰² ENV-2016-CHC-102

²⁰³ Paragraph 18(d), page 6, Notice of Appeal

- Otago Fish and Game Council and Central South Island Fish and Game Council

Trustpower Limited Appeal²⁰⁴

203 In its appeal, Trustpower requested that Policy 3.1.9 be amended to read:

“Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to ~~achieve all of following~~:

- a) *Maintain ~~or enhance~~ ecosystem health and indigenous biological diversity;*
- b) *Maintain ~~or enhance~~ biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;*
- c) *Maintain ~~or enhance~~ areas of predominantly indigenous vegetation;*
- ...
- f) *Maintain ~~or enhance~~ habitats of indigenous species and the habitat of trout and salmon that are important for recreational, commercial, cultural or customary purposes;*

...²⁰⁵

204 The following persons gave notice of an interest in Trustpower’s appeal on policy 3.1.9 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Alliance Group Limited
- Environmental Defence Society Incorporated
- Transpower New Zealand Limited
- Otago Fish and Game Council and Central South Island Fish and Game Council

Wise Response Incorporated Appeal²⁰⁶

205 In its appeal, Wise Response requested that Policy 3.1.9 a) be amended to read:

“Manage ecosystems and indigenous biological diversity in terrestrial, freshwater, estuarine and marine environments ...”²⁰⁷

²⁰⁴ ENV-2016-CHC-082

²⁰⁵ Paragraph 10.3(a), page 5, Notice of Appeal

²⁰⁶ ENV-2016-CHC-106

²⁰⁷ Paragraph 7.12, page 4, Notice of Appeal

206 Wise Response also requested that an additional paragraph h) be added to Policy 3.1.9, reading:

"h) Actively promote the protection and the linking of existing ecosystems to create corridors for wildlife migration and maintain or enhance system-wide resilience."²⁰⁸

207 The following persons gave notice of an interest in Wise Response's appeal on policy 3.1.9 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Central Otago Environmental Society Incorporated
- Otago Fish and Game Council and Central South Island Fish and Game Council

208 Waitaki Irrigators Collective gave notice, but withdrew on 9 August 2017.

Resolution

209 It is proposed to amend Policy 3.1.9 to read:

"Policy 3.1.9 Ecosystems and indigenous biological diversity
Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to:

a) Maintain or enhance:

- i. Ecosystem health and indigenous biological diversity including habitats of indigenous fauna;
- ii. Biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;

b) Maintain or enhance as far as practicable:

- i. Areas of predominantly indigenous vegetation;
- ii. Habitats of trout and salmon unless detrimental to indigenous biological diversity;

²⁰⁸ Paragraph 7.13, page 4, Notice of Appeal

iii. Areas buffering or linking ecosystems;

c) Recognise and provide for:

i. Hydrological services, including the services provided by tall tussock grassland;

ii. Natural resources and processes that support indigenous biological diversity;

d) Control the adverse effects of pest species, prevent their introduction and reduce their spread.

~~Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to achieve all of the following:~~

~~a) Maintain or enhance ecosystem health and indigenous biological diversity;~~

~~b) Maintain or enhance biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;~~

~~c) Maintain or enhance areas of predominantly indigenous vegetation;~~

~~d) Recognise and provide for important hydrological services, including the services provided by tussock grassland;~~

~~e) Recognise and provide for natural resources and processes that support indigenous biological diversity;~~

~~f) Maintain or enhance habitats of indigenous species and the habitat of trout and salmon that are important for recreational, commercial, cultural or customary purposes;~~

~~g) Control the adverse effects of pest species, prevent their introduction and reduce their spread."~~

210 While the policy appears to be significantly rewritten, it retains the principal elements of the decisions version of the policy:

210.1 The opening line is unchanged.

210.2 Paragraphs (a)(i) and (ii) repeat the former paragraphs (a) and (b); although the words "*including habitats of indigenous fauna*" have been added from the former paragraph (f).

210.3 Paragraphs (b)(i) and (ii) correspond to former paragraph (c) and part of paragraph (f).

210.4 Paragraphs (c)(i) and (ii) follow paragraphs (d) and (e) of the decisions version.

210.5 Paragraph (d) reproduces paragraph (g) of the decisions version.

211 The changes are:

211.1 "*all of the following*" is omitted in response to the Darby, Henley, Real Journeys and Trustpower appeals.

211.2 “as far as practicable” qualifies paragraphs (b)(i) and (ii) as a qualifier preferred to “inappropriate subdivision, use and development” and for consistency with the amendments to 3.1.1, 3.1.2, and 3.1.5.

211.3 “unless detrimental to indigenous biological diversity” is added to paragraph (b)(ii) for consistency with the amendments to 3.1.1 and 3.1.5.

211.4 Paragraph (b)(iii) “areas buffering or linking ecosystems” gives effect to the RFBPS and Wise Response appeals.

212 The parties consider that the amendments are within the jurisdiction of the Court, give effect to the relevant provisions of the Act and the NPSFWM, and help achieve Objective 3.1 (as amended).

New Policy 3.1.10 Biodiversity in the coastal environment

Environmental Defence Society Incorporated Appeal²⁰⁹

213 In its appeal, EDS requested a new policy for protection of coastal biodiversity to give effect to Policy 11 of the NZCPS.²¹⁰

214 In support of this relief, EDS stated:

“The Decisions Report states that Chapter 3 “provides for an appropriate level of management and protection of coastal resources”, including in respected biodiversity. EDS disagrees. “The PRPS does not address coastal biodiversity the management and protection of which is subject to very specific direction in Policy 11 NZCPS”²¹¹.

215 The following persons gave notice of an interest in this part of EDS's appeal under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Transpower New Zealand Limited
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council
- Alliance Group Limited
- Queenstown Lakes District Council

²⁰⁹ ENV-2016-CHC-122

²¹⁰ Paragraph 18, page 7, Notice of Appeal

²¹¹ Paragraph 17, page 7, Notice of Appeal

Resolution

216 It is agreed to insert a new policy:

“Policy 3.1.10 Biodiversity in the coastal environment

Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:

- a) Areas of predominantly indigenous vegetation in the coastal environment;*
- b) Habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;*
- c) Indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;*
- d) Habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;*
- e) Habitats, including areas and routes, important to migratory species; and*
- f) Ecological corridors, and areas important for linking or maintaining biological values identified under this policy.”*

217 The parties consider that the new policy is within the jurisdiction of the Court, gives effect to Policy 11(b) of the NZCPS and helps to implement Objective 3.1 (as amended).

Policy 3.1.11 (formerly 3.1.10) Natural features, landscapes, and seascapes

218 This policy is the subject of appeals by:

- Darby Planning LP²¹²
- Henley Downs Land Holdings Limited²¹³
- Real Journeys Limited²¹⁴

219 The three appellants requested identical relief.

220 The following persons gave notice of an interest in each of the three appeals on this policy under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group

²¹² ENV-2016-CHC-110

²¹³ ENV-2016-CHC-111

²¹⁴ ENV-2016-CHC-109

221 No party now seeks amendments to this policy.

Policy 3.1.12 (formerly 3.1.11) Natural character in the coastal environment

222 There are no appeals on this policy.

Policy 3.1.13 (formerly 3.1.12) Environmental enhancement

223 In the decisions version of the PORPS, Policy 3.1.12 reads:

“Policy 3.1.12 Environmental enhancement

Encourage, facilitate and support activities which contribute to enhancing the natural environment, by one or more of the following:

- a) *Improving water quality and quantity;*
- b) *Protecting or restoring habitat for indigenous species;*
- c) *Regenerating indigenous species;*
- d) *Mitigating natural hazards;*
- e) *Protecting or restoring wetlands;*
- f) *Improving the health and resilience of:*
 - i. *Ecosystems supporting indigenous biological diversity;*
 - ii. *Important ecosystem services, including pollination;*
- g) *Improving access to rivers, lakes, wetlands and their margins, and the coast;*
- h) *Buffering or linking ecosystems, habitats and areas of significance that contribute to ecological corridors;*
- i) *Controlling pest species.”²¹⁵*

224 The policy is the subject of an appeal by Wise Response.

Wise Response Incorporated Appeal²¹⁶

225 In its appeal, Wise Response requested Policy 3.1.12 be amended by changing the introductory words to read:

“~~Encourage, facilitate and support~~ Actively promote activities which contribute to enhancing the resilience and the enhancement of the natural environment, by one or more of the following:”²¹⁷

226 The following persons gave notice of an interest in Wise Response’s appeal on this policy under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated

²¹⁵ Page 28

²¹⁶ ENV-2016-CHC-106

²¹⁷ Paragraph 7.14, page 4, Notice of Appeal

- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Dunedin City Council
- Transpower New Zealand Limited
- Central Otago Environmental Society Incorporated

227 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

Resolution

228 The parties have agreed that the policy be amended to read:

“Policy 3.1.1312 Environmental enhancement

Encourage, facilitate and support activities ~~which~~ that contribute to ~~enhancing the resilience and enhancement of the natural environment, by one or more of the following~~ where applicable:

- a) Improving water quality and quantity;*
- b) Protecting or restoring habitat for indigenous species;*
- c) Regenerating indigenous species;*
- d) Mitigating natural hazards;*
- e) Protecting or restoring wetlands;*
- f) Improving the health and resilience of:

 - i. Ecosystems supporting indigenous biological diversity ;*
 - ii. Important ecosystem services, including pollination;**
- g) Improving access to rivers, lakes, wetlands and their margins, and the coast;*
- h) Buffering or linking ecosystems, habitats and areas of significance that contribute to ecological corridors;*
- i) Controlling pest species.”*

229 The amendments give effect, in part to the Wise Response appeal. The parties consider the amendments are within the jurisdiction of the Court, are consistent with the relevant provisions of the Act and help implement Objective 3.1 (as amended).

Objective 3.2

230 In the decisions version of the PORPS, Objective 3.2 reads:

“Otago’s significant and highly-valued natural resources are identified, and protected or enhanced”²¹⁸

231 This objective is the subject of appeals by:

- Federated Farmers of New Zealand Incorporated²¹⁹
- Oceana Gold New Zealand Limited²²⁰
- Queenstown Airport Corporation Limited²²¹
- Remarkables Park Limited and Queenstown Park Limited²²²
- Transpower New Zealand Limited²²³
- Trustpower Limited²²⁴

Federated Farmers of New Zealand Incorporated Appeal²²⁵

232 In its appeal, Federated Farmers requested the objective be amended to read:

“Otago’s significant and highly-valued natural resources are identified, effectively managed and improved, protected or enhanced where degraded”²²⁶

233 The following persons gave notice of an interest in Federated Farmers’ appeal on Objective 3.2 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Dunedin City Council
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Queenstown Airport Corporation Limited
- Herbert Heritage Westlands Group
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Transpower New Zealand Limited

²¹⁸ Page 30

²¹⁹ ENV-2016-CHC-120

²²⁰ ENV-2016-CHC-103

²²¹ ENV-2016-CHC-117

²²² ENV-2016-CHC-119

²²³ ENV-2016-CHC-113

²²⁴ ENV-2016-CHC-082

²²⁵ ENV-2016-CHC-120

²²⁶ Paragraph 1.13.2, page 11, Notice of Appeal

Oceana Gold New Zealand Limited Appeal²²⁷

234 In its appeal, OGL requested that the Objective be deleted.²²⁸

235 The following persons gave notice of an interest in OGL's appeal on Objective 3.2 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council
- Queenstown Airport Corporation Limited
- Alliance Group Limited
- Transpower New Zealand Limited
- Minister of Energy and Resources

Queenstown Airport Corporation Limited Appeal²²⁹

236 In its appeal, QAC requested that Objective 3.2 be amended to read:

*"Otago's significant and highly valued natural resources are identified, and protected ~~or enhanced~~ from inappropriate subdivision, use or development."*²³⁰

237 The following persons gave notice of an interest in QAC's appeal on Objective 3.2 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

²²⁷ ENV-2016-CHC-103

²²⁸ Paragraph 10(a)(viii), page 13, Notice of Appeal

²²⁹ ENV-2016-CHC-117

²³⁰ Paragraph 8(b), page 9, Notice of Appeal

Remarkables Park Limited and Queenstown Park Limited Appeal²³¹

238 In its appeal, RPL and QPL contended that only values and landscapes of national or regional significance should be protected from inappropriate subdivision use and development, and that only “regionally significant” resources be maintained, protected or enhanced.²³²

239 The following persons gave notice of an interest in RPL and QPL’s appeal on Objective 3.2 under Section 274 of the Act:

- Environmental Defence Society Incorporated
- Horticulture New Zealand
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Darby Planning PL
- Henley Downs Land Holdings Limited
- Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited
- Real Journeys Limited
- Queenstown Lakes District Council
- Queenstown Airport Corporation Limited

Transpower New Zealand Limited Appeal²³³

240 In its appeal, Transpower requested that the words “or enhanced” be replaced by “from inappropriate use or development”.²³⁴

241 The following persons gave notice of an interest in Transpower’s appeal on Objective 3.2 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council

²³¹ ENV-2016-CHC-119

²³² Paragraph 5.1(a)(ii) and (iii), page 6, Notice of Appeal

²³³ ENV-2016-CHC-113

²³⁴ Paragraph 13, page 3, Notice of Appeal

- Queenstown Airport Corporation Limited
- Aurora Energy Limited (“Aurora”)

Trustpower Limited Appeal²³⁵

242 In its appeal, Trustpower requested that Objective 3.2 be amended to read:

*“Otago's significant and highly-valued natural resources are identified, and protected ~~or enhanced~~ from inappropriate subdivision, use and development.”*²³⁶

243 The following persons gave notice of an interest in Trustpower’s appeal on Objective 3.2 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Queenstown Airport Corporation Limited
- Dunedin City Council
- Oceana Gold New Zealand Limited
- Alliance Group Limited
- Environmental Defence Society Incorporated
- Transpower New Zealand Limited

Resolution

244 It is agreed to resolve the appeals on Objective 3.2 by amending the objective to read:

“Objective 3.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced where degraded”

245 The amendment adopts in part the Federated Farmers appeal.

246 The parties are satisfied that the amendment is within the jurisdiction of the Court and is consistent with the relevant provisions of the Act including in particular Part 2.

²³⁵ ENV-2016-CHC-082

²³⁶ Paragraph 10.3(b), page 5, Notice of Appeal

Issue Statement

247 In the decisions version of the PORPS, the issue statement reads:

“Issue:

Otago has significant and highly-valued natural resources. These include outstanding natural features, landscapes, seascapes, indigenous biological diversity, water bodies and soil, which all have intrinsic value and help to create the region’s identity and support the region’s wellbeing.

These highly valued resources can become degraded if they are not adequately protected from inappropriate subdivision, use and development.

Resource degradation can adversely affect the social, cultural and economic wellbeing of people and communities.”²³⁷

248 The statement is the subject of the appeal by Wise Response Incorporated.

Wise Response Incorporated Appeal²³⁸

249 In its appeal, Wise Response requested the addition of the words “*in these areas of particular significance” and “and so deserve a greater degree of protection than other areas”* in the final paragraph.²³⁹

250 The following persons gave notice of an interest in Wise Response’s appeal on the Issue under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Central Otago Environmental Society Incorporated

251 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

²³⁷ Page 30

²³⁸ ENV-2016-CHC-106

²³⁹ Paragraph 7.15, pages 4 and 5, Notice of Appeal

Resolution

252 It has been agreed to add the words “*and so deserve a greater degree of recognition*” to the second paragraph of the issue statement. The amended issue statement reads:

“Issue:

Otago has significant and highly-valued natural resources. These include outstanding natural features, landscapes, seascapes, indigenous biological diversity, water bodies and soil, which all have intrinsic value and help to create the region’s identity and support the region’s wellbeing.

These highly valued resources can become degraded if they are not adequately protected from inappropriate subdivision, use and development, and so deserve a greater degree of recognition.

Resource degradation can adversely affect the social, cultural and economic wellbeing of people and communities.”

253 The amendments adopt, in part, the relief requested by Wise Response.

254 The parties consider the words are “*a better fit*” in the second rather than the third paragraph.

255 The parties consider the amendment is within the jurisdiction of the Court and is consistent with the relevant provisions of the Act.

Policy 3.2.1 Identifying significant vegetation and habitats

256 In the decisions version of the PORPS, Policy 3.2.1 reads:

“Policy 3.2.1 Identifying significant vegetation and habitats

*Identify areas and values of significant indigenous vegetation and significant habitats of indigenous fauna, using the attributes detailed in Schedule 4.”*²⁴⁰

257 This policy is the subject of appeals by:

- Clutha District Council²⁴¹
- Darby Planning LP²⁴²
- Royal Forest and Bird Protection Society of New Zealand Incorporated²⁴³
- Henley Downs Land Holdings Limited²⁴⁴
- Real Journeys Limited²⁴⁵

²⁴⁰ Page 30

²⁴¹ ENV-2016-CHC-105

²⁴² ENV-2016-CHC-110

²⁴³ ENV-2016-CHC-102

²⁴⁴ ENV-2016-CHC-111

²⁴⁵ ENV-2016-CHC-109

Clutha District Council Appeal²⁴⁶

258 In its appeal, Clutha requested the heading of Policy 3.2.1 be amended to read:

"Identifying significant indigenous vegetation and significant habitats of indigenous fauna"²⁴⁷

259 The following persons gave notice of an interest in Clutha's appeal on Policy 3.2.1 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council

260 Royal Forest and Bird Protection Society of New Zealand Incorporated gave notice, but withdrew on 10 February 2017.

Darby Planning LP Appeal²⁴⁸

261 In its appeal, Darby requested that the policy be amended to read:

"Policy 3.2.1 Identifying areas of significant indigenous vegetation and significant habitats of indigenous fauna

Identify areas and values of significant indigenous vegetation and significant habitats of indigenous fauna, using the attributes detailed in Schedule 4"²⁴⁹

262 The following persons gave notice of an interest in Darby's appeal on Policy 3.2.1 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group

Henley Downs Land Holdings Limited Appeal²⁵⁰

263 In its appeal, Henley requested the same amendments to Policy 3.2.1 as Darby to the heading to the policy.²⁵¹

²⁴⁶ ENV-2016-CHC-105

²⁴⁷ Paragraph 19, page 3, Notice of Appeal

²⁴⁸ ENV-2016-CHC-110

²⁴⁹ Paragraph 9(b), page 5, Amended Notice of Appeal dated 10 February 2017

²⁵⁰ ENV-2016-CHC-111

²⁵¹ Paragraph 11(b), page 8, Notice of Appeal

264 The following persons gave notice of an interest in Henley's appeal on Policy 3.2.1 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Dunedin City Council

Royal Forest and Bird Protection Society of New Zealand Incorporated Appeal²⁵²

265 In its appeal, RFBPS requested that Policy 3.2.1 be amended to read:

*"Identify areas and values of significant and indigenous vegetation and significant habitats of indigenous fauna, using the attributes detailed in Schedule 4 for terrestrial areas and Schedule 4a for coastal marine areas."*²⁵³

266 The following persons gave notice of an interest in RFBPS's appeal on Policy 3.2.1 under Section 274 of the Act:

- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Director-General of Conservation
- Transpower New Zealand Limited

Real Journeys Limited Appeal²⁵⁴

267 In its appeal, Real Journeys requested the same amendments to Policy 3.2.1 as Darby and Henley to the heading of the policy.²⁵⁵

268 The following persons gave notice of an interest in Real Journeys' appeal on Policy 3.2.1 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group

²⁵² ENV-2016-CHC-102

²⁵³ Paragraph 18(e), pages 6 and 7, Notice of Appeal

²⁵⁴ ENV-2016-CHC-109

²⁵⁵ Paragraph 14(b), page 9, Amended Notice of Appeal dated 10 February 2017

Resolution

269 It is agreed to amend the heading to Policy 3.2.1 to read:

“Policy 3.2.1 Identifying significant indigenous vegetation and habitats

Identify areas and values of significant indigenous vegetation and significant habitats of indigenous fauna, using the attributes detailed in Schedule 4.”

270 The inclusion in the heading of “indigenous” gives effect in part to the appeals of Clutha, Darby, Henley and Real Journeys.

271 The parties consider that the amendment is within the jurisdiction of the Court and is consistent with the relevant provisions of the Act and Objective 3.2 (as amended).

Policy 3.2.2 Managing significant vegetation and habitats

272 In the decisions version of the PORPS, Policy 3.2.2 reads:

“Policy 3.2.2 Managing significant vegetation and habitats

Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna, by all of the following:

- a) *Avoiding adverse effects on those values which contribute to the area or habitat being significant;*
- b) *Avoiding significant adverse effects on other values of the area or habitat;*
- c) *Remedying when other adverse effects cannot be avoided;*
- d) *Mitigating when other adverse effects cannot be avoided or remedied;*
- e) *Encouraging enhancement of those areas and values which contribute to the area or habitat being significant;*
- f) *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.”²⁵⁶*

273 The policy is the subject of appeals by:

- Clutha District Council²⁵⁷
- Darby Planning LP²⁵⁸
- Dunedin City Council²⁵⁹
- Royal Forest and Bird Protection Society of New Zealand Incorporated²⁶⁰
- Henley Downs Land Holdings Limited²⁶¹

²⁵⁶ Page 30

²⁵⁷ ENV-2016-CHC-105

²⁵⁸ ENV-2016-CHC-110

²⁵⁹ ENV-2016-CHC-084

²⁶⁰ ENV-2016-CHC-102

²⁶¹ ENV-2016-CHC-111

- Oceana Gold New Zealand Limited²⁶²
- Real Journeys Limited²⁶³
- Transpower New Zealand Limited²⁶⁴
- Trustpower Limited²⁶⁵
- Wise Response Incorporated²⁶⁶
- Environmental Defence Society Incorporated²⁶⁷

Clutha District Council Appeal²⁶⁸

274 In its appeal, Clutha requested that the heading of Policy 3.2.2 be amended to read:

"Managing significant indigenous vegetation and significant habitats of indigenous fauna"²⁶⁹

275 The following persons gave notice of an interest in Clutha's appeal on Policy 3.2.2 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Oceana Gold New Zealand Limited
- Dunedin City Council

276 Royal Forest and Bird Protection Society of New Zealand Incorporated gave notice, but withdrew on 10 February 2017.

Darby Planning LP Appeal²⁷⁰

277 In its appeal, Darby requested that Policy 3.2.2 be amended to read:

Policy 3.2.2 Managing significant indigenous vegetation and significant habitats of indigenous fauna

~~Protect and enhance areas Manage subdivision, use, and development that affects the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by all of the following:~~

- ~~Avoiding adverse effects on these values which contribute to which will result in the area or habitat losing its being significant status; and~~*
- ~~Avoiding significant adverse effects from inappropriate subdivision, use, and development on other values of the area or habitat; and~~*

²⁶² ENV-2016-CHC-103

²⁶³ ENV-2016-CHC-109

²⁶⁴ ENV-2016-CHC-113

²⁶⁵ ENV-2016-CHC-082

²⁶⁶ ENV-2016-CHC-106

²⁶⁷ ENV-2016-CHC-122

²⁶⁸ ENV-2016-CHC-105

²⁶⁹ Paragraph 20, page 3, Notice of Appeal

²⁷⁰ ENV-2016-CHC-110

- c) *Remediating when other adverse effects cannot be avoided; and*
- d) *Mitigating when other adverse effects cannot be avoided or remediated; and*
- e) *Encouraging enhancement of those areas and values which contribute to the area or habitat being significant;*
- f) ~~*Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.*~~²⁷¹

278 The following persons gave notice of an interest in Darby's appeal on Policy 3.2.2 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council

Dunedin City Council Appeal²⁷²

279 In its appeal, DCC requested that Policy 3.2.2 be amended to read:

"Policy 3.2.2 Managing significant vegetation and habitats

Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna, by all of the following:

- a) *Appropriately managing activities that may have ~~Avoiding~~ adverse effects on those values which contribute to the area or habitat being significant;*
- b) *Appropriately managing activities that may have ~~Avoiding~~ significant adverse effects on other values of the area or habitat,"*²⁷³

280 The following persons gave notice of an interest in DCC's appeal on Policy 3.2.2 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Minister of Energy and Resources
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group

²⁷¹ Paragraph 9(b), page 5, Amended Notice of Appeal dated 10 February 2017

²⁷² ENV-2016-CHC-084

²⁷³ Appeal point 3, pages 8 and 9, Notice of Appeal

- Oceana Gold New Zealand Limited
- Alliance Group Limited
- Director-General of Conservation
- Transpower New Zealand Limited

Henley Downs Land Holdings Limited Appeal²⁷⁴

281 In its appeal, Henley requested the same amendments to Policy 3.2.2 as Darby.²⁷⁵

282 The following persons gave notice of an interest in Henley's appeal on Policy 3.2.2 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council

Oceana Gold New Zealand Limited Appeal²⁷⁶

283 In its appeal, OGL requested that Policy 3.2.2 be amended to read:

~~*Protect and enhance*~~ *Manage effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna from the effects on inappropriate activities, by all of the following:*

- Avoiding, remedying or mitigating adverse effects on those values which contribute to the area or habitat being significant;*
- Avoiding, remedying or mitigating significant adverse effects on other values of the area or habitat;*
- Remedying when other adverse effects including significant adverse effects cannot be avoided or remediated;*
- Mitigating when other adverse effects including significant adverse effects cannot be avoided or remedied; and". Clarify that this policy needs to be read subject to Policy 5.4.8;²⁷⁷*

284 The following persons gave notice of an interest in OGL's appeal on Policy 3.2.2 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated

²⁷⁴ ENV-2016-CHC-111

²⁷⁵ Paragraph 11(b), page 8, Notice of Appeal

²⁷⁶ ENV-2016-CHC-103

²⁷⁷ Paragraph 10(a)(ix), page 13, Notice of Appeal

- Minister of Energy and Resources
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council
- Otago Water Resource Users Group
- Alliance Group Limited
- Transpower New Zealand Limited

Real Journeys Limited Appeal²⁷⁸

285 In its appeal, Real Journeys requested the same amendments to Policy 3.2.2 as Darby and Henley.²⁷⁹

286 The following persons gave notice of an interest in Real Journeys' appeal on Policy 3.2.2 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council

Royal Forest and Bird Protection Society of New Zealand Incorporated Appeal²⁸⁰

287 In its appeal, RFBPS requested that Policy 3.2.2 be amended to read:

- "a) *Avoiding adverse effects on significant biodiversity that is vulnerable or irreplaceable and those values which contribute to the area or habitat being significant; and*
- f) *~~Controlling~~ Avoiding the adverse effects of pest species, preventing their introduction and reducing their spread."*²⁸¹

288 The following persons gave notice of an interest in RFBPS's appeal on Policy 3.2.2 under Section 274 of the Act:

- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited

²⁷⁸ ENV-2016-CHC-109

²⁷⁹ Paragraph 14(b), page 9, Amended Notice of Appeal dated 10 February 2017

²⁸⁰ ENV-2016-CHC-102

²⁸¹ Paragraph 18(f), page 7, Notice of Appeal

- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Rayonier New Zealand Limited (“Rayonier”)
- Transpower New Zealand Limited

Transpower New Zealand Limited Appeal²⁸²

289 In its appeal, Transpower requested that Policy 3.2.2 be amended to read:

“Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna, by all of the following:

- a) *Avoiding, or where this is not practicable, remedying or mitigating adverse effects on those values which contribute to the area or habitat being significant;*
- b) ~~*Avoiding significant adverse effects on other values of the area or habitat;*~~
- c) ~~*Remedying when other adverse effects cannot be avoided;*~~
- d) ~~*Mitigating when other adverse effects cannot be avoided or remedied*~~²⁸³

290 The following persons gave notice of an interest in Transpower’s appeal on Policy 3.2.2 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Director-General of Conservation

Trustpower Limited Appeal²⁸⁴

291 In its appeal, Trustpower requested that Policy 3.2.2 be amended to read:

“Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna, by ~~all of the following~~:

...

- g) *In the case of nationally and regionally significant infrastructure, managing their adverse effects in accordance with Policy 4.3.3.*²⁸⁵

²⁸² ENV-2016-CHC-113

²⁸³ Paragraph 17, page 4, Notice of Appeal

²⁸⁴ ENV-2016-CHC-082

²⁸⁵ Paragraph 10.3(c), page 5, Notice of Appeal

292 The following persons gave notice of an interest in Trustpower's appeal on Policy 3.2.2 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Environmental Defence Society Incorporated
- Transpower New Zealand Limited
- Contact Energy Limited

Wise Response Incorporated Appeal²⁸⁶

293 In its appeal, Wise Response requested that Policy 3.2.2 be amended to read:

Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna, by all of the following:

- Avoiding activities that generate adverse effects on those values which contribute to the area or habitat being significant;*
- Avoiding activities that generate adverse effects on other natural values of the area or habitat;*
- Remedying the resulting adverse effects when other adverse effects activities that cause them cannot be avoided;*
- ~~Mitigating when other adverse effects cannot be avoided or remedied;~~*
- Actively promoting the Encouraging enhancement of those areas and values which contribute to the area or habitat being significant;*
- Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.²⁸⁷*

294 The following persons gave notice of an interest in Wise Response's appeal on Policy 3.2.2 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group

²⁸⁶ ENV-2016-CHC-106

²⁸⁷ Paragraph 7.16, page 5, Notice of Appeal

- Oceana Gold New Zealand Limited
- Dunedin City Council
- Alliance Group Limited
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Central Otago Environmental Society Incorporated

295 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

Environmental Defence Society Appeal²⁸⁸

296 EDS did not specifically appeal Policy 3.2.2.

297 EDS's appeal contended that PORPS "*does not address coastal biodiversity the management and protection of which is subject to very specific direction in Policy 11 NZCPS*".²⁸⁹

298 EDS requested a new policy providing for protection of coastal biodiversity to give effect to Policy 11 of the NZCPS.²⁹⁰

299 The following persons gave notice of an interest in EDS's appeal on Policy 3.2.2 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Transpower New Zealand Limited
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council
- Alliance Group Limited
- Queenstown Lakes District Council

Resolution

300 The parties propose that Policy 3.2.2 be amended to read:

²⁸⁸ ENV-2016-CHC-122

²⁸⁹ Paragraph 17, page 7, Notice of Appeal

²⁹⁰ Paragraph 18, page 7, Notice of Appeal

“Policy 3.2.2 Managing significant indigenous vegetation and habitats

Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna, by all of the following:

- a) In the coastal environment, avoiding adverse effects on:*
- i. The values that contribute to the area or habitat being significant;*
 - ii. Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
 - iii. Taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;*
 - iv. Indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;*
 - v. Habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;*
 - vi. Areas containing nationally significant examples of indigenous community types; and*
 - vii. Areas set aside for full or partial protection of indigenous biological diversity under other legislation;*
- ab) ~~Avoiding adverse effects on~~ Beyond the coastal environment, and in the coastal environment in significant areas not captured by a) above, maintaining those values that contribute to the area or habitat being significant;*
- bc) Avoiding significant adverse effects on other values of the area or habitat;*
- de) Remedying when other adverse effects cannot be avoided;*
- ed) Mitigating when other adverse effects cannot be avoided or remedied ;*
- fe) Encouraging enhancement of those areas and values ~~which~~ that contribute to the area or habitat being significant;*
- gf) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.”*

- 301 The introduction of the word “*indigenous*” to the heading gives effect in part to the Clutha appeal and is consistent with the amendment to Policy 3.2.1.
- 302 The new paragraph a) responds to the EDS appeal and gives effect to Policy 11(a) of the NZCPS.
- 303 A consequential change is made to what is now paragraph b).
- 304 An editorial change is made to what is now paragraph f).
- 305 The parties consider that the amendments are within the jurisdiction of the Court, give effect to the relevant provisions of the Act and the NZCPS, and help achieve Objective 3.2 (as amended).

Policy 3.2.3 Identifying outstanding natural features, landscapes and seascapes

306 In the decisions version of the PORPS, Policy 3.2.3 reads:

“Policy 3.2.3 Identifying outstanding natural features, landscapes and seascapes

*Identify areas and values of outstanding natural features, landscapes and seascapes, using the attributes in Schedule 3.”*²⁹¹

307 Policy 3.2.3 is the subject of appeals by:

- Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited²⁹²
- Henley Downs Land Holdings Limited²⁹³
- Real Journeys Limited²⁹⁴

308 All three appeals requested the deletion of the words *“using the attributes as detailed in Schedule 3”*.²⁹⁵

309 The following persons gave notice of an interest in Ayrburn and Bridesdale’s appeal on Policy 3.2.3 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Dunedin City Council

310 The following persons gave notice of an interest in Henley’s appeal on Policy 3.2.3 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group

²⁹¹ Page 31

²⁹² ENV-2016-CHC-108

²⁹³ ENV-2016-CHC-111

²⁹⁴ ENV-2016-CHC-109

²⁹⁵ Ayrburn and Bridesdale’s Notice of Appeal, paragraph 9(f), page 2, and Henley’s Notice of Appeal, paragraph 12(f), page 10, and Real Journeys’ Notice of Appeal, paragraph 15(f), page 11

311 The following persons gave notice of an interest in Real Journeys' appeal on Policy 3.2.3 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group

312 No party now seeks to amend Policy 3.2.3.

Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes

313 In the decisions version of the PORPS, Policy 3.2.4 reads:

“Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes

Protect, enhance and restore outstanding natural features, landscapes and seascapes, by all of the following:

- a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape;*
- b) Avoiding, remedying or mitigating other adverse effects;*
- c) Recognising and providing for the positive contributions of existing introduced species to those values;*
- d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
- e) Encouraging enhancement of those areas and values which contribute to the significance of the natural feature, landscape or seascape.”²⁹⁶*

314 Policy 3.2.4 is the subject of appeals by:

- Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited²⁹⁷
- Darby Planning LP²⁹⁸
- Dunedin City Council²⁹⁹
- Environmental Defence Society Incorporated³⁰⁰
- Henley Downs Land Holdings Limited³⁰¹
- Oceana Gold New Zealand Limited³⁰²
- Queenstown Airport Corporation Limited³⁰³

²⁹⁶ Page 31

²⁹⁷ ENV-2016-CHC-108

²⁹⁸ ENV-2016-CHC-110

²⁹⁹ ENV-2016-CHC-084

³⁰⁰ ENV-2016-CHC-122

³⁰¹ ENV-2016-CHC-111

³⁰² ENV-2016-CHC-103

- Real Journeys Limited³⁰⁴
- Remarkables Park Limited and Queenstown Park Limited³⁰⁵
- Transpower New Zealand Limited³⁰⁶
- Trustpower Limited³⁰⁷
- Wise Response Incorporated³⁰⁸

Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited Appeal³⁰⁹

315 In its appeal, Ayrburn and Bridesdale requested that Policy 3.2.4 be amended to read:

Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes

~~Protect, enhance and restore~~ Manage subdivision, use, and development that affect the values of outstanding natural features, landscapes and seascapes, by all of the following:

- ~~Avoiding adverse effects on those values which contribute to~~ will result in the loss of the significance of the natural feature, landscape or seascape; and*
- ~~Avoiding, remedying or mitigating other adverse effects on other values; and~~*
- ~~Recognising and providing for the positive contributions of existing introduced species to those values; and~~*
- ~~Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and~~*
- ~~Encouraging enhancement of those areas and values which contribute to the significance of the natural feature, landscape or seascape; and~~*
- ~~Recognising that appropriately designed and managed recreational activities in such locations can be appropriate, and can entail community benefits such as the enjoyment of landscape values; and~~*
- ~~Recognising that when activities have a functional need to locate within such places and emphasis on mitigating or remedying adverse effects rather than avoiding them may be appropriate.~~*³¹⁰

316 The following persons gave notice of an interest in Ayrburn and Bridesdale's appeal on Policy 3.2.4 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated

³⁰³ ENV-2016-CHC-117

³⁰⁴ ENV-2016-CHC-109

³⁰⁵ ENV-2016-CHC-119

³⁰⁶ ENV-2016-CHC-113

³⁰⁷ ENV-2016-CHC-082

³⁰⁸ ENV-2016-CHC-106

³⁰⁹ ENV-2016-CHC-108

³¹⁰ Paragraph 9(f), pages 2 and 3, Amended Notice of Appeal dated 10 February 2017

- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Queenstown Airport Corporation Limited

Darby Planning LP Appeal³¹¹

317 In its appeal, Darby requested the same amendment as Ayrburn and Bridesdale on Policy 3.2.4.³¹²

318 The following persons gave notice of an interest in Darby's appeal on Policy 3.2.4 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Queenstown Airport Corporation Limited

Dunedin City Council Appeal³¹³

319 In its appeal, DCC requested that Policy 3.2.4 be amended to read:

“Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes

Protect, enhance and restore outstanding natural features, landscapes and seascapes, by all of the following:

- a) *Appropriately managing activities that may have Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape;*³¹⁴

320 In addition, DCC requested that paragraphs c) and d) be deleted from the policy.³¹⁵

³¹¹ ENV-2016-CHC-110

³¹² Paragraph 10(e), page 7, Amended Notice of Appeal dated 10 February 2017

³¹³ ENV-2016-CHC-084

³¹⁴ Appeal point 1, page 4, Notice Appeal

³¹⁵ Appeal point 13, pages 18 and 19, Notice of Appeal

321 The following persons gave notice of an interest in DCC's appeal on Policy 3.2.4 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Minister of Energy and Resources
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Queenstown Airport Corporation Limited
- Transpower New Zealand Limited
- Alliance Group Limited

Environmental Defence Society Incorporated Appeal³¹⁶

322 In its appeal, EDS requested that Policy 3.2.4 be amended to read:

- "a. *Avoiding adverse effects on ~~these~~ the outstanding values which ~~contribute to~~ of the significance of natural feature, landscape or seascape.*"³¹⁷

323 The following persons gave notice of an interest in EDS's appeal on Policy 3.2.4 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Transpower New Zealand Limited
- Remarkables Park Limited and Queenstown Park Limited
- Queenstown Lakes District Council
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Queenstown Airport Corporation Limited

³¹⁶ ENV-2016-CHC-122

³¹⁷ Paragraph 20, page 7, Notice of Appeal

Henley Downs Land Holdings Limited Appeal³¹⁸

324 In its appeal, Henley requested the same amendments to Policy 3.2.4 as Ayrburn and Bridesdale and Darby.³¹⁹

325 The following persons gave notice of an interest in Henley's appeal on Policy 3.2.4 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Queenstown Airport Corporation Limited

Oceana Gold New Zealand Limited Appeal³²⁰

326 In its appeal, OGL requested that Policy 3.2.4 be amended to read:

"Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes:

Amend (a) to read:

"a) Avoiding, remedying or mitigating adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and

" Amend(b) similarly. Delete (c) and (d);"³²¹

327 The following persons gave notice of an interest in OGL's appeal on Policy 3.2.4 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Minister of Energy and Resources
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Queenstown Airport Corporation Limited
- Otago Water Resource Users Group

³¹⁸ ENV-2016-CHC-111

³¹⁹ Paragraph 12(f), page 10, Notice of Appeal

³²⁰ ENV-2016-CHC-103

³²¹ Paragraph 10(a)(x), pages 13 and 14, Notice of Appeal

- Alliance Group Limited
- Transpower New Zealand Limited

Queenstown Airport Corporation Limited Appeal³²²

328 In its appeal, QAC requested that Policy 3.2.4 be deleted or amended to address its concerns³²³. These concerns include “*The policy inappropriately conflates various Part 2 matters and provisions of the New Zealand Coastal Policy Statement, which results in drafting that is confused and overly onerous.*”³²⁴

329 The following persons gave notice of an interest in QAC’s appeal on Policy 3.2.4 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

Real Journeys Limited Appeal³²⁵

330 In its appeal, Real Journeys requested the amendments to Policy 3.2.4 as Ayrburn and Bridesdale, Darby and Henley.³²⁶

331 The following persons gave notice of an interest in Real Journeys’ appeal on Policy 3.2.4 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited

³²² ENV-2016-CHC-117

³²³ Paragraph 8(c), page 9, Notice of Appeal

³²⁴ Paragraph 6(c)(ii)(A), page 4, Notice of Appeal

³²⁵ ENV-2016-CHC-109

³²⁶ Paragraph 15(f), pages 11 and 12, Amended Notice of Appeal dated 10 February 2017

- Dunedin City Council
- Queenstown Airport Corporation Limited

Remarkables Park Limited and Queenstown Park Limited Appeal³²⁷

332 In its appeal, RPL and QPL requested that Policy 3.2.4 be amended to recognise that protection is not always necessary and that some adverse effects on protected values do not have to be “avoided” where they can be remedied and/or mitigated.³²⁸

333 The following persons gave notice of an interest in RPL and QPL’s appeal on Policy 3.2.4 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Minister of Energy and Resources
- Environmental Defence Society Incorporated
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Darby Planning LP
- Henley Downs Land Holdings Limited
- Real Journeys Limited
- Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited
- Queenstown Lakes District Council

Transpower New Zealand Limited Appeal³²⁹

334 In its appeal, Transpower requested that Policy 3.2.4 be amended to read:

“Policy 3.2.4 Protect, enhance and restore outstanding natural features, landscapes and seascapes,

by all of the following:

- Avoiding, or where this is not practicable, remedying or mitigating adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape;*
- Avoiding, ~~remedying or mitigating other adverse effects,~~”*³³⁰

³²⁷ ENV-2016-CHC-119

³²⁸ Paragraph 5.1(a)(vi), page 6, Notice of Appeal

³²⁹ ENV-2016-CHC-113

³³⁰ Paragraph 17, page 5, Notice of Appeal

335 The following persons gave notice of an interest in Transpower's appeal on Policy 3.2.4 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Queenstown Airport Corporation Limited
- Director-General of Conservation

Trustpower Limited Appeal³³¹

336 In its appeal, Trustpower requested that Policy 3.2.4 be amended to read:

"Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes to read:

Protect, enhance and restore outstanding natural features, landscapes and seascapes, by ~~all of the following:~~

...

d) Recognising and providing for existing infrastructure within the outstanding natural features, landscapes and seascapes

...

*g) In the case of nationally and regionally significant infrastructure, managing their adverse effects in accordance with Policy 4.3.3*³³²

337 The following persons gave notice of an interest in Trustpower's appeal on Policy 3.2.4 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Queenstown Airport Corporation Limited
- Environmental Defence Society Incorporated
- Transpower New Zealand Limited
- Contact Energy Limited

³³¹ ENV-2016-CHC-082

³³² Paragraph 11.3(a), page 6, Notice of Appeal

338 In its appeal, Wise Response requested that Policy 3.2.4 be amended to read:

Policy 3.2.4 “Protect, enhance and restore outstanding natural features, landscapes and seascapes,

by all of the following:

- a. *Avoiding ~~adverse effects on~~ activities that adversely affect those values which contribute to the significance of the natural feature, landscape or seascape;*
- b. *~~Avoiding, remedying~~ Remedying or mitigating other adverse effects caused by activities that cannot be avoided;*
- c. *Recognising and providing for the positive contributions of existing introduced species to those values based on attributes defined in Schedule 3;*
- d. *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
- e. *Encouraging enhancement of those areas and values which contribute to the significance of the natural feature, landscape or seascape based on attributes defined in Schedule 3.*³³⁴

339 The following persons gave notice of an interest in Wise Response’s appeal on Policy 3.2.4 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Queenstown Airport Corporation Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Alliance Group Limited
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Central Otago Environmental Society Incorporated

340 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

³³³ ENV-2016-CHC-106

³³⁴ Paragraph 7.17, page 5, Notice of Appeal

Resolution

341 It is proposed that Policy 3.2.4 be amended to read:

“Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes

Protect, enhance and or restore outstanding natural features, landscapes and seascapes, by all of the following:

- a) In the coastal environment, avoiding adverse effects on the outstanding values of the natural feature, landscape or seascape;*
- ~~b) Avoiding adverse effects on Beyond the coastal environment, maintaining these the outstanding values which contribute to the significance of the natural feature, landscape or seascape;~~*
- ~~c) Avoiding, remedying or mitigating other adverse effects ;~~*
- ~~e) Recognising and providing for the positive contributions of existing introduced species to those values;~~*
- ~~d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;~~*
- ~~de) Encouraging enhancement of those areas and values which that contribute to the significance of the natural feature, landscape or seascape.”~~*

342 A new paragraph a) is added to address the QAC concern. The paragraph reflects and gives effect to Policy 15(a) of the NZCPS.

343 The qualifier “outstanding” is introduced into what is now paragraph b), in response to the EDS appeal.

344 Paragraphs c) and d) are deleted in response to the DCC appeal.

345 An editorial change is made to what is now paragraph d).

346 The parties consider that the amendments are within the jurisdiction of the Court, are consistent with and give effect to the relevant provisions of the Act and the NZCPS, and help achieve Objective 3.2 (as amended).

Policy 3.2.5 Identifying highly valued natural features, landscapes and seascapes

347 In the decisions version of the PORPS, Policy 3.2.5 reads:

“Policy 3.2.5 Identifying highly valued natural features, landscapes and seascapes

Identify natural features, landscapes and seascapes, which are highly valued for their contribution to the amenity or quality of the environment but which are not outstanding, using the attributes in Schedule 3.”³³⁵

³³⁵ Page 32

348 Policy 3.2.5 is the subject of appeals by:

- Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited³³⁶
- Clutha District Council³³⁷
- Real Journeys Limited³³⁸
- Transpower New Zealand Limited³³⁹

Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited Appeal³⁴⁰

349 In its appeal, Ayrburn and Bridesdale requested that Policy 3.2.5 be amended to read:

“Policy 3.2.5 Identifying special amenity landscapes and highly valued natural features, landscapes and seascapes”

*Identify areas or values of special amenity landscape or natural features, landscapes and seascapes, which are highly valued for their contribution to the amenity or quality of the environment but which are not outstanding, using the attributes in Schedule 3.”*³⁴¹

350 The following persons gave notice of an interest in Ayrburn and Bridesdale’s appeal on Policy 3.2.5 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Dunedin City Council

Clutha District Council Appeal³⁴²

351 In its appeal, Clutha requested that Policy 3.2.5 be amended to read:

“Territorial authorities may identify natural features, landscapes and seascapes, which are highly valued for their contribution to the amenity or quality of the environment, but which are not outstanding, using the attributes in Schedule 3.”³⁴³

³³⁶ ENV-2016-CHC-108

³³⁷ ENV-2016-CHC-105

³³⁸ ENV-2016-CHC-109

³³⁹ ENV-2016-CHC-113

³⁴⁰ ENV-2016-CHC-108

³⁴¹ Paragraph 9(f), page 3, Amended Notice of Appeal dated 10 February 2017

³⁴² ENV-2016-CHC-105

³⁴³ Paragraph 26, page 4, Notice of Appeal

352 The following persons gave notice of an interest in Clutha's appeal on Policy 3.2.5 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Dunedin City Council

353 Royal Forest and Bird Protection Society of New Zealand gave notice, but withdrew on 10 February 2017.

Real Journeys Limited Appeal³⁴⁴

354 In its appeal, Real Journeys requested the same amendment to Policy 3.2.5 as Ayrburn and Bridesdale.³⁴⁵

355 The following persons gave notice of an interest in Real Journeys' appeal on Policy 3.2.5 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group

Transpower New Zealand Appeal³⁴⁶

356 In its appeal, Transpower requested that Policy 3.2.5 be deleted.³⁴⁷

357 The following persons gave notice of an interest in Transpower's appeal on Policy 3.2.5 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Oceana Gold New Zealand Limited

³⁴⁴ ENV-2016-CHC-109

³⁴⁵ Paragraph 15(f), page 12, Amended Notice of Appeal dated 10 February 2017

³⁴⁶ ENV-2016-CHC-113

³⁴⁷ Paragraph 21, page 7, Notice of Appeal

358 No party now seeks any change to Policy 3.2.5.

Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes

359 In the decisions version of the PORPS, Policy 3.2.6 reads:

"Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes

Protect or enhance highly valued natural features, landscapes and seascapes by all of the following:

- a) *Avoiding significant adverse effects on those values which contribute to the high value of the natural feature, landscape or seascape;*
- b) *Avoiding, remedying or mitigating other adverse effects;*
- c) *Recognising and providing for positive contributions of existing introduced species to those values;*
- d) *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
- e) *Encouraging enhancement of those values which contribute to the high value of the natural feature, landscape or seascape.*"³⁴⁸

360 Policy 3.2.6 is the subject of appeals by:

- Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited³⁴⁹
- Clutha District Council³⁵⁰
- Darby Planning LP³⁵¹
- Dunedin City Council³⁵²
- Henley Downs Land Holdings Limited³⁵³
- Oceana Gold New Zealand Limited³⁵⁴
- Real Journeys Limited³⁵⁵
- Transpower New Zealand Limited³⁵⁶
- Trustpower Limited³⁵⁷
- Wise Response Incorporated³⁵⁸

³⁴⁸ Page 32

³⁴⁹ ENV-2016-CHC-108

³⁵⁰ ENV-2016-CHC-105

³⁵¹ ENV-2016-CHC-110

³⁵² ENV-2016-CHC-084

³⁵³ ENV-2016-CHC-111

³⁵⁴ ENV-2016-CHC-103

³⁵⁵ ENV-2016-CHC-109

³⁵⁶ ENV-2016-CHC-113

³⁵⁷ ENV-2016-CHC-082

³⁵⁸ ENV-2016-CHC-106

Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited Appeal³⁵⁹

361 In its appeal, Ayrburn and Bridesdale requested that Policy 3.2.6 be amended to read:

"Policy 3.2.6 Managing special amenity landscapes and highly valued natural features, ~~landscapes and seascapes~~

~~Protect or enhance~~ Manage special amenity landscapes and highly valued natural features, ~~landscapes and seascapes~~ by all of the following:

- a) Avoiding, remedying, or mitigating significant adverse effects on those values which contribute to the high value of special amenity of the landscape or high values of the natural feature, ~~landscape or seascape; and~~
- ~~b) Avoiding, remedying or mitigating other adverse effects;~~
- b) e) Recognising and providing for positive contributions of existing introduced species to those values; and
- c) d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and
- d) e) Encouraging enhancement of those values; ~~which contribute to the high value of the natural feature, landscape or seascape. and~~
- e) Recognising and providing for the use of such resources including places where productive activities, tourism, recreation, infrastructure, education facilities, homes and work places are located;
- f) Allowing values to be modified over time as communities and economies change

~~Delete Schedule 3~~³⁶⁰

362 The following persons gave notice of an interest in Ayrburn and Bridesdale's appeal on Policy 3.2.6 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council

Clutha District Council Appeal³⁶¹

363 In its appeal, Clutha requested that Policy 3.2.6 be amended to read:

³⁵⁹ ENV-2016-CHC-108

³⁶⁰ Paragraph 9(f), pages 3 and 4, Amended Notice of Appeal dated 10 February 2017

³⁶¹ ENV-2016-CHC-105

~~“Highly valued natural features, landscapes and seascapes identified are maintained or enhanced including by ... Protect or enhance highly valued natural features, landscapes and seascapes by all of the following”³⁶²~~

364 The following persons gave notice of an interest in Clutha's appeal on Policy 3.2.6 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Oceana Gold New Zealand Limited
- Dunedin City Council

365 Royal Forest and Bird Protection Society of New Zealand Incorporated gave notice, but withdrew on 10 February 2017

Darby Planning LP Appeal³⁶³

366 In its appeal, Darby requested Policy 3.2.6 be amended to read:

“Policy 3.2.6 Managing special amenity landscapes and highly valued natural features, landscapes and seascapes

~~Protect or enhance~~ Manage special amenity landscapes and highly valued natural features, landscapes and seascapes by all of the following:

- a) ~~Avoiding, remedying, or mitigating significant adverse effects on those values which contribute to the high value of special amenity of the landscape or high values of the natural feature, landscape or seascape; and~~
- b) ~~Avoiding, remedying or mitigating other adverse effects;~~
- b) ~~e) Recognising and providing for positive contributions of existing introduced species to those values; and~~
- c) ~~d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and~~
- d) ~~e) Encouraging enhancement of those values; which contribute to the high value of the natural feature, landscape or seascape. and~~
- e) Recognising and providing for the use of such resources including places where productive activities, tourism, recreation, infrastructure, education facilities, homes and work places are located;
- f) Allowing values to be modified over time as communities and economies change

Schedule 3

~~Delete Schedule 3~~³⁶⁴

³⁶² Paragraph 27, page 4, Notice of Appeal

³⁶³ ENV-2016-CHC-110

³⁶⁴ Paragraph 10(e), pages 7 and 8, Amended Notice of Appeal dated 10 February 2017

367 The following persons gave notice of an interest in Darby's appeal on Policy 3.2.6 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council

Dunedin City Council Appeal³⁶⁵

368 In its appeal, DCC requested that Policy 3.2.6 be amended to read:

“Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes

Protect or enhance highly valued natural features, landscapes and seascapes by all of the following:

- a) *Appropriately managing activities that may have Avoiding significant adverse effects on those values which contribute to the high value of the natural feature, landscape or seascape,”*³⁶⁶

369 DCC also requested that paragraphs c) and d) of Policy 3.2.6 be deleted.³⁶⁷

370 The following persons gave notice of an interest in DCC's appeal on Policy 3.2.6 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Minister of Energy and Resources
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Alliance Group Limited
- Director-General of Conservation
- Transpower New Zealand Limited
- Horticulture New Zealand

³⁶⁵ ENV-2016-CHC-084

³⁶⁶ Appeal point 3, page 9, Notice of Appeal

³⁶⁷ Appeal point 14, pages 19 and 20, Notice of Appeal

Henley Downs Land Holdings Limited Appeal³⁶⁸

371 In its appeal, Henley requested the same amendments to Policy 3.2.6 as Ayrburn and Bridesdale.³⁶⁹

372 The following persons gave notice of an interest in Henley's appeal on Policy 3.2.6 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council

Oceana Gold New Zealand Limited Appeal³⁷⁰

373 In its appeal, OGL requested that Policy 3.2.6 be deleted.³⁷¹

374 The following persons gave notice of an interest in OGL's appeal on Policy 3.2.6 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Transpower New Zealand Limited
- Minister of Energy and Resources

Real Journeys Limited Appeal³⁷²

375 In its appeal, Real Journeys requested the same amendments to Policy 3.2.6 as Ayrburn and Bridesdale, and Henley.³⁷³

376 The following persons gave notice of an interest in Real Journeys' appeal on Policy 3.2.6 under Section 274 of the Act:

³⁶⁸ ENV-2016-CHC-111

³⁶⁹ Paragraph 12(f), page 11, Notice of Appeal

³⁷⁰ ENV-2016-CHC-103

³⁷¹ Paragraph 10(a)(xi), page 14, Notice of Appeal

³⁷² ENV-2016-CHC-109

³⁷³ Paragraph 15(f), pages 12 and 13, Amended Notice of Appeal dated 10 February 2017

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council

Transpower New Zealand Limited Appeal³⁷⁴

377 In its appeal, Transpower requested that Policy 3.2.6 be deleted.³⁷⁵

378 The following persons gave notice of an interest in Transpower's appeal on Policy 3.2.6 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Horticulture New Zealand

Trustpower Limited Appeal³⁷⁶

379 In its appeal, Trustpower requested that Policy 3.2.6 be amended to read:

"Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes to read:

~~Protect or Maintain and, where appropriate, enhance highly valued natural features, landscapes and seascapes by all of the following:~~

~~a) Avoiding significant adverse effects on those values which contribute to the high value of the natural feature, landscape or seascape;~~

~~ba) Avoiding, remedying or mitigating other adverse effects;~~

...

*c) Recognising and providing for existing infrastructure within the highly valued natural features, landscapes and seascapes ...*³⁷⁷

380 The following persons gave notice of an interest in Trustpower's appeal on Policy 3.2.6 under Section 274 of the Act:

³⁷⁴ ENV-2016-CHC-113

³⁷⁵ Paragraph 21, page 7, Notice of Appeal

³⁷⁶ ENV-2016-CHC-082

³⁷⁷ Paragraph 11.3(b), pages 6 and 7, Notice of Appeal

- Federated Farmers of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Alliance Group Limited
- Environmental Defence Society Incorporated
- Contact Energy Limited
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Transpower New Zealand Limited

Wise Response Incorporated Appeal³⁷⁸

381 In its appeal, Wise Response requested that Policy 3.2.6 be amended to read:

Policy 3.2.6 “Protect or enhance highly valued natural features, landscapes and seascapes by all of the following:

- a. Avoiding activities that have significant adverse effects or have a high risk of causing significant adverse effects on those values which contribute to the high value of the natural feature, landscape or seascape;
- b. ~~Avoiding, remedying~~ Remedying or mitigating other adverse effects caused by activities which cannot be avoided;
- c. Recognising and providing for positive contributions of existing introduced species to those values based on attributes defined in Schedule 3;
- d. Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;
- e. Encouraging enhancement of those values which contribute to the high value of the natural feature, landscape or seascape based on attributes defined in Schedule 3.³⁷⁹

382 The following persons gave notice of an interest in Wise Response’s appeal on Policy 3.2.6 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited

³⁷⁸ ENV-2016-CHC-106

³⁷⁹ Paragraph 7.18, page 6, Notice of Appeal

- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Alliance Group Limited
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Central Otago Environmental Society Incorporated

383 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

Resolution

384 It is proposed that Policy 3.2.6 be amended to read:

“Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes

~~Protect~~ Maintain or enhance highly valued natural features, landscapes and seascapes by all of the following:

- a) Avoiding significant adverse effects on those values ~~which~~ that contribute to the high value of the natural feature, landscape or seascape ;*
- b) Avoiding, remedying or mitigating other adverse effects ;*
- ~~c) Recognising and providing for positive contributions of existing introduced species to those values;~~*
- ~~d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;~~*
- ce) Encouraging enhancement of those values ~~which~~ that contribute to the high value of the natural feature, landscape or seascape.”*

385 The word “*maintain*” is substituted for “*protect*” in the opening line as requested in the Trustpower appeal.

386 There are editorial changes in paragraphs a) and e).

387 Paragraphs c) and d) are deleted in response to the DCC appeal.

388 The parties consider the amendments are within the jurisdiction of the Court, are consistent with the relevant provisions of the Act and the NZCPS, and help achieve Objective 3.2 (as amended).

Policy 3.2.7 Landward extent of the coastal environment

389 In the decisions version of the PORPS, Policy 3.2.7 reads:

"Policy 3.2.7 Landward extent of the coastal environment

Identify the landward extent of the coastal environment, recognising that the coastal environment consists of one or more of the following:

- a) *The coastal marine area;*
- b) *Islands within the coastal marine area;*
- c) *Areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;*
- d) *Areas at risk from coastal hazards;*
- e) *Coastal vegetation and the habitat of indigenous coastal species including migratory birds;*
- f) *Elements and features that contribute to the natural character, landscape, visual qualities or amenity values;*
- g) *Items of cultural and historic heritage in the coastal marine area or on the coast;*
- h) *Inter-related coastal marine and terrestrial systems, including the intertidal zone; and*
- i) *Physical resources and built facilities, including infrastructure, that have modified the coastal environment.*³⁸⁰

390 Policy 3.2.7 is the subject of an appeal by DCC.

Dunedin City Council Appeal³⁸¹

391 In its appeal DCC requested that Policy 3.2.7 be amended to read:

"Policy 3.2.7 Landward extent of the coastal environment

*Identify the landward extent of the coastal environment, recognising that the coastal environment may include ~~consists of one or more of the following.~~*³⁸²

392 The following persons gave notice of an interest in DCC's appeal on Policy 3.2.7 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Transpower New Zealand Limited
- Director-General of Conservation

³⁸⁰ Page 33

³⁸¹ ENV-2016-CHC-084

³⁸² Appeal point 19, page 24, Notice of Appeal

Resolution

393 It is proposed that Policy 3.2.7 be amended to read:

“Policy 3.2.7 Landward extent of the coastal environment

Identify the landward extent of the coastal environment, recognising that the coastal environment ~~consists of one or more of the following~~ includes:

- a) The coastal marine area;*
- b) Islands within the coastal marine area;*
- c) Areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;*
- d) Areas at risk from coastal hazards;*
- e) Coastal vegetation and the habitat of indigenous coastal species including migratory birds;*
- f) Elements and features that contribute to the natural character, landscape, visual qualities or amenity values;*
- g) Items of cultural and historic heritage in the coastal marine area or on the coast;*
- h) Inter-related coastal marine and terrestrial systems, including the intertidal zone; and*
- i) Physical resources and built facilities, including infrastructure, that have modified the coastal environment.”*

394 The amendment responds in part to the DCC appeal.

395 The parties consider that the amendments are within the jurisdiction of the Court, gives effect to the relevant provisions of the Act and the NZCPS, and helps achieve Objective 3.2 (as amended).

Policy 3.2.8 Identifying high and outstanding natural character in the coastal environment

396 In the decisions version of the PORPS, Policy 3.2.8 reads:

“Policy 3.2.8 Identifying high and outstanding natural character in the coastal environment

Identify areas and values of high and outstanding natural character in the coastal environment, where one or more of the following attributes are met:

- a) Natural elements, processes and patterns;*
- b) Biophysical, ecological, geological and geomorphological aspects;*
- c) Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, estuaries, reefs, freshwater springs and surf breaks;*
- d) The natural movement of water and sediment;*
- e) The natural darkness of the night sky;*
- f) Places or areas that are wild or scenic;*
- g) A range of natural character from pristine to modified;*

- h) *Experiential attributes, including the sounds and smell of the sea; and their context or setting.*³⁸³

397 Policy 3.2.8 is the subject of an appeal by the DCC.

Dunedin City Council Appeal³⁸⁴

398 In its appeal, DCC requested that Policy 3.2.8 be amended to read:

“Policy 3.2.8 Identifying high and outstanding natural character in the coastal environment

Identify areas and values of high and outstanding natural character in the coastal environment, ~~where one or more of the following attributes are met:~~ using the following attributes:”³⁸⁵

399 The following persons gave notice of an interest in DCC’s appeal on Policy 3.2.8 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Alliance Group Limited
- Transpower New Zealand Limited
- Director-General of Conservation

Resolution

400 It is proposed to amend Policy 3.2.8 to read:

“Policy 3.2.8 Identifying high and outstanding natural character in the coastal environment

Identify areas and values of high and outstanding natural character in the coastal environment, ~~where one or more of the following attributes are met~~ which may include matters such as:

- a) *Natural elements, processes and patterns;*
- b) *Biophysical, ecological, geological and geomorphological aspects;*
- c) *Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, estuaries, reefs, freshwater springs and surf breaks;*
- d) *The natural movement of water and sediment;*
- e) *The natural darkness of the night sky;*
- f) *Places or areas that are wild or scenic;*
- g) *A range of natural character from pristine to modified;*

³⁸³ Pages 33 and 34

³⁸⁴ ENV-2016-CHC-084

³⁸⁵ Appeal point 10, page 17, Notice of Appeal

- h) *Experiential attributes, including the sounds and smell of the sea; and their context or setting.*"

401 The amendment responds in part to the DCC appeal.

402 The parties consider that the amendment is within the jurisdiction of the Court, is consistent with and gives effect to the relevant provisions of the Act and the NZCPS, and helps achieve Objective 3.2 (as amended).

Policy 3.2.9 Managing the outstanding natural character of the coastal environment

403 In the decisions version of the PORPS, Policy 3.2.9 read:

"Policy 3.2.9 Managing the outstanding natural character of the coastal environment

Preserve or enhance the outstanding natural character of the coastal environment, by all of the following:

- a) *Avoiding adverse effects on those values which contribute to the outstanding natural character of an area;*
- b) *Avoiding, remedying or mitigating other adverse effects;*
- c) *Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment;*
- d) *Encouraging enhancement of those values which contribute to the outstanding natural character of an area;*
- e) *Controlling the adverse effects of pest species, prevent their introduction and reduce their spread.*"³⁸⁶

404 Policy 3.2.9 is the subject of appeals by:

- Dunedin City Council³⁸⁷
- Transpower New Zealand Limited³⁸⁸
- Trustpower Limited³⁸⁹
- Wise Response Incorporated³⁹⁰

Dunedin City Council Appeal³⁹¹

405 In its appeal, DCC requested Policy 3.2.9 be amended to read:

"Policy 3.2.9 Managing the outstanding natural character of the coastal environment

Preserve or enhance the outstanding natural character of the coastal environment, by all of the following:

³⁸⁶ Page 34

³⁸⁷ ENV-2016-CHC-084

³⁸⁸ ENV-2016-CHC-113

³⁸⁹ ENV-2016-CHC-082

³⁹⁰ ENV-2016-CHC-106

³⁹¹ ENV-2016-CHC-084

- a) *Appropriately managing activities that may have Avoiding adverse effects on those values which contribute to the outstanding natural character of an area;*³⁹²

406 In addition, the DCC requested that paragraph c) of Policy 3.2.9 be deleted.³⁹³

407 The following persons gave notice of an interest in DCC's appeal on Policy 3.2.9 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Alliance Group Limited
- Transpower New Zealand Limited

Transpower New Zealand Limited Appeal³⁹⁴

408 In its appeal, Transpower requested that Policy 3.2.9 be amended to read:

"Preserve or enhance the outstanding natural character of the coastal environment, by all of the following:

- (a) *Avoiding or where this is not practicable, remedying or mitigating adverse effects on those values which contribute to the outstanding natural character of an area;*
- (b) ~~*Avoiding, remedying or mitigating other adverse effects;*~~³⁹⁵

409 The following persons gave notice of an interest in Transpower's appeal on Policy 3.2.9 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council
- Director-General of Conservation

³⁹² Appeal point 1, pages 4 and 5, Notice of Appeal

³⁹³ Appeal point 20, pages 24 and 25, Notice of Appeal

³⁹⁴ ENV-2016-CHC-113

³⁹⁵ Paragraph 17, page 5, Notice of Appeal

Trustpower Limited Appeal³⁹⁶

410 In its appeal, Trustpower requested that Policy 3.2.9 be amended by adding:

“x) In the case of nationally and regionally significant infrastructure, managing their adverse effects in accordance with Policy 4.3.3”³⁹⁷

411 The following persons gave notice of an interest in Trustpower’s appeal on Policy 3.2.9 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Environmental Defence Society Incorporated
- Transpower New Zealand Limited

Wise Response Incorporated Appeal³⁹⁸

412 In its appeal, Wise Response requested that Policy 3.2.9 be amended to read:

“Preserve or enhance the outstanding natural character of the coastal environment, by all of the following:

- a. *Avoiding activities that have or are likely to have adverse effects on those values which contribute to the outstanding natural character of an area;*
- b. *Avoiding, ~~remedying~~ Remedying or mitigating other adverse effects caused by activities that cannot be avoided.”*³⁹⁹

413 The following persons gave notice of an interest in Wise Response’s appeal on Policy 3.2.9 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council
- Alliance Group Limited
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Central Otago Environmental Society Incorporated

³⁹⁶ ENV-2016-CHC-082

³⁹⁷ Paragraph 12.3(b), page 8, Notice of Appeal

³⁹⁸ ENV-2016-CHC-106

³⁹⁹ Paragraph 7.19, page 6, Notice of Appeal

414 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

Resolution

415 It is proposed that Policy 3.2.9 be amended to read:

"Policy 3.2.9 Managing the outstanding natural character of the coastal environment

Preserve or enhance the outstanding natural character of the coastal environment, by all of the following:

- a) *Avoiding adverse effects on those values ~~which~~ that contribute to the outstanding natural character of an area;*
- b) *Avoiding, remedying or mitigating other adverse effects;*
- c) *Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment;*
- d) *Encouraging enhancement of those values ~~which~~ that contribute to the outstanding natural character of an area;*
- e) *Controlling the adverse effects of pest species, prevent their introduction and reduce their spread."*

416 The only changes are editorial for consistency throughout the document.

417 No party pursues any other changes.

418 The parties consider that the changes are minor corrections and are within the jurisdiction of Court.

Policy 3.2.10 Managing the high natural character of the coastal environment

419 In the decisions version of the PORPS, Policy 3.2.10 reads:

"Policy 3.2.10 Managing the high natural character of the coastal environment

Preserve or enhance the high natural character of the coastal environment, by all of the following:

- a) *Avoiding significant adverse effects on those values which contribute to the high natural character of an area;*
- b) *Avoiding, remedying or mitigating other adverse effects;*
- c) *Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment;*
- d) *Encouraging enhancement of those values which contribute to the high natural character of an area;*
- e) *Controlling the adverse effects of pest species, prevent their introduction and reduce their spread."*⁴⁰⁰

⁴⁰⁰ Page 35

420 Policy 3.2.10 is the subject of appeals by:

- Dunedin City Council⁴⁰¹
- Transpower New Zealand Limited⁴⁰²
- Wise Response Incorporated⁴⁰³

Dunedin City Council Appeal⁴⁰⁴

421 In its appeal, DCC requested that Policy 3.2.10 be amended to read:

“Policy 3.2.10 Managing the high natural character of the coastal environment

Preserve or enhance the high natural character of the coastal environment, by all of the following:

- a) *Appropriately managing activities that may have Avoiding significant adverse effects on those values which contribute to the high natural character of an area;*⁴⁰⁵

422 In addition, DCC requested that paragraph c) of Policy 3.2.10 be deleted.⁴⁰⁶

423 The following persons gave notice of an interest in DCC’s appeal on Policy 3.2.10 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Minister of Energy and Resources
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Director-General of Conservation
- Transpower New Zealand Limited
- Alliance Group Limited

Transpower New Zealand Limited Appeal⁴⁰⁷

424 In its appeal, Transpower requested that Policy 3.2.10 be amended to read:

“Preserve or enhance the high natural character of coastal environment, by all of the following:

⁴⁰¹ ENV-2016-CHC-084

⁴⁰² ENV-2016-CHC-113

⁴⁰³ ENV-2016-CHC-106

⁴⁰⁴ ENV-2016-CHC-084

⁴⁰⁵ Appeal point 3, pages 9 and 10, Notice of Appeal

⁴⁰⁶ Appeal point 21, page 25, Notice of Appeal

⁴⁰⁷ ENV-2016-CHC-113

- (a) *Avoiding, or where this is not practicable, remedying or mitigating significant adverse effects on those values which contribute to the high natural character of an area;*
- (b) ~~*Avoiding, remedying or mitigating other adverse effects;*~~⁴⁰⁸

425 The following persons gave notice of an interest in Transpower's appeal on Policy 3.2.10 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council
- Director-General of Conservation

Wise Response Incorporated Appeal⁴⁰⁹

426 In its appeal, Wise Response requested that Policy 3.2.10 be amended to read:

Preserve or enhance the high natural character of the coastal environment, by all of the following:

- a. *Avoiding activities that cause or are likely to cause significant adverse effects on those values which contribute to the high natural character of an area;*
- b. *Remedying or mitigating other adverse effects caused by activities that cannot be avoided;*⁴¹⁰

427 The following persons gave notice of an interest in Wise Response's appeal on Policy 3.2.10 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council
- Alliance Group Limited
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Central Otago Environmental Society Incorporated

⁴⁰⁸ Paragraph 17, page 5, Notice of Appeal

⁴⁰⁹ ENV-2016-CHC-106

⁴¹⁰ Paragraph 7.20, page 6, Notice of Appeal

428 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

Resolution

429 It is proposed that Policy 3.2.10 is amended to read:

“Policy 3.2.10 Managing the high natural character of the coastal environment

Preserve or enhance the high natural character of the coastal environment, by all of the following:

- a) *Avoiding significant adverse effects on those values ~~which~~ that contribute to the high natural character of an area;*
- b) *Avoiding, remedying or mitigating other adverse effects;*
- c) *Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment;*
- d) *Encouraging enhancement of those values ~~which~~ that contribute to the high natural character of an area;*
- e) *Controlling the adverse effects of pest species, prevent their introduction and reduce their spread.”*

430 The only changes are editorial for consistency throughout the document.

431 No party pursues any other changes.

432 The parties consider that the changes are minor corrections and are within the jurisdiction of Court.

Policy 3.2.11 Identifying surf breaks of national importance

433 There are no appeals on this policy.

Policy 3.2.12 Managing surf breaks of national importance

434 In the decision version of the PORPS, Policy 3.2.12 reads:

“Policy 3.2.12 Managing surf breaks of national importance

Protect surf breaks of national importance, by all of the following:

- a) *Avoiding adverse effects on the natural and physical processes contributing to their existence;*
- b) *Avoiding adverse effects of other activities on access to, and use and enjoyment of, those surf breaks.”*⁴¹¹

435 Policy 3.2.12 is the subject of an appeal by Wise Response Incorporated.

⁴¹¹ Page 36

Wise Response Incorporated Appeal⁴¹²

436 In its appeal, Wise Response requested that Policy 3.2.12 be amended to read:

“Protect surf breaks of national importance, by all of the following:

- a) Avoiding activities that cause or are likely to cause adverse effects on the natural and physical processes contributing to their existence;*
- b) Avoiding activities that cause or are likely to cause adverse effects to access, use or enjoyment of those surf breaks. ~~of other activities on access to, and use and enjoyment of, those surf breaks~~⁴¹³*

437 The following persons gave notice of an interest in Wise Response’s appeal on Policy 3.2.12 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Otago Environmental Society Incorporated

438 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

439 No party now seeks any change to this policy.

Policy 3.2.13 Identifying outstanding freshwater bodies

440 In the decisions version of the PORPS, Policy 3.2.13 reads:

“Policy 3.2.13 Identifying outstanding freshwater bodies

Identify freshwater bodies where any one or more of the following values are outstanding:

- a) Naturalness;*
- b) Amenity or landscape values;*
- c) Kāi Tahu cultural values;*
- d) Recreational values;*
- e) Ecological values;*
- f) Hydrological values.”*⁴¹⁴

⁴¹² ENV-2016-CHC-106

⁴¹³ Paragraph 7.21, page 7, Notice of Appeal

⁴¹⁴ Page 36

441 There are no appeals directly on Policy 3.2.13.

442 However, a consequential change is proposed to this policy so that it reads:

“Policy 3.2.13 Identifying outstanding freshwater bodies

Identify freshwater bodies where any one or more of the following significant values are outstanding:

- a) Naturalness ;*
- b) Amenity or landscape values;*
- c) Kāi Tahu cultural values;*
- d) Recreational values;*
- e) Ecological values;*
- f) Hydrological values.”*

443 The change is consequential on the amendments proposed to Policy 3.2.14 which deals with managing outstanding freshwater bodies.

444 The introduction of “significant” also achieves consistency with and gives effect to Objectives A2⁴¹⁵ and B4⁴¹⁶ of the NPSFWM.

445 The parties consider the change is within the jurisdiction of the Court, is consistent with and gives effect to the relevant parts of the Act and the NPSFWM, and helps achieve Objective 3.2 (as amended).

Policy 3.2.14 Managing outstanding freshwater bodies

446 In the decisions version of the PORPS, Policy 3.2.14 reads:

“Policy 3.2.14 Managing outstanding freshwater bodies

Protect outstanding freshwater bodies by all of the following:

- a) Avoiding significant adverse effects on those values which contribute to the water body being outstanding;*
- b) Avoiding, remedying or mitigating other adverse effects on the water body ;*
- c) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
- d) Encouraging enhancement of those values which contribute to the water body being outstanding”⁴¹⁷*

⁴¹⁵ The overall quality of fresh water within a freshwater management unit is maintained or improved while:

- a) protecting the significant values of outstanding freshwater bodies;
- b) protecting the significant values of wetlands; and
- c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.

⁴¹⁶ To protect significant values of wetlands and of outstanding freshwater bodies.

⁴¹⁷ Page 36

447 Policy 3.2.14 is the subject of appeals by:

- Darby Planning LP⁴¹⁸
- Dunedin City Council⁴¹⁹
- Environmental Defence Society Incorporated⁴²⁰
- Henley Downs Land Holdings Limited⁴²¹
- Oceana Gold New Zealand Limited⁴²²
- Real Journeys Limited⁴²³
- Transpower New Zealand Limited⁴²⁴
- Wise Response Incorporated⁴²⁵

Darby Planning LP Appeal⁴²⁶

448 In its appeal, Darby requested Policy 3.2.14 be amended to read:

- “Policy 3.2.14 Managing outstanding freshwater bodies and wetlands**
Manage subdivision, use, and development that affects the values of
Protect outstanding fresh water bodies and wetlands by all of the following:
- Avoiding significant adverse effects from inappropriate subdivision, use, and development, including cumulative effects, on those values which contribute to the water body or wetland being outstanding; and**
 - Avoiding, remedying or mitigating other adverse effects on the water body or wetland's values; and**
 - Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and**
 - Encouraging enhancement of these values which contribute to the water body being outstanding water bodies and wetlands.”**⁴²⁷

449 The following persons gave notice of an interest in Darby's appeal on Policy 3.2.14 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council

⁴¹⁸ ENV-2016-CHC-110

⁴¹⁹ ENV-2016-CHC-084

⁴²⁰ ENV-2016-CHC-122

⁴²¹ ENV-2016-CHC-111

⁴²² ENV-2016-CHC-103

⁴²³ ENV-2016-CHC-109

⁴²⁴ ENV-2016-CHC-113

⁴²⁵ ENV-2016-CHC-106

⁴²⁶ ENV-2016-CHC-110

⁴²⁷ Paragraph 8(c), pages 3 and 4, Amended Notice of Appeal dated 10 February 2017

Dunedin City Council Appeal⁴²⁸

450 In its appeal, DCC requested Policy 3.2.14 be amended to read:

“Policy 3.2.14 Managing outstanding freshwater bodies

Protect outstanding freshwater bodies by all of the following:

- a) Appropriately managing activities that may have Avoiding significant adverse effects on those values which contribute to the water body being outstanding;”*⁴²⁹

451 The following persons gave notice of an interest in DCC’s appeal on Policy 3.2.14 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Minister of Energy and Resources
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Oceana Gold New Zealand Limited
- Director-General of Conservation
- Transpower New Zealand Limited
- Alliance Group Limited

Environmental Defence Society Incorporated Appeal⁴³⁰

452 In its appeal, EDS requested Policy 3.2.14 be amended by deleting “*significant*” before “*adverse effects*”.⁴³¹

453 In support of this amendment, EDS stated:

*“Policies 3.2.14 and 3.2.16 provide for management of outstanding fresh water bodies and the significant values of wetlands. Both policies require the avoidance of significant adverse effects on the outstanding/significant values of those areas. The NPSFM requires that outstanding fresh water bodies and wetlands are protected, and s6(a) RMA that natural character is preserved. The PRPS requires avoidance of all adverse effects on outstanding/significant values in the other areas subject to a protection/preservation directive either in the s6 RMA or national policy instruments. There is no reason to treat outstanding fresh water bodies or wetlands differently. The same standard of protection should apply.”*⁴³²

⁴²⁸ ENV-2016-CHC-084

⁴²⁹ Appeal point 3, page 10, Notice of Appeal

⁴³⁰ ENV-2016-CHC-122

⁴³¹ Paragraph 16(g), page 7, Notice of Appeal

⁴³² Paragraph 15, pages 5 and 6, Notice of Appeal

454 The following persons gave notice of an interest in EDS's appeal on Policy 3.2.14 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Transpower New Zealand Limited
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Queenstown Lakes District Council

Henley Downs Land Holdings Limited Appeal⁴³³

455 In its appeal, Henley requested the same amendments to Policy 3.2.14 as Darby.⁴³⁴

456 The following persons gave notice of an interest in Henley's appeal on Policy 3.2.14 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Alliance Group Limited

Oceana Gold New Zealand Limited Appeal⁴³⁵

457 In its appeal, OGL requested Policy 3.2.14(a) be amended to read:

"a) Avoiding, remedying, or mitigating significant..."⁴³⁶

458 The following parties gave notice of an interest in OGL's appeal on Policy 3.2.14 under Section 274 of the Act:

⁴³³ ENV-2016-CHC-111

⁴³⁴ Paragraph 10(e), page 6, Notice of Appeal

⁴³⁵ ENV-2016-CHC-103

⁴³⁶ Paragraph 10(a)(xii), page 14, Notice of Appeal

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Minister of Energy and Resources
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Transpower New Zealand Limited

Real Journeys Limited Appeal⁴³⁷

459 In its appeal, Real Journeys requested the same amendments to Policy 3.2.14 as Darby and Henley.⁴³⁸

460 The following persons gave notice of an interest in Real Journeys' appeal on Policy 3.2.14 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Alliance Group Limited
- Dunedin City Council

Transpower New Zealand Limited Appeal⁴³⁹

461 In its appeal, Transpower requested Policy 3.2.14 be amended to read:

"Protect outstanding freshwater bodies by all of the following:

(a) Avoiding, or where this is not practicable, remedying or mitigating significant adverse effects on those values which contribute to the water body being outstanding;

~~(b) Avoiding, remedying or mitigating other adverse effects on the water body;~~⁴⁴⁰

462 The following persons gave notice of an interest in Transpower's appeal on Policy 3.2.14 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Horticulture New Zealand

⁴³⁷ ENV-2016-CHC-109

⁴³⁸ Paragraph 13(e), page 7, Amended Notice of Appeal dated 10 February 2017

⁴³⁹ ENV-2016-CHC-113

⁴⁴⁰ Paragraph 17, page 6, Notice of Appeal

- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Director-General of Conservation

Wise Response Incorporated Appeal⁴⁴¹

463 In its appeal, Wise Response requested Policy 3.2.14 be amended to read:

“Protect outstanding freshwater bodies by all of the following:

- a. *Avoiding activities that cause or are likely to cause significant adverse effects on those values which contribute to the water body being outstanding;*
- b. *~~Avoiding, remedying~~ Remedying or mitigating other adverse effects on the water body caused by activities which cannot be avoided.”⁴⁴²*

464 The following persons gave notice of an interest in Wise Response’s appeal on Policy 3.2.14 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Alliance Group Limited
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Central Otago Environmental Society Incorporated

465 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

⁴⁴¹ ENV-2016-CHC-106

⁴⁴² Paragraph 7.22, page 7, Notice of Appeal

Resolution

466 It is proposed that Policy 3.2.14 be amended to read:

"Policy 3.2.14 Managing outstanding freshwater bodies

Protect outstanding freshwater bodies by all of the following:

- a) *Avoiding ~~Maintaining the values that significant adverse effects on those values which contribute to the water body being outstanding;~~*
- b) *Avoiding, remedying or mitigating other adverse effects on the water body ;*
- c) *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
- d) *Encouraging enhancement of those values ~~which~~ that contribute to the water body being outstanding."*

467 The change to paragraph a) is a response to the EDS appeal. It aligns with and gives effect to Objective A2 and B4 of the NPSFWM because those objectives require maintenance of the "significant" values of "outstanding" freshwater bodies. There is a consequential change to Policy 3.2.13.⁴⁴³

468 There is an editorial change to paragraph d).

469 The parties consider the amendments are within the jurisdiction of the Court, give effect to relevant parts of the Act and the NPSFWM and help achieve Objective 3.2 (as amended).

Policy 3.2.15 Identifying the significant values of wetlands

470 In the decisions version of the PORPS, Policy 3.2.15 reads:

"Policy 3.2.15 Identifying the significant values of wetlands

Identify the significant values of wetlands, having regard to all of the following:

- a) *Degree of naturalness;*
- b) *Amenity or landscape values;*
- c) *Kāi Tahu cultural values;*
- d) *Recreational values;*
- e) *Ecological values;*
- f) *Hydrological values;*
- g) *Geomorphological features and values."⁴⁴⁴*

471 Policy 3.2.15 is the subject of an appeal by Wise Response Incorporated

⁴⁴³ See paragraphs 437 to 440 above

⁴⁴⁴ Page 37

Wise Response Incorporated Appeal⁴⁴⁵

472 In its appeal, Wise Response requested that Policy 3.2.15 be amended to read:

- e. *Ecological function and values*;
- f. *Hydrological function and values*;⁴⁴⁶

473 The following persons gave notice of an interest in Wise Response's appeal on Policy 3.2.15 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Central Otago Environmental Society Incorporated

474 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

Resolution

475 It is proposed that Policy 3.2.15 is amended to read:

"Policy 3.2.15 Identifying the significant values of wetlands

Identify the significant values of wetlands, having regard to all of the following:

- a) *Degree of naturalness;*
- b) *Amenity or landscape values;*
- c) *Kāi Tahu cultural values;*
- d) *Recreational values;*
- e) *Ecological function and values*;
- f) *Hydrological function and values*;
- g) *Geomorphological features and values.*"

476 The changes to paragraphs e) and f) requested by Wise Response are adopted.

⁴⁴⁵ ENV-2016-CHC-106

⁴⁴⁶ Paragraph 7.23, page 7, Notice of Appeal

477 The parties consider the amendments are within the jurisdiction of the Court, give effect to the relevant provisions of the Act and the NPSFWM to help achieve Objective 3.2 (as amended).

Policy 3.2.16 Managing the values of wetlands

478 In the decisions version of the PORPS, Policy 3.2.16 reads:

“Policy 3.2.16 Managing the values of wetlands

Protect the values of wetlands by all of the following:

- a) *Avoiding significant adverse effects on the significant values of the wetlands;*
- b) *Avoiding, remedying or mitigating other adverse effects;*
- c) *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
- d) *Encouraging enhancement which contribute to the values of the wetland.”⁴⁴⁷*

479 Policy 3.2.16 is the subject of appeals by:

- Dunedin City Council⁴⁴⁸
- Environmental Defence Society Incorporated⁴⁴⁹
- Wise Response Incorporated⁴⁵⁰

Dunedin City Council Appeal⁴⁵¹

480 In its appeal, DCC requested that Policy 3.2.16 be amended to read:

“Policy 3.2.16 Managing the values of wetlands

Protect the values of wetlands by all of the following:

- a) *Appropriately managing activities that may have ~~Avoiding~~ significant adverse effects on the significant values of the wetlands,”⁴⁵²*

481 The following persons gave notice of an interest in DCC's appeal on Policy 3.2.16 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Minister of Energy and Resources
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Horticulture New Zealand
- Queenstown Lakes District Council

⁴⁴⁷ Pages 37 and 38

⁴⁴⁸ ENV-2016-CHC-084

⁴⁴⁹ ENV-2016-CHC-122

⁴⁵⁰ ENV-2016-CHC-106

⁴⁵¹ ENV-2016-CHC-084

⁴⁵² Appeal point 3, pages 10 and 11

- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Director-General of Conservation
- Transpower New Zealand Limited

Environmental Defence Society Incorporated Appeal⁴⁵³

482 In its appeal, EDS requested the deletion of “*significant*” before “*adverse effects*” in paragraph a) of Policy 3.2.16.⁴⁵⁴

483 The following persons gave notice of an interest in EDS’s appeal on Policy 3.2.16 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Transpower New Zealand Limited

Wise Response Incorporated Appeal⁴⁵⁵

484 In its appeal, Wise Response requested that Policy 3.2.16 be amended to read:

Managing Protecting the function and values of all wetlands

Protect the values, function and remaining scale of wetlands by all of the following:

- Avoiding activities that cause or are likely to cause significant adverse effects on the significant values of the wetlands;*
- ~~Avoiding, remedying~~ Remedying or mitigating other adverse effects caused by activities that cannot be avoided;*
- Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
- Encouraging ~~enhancement~~ activities that enhance ~~which contribute to the values of the wetland.~~*
- Actively promote the rehabilitation of lost wetland.*⁴⁵⁶

⁴⁵³ ENV-2016-CHC-122

⁴⁵⁴ Paragraph 16(g), page 7, Notice of Appeal

⁴⁵⁵ ENV-2016-CHC-106

⁴⁵⁶ Paragraph 7.24, page 7, Notice of Appeal

485 The following persons gave notice of an interest in Wise Response's appeal on Policy 3.2.16 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Alliance Group Limited
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Central Otago Environmental Society Incorporated

486 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

Resolution

487 It is proposed to amend Policy 3.2.16 to read:

"Policy 3.2.16 Managing the values of wetlands

Protect the function and values of wetlands by all of the following:

- a) *~~Avoiding significant adverse effects on~~ Maintaining the significant values of the wetlands;*
- b) *Avoiding, remedying or mitigating other adverse effects;*
- c) *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
- d) *Encouraging enhancement ~~which~~ that ~~contributes~~ to the values of the wetland.*
- e) *Encouraging the rehabilitation of degraded wetlands."*

488 Including "*function and*" in the opening line of the policy adopts in part the Wise Response appeal.

489 The amendment to paragraph a) arises out of the EDS appeal and mirrors the response to the EDS appeal on Policy 3.2.14.⁴⁵⁷

490 The change to paragraph d) is editorial.

⁴⁵⁷ See paragraphs 462 and 463 above

491 Paragraph e) adopts, with modifications, the Wise Response appeal point.

492 The parties consider the amendments are within the jurisdiction of the Court, give effect to the relevant provisions of the Act and NPSFWM to help achieve Objective 3.2 (as amended).

Policy 3.2.17 Identifying significant soil

493 In the decisions version of the PORPS, Policy 3.2.17 reads:

“Policy 3.2.17 Identifying significant soil

Identify areas of soil that are significant according to one or more of the following criteria:

- a) *Land classified as land use capability I, II and IIIe in accordance with the New Zealand Land Resource Inventory;*
- b) *Degree of significance for primary production;*
- c) *Significance for providing contaminant buffering or filtering services;*
- d) *Significance for providing water storage or flow retention services;*
- e) *Degree of rarity.”*⁴⁵⁸

494 Policy 3.2.17 is the subject of appeals by:

- Alliance Group Limited⁴⁵⁹
- Henley Downs Land Holdings Limited⁴⁶⁰
- Horticulture New Zealand⁴⁶¹
- Real Journeys Limited⁴⁶²
- Remarkables Park Limited and Queenstown Park Limited⁴⁶³

Alliance Group Limited Appeal⁴⁶⁴

495 In its appeal, Alliance requested that Policy 3.2.17 be deleted.⁴⁶⁵

496 The following persons gave notice of an interest in Alliance’s appeal on Policy 3.2.17 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council

⁴⁵⁸ Page 38

⁴⁵⁹ ENV-2016-CHC-112

⁴⁶⁰ ENV-2016-CHC-111

⁴⁶¹ ENV-2016-CHC-114

⁴⁶² ENV-2016-CHC-109

⁴⁶³ ENV-2016-CHC-119

⁴⁶⁴ ENV-2016-CHC-112

⁴⁶⁵ Paragraph 23, page 7, Notice of Appeal

- Remarkables Park Limited and Queenstown Park Limited
- Herbert Heritage Wetlands Group
- Horticulture New Zealand
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

Henley Downs Land Holdings Limited Appeal⁴⁶⁶

497 In its appeal, Henley requested that Policy 3.2.17 be amended to read:

“Policy 3.2.17 Identifying regionally significant soil resources

Identify areas and values of regionally significant soil resources, that are significant according to one or more of using the following criteria:

- ~~a) Land classified as land use capability I, II and III in accordance with the New Zealand Land Resource Inventory;~~
- a) ~~b) Degree of significance versatility~~ for primary production; and
- b) ~~e) Significance for providing contaminant pollutant buffering or filtering services;~~
- c) ~~d) Significance for providing water storage or flow retention services;~~
- d) ~~e) Degree of rarity.~~⁴⁶⁷

498 The following persons gave notice of an interest in Henley’s appeal on Policy 3.2.17 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Dunedin City Council
- Alliance Group Limited

Horticulture New Zealand Appeal⁴⁶⁸

499 In its appeal, HortNZ requested that Policy 3.2.17 be amended by adding the words “and importance for food production” to paragraph (b).⁴⁶⁹

⁴⁶⁶ ENV-2016-CHC-111

⁴⁶⁷ Paragraph 10(e), page 6, Notice of Appeal

⁴⁶⁸ ENV-2016-CHC-114

⁴⁶⁹ Appeal point 4, page 5, Notice of Appeal

500 The following persons gave notice of an interest in HortNZ's appeal on Policy 3.2.17 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council
- Transpower New Zealand Limited
- Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited
- Herbert Heritage Wetlands Group

Real Journeys Limited Appeal⁴⁷⁰

501 In its appeal, Real Journeys requested that Policy 3.2.17 be amended to read:

"Policy 3.2.17 Identifying regionally significant soil resources

Identify areas and values of regionally significant soil resources that are significant according to one or more of using the following criteria:

- ~~a) Land classified as land use capability I, II and IIIe in accordance with the New Zealand Land Resource Inventory;~~
- a) ~~b) Degree of significance-versatility for primary production; and~~
- b) ~~e) Significance for providing ~~contaminant~~ pollutant buffering or filtering services; and~~
- c) ~~d) Significance for providing water storage or flow retention services; and~~
- d) ~~e) Degree of rarity.~~⁴⁷¹

502 The following persons gave notice of an interest in Real Journeys' appeal on Policy 3.2.17 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Alliance Group Limited

Remarkables Park Limited and Queenstown Park Limited Appeal⁴⁷²

503 In its appeal, RPL and QPL requested that Policy 3.2.17 be amended to recognise that soil should not necessarily have to be retained for primary

⁴⁷⁰ ENV-2016-CHC-109

⁴⁷¹ Paragraph 13(e), pages 7 and 8, Amended Notice of Appeal dated 10 February 2017

⁴⁷² ENV-2016-CHC-119

production and that different uses may better achieve sustainable management.⁴⁷³

504 The following persons gave notice of an interest in RPL and QPL's appeal on Policy 3.2.17 under Section 274 of the Act:

- Environmental Defence Society Incorporated
- Horticulture New Zealand
- Dunedin City Council
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Darby Planning LP
- Henley Downs Land Holdings Limited
- Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited
- Real Journeys Limited
- Queenstown Lakes District Council

Resolution

505 It is proposed to amend Policy 3.2.17 to read:

“Policy 3.2.17 Identifying significant soil

Identify areas of soil that are significant ~~according to one or more of~~, using the following criteria:

- a) Land classified as land use capability I, II and IIIe in accordance with the New Zealand Land Resource Inventory;*
- b) Degree of significance for primary production;*
- c) Significance for providing contaminant buffering or filtering services;*
- d) Significance for providing water storage or flow retention services;*
- e) Degree of rarity.”*

506 The amendment to the opening line responds in part to the Henley and Real Journeys appeals.

507 The parties consider that the amendment is within the jurisdiction of the Court, consistent with and gives effect to the relevant parts of the Act, and helps achieve Objective 3.2 (as amended).

Policy 3.2.18 Managing significant soil

508 In the decisions version of the PORPS, Policy 3.2.18 reads:

⁴⁷³ Paragraph 5.1(a)(vii), page 6, Notice of Appeal

“Policy 3.2.18 Managing significant soil

Protect areas of significant soil, by all of the following:

- a) *Avoiding significant adverse effects on those values which make the soil significant;*
- b) *Avoiding, remedying or mitigating other adverse effects;*
- c) *Recognising that urban expansion on significant soils may be appropriate due to location and proximity to existing urban development and infrastructure;*
- d) *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.”⁴⁷⁴*

509 Policy 3.2.18 is the subject of appeals by:

- Alliance Group Limited⁴⁷⁵
- Dunedin City Council⁴⁷⁶
- Henley Downs Land Holdings Limited⁴⁷⁷
- Horticulture New Zealand⁴⁷⁸
- Oceana Gold New Zealand Limited⁴⁷⁹
- Real Journeys Limited⁴⁸⁰
- Remarkables Park Limited and Queenstown Park Limited⁴⁸¹
- Wise Response Incorporated⁴⁸²

Alliance Group Limited Appeal⁴⁸³

510 In its appeal, Alliance requested that Policy 3.2.18 be deleted.⁴⁸⁴

511 The following persons gave notice of an interest in Alliance’s appeal on Policy 3.2.18 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Society of New Zealand Incorporated
- Environmental Defence Society Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Herbert Heritage Wetlands Group
- Horticulture New Zealand

⁴⁷⁴ Page 38

⁴⁷⁵ ENV-2016-CHC-112

⁴⁷⁶ ENV-2016-CHC-084

⁴⁷⁷ ENV-2016-CHC-111

⁴⁷⁸ ENV-2016-CHC-114

⁴⁷⁹ ENV-2016-CHC-103

⁴⁸⁰ ENV-2016-CHC-109

⁴⁸¹ ENV-2016-CHC-119

⁴⁸² ENV-2016-CHC-106

⁴⁸³ ENV-2016-CHC-112

⁴⁸⁴ Paragraph 23, page 7, Notice of Appeal

- Oceana Gold New Zealand Limited
- Dunedin City Council
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

Dunedin City Council Appeal⁴⁸⁵

512 In its appeal, DCC requested that paragraph c) of Policy 3.2.18 be deleted.⁴⁸⁶

513 The following persons gave notice of an interest in DCC's appeal on Policy 3.2.18 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Transpower New Zealand Limited

Henley Downs Land Holdings Limited Appeal⁴⁸⁷

514 In its appeal, Henley requested that Policy 3.2.18 be amended to read:

"Policy 3.2.18 ~~Managing highly valued regionally significant soil resources~~

Protect the values of ~~areas of highly valued~~ regionally significant soil resources, by:

- ~~Avoiding significant adverse effects from inappropriate subdivision, use, and development~~ on those values which contribute to the soil being highly valued regionally significant; and*
- ~~Avoiding, remedying or mitigating other adverse effects on values of those soils; and~~*
- ~~Assessing the significance of adverse effects on values, as detailed in Schedule 3; and~~*
- ~~Recognising that loss of regionally significant soils to urban expansion development may be appropriate near due-to-location and proximity to existing urban development, and infrastructure particularly when there is a lack of supply of land available for urban development.~~"⁴⁸⁸*

515 The following persons gave notice of an interest in Henley's appeal on Policy 3.2.18 under Section 274 of the Act:

⁴⁸⁵ ENV-2016-CHC-084

⁴⁸⁶ Appeal point 11, pages 17 and 18, Notice of Appeal

⁴⁸⁷ ENV-2016-CHC-111

⁴⁸⁸ Paragraph 10(e), pages 6 and 7, Notice of Appeal

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bid Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Alliance Group Limited

Horticulture New Zealand Appeal⁴⁸⁹

516 In its appeal, HortNZ requested that “*Protect*” be replaced with “*Manage*”⁴⁹⁰ in Policy 3.2.18.

517 HortNZ also requested an additional paragraph be added, reading:

*“Recognising that while soil may be significant it may not be able to be utilised for primary production unless other attributes required for a production system are available”*⁴⁹¹

518 The following persons gave notice of an interest in HortNZ’s appeal on Policy 3.2.18 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited
- Remarkables Park Limited and Queenstown Park Limited
- Herbert Heritage Wetlands Group
- Dunedin City Council
- Transpower New Zealand Limited

Oceana Gold New Zealand Limited⁴⁹²

519 In its appeal, OGL requested that Policy 3.2.18 be amended to read:

*“a) Avoiding, remedying, or mitigating significant...”*⁴⁹³

520 The following persons gave notice of an interest in OGL’s appeal on Policy 3.2.18 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated

⁴⁸⁹ ENV-2016-CHC-114

⁴⁹⁰ Appeal point 4, pages 5 and 6, Notice of Appeal

⁴⁹¹ Appeal point 4, pages 5 and 6, Notice of Appeal

⁴⁹² ENV-2016-CHC-103

⁴⁹³ Paragraph 10(a)(xiii), page 14, Notice of Appeal

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Minister of Energy and Resources
- Horticulture New Zealand
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Transpower New Zealand Limited

Real Journeys Limited Appeal⁴⁹⁴

521 In its appeal, Real Journeys requested that Policy 3.2.18 be amended to read:

“Policy 3.2.18 Managing regionally significant soil

Protect areas the values of regionally significant soil resources, by all of the following:

- a) Avoiding significant adverse effects from inappropriate subdivision, use, and development on those values which contribute to make the soil being regionally significant; and*
- b) Avoiding, remedying or mitigating other adverse effects on values of those soils; and*
- c) ~~Recognising that urban expansion on loss of regionally significant soils to urban development may be appropriate near existing urban development, particularly where there is a lack of supply of land available for urban development due to location and proximity to existing urban development and infrastructure;~~*
- d) ~~Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.~~”⁴⁹⁵*

522 The following persons gave notice of an interest in Real Journeys’ appeal on Policy 3.2.18 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited
- Alliance Group Limited

Remarkables Park Limited and Queenstown Park Limited Appeal⁴⁹⁶

523 In its appeal, RPL and QPL requested that Policy 3.2.18 be amended to recognise that soil should not necessarily have to be retained for primary

⁴⁹⁴ ENV-2016-CHC-109

⁴⁹⁵ Paragraph 13(e), page 8, Amended Notice of Appeal dated 10 February 2017

⁴⁹⁶ ENV-2016-CHC-119

production and that different uses may better achieve sustainable management.⁴⁹⁷

524 The following persons gave notice of an interest in RPL and QPL's appeal on Policy 3.2.18 under Section 274 of the Act:

- Minister of Energy and Resources
- Environmental Defence Society Incorporated
- Horticulture New Zealand
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Darby Planning LP
- Henley Downs Land Holdings Limited
- Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited
- Real Journeys Limited
- Queenstown Lakes District Council

Wise Response Incorporated Appeal⁴⁹⁸

525 In its appeal, Wise Response requested that Policy 3.2.18 be amended to read:

Protect areas of significant soil, by all of the following:

- a. *Avoiding activities that cause or are likely to cause significant adverse effects on those values which make the soil significant;*
- b. *Avoiding, ~~remedying~~ Remedying or mitigating other adverse effects caused by activities that cannot be avoided;*
- c. *Ensuring that all practical alternatives are considered before permitting ~~Recognising that urban expansion on significant soils; may be appropriate due to location and proximity to existing urban development and infrastructure;~~*
- d. *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.*⁴⁹⁹

526 The following persons gave notice of an interest in Wise Response's appeal on Policy 3.2.18 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Surfbreak Protection Society Incorporated
- Environmental Defence Society Incorporated

⁴⁹⁷ Paragraph 5.1(a)(vii), page 6, Notice of Appeal

⁴⁹⁸ ENV-2016-CHC-106

⁴⁹⁹ Paragraph 7.25, page 8, Notice of Appeal

- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited
- Horticulture New Zealand
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Alliance Group Limited
- Transpower New Zealand Limited
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Central Otago Environmental Society Incorporated

527 Waitaki Irrigators Collective Limited gave notice, but withdrew on 9 August 2017.

Resolution

528 It is proposed that Policy 3.2.18 be amended to read:

“Policy 3.2.18 Managing significant soil

Protect ~~Manage~~ areas of significant soil , by all of the following:

a) ~~Maintaining those values which make the soil significant;~~

a) ~~Avoiding significant adverse effects on those values which make the soil significant;~~

b) ~~Avoiding, remedying or mitigating other adverse effects;~~

b)e) ~~Recognising that loss of significant soil to urban development urban expansion on significant soils may occur in accordance with any future development strategy be appropriate due to location and proximity to existing urban development and infrastructure;~~

c)d) ~~Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.”~~

529 Paragraph b) becomes redundant as a result of the re-writing of a) and is removed.

530 The substitution of “Manage” for “Protect” in the opening line arises out of the HortNZ appeal.

531 Paragraph a) is amended in response in part to the Henley, OGL, Real Journeys and RPL and QPL appeals and is redrafted for consistency of expression with policies 3.2.14⁵⁰⁰ and 3.2.16⁵⁰¹.

⁵⁰⁰ See paragraph 462 above

⁵⁰¹ See paragraph 483 above

- 532 Paragraph c) is amended in part to respond to the DCC, Henley, Real Journeys and Wise Response appeals. The language used is influenced by the resolution of the appeals on Section 5 of the PORPS, Urban Growth and Development which is the subject of a separate memorandum.
- 533 It is also intended to be consistent with and give effect to the National Policy Statement on Urban Development Capacity 2016 (“NPS-UDC”).
- 534 The parties consider the amendments are within the jurisdiction of the Court, give effect to the relevant parts of the Act and the NPS-UDC, and help achieve Objective 3.2 (as amended).

Port Otago Limited Appeal⁵⁰²

- 535 Port Otago requested the inclusion of a new policy as follows:

*“The avoidance of adverse effects required by policies 3.2.2, 3.2.4, 3.2.6, 3.2.9, 3.2.10 and 3.2.12 does not prohibit any part of the operation or proposed development of activities related to the ports at Port Chalmers and Dunedin with any adverse effects from the ports’ operations required to be either avoided, remedied or mitigated.”*⁵⁰³

- 536 The following persons gave notice of an interest in this part of Port Otago’s appeal under Section 274 of the Act:

- BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited
- Dunedin City Council
- Te Rūnanga o Ngāi Tahu
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Remarkables Park Limited and Queenstown Park Limited

- 537 No party now seeks inclusion of this policy in Chapter 3 of the PORPS.

Schedule 3

- 538 In the decisions version of the PORPS, Schedule 3 reads:

“Schedule 3 Criteria for the identification of outstanding natural features, landscapes and seascapes, and highly valued natural features, landscapes and seascapes

The identification of natural features, landscapes and seascapes will be based on, but not limited to, the following criteria:

⁵⁰² ENV-2016-CHC-086

⁵⁰³ Paragraph (b), page 2, Notice of Appeal

1. <i>Biophysical attributes</i>	<p>a. <i>Natural science factors, including geological, topographical, ecological and dynamic components</i></p> <p>b. <i>The presence of water including in seas, lakes, rivers and streams</i></p> <p>c. <i>Vegetation (native and exotic)</i></p>
2. <i>Sensory attributes</i>	<p>a. <i>Legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes</i></p> <p>b. <i>Amenity values including memorability and naturalness</i></p> <p>c. <i>Transient values including presence of wildlife or other values at certain times of the day or year</i></p> <p>d. <i>Wild or scenic values</i></p>
3. <i>Associative attributes</i>	<p>a. <i>Whether the values are shared and recognised</i></p> <p>b. <i>Cultural and spiritual values for Kāi Tahu, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features</i></p> <p>c. <i>Historical and heritage associations</i>⁵⁰⁴</p>

539 Schedule 3 is referenced by Policy 3.2.3, Identifying outstanding natural features, landscapes and seascapes, and Policy 3.2.5, Identifying highly valued natural features, landscapes and seascapes.

540 Schedule 3 is the subject of appeals by:

- Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited⁵⁰⁵
- Darby Planning LP⁵⁰⁶
- Dunedin City Council⁵⁰⁷
- Henley Downs Land Holdings Limited⁵⁰⁸
- Oceana Gold New Zealand Limited⁵⁰⁹
- Real Journeys Limited⁵¹⁰

Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited Appeal

541 In their appeal, Ayrburn and Bridesdale requested that Schedule 3 be deleted⁵¹¹.

⁵⁰⁴ Page 116, PORPS, Decisions Version

⁵⁰⁵ ENV-2016-CHC-108

⁵⁰⁶ ENV-2016-CHC-110

⁵⁰⁷ ENV-2016-CHC-084

⁵⁰⁸ ENV-2016-CHC-111

⁵⁰⁹ ENV-2016-CHC-103

⁵¹⁰ ENV-2016-CHC-109

542 The following persons gave notice of an interest in Ayrburn and Bridesdale's appeal on Schedule 3 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Oceana Gold New Zealand Limited

Darby Planning LP Appeal

543 In its appeal, Darby requested that Schedule 3 be deleted⁵¹².

544 The following persons gave notice of an interest in Darby's appeal on Schedule 3 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Otago Water Resource Users Group
- Oceana Gold New Zealand Limited

Dunedin City Council Appeal

545 In its appeal, DCC requested that in criterion 2(b) "*Amenity*" be replaced by "*Aesthetic*"⁵¹³.

546 The following persons gave notice of an interest in DCC's appeal on Schedule 3 under Section 274 of the Act:

- Federated Farmers of New Zealand Incorporated
- Radio New Zealand Limited
- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Transpower New Zealand Limited

Henley Downs Land Holdings Limited Appeal

547 In its appeal, Henley requested that Schedule 3 be deleted⁵¹⁴.

⁵¹¹ Paragraph 9(f), page 4, Amended Notice of Appeal dated 10 February 2017

⁵¹² Paragraph 10(e), page 8, Amended Notice of Appeal dated 10 February 2017

548 The following persons gave notice of an interest in Henley's appeal on Schedule 3 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Horticulture New Zealand
- Oceana Gold New Zealand Limited
- Otago Water Resource Users Group

Oceana Gold New Zealand Limited Appeal

549 In its appeal, OGL requested that Schedule 3 be amended to clarify how it was intended to function, in particular with regard to weighting and balancing of criteria⁵¹⁵.

550 The following persons gave notice of an interest in OGL's appeal on Schedule 3 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council
- Otago Water Resource Users Group
- Transpower New Zealand Limited

Real Journeys Limited Appeal

551 In its appeal, Real Journeys requested that Schedule 3 be deleted⁵¹⁶.

552 The following persons gave notice of an interest in Real Journeys' appeal on Schedule 3 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Oceana Gold New Zealand Limited
- Otago Water Resource Users Group

⁵¹³ Appeal point 12, page 18, Notice of Appeal

⁵¹⁴ Paragraph 12(f), page 11, Notice of Appeal

⁵¹⁵ Paragraph 10(a)(vii), page 13, Notice of Appeal

⁵¹⁶ Paragraph 15(f), page 13, Amended Notice of Appeal dated 10 February 2017

Resolution

553 It is proposed to amend Schedule 3 to read:

“Schedule 3 Criteria for the identification of outstanding natural features, landscapes and seascapes, and highly valued natural features, landscapes and seascapes

The identification of natural features, landscapes and seascapes will be based on, but not limited to, have regard to the following criteria:

1. <i>Biophysical attributes</i>	<i>a. Natural science factors, including geological, topographical, ecological and dynamic components</i> <i>b. The presence of water including in seas, lakes, rivers and streams</i> <i>c. Vegetation (native and exotic)</i>
2. <i>Sensory attributes</i>	<i>a. Legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes</i> <i>b. <u>Amenity Aesthetic</u> values including memorability and naturalness</i> <i>c. Transient values including presence of wildlife or other values at certain times of the day or year</i> <i>d. Wild or scenic values</i>
3. <i>Associative attributes</i>	<i>a. Whether the values are shared and recognised</i> <i>b. Cultural and spiritual values for Kāi Tahu, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features</i> <i>c. Historical and heritage associations”⁵¹⁷</i>

554 The amendment to the opening line responds to the appeals of Ayrburn and Bridesdale, Darby, Henley, OGL and Real Journeys.

555 The amendment to criterion 2(b) adopts the relief sought by the DCC.

556 The parties consider the amendments are within the jurisdiction of the Court and are consistent with and give effect to the relevant provisions of the Act.

Schedule 4

557 In the decisions version of the PORPS, Schedule 4 reads:

“Schedule 4 Criteria for the identification of areas of significant indigenous vegetation and habitat of indigenous fauna

The identification of areas of significant indigenous vegetation and habitat of indigenous fauna are assessed against all of the following criteria. Areas

⁵¹⁷ Page 129, PORPS “Mediation Version”

will be considered significant where they meet one or more of the following criteria.

1. Representativeness	<i>An area that is an example of an indigenous vegetation type or habitat that is typical or characteristic of the natural diversity of the relevant ecological district. This may include degraded examples of their type or represent all that remains of indigenous vegetation and habitats of indigenous fauna in some areas.</i>
2. Rarity	<i>An area that supports:</i> <ul style="list-style-type: none"><li data-bbox="975 555 1560 656"><i>a. An indigenous species that is threatened, at risk, or uncommon, nationally or within an ecological district;</i><li data-bbox="975 674 1560 904"><i>b. Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent nationally, regionally or within a relevant land environment, ecological district, or freshwater environment including wetlands;</i><li data-bbox="975 922 1560 987"><i>c. Indigenous vegetation and habitats within originally rare ecosystems.</i>
3. Diversity	<i>An area that supports a high diversity of indigenous vegetation and habitats of indigenous fauna or consists of a diverse range or sequence of interrelated vegetation and habitat types. The degree of diversity should be referenced to specific communities i.e. levels of diversity varying significantly between communities and habitat types.</i>
4. Distinctiveness	<i>An area that supports or provides habitat for:</i> <ul style="list-style-type: none"><li data-bbox="975 1413 1560 1478"><i>a. Indigenous species at their distributional limit within Otago or nationally;</i><li data-bbox="975 1496 1560 1561"><i>b. Indigenous species that are endemic to the Otago region;</i><li data-bbox="975 1579 1560 1776"><i>c. Indigenous vegetation or an association of indigenous species that is distinctive, of restricted occurrence, or has developed as a result of an unusual environmental factor or combinations of factors.</i>

5. *Ecological Context*

The relationship of the area with its surroundings, including:

- a. An area that has important connectivity value allowing dispersal of indigenous vegetation and fauna between different areas;*
 - b. An important buffering function that helps to protect the values of an adjacent area or feature;*
 - c. An area that is important for indigenous fauna during some part of their life cycle, either regularly or on an irregular basis, e.g. for feeding, nesting, breeding, or refuges from predation.*
-

This schedule applies to indigenous vegetation and habitat of indigenous fauna in the terrestrial, coastal and marine environments.

The Regional Council holds additional information to inform decision making on these criteria including the rationale for criteria and examples of areas representing these criteria.”⁵¹⁸

558 Schedule 4 is referenced by Policy 3.2.1, Identifying significant indigenous vegetation and habitats.

559 Schedule 4 was the subject of comment by the Court during the hearing of the Mining topic.

560 Aside from issues which the Court may have with Schedule 4 and which are yet to be determined, the parties have agreed on changes to Schedule 4 in response to specific appeals.

561 Schedule 4 is the subject of appeals by:

- Environmental Defence Society Incorporated⁵¹⁹
- Oceana Gold New Zealand Limited⁵²⁰
- Royal Forest and Bird Protection Society of New Zealand Incorporated⁵²¹

Environmental Defence Society Incorporated Appeal

562 In its appeal, EDS requested the addition of the words “*coastal biographic region*” after “*ecological district*” in criteria 1, 2a, and 2b⁵²².

⁵¹⁸ Pages 117 and 118, PORPS, Decisions Version

⁵¹⁹ ENV-2016-CHC-122

⁵²⁰ ENV-2016-CHC-103

⁵²¹ ENV-2016-CHC-102

⁵²² Paragraphs 32 to 34, pages 10 to 11, Notice of Appeal

563 The following persons gave notice of an interest in EDS's appeal on Schedule 4 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Transpower New Zealand Limited
- Remarkables Park Limited and Queenstown Park Limited
- Dunedin City Council
- Queenstown Lakes District Council

Oceana Gold New Zealand Limited Appeal

564 In its appeal, OGL requested the addition of a further criterion "*Size and Scale*" and clarification of what was meant by the note under the Schedule⁵²³.

565 The following persons gave notice of an interest in OGL's appeal on Schedule 4 under Section 274 of the Act:

- Royal Forest and Bird Protection Society of New Zealand Incorporated
- Queenstown Lakes District Council
- Remarkables Park Limited and Queenstown Park Limited
- Otago Water Resource Users Group
- Transpower New Zealand Limited

Royal Forest and Bird Protection Society of New Zealand Incorporated Appeal

566 In its appeal, RFBPS requested that Schedule 4 be amended by:

566.1 including criteria for the identification of significant ecological areas in the coastal marine area⁵²⁴;

566.2 the criterion for diversity be amended to read "*An area that supports high diversity of indigenous ecosystem types, indigenous taxa or has changes in species composition reflecting the existence of diverse natural features or gradients.*"⁵²⁵

567 The following persons gave notice of an interest in RFBPS's appeal on Schedule 4 under Section 274 of the Act:

- Environmental Defence Society Incorporated
- Queenstown Lakes District Council

⁵²³ Paragraph 10(a)(xiv), page 14, Notice of Appeal

⁵²⁴ Paragraph 27, page 12, Notice of Appeal

⁵²⁵ Paragraph 27, page 11, Notice of Appeal

- Remarkables Park Limited and Queenstown Park Limited
- Oceana Gold New Zealand Limited
- Dunedin City Council
- Director-General of Conservation
- Transpower New Zealand Limited

Resolution

568 It is proposed that Schedule 4 be amended to read:

“Schedule 4 Criteria for the identification of areas of significant indigenous vegetation and habitat of indigenous fauna

The identification of areas of significant indigenous vegetation and habitat of indigenous fauna are assessed against all of the following criteria. Areas will be considered significant where they meet one or more of the following criteria.

-
- | | |
|-----------------------|--|
| 1. Representativeness | <i>An area that is an example of an indigenous vegetation type or habitat that is typical or characteristic of the natural diversity of the relevant ecological district or coastal marine biogeographic region. This may include degraded examples of their type or represent all that remains of indigenous vegetation and habitats of indigenous fauna in some areas.</i> |
|-----------------------|--|
-
- | | |
|-----------|--|
| 2. Rarity | <p><i>An area that supports:</i></p> <ul style="list-style-type: none"> <i>a. An indigenous species that is threatened, at risk, or uncommon, nationally or within an ecological district or coastal marine biogeographic region;</i> <i>b. Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent nationally, regionally or within a relevant land environment, ecological district, coastal marine biogeographic region or freshwater environment including wetlands;</i> <i>c. Indigenous vegetation and habitats within originally rare ecosystems.</i> |
|-----------|--|
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3. Diversity	<i>An area that supports a high diversity of indigenous ecosystem types, indigenous taxa or has changes in species composition reflecting the existence of diverse natural features or gradients. vegetation and habitats of indigenous fauna or consists of a diverse range or sequence of interrelated vegetation and habitat types. The degree of diversity should be referenced to specific communities i.e. levels of diversity varying significantly between communities and habitat types.</i>
4. Distinctiveness	An area that supports or provides habitat for: <ul style="list-style-type: none"> a. Indigenous species at their distributional limit within Otago or nationally; b. Indigenous species that are endemic to the Otago region; c. Indigenous vegetation or an association of indigenous species that is distinctive, of restricted occurrence, or has developed as a result of an unusual environmental factor or combinations of factors.
5. Ecological Context	The relationship of the area with its surroundings, including: <ul style="list-style-type: none"> a. An area that has important connectivity value allowing dispersal of indigenous vegetation and fauna between different areas; b. An important buffering function that helps to protect the values of an adjacent area or feature; c. An area that is important for indigenous fauna during some part of their life cycle, either regularly or on an irregular basis, e.g. for feeding, nesting, breeding, or refuges from predation.
<u>6. Coastal Environment</u>	<u>An area identified in accordance with Policy 11 of the NZCPS.</u>

This schedule applies to indigenous vegetation and habitat of indigenous fauna in the terrestrial, coastal and marine environments.

The Regional Council holds additional information to inform decision making on these criteria including the rationale for criteria and examples of areas representing these criteria.”⁵²⁶

⁵²⁶ Pages 130 and 131, PORPS “Mediation Version”

569 The introduction of the words "*coastal marine biogeographic region*" adopt the amendment promoted by EDS with a correction to the terminology.

570 The change to the diversity criterion reflects the amendment sought by RFBPS.

571 The new criterion 6 also responds to RFBPS's appeal.

572 The parties consider the amendments are within the jurisdiction of the Court and are consistent with and gives effect to the relevant provisions of the Act.

General

573 This consent memorandum resolves all appeals on and relating to Chapter 3 of the Proposed Otago Regional Policy Statement.

Draft Order

574 A draft order is filed with this memorandum.

Costs

575 No order is sought for costs.



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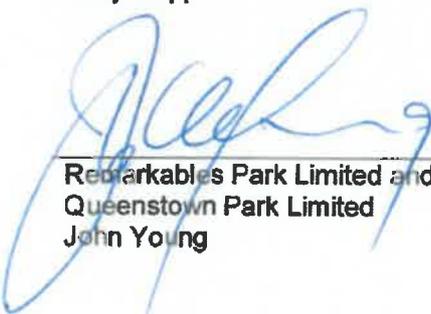
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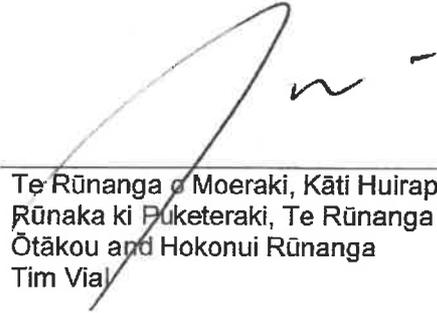
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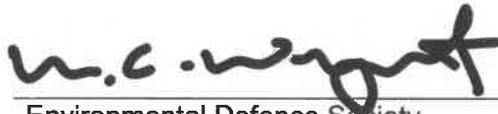
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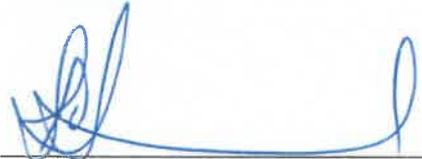
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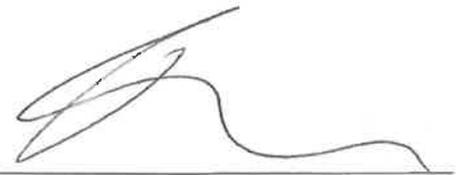
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Peter Mulvihill**

**Queenstown Airport Corporation
Limited
Rebecca Wolf**

**Surfbreak Protection Society
Incorporated
Michael Gunson**

**Herbert Heritage Wetlands Group
Bronwyn Judge**

**Radio New Zealand Limited
Ben Williams**

**Ballance Agri-Nutrients Limited
Kevin Wood**

**Director-General of Conservation
Pene Williams**

**Contact Energy Limited
Chris Drayton**

**Clutha District Council
Bridget Irving/ Campbell Hodgson**


**BP Oil New Zealand Limited, Mobil Oil
New Zealand Limited and Z Energy
Limited
Mark Laurensen**

**Ravensdown Limited
Rachel Brooking**

**Te Rūnanga o Ngāi Tahu
Sarah Scott**

Wise Response Incorporated
Dr Royden Somerville QC

Oceana Gold New Zealand Limited
S W Christensen

Pioneer Energy Limited
Peter Mulvihill

Queenstown Airport Corporation
Limited
Rebecca Wolt

Surfbreak Protection Society
Incorporated
Michael Gunson

Herbert Heritage Wetlands Group
Bronwyn Judge

Radio New Zealand Limited
Ben Williams

Ballance Agri-Nutrients Limited
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Director-General of Conservation
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BP Oil New Zealand Limited, Mobil Oil
New Zealand Limited and Z Energy
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Queenstown Airport Corporation
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Mark Laurenson



Ravensdown Limited
Rachel Brooking

Te Rūnanga o Ngāi Tahu
Sarah Scott


Aurora Energy Limited
Bridget Irving

Rayonier New Zealand Limited
Chris Fowler

Port Otago Limited
Len Andersen

Aurora Energy Limited
Bridget Irving



Rayonier New Zealand Limited
Chris Fowler

Port Otago Limited
Len Andersen

Aurora Energy Limited
Bridget Irving

Rayonier New Zealand Limited
Chris Fowler



Port Otago Limited
Len Andersen

BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under Clause 14(1) of the First Schedule of the Act on the Proposed Otago Regional Policy Statement

BETWEEN

OCEANA GOLD NEW ZEALAND LIMITED (ENV-2016-CHC-000103)
WISE RESPONSE INCORPORATED (ENV-2016-CHC-000106)
CLUTHA DISTRICT COUNCIL (ENV-2016-CHC-000105)
DUNEDIN CITY COUNCIL (ENV-2016-CHC-000084)
HENLEY DOWNS LAND HOLDINGS LIMITED
(ENV-2016-CHC-000111)
PIONEER ENERGY LIMITED (ENV-2016-CHC-000121)
REAL JOURNEYS LIMITED (ENV-2016-CHC-000109)
REMARKABLES PARK LIMITED AND QUEENSTOWN PARK LIMITED
(ENV-2016-CHC-000119)
TRUSTPOWER LIMITED (ENV-2016-CHC-000082)
ALLIANCE GROUP LIMITED (ENV-2016-CHC-000112)
DARBY PLANNING LP (ENV-2016-CHC-000110)
ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED
(ENV-2016-CHC-000122)
FEDERATED FARMERS OF NEW ZEALAND INCORPORATED
(ENV-2016-CHC-000120)
**ROYAL FOREST AND BIRD PROTECTION SOCIETY OF
NEW ZEALAND INCORPORATED** (ENV-2016-CHC-000102)
HORTICULTURE NEW ZEALAND (ENV-2016-CHC-000114)
OTAGO WATER RESOURCE USERS GROUP
(ENV-2016-CHC-000124)
RAVENSDOWN LIMITED (ENV-2016-CHC-000085)
**AYRBURN FARM DEVELOPMENTS LIMITED AND BRIDESDALE
FARM DEVELOPMENTS LIMITED** (ENV-2016-CHC-000108)
PORT OTAGO LIMITED (ENV-2016-CHC-000086)
TRANSPower NEW ZEALAND LIMITED (ENV-2016-CHC-000113)
QUEENSTOWN AIRPORT CORPORATION LIMITED
(ENV-2016-CHC-000117)

Appellants

AND **OTAGO REGIONAL COUNCIL**

Respondent

DRAFT CONSENT ORDER: CHAPTER 3: NATURAL RESOURCES

ROSS DOWLING MARQUET GRIFFIN
SOLICITORS
DUNEDIN

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

Solicitor: A J Logan

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under Clause 14(1) of the First
Schedule of the Act on the Proposed Otago
Regional Policy Statement

BETWEEN

OCEANA GOLD NEW ZEALAND LIMITED
(ENV-2016-CHC-000103)
WISE RESPONSE INCORPORATED
(ENV-2016-CHC-000106)
CLUTHA DISTRICT COUNCIL
(ENV-2016-CHC-000105)
DUNEDIN CITY COUNCIL
(ENV-2016-CHC-000084)
**HENLEY DOWNS LAND HOLDINGS
LIMITED** (ENV-2016-CHC-000111)
PIONEER ENERGY LIMITED
(ENV-2016-CHC-000121)
REAL JOURNEYS LIMITED
(ENV-2016-CHC-000109)
**REMARKABLES PARK LIMITED AND
QUEENSTOWN PARK LIMITED**
(ENV-2016-CHC-000119)
TRUSTPOWER LIMITED
(ENV-2016-CHC-000082)
ALLIANCE GROUP LIMITED
(ENV-2016-CHC-000112)
DARBY PLANNING LP
(ENV-2016-CHC-000110)
**ENVIRONMENTAL DEFENCE SOCIETY
INCORPORATED** (ENV-2016-CHC-000122)
**FEDERATED FARMERS OF
NEW ZEALAND INCORPORATED**
(ENV-2016-CHC-000120)
**ROYAL FOREST AND BIRD PROTECTION
SOCIETY OF NEW ZEALAND
INCORPORATED** (ENV-2016-CHC-000102)
HORTICULTURE NEW ZEALAND
(ENV-2016-CHC-000114)
**OTAGO WATER RESOURCE USERS
GROUP** (ENV-2016-CHC-000124)
RAVENSDOWN LIMITED
(ENV-2016-CHC-000085)
**AYRBURN FARM DEVELOPMENTS
LIMITED AND BRIDESDALE FARM
DEVELOPMENTS LIMITED**
(ENV-2016-CHC-000108)
PORT OTAGO LIMITED
(ENV-2016-CHC-000086)
TRANSPower NEW ZEALAND LIMITED
(ENV-2016-CHC-000113)
**QUEENSTOWN AIRPORT CORPORATION
LIMITED** (ENV-2016-CHC-000117)

Appellants

AND **OTAGO REGIONAL COUNCIL**

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge J R Jackson sitting alone under Section 279 of the Act

IN CHAMBERS at CHRISTCHURCH

CONSENT ORDER

Introduction

[1] The Court has read and considered the relevant provisions of the following appeals:

- 1.1 Oceana Gold New Zealand Limited dated 9 December 2016;
- 1.2 Wise Response Incorporated dated 8 December 2016;
- 1.3 Clutha District Council dated 9 December 2016;
- 1.4 Dunedin City Council dated 7 December 2016;
- 1.5 Henley Downs Land Holdings Limited dated 9 December 2016;
- 1.6 Pioneer Energy Limited dated 9 December 2016;
- 1.7 Real Journeys Limited amended notice of appeal dated 10 February 2017;
- 1.8 Remarkables Park Limited and Queenstown Park Limited dated 9 December 2016;
- 1.9 Trustpower Limited dated 5 December 2016;
- 1.10 Alliance Group Limited dated 8 December 2016;
- 1.11 Darby Planning LP amended notice of appeal dated 10 February 2017;
- 1.12 Environmental Defence Society Incorporated dated 9 December 2016;
- 1.13 Federated Farmers of New Zealand Incorporated filed 9 December 2016;
- 1.14 Royal Forest and Bird Protection Society of New Zealand Incorporated dated 9 December 2016;
- 1.15 Horticulture New Zealand dated 9 December 2016;
- 1.16 Otago Water Resource Users Group dated 9 December 2016;
- 1.17 Ravensdown Limited dated 7 December 2016;
- 1.18 Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited amended notice of appeal dated 10 February 2017;
- 1.19 Port Otago Limited dated 7 December 2016;
- 1.20 Transpower New Zealand Limited dated 9 December 2016; and
- 1.21 Queenstown Airport Corporation Limited dated 9 December 2016

and the memorandum of the parties dated 6 July 2018.

Appeals on the Introductory Statement

[2] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Oceana Gold New Zealand Limited:

- 2.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 2.2 Minister of Energy and Resources;
- 2.3 Queenstown Lakes District Council;
- 2.4 Remarkables Park Limited and Queenstown Park Limited; and
- 2.5 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[3] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 3.1 Federated Farmers of New Zealand Incorporated;
- 3.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 3.3 Surfbreak Protection Society Incorporated;
- 3.4 Environmental Defence Society Incorporated;
- 3.5 Queenstown Lakes District Council;
- 3.6 Remarkables Park Limited and Queenstown Park Limited;
- 3.7 Otago Water Resource Users Group;
- 3.8 Oceana Gold New Zealand Limited;
- 3.9 Dunedin City Council;
- 3.10 Alliance Group Limited;
- 3.11 Transpower New Zealand Limited;
- 3.12 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and
- 3.13 Central Otago Environmental Society Incorporated

and have signed the memorandum setting out the relief sought.

Appeals on Objective 3.1

[4] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Clutha District Council:

- 4.1 Federated Farmers of New Zealand Incorporated;

- 4.2 Queenstown Lakes District Council;
- 4.3 Remarkables Park Limited and Queenstown Park Limited;
- 4.4 Horticulture New Zealand;
- 4.5 Dunedin City Council; and
- 4.6 Queenstown Airport Corporation Limited

and have signed the memorandum setting out the relief sought.

[5] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Dunedin City Council:

- 5.1 Federated Farmers of New Zealand Incorporated;
- 5.2 Radio New Zealand Limited;
- 5.3 Minister of Energy and Resources;
- 5.4 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 5.5 Horticulture New Zealand;
- 5.6 Queenstown Lakes District Council;
- 5.7 Remarkables Park Limited and Queenstown Park Limited;
- 5.8 Otago Water Resource Users Group;
- 5.9 Queenstown Airport Corporation Limited; and
- 5.10 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[6] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Henley Downs Land Holdings Limited:

- 6.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 6.2 Queenstown Lakes District Council;
- 6.3 Remarkables Park Limited and Queenstown Park Limited;
- 6.4 Horticulture New Zealand;
- 6.5 Otago Water Resource Users Group;
- 6.6 Alliance Group Limited; and
- 6.7 Queenstown Airport Corporation Limited

and have signed the memorandum setting out the relief sought.

[7] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Oceana Gold New Zealand Limited:

- 7.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 7.2 Queenstown Lakes District Council;
- 7.3 Remarkables Park Limited and Queenstown Park Limited;
- 7.4 Queenstown Airport Corporation Limited;
- 7.5 Otago Water Resource Users Group;
- 7.6 Transpower New Zealand Limited; and
- 7.7 Minister of Energy and Resources

and have signed the memorandum setting out the relief sought.

[8] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Pioneer Energy Limited:

- 8.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 8.2 Queenstown Lakes District Council;
- 8.3 Remarkables Park Limited and Queenstown Park Limited;
- 8.4 Horticulture New Zealand;
- 8.5 Dunedin City Council;
- 8.6 Queenstown Airport Corporation Limited; and
- 8.7 Ballance Agri-Nutrients Limited

and have signed the memorandum setting out the relief sought.

[9] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Real Journeys Limited:

- 9.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 9.2 Queenstown Lakes District Council;
- 9.3 Remarkables Park Limited and Queenstown Park Limited;
- 9.4 Horticulture New Zealand;
- 9.5 Otago Water Resource Users Group;
- 9.6 Alliance Group Limited; and
- 9.7 Queenstown Airport Corporation Limited

and have signed the memorandum setting out the relief sought.

[10] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Remarkables Park Limited and Queenstown Park Limited:

- 10.1 Environmental Defence Society Incorporated;

- 10.2 Horticulture New Zealand;
- 10.3 Otago Water Resource Users Group;
- 10.4 Dunedin City Council;
- 10.5 Queenstown Airport Corporation Limited;
- 10.6 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;
- 10.7 Darby Planning LP;
- 10.8 Henley Downs Land Holdings Limited;
- 10.9 Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited;
- 10.10 Real Journeys Limited; and
- 10.11 Queenstown Lakes District Council

and have signed the memorandum setting out the relief sought.

[11] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Trustpower Limited:

- 11.1 Royal Forest and Bird Protection Society of New Zealand Incorporated
- 11.2 Surfbreak Protection Society Incorporated;
- 11.3 Horticulture New Zealand;
- 11.4 Queenstown Lakes District Council;
- 11.5 Remarkables Park Limited and Queenstown Park Limited;
- 11.6 Otago Water Resource Users Group;
- 11.7 Dunedin City Council;
- 11.8 Queenstown Airport Corporation Limited;
- 11.9 Alliance Group Limited;
- 11.10 Environmental Defence Society Incorporated;
- 11.11 Transpower New Zealand Limited; and
- 11.12 Contact Energy Limited

and have signed the memorandum setting out the relief sought.

[12] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 12.1 Federated Farmers of New Zealand Incorporated;
- 12.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;

- 12.3 Surfbreak Protection Society Incorporated;
- 12.4 Environmental Defence Society Incorporated;
- 12.5 Queenstown Lakes District Council;
- 12.6 Remarkables Park Limited and Queenstown Park Limited;
- 12.7 Queenstown Airport Corporation Limited;
- 12.8 Otago Water Resource Users Group;
- 12.9 Oceana Gold New Zealand Limited;
- 12.10 Dunedin City Council;
- 12.11 Transpower New Zealand Limited;
- 12.12 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and
- 12.13 Central Otago Environmental Society Incorporated

and have signed the memorandum setting out the relief sought.

Appeals on Policy 3.1.1

[13] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Alliance Group Limited:

- 13.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 13.2 Environmental Defence Society Incorporated;
- 13.3 Queenstown Lakes District Council;
- 13.4 Remarkables Park Limited and Queenstown Park Limited;
- 13.5 Herbert Heritage Wetlands Group;
- 13.6 Horticulture New Zealand;
- 13.7 Otago Water Resource Users Group;
- 13.8 Oceana Gold New Zealand Limited;
- 13.9 Dunedin City Council;
- 13.10 Otago Fish and Game Council and Central South Island Fish and Game Council; and
- 13.11 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

and have signed the memorandum setting out the relief sought.

[14] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Darby Planning LP:

- 14.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;

- 14.2 Remarkables Park Limited and Queenstown Park Limited;
- 14.3 Queenstown Lakes District Council;
- 14.4 Horticulture New Zealand;
- 14.5 Otago Water Resource Users Group;
- 14.6 Oceana Gold New Zealand Limited; and
- 14.7 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[15] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Environmental Defence Society Incorporated:

- 15.1 Federated Farmers of New Zealand Incorporated;
- 15.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 15.3 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;
- 15.4 Transpower New Zealand Limited;
- 15.5 Remarkables Park Limited and Queenstown Park Limited;
- 15.6 Horticulture New Zealand;
- 15.7 Otago Water Resource Users Group;
- 15.8 Queenstown Lakes District Council; and
- 15.9 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[16] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Federated Farmers of New Zealand Incorporated:

- 16.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 16.2 Dunedin City Council;
- 16.3 Environmental Defence Society Incorporated;
- 16.4 Queenstown Lakes District Council;
- 16.5 Remarkables Park Limited and Queenstown Park Limited;
- 16.6 Horticulture New Zealand;
- 16.7 Herbert Heritage Wetlands Group;
- 16.8 Otago Water Resource Users Group;

- 16.9 Oceana Gold New Zealand Limited;
- 16.10 Alliance Group Limited;
- 16.11 Transpower New Zealand Limited;
- 16.12 Otago Fish and Game Council and Central South Island Fish and Game Council; and
- 16.13 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

and have signed the memorandum setting out the relief sought.

[17] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Royal Forest and Bird Protection Society of New Zealand Incorporated:

- 17.1 Surfbreak Protection Society Incorporated;
- 17.2 Environmental Defence Society Incorporated;
- 17.3 Queenstown Lakes District Council;
- 17.4 Remarkables Park Limited and Queenstown Park Limited;
- 17.5 Horticulture New Zealand;
- 17.6 Otago Water Resource Users Group;
- 17.7 Oceana Gold New Zealand Limited;
- 17.8 Dunedin City Council;
- 17.9 Trustpower Limited;
- 17.10 Transpower New Zealand Limited; and
- 17.11 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[18] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Henley Downs Land Holdings Limited:

- 18.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 18.2 Queenstown Lakes District Council;
- 18.3 Remarkables Park Limited and Queenstown Park Limited;
- 18.4 Horticulture New Zealand;
- 18.5 Otago Water Resource Users Group;
- 18.6 Oceana Gold New Zealand Limited;
- 18.7 Alliance Group Limited; and

18.8 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[19] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Horticulture New Zealand:

19.1 Remarkables Park Limited and Queenstown Park Limited;

19.2 Herbert Heritage Wetlands Group;

19.3 Otago Water Resource Users Group;

19.4 Dunedin City Council;

19.5 Transpower New Zealand Limited; and

19.6 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[20] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Oceana Gold New Zealand Limited:

20.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;

20.2 Queenstown Lakes District Council;

20.3 Remarkables Park Limited and Queenstown Park Limited;

20.4 Horticulture New Zealand;

20.5 Dunedin City Council;

20.6 Otago Water Resource Users Group;

20.7 Transpower New Zealand Limited;

20.8 Otago Fish and Game Council and Central South Island Fish and Game Council; and

20.9 Minister of Energy and Resources

and have signed the memorandum setting out the relief sought.

[21] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Otago Water Resource Users Group:

21.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;

21.2 Environmental Defence Society Incorporated;

21.3 Remarkables Park Limited and Queenstown Park Limited;

21.4 Horticulture New Zealand;

- 21.5 Oceana Gold New Zealand Limited;
- 21.6 Dunedin City Council;
- 21.7 Director-General of Conservation;
- 21.8 Trustpower Limited;
- 21.9 Otago Fish and Game Council and Central South Island Fish and Game Council; and
- 21.10 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

and have signed the memorandum setting out the relief sought.

[22] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Real Journeys Limited:

- 22.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 22.2 Queenstown Lakes District Council;
- 22.3 Remarkables Park Limited and Queenstown Park Limited;
- 22.4 Horticulture New Zealand;
- 22.5 Otago Water Resource Users Group;
- 22.6 Oceana Gold New Zealand Limited; and
- 22.7 Alliance Group Limited

and have signed the memorandum setting out the relief sought.

[23] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Trustpower Limited:

- 23.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 23.2 Surfbreak Protection Society Incorporated;
- 23.3 Horticulture New Zealand;
- 23.4 Queenstown Lakes District Council;
- 23.5 Remarkables Park Limited and Queenstown Park Limited;
- 23.6 Otago Water Resource Users Group;
- 23.7 Oceana Gold New Zealand Limited;
- 23.8 Dunedin City Council;
- 23.9 Alliance Group Limited;
- 23.10 Environmental Defence Society Incorporated;
- 23.11 Transpower New Zealand Limited;

- 23.12 Contact Energy Limited; and
- 23.13 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[24] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 24.1 Federated Farmers of New Zealand Incorporated;
- 24.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 24.3 Surfbreak Protection Society Incorporated;
- 24.4 Environmental Defence Society Incorporated;
- 24.5 Queenstown Lakes District Council;
- 24.6 Remarkables Park Limited and Queenstown Park Limited;
- 24.7 Otago Water Resource Users Group;
- 24.8 Oceana Gold New Zealand Limited;
- 24.9 Dunedin City Council;
- 24.10 Alliance Group Limited;
- 24.11 Transpower New Zealand Limited;
- 24.12 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;
- 24.13 Central Otago Environmental Society Incorporated; and
- 24.14 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

Appeals on Policy 3.1.2

[25] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Darby Planning LP:

- 25.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 25.2 Queenstown Lakes District Council;
- 25.3 Remarkables Park Limited and Queenstown Park Limited;
- 25.4 Horticulture New Zealand;
- 25.5 Otago Water Resource Users Group;
- 25.6 Oceana Gold New Zealand Limited; and

25.7 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[26] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Environmental Defence Society Incorporated:

26.1 Federated Farmers of New Zealand Incorporated;

26.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;

26.3 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;

26.4 Remarkables Park Limited and Queenstown Park Limited;

26.5 Otago Water Resource Users Group;

26.6 Queenstown Lakes District Council;

26.7 Horticulture New Zealand;

26.8 Transpower New Zealand Limited;

26.9 Oceana Gold New Zealand Limited; and

26.10 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[27] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Federated Farmers of New Zealand Incorporated:

27.1 Royal Forest and Bird Protection Society Incorporated;

27.2 Environmental Defence Society Incorporated;

27.3 Queenstown Lakes District Council;

27.4 Remarkables Park Limited and Queenstown Park Limited;

27.5 Horticulture New Zealand;

27.6 Herbert Heritage Wetlands Group;

27.7 Oceana Gold New Zealand Limited;

27.8 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;

27.9 Alliance Group Limited;

27.10 Transpower New Zealand Limited; and

27.11 Otago Fish and game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[28] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Henley Downs Land Holdings Limited:

- 28.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 28.2 Queenstown Lakes District Council;
- 28.3 Remarkables Park Limited and Queenstown Park Limited;
- 28.4 Horticulture New Zealand;
- 28.5 Otago Water Resource Users Group;
- 28.6 Oceana Gold New Zealand Limited;
- 28.7 Alliance Group Limited; and
- 28.8 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[29] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Oceana Gold New Zealand Limited:

- 29.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 29.2 Queenstown Lakes District Council;
- 29.3 Remarkables Park Limited and Queenstown Park Limited;
- 29.4 Dunedin City Council;
- 29.5 Otago Water Resource Users Group;
- 29.6 Alliance Group Limited; and
- 29.7 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[30] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Otago Water Resource Users Group:

- 30.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 30.2 Remarkables Park Limited and Queenstown Park Limited;
- 30.3 Horticulture New Zealand;
- 30.4 Oceana Gold New Zealand Limited;
- 30.5 Dunedin City Council;
- 30.6 Otago Fish and Game Council and Central South Island Fish and Game Council;

- 30.7 Minister of Energy and Resources;
- 30.8 Transpower New Zealand Limited;
- 30.9 Otago Water Resource Users Group;
- 30.10 Queenstown Lakes District Council; and
- 30.11 Alliance Group Limited

and have signed the memorandum setting out the relief sought.

[31] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Real Journeys Limited:

- 31.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 31.2 Queenstown Lakes District Council;
- 31.3 Remarkables Park Limited and Queenstown Park Limited;
- 31.4 Horticulture New Zealand;
- 31.5 Otago Water Resource Users Group;
- 31.6 Oceana Gold New Zealand Limited;
- 31.7 Alliance Group Limited; and
- 31.8 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[32] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Trustpower Limited:

- 32.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 32.2 Horticulture New Zealand;
- 32.3 Queenstown Lakes District Council;
- 32.4 Remarkables Park Limited and Queenstown Park Limited;
- 32.5 Otago Water Resource Users Group;
- 32.6 Oceana Gold New Zealand Limited;
- 32.7 Alliance Group Limited;
- 32.8 Environmental Defence Society Incorporated;
- 32.9 Transpower New Zealand Limited;
- 32.10 Otago Fish and Game Council and Central South Island Fish and Game Council; and
- 32.11 Surfbreak Protection Society Incorporated

and have signed the memorandum setting out the relief sought.

Appeals on Policy 3.1.3

[33] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Environmental Defence Society Incorporated:

- 33.1 Federated Farmers of New Zealand Incorporated;
- 33.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 33.3 BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited;
- 33.4 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;
- 33.5 Transpower New Zealand Limited;
- 33.6 Remarkables Park Limited and Queenstown Park Limited;
- 33.7 Horticulture New Zealand;
- 33.8 Alliance Group Limited;
- 33.9 Queenstown Lakes District Council; and
- 33.10 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[34] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Federated Farmers of New Zealand Incorporated:

- 34.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 34.2 Environmental Defence Society Incorporated;
- 34.3 Queenstown Lakes District Council;
- 34.4 Remarkables Park Limited and Queenstown Park Limited;
- 34.5 Horticulture New Zealand;
- 34.6 Herbert Heritage Wetlands Group;
- 34.7 Otago Water Resource Users Group;
- 34.8 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;
- 34.9 Alliance Group Limited;
- 34.10 Otago Fish and Game Council and Central South Island Fish and Game Council; and
- 34.11 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[35] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 35.1 Federated Farmers of New Zealand Incorporated;
- 35.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 35.3 Surfbreak Protection Society Incorporated;
- 35.4 Environmental Defence Society Incorporated;
- 35.5 Queenstown Lakes District Council;
- 35.6 Remarkables Park Limited and Queenstown Park Limited;
- 35.7 Horticulture New Zealand;
- 35.8 Transpower New Zealand Limited;
- 35.9 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;
- 35.10 Central Otago Environmental Society Incorporated; and
- 35.11 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

Appeals on Policy 3.1.4

[36] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Horticulture New Zealand:

- 36.1 Remarkables Park Limited and Queenstown Park Limited;
- 36.2 Otago Water Resource Users Group;
- 36.3 Transpower New Zealand Limited; and
- 36.4 Herbert Heritage Wetlands Group

and have signed the memorandum setting out the relief sought.

[37] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 37.1 Federated Farmers of New Zealand Incorporated;
- 37.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 37.3 Surfbreak Protection Society Incorporated;
- 37.4 Environmental Defence Society Incorporated;
- 37.5 Queenstown Lakes District Council;

- 37.6 Remarkables Park Limited and Queenstown Park Limited;
- 37.7 Otago Water Resource Users Group;
- 37.8 Dunedin City Council;
- 37.9 Transpower New Zealand Limited;
- 37.10 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;
- 37.11 Central Otago Environmental Society Incorporated; and
- 37.12 Horticulture New Zealand

and have signed the memorandum setting out the relief sought.

Appeals on Policy 3.1.5

[38] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Alliance Group Limited:

- 38.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 38.2 Environmental Defence Society Incorporated;
- 38.3 Queenstown Lakes District Council;
- 38.4 Remarkables Park Limited and Queenstown Park Limited;
- 38.5 Herbert Heritage Wetlands Group;
- 38.6 Dunedin City Council;
- 38.7 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and
- 38.8 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[39] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Dunedin City Council:

- 39.1 Federated Farmers of New Zealand Incorporated;
- 39.2 Radio New Zealand Limited;
- 39.3 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 39.4 Queenstown Lakes District Council;
- 39.5 Remarkables Park Limited and Queenstown Park Limited;
- 39.6 Transpower New Zealand Limited; and
- 39.7 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[40] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Ravensdown Limited:

- 40.1 Federated Farmers of New Zealand Incorporated;
- 40.2 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;
- 40.3 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 40.4 Remarkables Park Limited and Queenstown Park Limited;
- 40.5 Dunedin City Council;
- 40.6 Te Rūnanga o Ngāi Tahu;
- 40.7 Alliance Group Limited; and
- 40.8 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[41] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Royal Forest and Bird Protection Society of New Zealand Incorporated:

- 41.1 Federated Farmers of New Zealand Incorporated;
- 41.2 Surfbreak Protection Society Incorporated;
- 41.3 Environmental Defence Society Incorporated;
- 41.4 Queenstown Lakes District Council;
- 41.5 Remarkables Park Limited and Queenstown Park Limited;
- 41.6 Horticulture New Zealand;
- 41.7 Dunedin City Council;
- 41.8 Transpower New Zealand Limited; and
- 41.9 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[42] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Environmental Defence Society Incorporated:

- 42.1 Federated Farmers of New Zealand Incorporated;
- 42.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 42.3 BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited;

- 42.4 Queenstown Lakes District Council;
- 42.5 Remarkables Park Limited and Queenstown Park Limited;
- 42.6 Horticulture New Zealand;
- 42.7 Otago Water Resource Users Group;
- 42.8 Oceana Gold New Zealand Limited;
- 42.9 Dunedin City Council;
- 42.10 Queenstown Airport Corporation Limited;
- 42.11 Alliance Group Limited;
- 42.12 Director-General of Conservation;
- 42.13 Transpower New Zealand Limited;
- 42.14 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and
- 42.15 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

Appeals on Policy 3.1.7

[43] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Alliance Group Limited:

- 43.1 Federated Farmers of New Zealand Incorporated;
- 43.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 43.3 Environmental Defence Society Incorporated;
- 43.4 Queenstown Lakes District Council;
- 43.5 Remarkables Park Limited and Queenstown Park Limited;
- 43.6 Horticulture New Zealand;
- 43.7 Oceana Gold New Zealand Limited;
- 43.8 Dunedin City Council;
- 43.9 Ballance Agri-Nutrients Limited;
- 43.10 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and
- 43.11 Herbert Heritage Wetlands Group

and have signed the memorandum setting out the relief sought.

[44] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Dunedin City Council:

- 44.1 Federated Farmers of New Zealand Incorporated;
- 44.2 Radio New Zealand Limited;
- 44.3 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 44.4 Horticulture New Zealand;
- 44.5 Queenstown Lakes District Council;
- 44.6 Remarkables Park Limited and Queenstown Park Limited;
- 44.7 Otago Water Resource Users Group;
- 44.8 Oceana Gold New Zealand Limited;
- 44.9 Alliance Group Limited; and
- 44.10 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[45] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Henley Downs Land Holdings Limited:

- 45.1 Federated Farmers of New Zealand Incorporated;
- 45.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 45.3 Queenstown Lakes District Council;
- 45.4 Remarkables Park Limited and Queenstown Park Limited;
- 45.5 Horticulture New Zealand;
- 45.6 Otago Water Resource Users Group;
- 45.7 Oceana Gold New Zealand Limited; and
- 45.8 Dunedin City Council

and have signed the memorandum setting out the relief sought.

[46] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Horticulture New Zealand:

- 46.1 Federated Farmers of New Zealand Incorporated;
- 46.2 Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited;
- 46.3 Remarkables Park Limited and Queenstown Park Limited;
- 46.4 Dunedin City Council; and

46.5 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[47] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Oceana Gold New Zealand Limited:

47.1 Federated Farmers of New Zealand Incorporated;

47.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;

47.3 Horticulture New Zealand;

47.4 Queenstown Lakes District Council;

47.5 Remarkables Park Limited and Queenstown Park Limited;

47.6 Otago Water Resource Users Group; and

47.7 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[48] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Real Journeys Limited:

48.1 Federated Farmers of New Zealand Incorporated;

48.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;

48.3 Queenstown Lakes District Council;

48.4 Remarkables Park Limited and Queenstown Park Limited;

48.5 Horticulture New Zealand;

48.6 Otago Water Resource Users Group; and

48.7 Oceana Gold New Zealand Limited

and have signed the memorandum setting out the relief sought.

[49] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Remarkables Park Limited and Queenstown Park Limited:

49.1 Federated Farmers of New Zealand Incorporated;

49.2 Environmental Defence Society Incorporated;

49.3 Horticulture New Zealand;

49.4 Oceana Gold New Zealand Limited;

49.5 Dunedin City Council;

49.6 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;

- 49.7 Darby Planning LP;
- 49.8 Henley Downs Land Holdings Limited;
- 49.9 Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited;
- 49.10 Real Journeys Limited; and
- 49.11 Queenstown Lakes District Council

and have signed the memorandum setting out the relief sought.

[50] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 50.1 Federated Farmers of New Zealand Incorporated;
- 50.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 50.3 Surfbreak Protection Society Incorporated;
- 50.4 Environmental Defence Society Incorporated;
- 50.5 Queenstown Lakes District Council;
- 50.6 Remarkables Park Limited and Queenstown Park Limited;
- 50.7 Horticulture New Zealand;
- 50.8 Dunedin City Council;
- 50.9 Transpower New Zealand Limited;
- 50.10 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and
- 50.11 Central Otago Environmental Society Incorporated

and have signed the memorandum setting out the relief sought.

Appeals on Policy 3.1.8

[51] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Remarkables Park Limited and Queenstown Park Limited:

- 51.1 Environmental Defence Society Incorporated;
- 51.2 Horticulture New Zealand;
- 51.3 Otago Water Resource Users Group;
- 51.4 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;
- 51.5 Darby Planning LP;
- 51.6 Henley Downs Land Holdings Limited;

- 51.7 Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited;
- 51.8 Real Journeys Limited; and
- 51.9 Queenstown Lakes District Council

and have signed the memorandum setting out the relief sought.

[52] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 52.1 Federated Farmers of New Zealand Incorporated;
- 52.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 52.3 Surfbreak Protection Society Incorporated;
- 52.4 Environmental Defence Society Incorporated;
- 52.5 Queenstown Lakes District Council;
- 52.6 Remarkables Park Limited and Queenstown Park Limited;
- 52.7 Dunedin City Council;
- 52.8 Transpower New Zealand Limited;
- 52.9 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and
- 52.10 Central Otago Environmental Society Incorporated

and have signed the memorandum setting out the relief sought.

Appeals on Policy 3.1.9

[53] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Alliance Group Limited:

- 53.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 53.2 Environmental Defence Society Incorporated;
- 53.3 Queenstown Lakes District Council;
- 53.4 Remarkables Park Limited and Queenstown Park Limited;
- 53.5 Herbert Heritage Wetlands Group;
- 53.6 Otago Water Resource Users Group;
- 53.7 Oceana Gold New Zealand Limited;
- 53.8 Dunedin City Council;
- 53.9 Director-General of Conservation;
- 53.10 Trustpower Limited;

- 53.11 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and
- 53.12 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[54] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Darby Planning LP:

- 54.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 54.2 Queenstown Lakes District Council;
- 54.3 Remarkables Park Limited and Queenstown Park Limited;
- 54.4 Otago Water Resource Users Group;
- 54.5 Oceana Gold New Zealand Limited; and
- 54.6 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[55] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Federated Farmers of New Zealand Incorporated:

- 55.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 55.2 Dunedin City Council;
- 55.3 Environmental Defence Society Incorporated;
- 55.4 Queenstown Lakes District Council;
- 55.5 Remarkables Park Limited and Queenstown Park Limited;
- 55.6 Herbert Heritage Wetlands Group;
- 55.7 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;
- 55.8 Transpower New Zealand Limited; and
- 55.9 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[56] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Henley Downs Land Holdings Limited:

- 56.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 56.2 Queenstown Lakes District Council;
- 56.3 Remarkables Park Limited and Queenstown Park Limited;

- 56.4 Otago Water Resource Users Group;
- 56.5 Oceana Gold New Zealand Limited;
- 56.6 Dunedin City Council; and
- 56.7 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[57] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Oceana Gold New Zealand Limited:

- 57.1 Minister of Energy and Resources;
- 57.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 57.3 Queenstown Lakes District Council;
- 57.4 Remarkables Park Limited and Queenstown Park Limited;
- 57.5 Otago Water Resource Users Group;
- 57.6 Transpower New Zealand Limited; and
- 57.7 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[58] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Real Journeys Limited:

- 58.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 58.2 Queenstown Lakes District Council;
- 58.3 Remarkables Park Limited and Queenstown Park Limited;
- 58.4 Otago Water Resource Users Group;
- 58.5 Oceana Gold New Zealand Limited; and
- 58.6 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[59] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Remarkables Park Limited and Queenstown Park Limited:

- 59.1 Environmental Defence Society Incorporated;
- 59.2 Otago Water Resource Users Group;
- 59.3 Oceana Gold New Zealand Limited;

- 59.4 Dunedin City Council;
- 59.5 Darby Planning LP;
- 59.6 Henley Downs Land Holdings Limited;
- 59.7 Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited;
- 59.8 Real Journeys Limited;
- 59.9 Queenstown Lakes District Council;
- 59.10 Otago Fish and Game Council and Central South Island Fish and Game Council; and
- 59.11 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

and have signed the memorandum setting out the relief sought.

[60] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Royal Forest and Bird Protection Society of New Zealand Incorporated:

- 60.1 Surfbreak Protection Society Incorporated;
- 60.2 Environmental Defence Society Incorporated;
- 60.3 Queenstown Lakes District Council;
- 60.4 Remarkables Park Limited and Queenstown Park Limited;
- 60.5 Otago Water Resource Users Group;
- 60.6 Oceana Gold New Zealand Limited;
- 60.7 Dunedin City Council;
- 60.8 Transpower New Zealand Limited; and
- 60.9 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[61] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Trustpower Limited:

- 61.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 61.2 Surfbreak Protection Society Incorporated;
- 61.3 Queenstown Lakes District Council;
- 61.4 Remarkables Park Limited and Queenstown Park Limited;
- 61.5 Otago Water Resource Users Group;
- 61.6 Oceana Gold New Zealand Limited;

- 61.7 Alliance Group Limited;
- 61.8 Environmental Defence Society Incorporated;
- 61.9 Transpower New Zealand Limited; and
- 61.10 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

[62] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 62.1 Federated Farmers of New Zealand Incorporated;
- 62.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 62.3 Surfbreak Protection Society Incorporated;
- 62.4 Environmental Defence Society Incorporated;
- 62.5 Queenstown Lakes District Council;
- 62.6 Remarkables Park Limited and Queenstown Park Limited;
- 62.7 Otago Water Resource Users Group;
- 62.8 Oceana Gold New Zealand Limited;
- 62.9 Dunedin City Council;
- 62.10 Transpower New Zealand Limited;
- 62.11 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;
- 62.12 Central Otago Environmental Society Incorporated; and
- 62.13 Otago Fish and Game Council and Central South Island Fish and Game Council

and have signed the memorandum setting out the relief sought.

New Policy 3.1.10

[63] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Environmental Defence Society Incorporated:

- 63.1 Federated Farmers of New Zealand Incorporated;
- 63.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 63.3 Surfbreak Protection Society Incorporated;
- 63.4 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;
- 63.5 Transpower New Zealand Limited;

- 63.6 Remarkables Park Limited and Queenstown Park Limited;
- 63.7 Dunedin City Council;
- 63.8 Alliance Group Limited; and
- 63.9 Queenstown Lakes District Council

and have signed the memorandum setting out the relief sought.

Appeal on Policy 3.1.12

[64] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 64.1 Federated Farmers of New Zealand Incorporated;
- 64.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 64.3 Surfbreak Protection Society Incorporated;
- 64.4 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;
- 64.5 Environmental Defence Society Incorporated;
- 64.6 Queenstown Lakes District Council;
- 64.7 Remarkables Park Limited and Queenstown Park Limited;
- 64.8 Otago Water Resource Users Group;
- 64.9 Dunedin City Council;
- 64.10 Transpower New Zealand Limited; and
- 64.11 Central Otago Environmental Society Incorporated

and have signed the memorandum setting out the relief sought.

Appeals on Objective 3.2

[65] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Federated Farmers of New Zealand Incorporated:

- 65.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 65.2 Dunedin City Council;
- 65.3 Environmental Defence Society Incorporated;
- 65.4 Queenstown Lakes District Council;
- 65.5 Remarkables Park Limited and Queenstown Park Limited;
- 65.6 Horticulture New Zealand;
- 65.7 Queenstown Airport Corporation Limited;

- 65.8 Herbert Heritage Westlands Group;
- 65.9 Otago Water Resource Users Group;
- 65.10 Oceana Gold New Zealand Limited;
- 65.11 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and
- 65.12 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[66] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Oceana Gold New Zealand Limited:

- 66.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 66.2 Queenstown Lakes District Council;
- 66.3 Remarkables Park Limited and Queenstown Park Limited;
- 66.4 Dunedin City Council;
- 66.5 Queenstown Airport Corporation Limited;
- 66.6 Alliance Group Limited;
- 66.7 Transpower New Zealand Limited; and
- 66.8 Minister of Energy and Resources

and have signed the memorandum setting out the relief sought.

[67] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Queenstown Airport Corporation Limited:

- 67.1 Federated Farmers of New Zealand Incorporated;
- 67.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 67.3 Queenstown Lakes District Council;
- 67.4 Remarkables Park Limited and Queenstown Park Limited;
- 67.5 Horticulture New Zealand;
- 67.6 Otago Water Resource Users Group;
- 67.7 Oceana Gold New Zealand Limited;
- 67.8 Dunedin City Council;
- 67.9 Transpower New Zealand Limited; and
- 67.10 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;

and have signed the memorandum setting out the relief sought.

[68] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Remarkables Park Limited and Queenstown Park Limited:

- 68.1 Environmental Defence Society Incorporated;
- 68.2 Horticulture New Zealand;
- 68.3 Oceana Gold New Zealand Limited;
- 68.4 Dunedin City Council;
- 68.5 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;
- 68.6 Darby Planning PL;
- 68.7 Henley Downs Land Holdings Limited;
- 68.8 Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited;
- 68.9 Real Journeys Limited;
- 68.10 Queenstown Lakes District Council; and
- 68.11 Queenstown Airport Corporation Limited

and have signed the memorandum setting out the relief sought.

[69] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Transpower New Zealand Limited:

- 69.1 Federated Farmers of New Zealand Incorporated;
- 69.2 Radio New Zealand Limited;
- 69.3 Horticulture New Zealand;
- 69.4 Queenstown Lakes District Council;
- 69.5 Remarkables Park Limited and Queenstown Park Limited;
- 69.6 Otago Water Resource Users Group;
- 69.7 Oceana Gold New Zealand Limited;
- 69.8 Dunedin City Council;
- 69.9 Queenstown Airport Corporation Limited; and
- 69.10 Aurora Energy Limited

and have signed the memorandum setting out the relief sought.

[70] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Trustpower Limited:

- 70.1 Federated Farmers of New Zealand Incorporated;

- 70.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 70.3 Surfbreak Protection Society Incorporated;
- 70.4 Queenstown Lakes District Council;
- 70.5 Remarkables Park Limited and Queenstown Park Limited;
- 70.6 Otago Water Resource Users Group;
- 70.7 Queenstown Airport Corporation Limited;
- 70.8 Dunedin City Council;
- 70.9 Oceana Gold New Zealand Limited;
- 70.10 Alliance Group Limited;
- 70.11 Environmental Defence Society Incorporated; and
- 70.12 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

Appeal on Issue Statement

[71] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 71.1 Federated Farmers of New Zealand Incorporated;
- 71.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 71.3 Surfbreak Protection Society Incorporated;
- 71.4 Environmental Defence Society Incorporated;
- 71.5 Queenstown Lakes District Council;
- 71.6 Remarkables Park Limited and Queenstown Park Limited;
- 71.7 Otago Water Resource Users Group;
- 71.8 Oceana Gold New Zealand Limited;
- 71.9 Dunedin City Council;
- 71.10 Transpower New Zealand Limited;
- 71.11 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and
- 71.12 Central Otago Environmental Society Incorporated

and have signed the memorandum setting out the relief sought.

Appeals on Policy 3.2.1

[72] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Clutha District Council:

72.1 Federated Farmers of New Zealand Incorporated;

72.2 Queenstown Lakes District Council;

72.3 Remarkables Park Limited and Queenstown Park Limited; and

72.4 Dunedin City Council

and have signed the memorandum setting out the relief sought.

[73] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Darby Planning LP:

73.1 Federated Farmers of New Zealand Incorporated;

73.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;

73.3 Queenstown Lakes District Council;

73.4 Remarkables Park Limited and Queenstown Park Limited; and

73.5 Otago Water Resource Users Group

and have signed the memorandum setting out the relief sought.

[74] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Henley Downs Land Holdings Limited:

74.1 Federated Farmers of New Zealand Incorporated;

74.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;

74.3 Queenstown Lakes District Council;

74.4 Remarkables Park Limited and Queenstown Park Limited;

74.5 Otago Water Resource Users Group; and

74.6 Dunedin City Council

and have signed the memorandum setting out the relief sought.

[75] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Royal Forest and Bird Protection Society of New Zealand Incorporated:

75.1 Surfbreak Protection Society Incorporated;

75.2 Environmental Defence Society Incorporated;

75.3 Queenstown Lakes District Council;

75.4 Remarkables Park Limited and Queenstown Park Limited;

75.5 Director-General of Conservation; and

75.6 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[76] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Real Journeys Limited:

76.1 Federated Farmers of New Zealand Incorporated;

76.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;

76.3 Queenstown Lakes District Council;

76.4 Remarkables Park Limited and Queenstown Park Limited; and

76.5 Otago Water Resource Users Group

and have signed the memorandum setting out the relief sought.

Appeals on Policy 3.2.2

[77] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Clutha District Council:

77.1 Federated Farmers of New Zealand Incorporated;

77.2 Queenstown Lakes District Council;

77.3 Remarkables Park Limited and Queenstown Park Limited;

77.4 Oceana Gold New Zealand Limited; and

77.5 Dunedin City Council

and have signed the memorandum setting out the relief sought.

[78] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Darby Planning LP:

78.1 Federated Farmers of New Zealand Incorporated;

78.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;

78.3 Queenstown Lakes District Council;

78.4 Remarkables Park Limited and Queenstown Park Limited;

78.5 Otago Water Resource Users Group;

78.6 Oceana Gold New Zealand Limited; and

78.7 Dunedin City Council

and have signed the memorandum setting out the relief sought.

[79] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Dunedin City Council:

- 79.1 Federated Farmers of New Zealand Incorporated;
- 79.2 Radio New Zealand Limited;
- 79.3 Minister of Energy and Resources;
- 79.4 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 79.5 Horticulture New Zealand;
- 79.6 Queenstown Lakes District Council;
- 79.7 Remarkables Park Limited and Queenstown Park Limited;
- 79.8 Otago Water Resource Users Group;
- 79.9 Oceana Gold New Zealand Limited;
- 79.10 Alliance Group Limited;
- 79.11 Director-General of Conservation; and
- 79.12 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[80] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Henley Downs Land Holdings Limited:

- 80.1 Federated Farmers of New Zealand Incorporated;
- 80.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 80.3 Queenstown Lakes District Council;
- 80.4 Remarkables Park Limited and Queenstown Park Limited;
- 80.5 Otago Water Resource Users Group;
- 80.6 Oceana Gold New Zealand Limited; and
- 80.7 Dunedin City Council

and have signed the memorandum setting out the relief sought.

[81] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Oceana Gold New Zealand Limited:

- 81.1 Federated Farmers of New Zealand Incorporated;
- 81.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 81.3 Minister of Energy and Resources;
- 81.4 Queenstown Lakes District Council;
- 81.5 Remarkables Park Limited and Queenstown Park Limited;
- 81.6 Dunedin City Council;

- 81.7 Otago Water Resource Users Group;
- 81.8 Alliance Group Limited; and
- 81.9 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[82] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Real Journeys Limited:

- 82.1 Federated Farmers of New Zealand Incorporated;
- 82.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 82.3 Queenstown Lakes District Council;
- 82.4 Remarkables Park Limited and Queenstown Park Limited;
- 82.5 Otago Water Resource Users Group;
- 82.6 Oceana Gold New Zealand Limited; and
- 82.7 Dunedin City Council

and have signed the memorandum setting out the relief sought.

[83] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Royal Forest and Bird Protection Society of New Zealand Incorporated:

- 83.1 Surfbreak Protection Society Incorporated;
- 83.2 Environmental Defence Society Incorporated;
- 83.3 Queenstown Lakes District Council;
- 83.4 Remarkables Park Limited and Queenstown Park Limited;
- 83.5 Otago Water Resource Users Group;
- 83.6 Oceana Gold New Zealand Limited;
- 83.7 Dunedin City Council;
- 83.8 Rayonier New Zealand Limited; and
- 83.9 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[84] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Transpower New Zealand Limited:

- 84.1 Federated Farmers of New Zealand Incorporated;
- 84.2 Radio New Zealand Limited;
- 84.3 Horticulture New Zealand;

- 84.4 Queenstown Lakes District Council;
- 84.5 Remarkables Park Limited and Queenstown Park Limited;
- 84.6 Otago Water Resource Users Group;
- 84.7 Oceana Gold New Zealand Limited;
- 84.8 Dunedin City Council; and
- 84.9 Director-General of Conservation

and have signed the memorandum setting out the relief sought.

[85] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Trustpower Limited:

- 85.1 Federated Farmers of New Zealand Incorporated;
- 85.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 85.3 Surfbreak Protection Society Incorporated;
- 85.4 Queenstown Lakes District Council;
- 85.5 Remarkables Park Limited and Queenstown Park Limited;
- 85.6 Otago Water Resource Users Group;
- 85.7 Oceana Gold New Zealand Limited;
- 85.8 Environmental Defence Society Incorporated;
- 85.9 Transpower New Zealand Limited; and
- 85.10 Contact Energy Limited

and have signed the memorandum setting out the relief sought.

[86] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 86.1 Federated Farmers of New Zealand Incorporated;
- 86.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 86.3 Surfbreak Protection Society Incorporated;
- 86.4 Environmental Defence Society Incorporated;
- 86.5 Queenstown Lakes District Council;
- 86.6 Remarkables Park Limited and Queenstown Park Limited;
- 86.7 Otago Water Resource Users Group;
- 86.8 Oceana Gold New Zealand Limited;
- 86.9 Dunedin City Council;

- 86.10 Alliance Group Limited;
- 86.11 Transpower New Zealand Limited;
- 86.12 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and
- 86.13 Central Otago Environmental Society Incorporated

and have signed the memorandum setting out the relief sought.

[87] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Environmental Defence Society Incorporated:

- 87.1 Federated Farmers of New Zealand Incorporated;
- 87.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 87.3 Surfbreak Protection Society Incorporated;
- 87.4 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;
- 87.5 Transpower New Zealand Limited;
- 87.6 Remarkables Park Limited and Queenstown Park Limited;
- 87.7 Dunedin City Council;
- 87.8 Alliance Group Limited; and
- 87.9 Queenstown Lakes District Council

and have signed the memorandum setting out the relief sought.

Appeals on Policy 3.2.4

[88] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited:

- 88.1 Federated Farmers of New Zealand Incorporated;
- 88.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 88.3 Queenstown Lakes District Council;
- 88.4 Remarkables Park Limited and Queenstown Park Limited;
- 88.5 Horticulture New Zealand;
- 88.6 Otago Water Resource Users Group;
- 88.7 Oceana Gold New Zealand Limited;
- 88.8 Dunedin City Council; and
- 88.9 Queenstown Airport Corporation Limited

and have signed the memorandum setting out the relief sought.

[89] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Darby Planning LP:

- 89.1 Federated Farmers of New Zealand Incorporated;
- 89.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 89.3 Queenstown Lakes District Council;
- 89.4 Remarkables Park Limited and Queenstown Park Limited;
- 89.5 Horticulture New Zealand;
- 89.6 Otago Water Resource Users Group;
- 89.7 Oceana Gold New Zealand Limited;
- 89.8 Dunedin City Council; and
- 89.9 Queenstown Airport Corporation Limited

and have signed the memorandum setting out the relief sought.

[90] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Dunedin City Council:

- 90.1 Federated Farmers of New Zealand Incorporated;
- 90.2 Radio New Zealand Limited;
- 90.3 Minister of Energy and Resources;
- 90.4 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 90.5 Horticulture New Zealand;
- 90.6 Queenstown Lakes District Council;
- 90.7 Remarkables Park Limited and Queenstown Park Limited;
- 90.8 Otago Water Resource Users Group;
- 90.9 Oceana Gold New Zealand Limited;
- 90.10 Queenstown Airport Corporation Limited;
- 90.11 Transpower New Zealand Limited; and
- 90.12 Alliance Group Limited

and have signed the memorandum setting out the relief sought.

[91] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Environmental Defence Society Incorporated:

- 91.1 Federated Farmers of New Zealand Incorporated;
- 91.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 91.3 Surfbreak Protection Society Incorporated;

- 91.4 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;
- 91.5 Transpower New Zealand Limited
- 91.6 Remarkables Park Limited and Queenstown Park Limited;
- 91.7 Queenstown Lakes District Council;
- 91.8 Horticulture New Zealand;
- 91.9 Otago Water Resource Users Group;
- 91.10 Oceana Gold New Zealand Limited;
- 91.11 Dunedin City Council; and
- 91.12 Queenstown Airport Corporation Limited

and have signed the memorandum setting out the relief sought.

[92] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Henley Downs Land Holdings Limited:

- 92.1 Federated Farmers of New Zealand Incorporated;
- 92.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 92.3 Queenstown Lakes District Council;
- 92.4 Remarkables Park Limited and Queenstown Park Limited;
- 92.5 Horticulture New Zealand;
- 92.6 Otago Water Resource Users Group;
- 92.7 Oceana Gold New Zealand Limited;
- 92.8 Dunedin City Council; and
- 92.9 Queenstown Airport Corporation Limited

and have signed the memorandum setting out the relief sought.

[93] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Oceana Gold New Zealand Limited:

- 93.1 Federated Farmers of New Zealand Incorporated;
- 93.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 93.3 Minister of Energy and Resources;
- 93.4 Horticulture New Zealand;
- 93.5 Queenstown Lakes District Council;
- 93.6 Remarkables Park Limited and Queenstown Park Limited;

- 93.7 Queenstown Airport Corporation Limited;
- 93.8 Otago Water Resource Users Group;
- 93.9 Alliance Group Limited; and
- 93.10 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[94] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Queenstown Airport Corporation Limited:

- 94.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 94.2 Queenstown Lakes District Council;
- 94.3 Remarkables Park Limited and Queenstown Park Limited;
- 94.4 Horticulture New Zealand;
- 94.5 Otago Water Resource Users Group;
- 94.6 Oceana Gold New Zealand Limited;
- 94.7 Dunedin City Council;
- 94.8 Transpower New Zealand Limited; and
- 94.9 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

and have signed the memorandum setting out the relief sought.

[95] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Real Journeys Limited:

- 95.1 Federated Farmers of New Zealand Incorporated;
- 95.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 95.3 Queenstown Lakes District Council;
- 95.4 Remarkables Park Limited and Queenstown Park Limited;
- 95.5 Horticulture New Zealand;
- 95.6 Otago Water Resource Users Group;
- 95.7 Oceana Gold New Zealand Limited;
- 95.8 Dunedin City Council; and
- 95.9 Queenstown Airport Corporation Limited

and have signed the memorandum setting out the relief sought.

[96] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Remarkables Park Limited and Queenstown Park Limited:

- 96.1 Federated Farmers of New Zealand Incorporated;
- 96.2 Minister of Energy and Resources;
- 96.3 Environmental Defence Society Incorporated;
- 96.4 Horticulture New Zealand;
- 96.5 Otago Water Resource Users Group;
- 96.6 Oceana Gold New Zealand Limited;
- 96.7 Dunedin City Council;
- 96.8 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;
- 96.9 Darby Planning LP;
- 96.10 Henley Downs Land Holdings Limited;
- 96.11 Real Journeys Limited;
- 96.12 Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited; and
- 96.13 Queenstown Lakes District Council

and have signed the memorandum setting out the relief sought.

[97] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Transpower New Zealand Limited:

- 97.1 Federated Farmers of New Zealand Incorporated;
- 97.2 Radio New Zealand Limited;
- 97.3 Horticulture New Zealand;
- 97.4 Queenstown Lakes District Council;
- 97.5 Remarkables Park Limited and Queenstown Park Limited;
- 97.6 Otago Water Resource Users Group;
- 97.7 Oceana Gold New Zealand Limited;
- 97.8 Dunedin City Council;
- 97.9 Queenstown Airport Corporation Limited; and
- 97.10 Director-General of Conservation

and have signed the memorandum setting out the relief sought.

[98] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Trustpower Limited:

- 98.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 98.2 Surfbreak Protection Society Incorporated;
- 98.3 Queenstown Lakes District Council;
- 98.4 Remarkables Park Limited and Queenstown Park Limited;
- 98.5 Otago Water Resource Users Group;
- 98.6 Oceana Gold New Zealand Limited;
- 98.7 Dunedin City Council;
- 98.8 Queenstown Airport Corporation Limited;
- 98.9 Environmental Defence Society Incorporated;
- 98.10 Transpower New Zealand Limited; and
- 98.11 Contact Energy Limited

and have signed the memorandum setting out the relief sought.

[99] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 99.1 Federated Farmers of New Zealand Incorporated;
- 99.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 99.3 Surfbreak Protection Society Incorporated;
- 99.4 Environmental Defence Society Incorporated;
- 99.5 Queenstown Lakes District Council;
- 99.6 Remarkables Park Limited and Queenstown Park Limited;
- 99.7 Queenstown Airport Corporation Limited;
- 99.8 Otago Water Resource Users Group;
- 99.9 Oceana Gold New Zealand Limited;
- 99.10 Dunedin City Council;
- 99.11 Alliance Group Limited;
- 99.12 Transpower New Zealand Limited;
- 99.13 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and
- 99.14 Central Otago Environmental Society Incorporated

and have signed the memorandum setting out the relief sought.

Appeals on Policy 3.2.6

[100] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited:

- 100.1 Federated Farmers of New Zealand Incorporated;
- 100.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 100.3 Queenstown Lakes District Council;
- 100.4 Remarkables Park Limited and Queenstown Park Limited;
- 100.5 Horticulture New Zealand;
- 100.6 Otago Water Resource Users Group;
- 100.7 Oceana Gold New Zealand Limited; and
- 100.8 Dunedin City Council

and have signed the memorandum setting out the relief sought.

[101] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Clutha District Council:

- 101.1 Federated Farmers of New Zealand Incorporated;
- 101.2 Queenstown Lakes District Council;
- 101.3 Remarkables Park Limited and Queenstown Park Limited;
- 101.4 Oceana Gold New Zealand Limited; and
- 101.5 Dunedin City Council;

and have signed the memorandum setting out the relief sought.

[102] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Darby Planning LP:

- 102.1 Federated Farmers of New Zealand Incorporated;
- 102.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 102.3 Queenstown Lakes District Council;
- 102.4 Remarkables Park Limited and Queenstown Park Limited;
- 102.5 Horticulture New Zealand;
- 102.6 Otago Water Resource Users Group;
- 102.7 Oceana Gold New Zealand Limited; and
- 102.8 Dunedin City Council

and have signed the memorandum setting out the relief sought.

[103] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Dunedin City Council:

- 103.1 Federated Farmers of New Zealand Incorporated;
- 103.2 Radio New Zealand Limited;
- 103.3 Minister of Energy and Resources;
- 103.4 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 103.5 Queenstown Lakes District Council;
- 103.6 Remarkables Park Limited and Queenstown Park Limited;
- 103.7 Otago Water Resource Users Group;
- 103.8 Oceana Gold New Zealand Limited;
- 103.9 Alliance Group Limited;
- 103.10 Director-General of Conservation;
- 103.11 Transpower New Zealand Limited; and
- 103.12 Horticulture New Zealand

and have signed the memorandum setting out the relief sought.

[104] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Henley Downs Land Holdings Limited:

- 104.1 Federated Farmers of New Zealand Incorporated;
- 104.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 104.3 Queenstown Lakes District Council;
- 104.4 Remarkables Park Limited and Queenstown Park Limited;
- 104.5 Horticulture New Zealand;
- 104.6 Otago Water Resource Users Group;
- 104.7 Oceana Gold New Zealand Limited; and
- 104.8 Dunedin City Council

and have signed the memorandum setting out the relief sought.

[105] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Oceana Gold New Zealand Limited:

- 105.1 Federated Farmers of New Zealand Incorporated;
- 105.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 105.3 Queenstown Lakes District Council;

- 105.4 Remarkables Park Limited and Queenstown Park Limited;
- 105.5 Otago Water Resource Users Group;
- 105.6 Transpower New Zealand Limited; and
- 105.7 Minister of Energy and Resources

and have signed the memorandum setting out the relief sought.

[106] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Real Journeys Limited:

- 106.1 Federated Farmers of New Zealand Incorporated;
- 106.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 106.3 Queenstown Lakes District Council;
- 106.4 Remarkables Park Limited and Queenstown Park Limited;
- 106.5 Horticulture New Zealand;
- 106.6 Otago Water Resource Users Group;
- 106.7 Oceana Gold New Zealand Limited; and
- 106.8 Dunedin City Council;

and have signed the memorandum setting out the relief sought.

[107] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Transpower New Zealand Limited:

- 107.1 Federated Farmers of New Zealand Incorporated;
- 107.2 Radio New Zealand Limited;
- 107.3 Queenstown Lakes District Council;
- 107.4 Remarkables Park Limited and Queenstown Park Limited;
- 107.5 Oceana Gold New Zealand Limited;
- 107.6 Dunedin City Council; and
- 107.7 Horticulture New Zealand

and have signed the memorandum setting out the relief sought.

[108] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Trustpower Limited:

- 108.1 Federated Farmers of New Zealand Incorporated
- 108.2 Surfbreak Protection Society Incorporated
- 108.3 Queenstown Lakes District Council

- 108.4 Remarkables Park Limited and Queenstown Park Limited
- 108.5 Otago Water Resource Users Group
- 108.6 Oceana Gold New Zealand Limited
- 108.7 Dunedin City Council
- 108.8 Alliance Group Limited
- 108.9 Environmental Defence Society Incorporated
- 108.10 Contact Energy Limited
- 108.11 Royal Forest and Bird Protection Society of New Zealand Incorporated
- 108.12 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[109] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 109.1 Federated Farmers of New Zealand Incorporated
- 109.2 Royal Forest and Bird Protection Society of New Zealand Incorporated
- 109.3 Surfbreak Protection Society Incorporated
- 109.4 Environmental Defence Society Incorporated
- 109.5 Queenstown Lakes District Council
- 109.6 Remarkables Park Limited and Queenstown Park Limited
- 109.7 Otago Water Resource Users Group
- 109.8 Oceana Gold New Zealand Limited
- 109.9 Dunedin City Council
- 109.10 Alliance Group Limited
- 109.11 Transpower New Zealand Limited
- 109.12 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- 109.13 Central Otago Environmental Society Incorporated

and have signed the memorandum setting out the relief sought.

Appeal on Policy 3.2.7

[110] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Dunedin City Council:

- 110.1 Federated Farmers of New Zealand Incorporated

- 110.2 Radio New Zealand Limited
- 110.3 Royal Forest and Bird Protection Society of New Zealand Incorporated
- 110.4 Queenstown Lakes District Council
- 110.5 Remarkables Park Limited and Queenstown Park Limited
- 110.6 Transpower New Zealand Limited
- 110.7 Director-General of Conservation

and have signed the memorandum setting out the relief sought.

Appeal on Policy 3.2.8

[111] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Dunedin City Council:

- 111.1 Federated Farmers of New Zealand Incorporated
- 111.2 Radio New Zealand Limited
- 111.3 Royal Forest and Bird Protection Society of New Zealand Incorporated
- 111.4 Queenstown Lakes District Council
- 111.5 Remarkables Park Limited and Queenstown Park Limited
- 111.6 Alliance Group Limited
- 111.7 Transpower New Zealand Limited
- 111.8 Director-General of Conservation

and have signed the memorandum setting out the relief sought.

Appeals on Policy 3.2.9

[112] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Dunedin City Council:

- 112.1 Federated Farmers of New Zealand Incorporated;
- 112.2 Radio New Zealand Limited;
- 112.3 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 112.4 Horticulture New Zealand;
- 112.5 Queenstown Lakes District Council;
- 112.6 Remarkables Park Limited and Queenstown Park Limited;
- 112.7 Alliance Group Limited; and
- 112.8 Transpower New Zealand Limited;

and have signed the memorandum setting out the relief sought.

[113] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Transpower New Zealand Limited:

- 113.1 Federated Farmers of New Zealand Incorporated;
- 113.2 Radio New Zealand Limited;
- 113.3 Horticulture New Zealand;
- 113.4 Queenstown Lakes District Council;
- 113.5 Remarkables Park Limited and Queenstown Park Limited;
- 113.6 Dunedin City Council; and
- 113.7 Director-General of Conservation

and have signed the memorandum setting out the relief sought.

[114] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Trustpower Limited:

- 114.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 114.2 Surfbreak Protection Society Incorporated;
- 114.3 Queenstown Lakes District Council;
- 114.4 Remarkables Park Limited and Queenstown Park Limited;
- 114.5 Environmental Defence Society Incorporated; and
- 114.6 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[115] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 115.1 Federated Farmers of New Zealand Incorporated;
- 115.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 115.3 Surfbreak Protection Society Incorporated;
- 115.4 Environmental Defence Society Incorporated;
- 115.5 Queenstown Lakes District Council;
- 115.6 Remarkables Park Limited and Queenstown Park Limited;
- 115.7 Dunedin City Council;
- 115.8 Alliance Group Limited;
- 115.9 Transpower New Zealand Limited;
- 115.10 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and

115.11 Central Otago Environmental Society Incorporated
and have signed the memorandum setting out the relief sought.

Appeals on Policy 3.2.10

[116] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Dunedin City Council:

- 116.1 Federated Farmers of New Zealand Incorporated;
- 116.2 Radio New Zealand Limited;
- 116.3 Minister of Energy and Resources;
- 116.4 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 116.5 Horticulture New Zealand;
- 116.6 Queenstown Lakes District Council;
- 116.7 Remarkables Park Limited and Queenstown Park Limited;
- 116.8 Director-General of Conservation;
- 116.9 Transpower New Zealand Limited; and
- 116.10 Alliance Group Limited

and have signed the memorandum setting out the relief sought.

[117] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Transpower New Zealand Limited:

- 117.1 Federated Farmers of New Zealand Incorporated;
- 117.2 Radio New Zealand Limited;
- 117.3 Horticulture New Zealand;
- 117.4 Queenstown Lakes District Council;
- 117.5 Remarkables Park Limited and Queenstown Park Limited;
- 117.6 Dunedin City Council; and
- 117.7 Director-General of Conservation

and have signed the memorandum setting out the relief sought.

[118] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 118.1 Federated Farmers of New Zealand Incorporated;
- 118.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 118.3 Surfbreak Protection Society Incorporated;

- 118.4 Environmental Defence Society Incorporated;
 - 118.5 Queenstown Lakes District Council;
 - 118.6 Remarkables Park Limited and Queenstown Park Limited;
 - 118.7 Dunedin City Council;
 - 118.8 Alliance Group Limited;
 - 118.9 Transpower New Zealand Limited;
 - 118.10 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and
 - 118.11 Central Otago Environmental Society Incorporated
- and have signed the memorandum setting out the relief sought.

Appeals on Policy 3.2.14

[119] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Darby Planning LP:

- 119.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 119.2 Queenstown Lakes District Council;
- 119.3 Remarkables Park Limited and Queenstown Park Limited;
- 119.4 Horticulture New Zealand;
- 119.5 Otago Water Resource Users Group;
- 119.6 Oceana Gold New Zealand Limited; and
- 119.7 Dunedin City Council

and have signed the memorandum setting out the relief sought.

[120] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Dunedin City Council:

- 120.1 Federated Farmers of New Zealand Incorporated;
- 120.2 Radio New Zealand Limited;
- 120.3 Minister of Energy and Resources;
- 120.4 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 120.5 Horticulture New Zealand;
- 120.6 Queenstown Lakes District Council;
- 120.7 Remarkables Park Limited and Queenstown Park Limited;
- 120.8 Oceana Gold New Zealand Limited;
- 120.9 Director-General of Conservation;

120.10 Transpower New Zealand Limited; and

120.11 Alliance Group Limited

and have signed the memorandum setting out the relief sought.

[121] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Environmental Defence Society Incorporated:

121.1 Federated Farmers of New Zealand Incorporated;

121.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;

121.3 Surfbreak Protection Society Incorporated;

121.4 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;

121.5 Transpower New Zealand Limited;

121.6 Remarkables Park Limited and Queenstown Park Limited;

121.7 Horticulture New Zealand;

121.8 Otago Water Resource Users Group;

121.9 Oceana Gold New Zealand Limited; and

121.10 Queenstown Lakes District Council

and have signed the memorandum setting out the relief sought.

[122] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Henley Downs Land Holdings Limited:

122.1 Royal Forest and Bird Protection Society of New Zealand Incorporated

122.2 Queenstown Lakes District Council;

122.3 Remarkables Park Limited and Queenstown Park Limited;

122.4 Horticulture New Zealand;

122.5 Otago Water Resource Users Group;

122.6 Oceana Gold New Zealand Limited;

122.7 Dunedin City Council; and

122.8 Alliance Group Limited

and have signed the memorandum setting out the relief sought.

[123] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Oceana Gold New Zealand Limited:

123.1 Federated Farmers of New Zealand Incorporated;

- 123.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 123.3 Minister of Energy and Resources;
- 123.4 Queenstown Lakes District Council;
- 123.5 Remarkables Park Limited and Queenstown Park Limited; and
- 123.6 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[124] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Real Journeys Limited:

- 124.1 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 124.2 Queenstown Lakes District Council;
- 124.3 Remarkables Park Limited and Queenstown Park Limited;
- 124.4 Horticulture New Zealand;
- 124.5 Otago Water Resource Users Group;
- 124.6 Oceana Gold New Zealand Limited;
- 124.7 Alliance Group Limited; and
- 124.8 Dunedin City Council

and have signed the memorandum setting out the relief sought.

[125] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Transpower New Zealand Limited:

- 125.1 Federated Farmers of New Zealand Incorporated;
- 125.2 Radio New Zealand Limited;
- 125.3 Horticulture New Zealand;
- 125.4 Queenstown Lakes District Council;
- 125.5 Remarkables Park Limited and Queenstown Park Limited;
- 125.6 Oceana Gold New Zealand Limited;
- 125.7 Dunedin City Council; and
- 125.8 Director-General of Conservation

and have signed the memorandum setting out the relief sought.

[126] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 126.1 Federated Farmers of New Zealand Incorporated;

- 126.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
 - 126.3 Surfbreak Protection Society Incorporated;
 - 126.4 Environmental Defence Society Incorporated;
 - 126.5 Queenstown Lakes District Council;
 - 126.6 Remarkables Park Limited and Queenstown Park Limited;
 - 126.7 Horticulture New Zealand;
 - 126.8 Otago Water Resource Users Group;
 - 126.9 Oceana Gold New Zealand Limited;
 - 126.10 Dunedin City Council;
 - 126.11 Alliance Group Limited;
 - 126.12 Transpower New Zealand Limited;
 - 126.13 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and
 - 126.14 Central Otago Environmental Society Incorporated
- and have signed the memorandum setting out the relief sought.

Appeal on Policy 3.2.15

[127] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 127.1 Federated Farmers of New Zealand Incorporated;
 - 127.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
 - 127.3 Surfbreak Protection Society Incorporated;
 - 127.4 Environmental Defence Society Incorporated;
 - 127.5 Queenstown Lakes District Council;
 - 127.6 Remarkables Park Limited and Queenstown Park Limited;
 - 127.7 Transpower New Zealand Limited;
 - 127.8 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and
 - 127.9 Central Otago Environmental Society Incorporated
- and have signed the memorandum setting out the relief sought.

Appeals on Policy 3.2.16

[128] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Dunedin City Council:

- 128.1 Federated Farmers of New Zealand Incorporated;
- 128.2 Radio New Zealand Limited;
- 128.3 Minister of Energy and Resources;
- 128.4 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 128.5 Horticulture New Zealand;
- 128.6 Queenstown Lakes District Council;
- 128.7 Remarkables Park Limited and Queenstown Park Limited;
- 128.8 Otago Water Resource Users Group;
- 128.9 Oceana Gold New Zealand Limited;
- 128.10 Director-General of Conservation; and
- 128.11 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[129] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Environmental Defence Society Incorporated:

- 129.1 Federated Farmers of New Zealand Incorporated;
- 129.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 129.3 Surfbreak Protection Society Incorporated;
- 129.4 Queenstown Lakes District Council;
- 129.5 Remarkables Park Limited and Queenstown Park Limited;
- 129.6 Horticulture New Zealand;
- 129.7 Otago Water Resource Users Group;
- 129.8 Oceana Gold New Zealand Limited;
- 129.9 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and
- 129.10 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[130] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 130.1 Federated Farmers of New Zealand Incorporated;
- 130.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 130.3 Surfbreak Protection Society Incorporated;

- 130.4 Environmental Defence Society Incorporated;
 - 130.5 Queenstown Lakes District Council;
 - 130.6 Remarkables Park Limited and Queenstown Park Limited;
 - 130.7 Otago Water Resource Users Group;
 - 130.8 Oceana Gold New Zealand Limited;
 - 130.9 Dunedin City Council;
 - 130.10 Alliance Group Limited;
 - 130.11 Transpower New Zealand Limited;
 - 130.12 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and
 - 130.13 Central Otago Environmental Society Incorporated
- and have signed the memorandum setting out the relief sought.

Appeals on Policy 3.2.17

[131] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Alliance Group Limited:

- 131.1 Federated Farmers of New Zealand Incorporated;
- 131.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 131.3 Environmental Defence Society Incorporated;
- 131.4 Queenstown Lakes District Council;
- 131.5 Remarkables Park Limited and Queenstown Park Limited;
- 131.6 Herbert Heritage Wetlands Group;
- 131.7 Horticulture New Zealand;
- 131.8 Oceana Gold New Zealand Limited;
- 131.9 Dunedin City Council; and
- 131.10 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

and have signed the memorandum setting out the relief sought.

[132] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Henley Downs Land Holdings Limited:

- 132.1 Federated Farmers of New Zealand Incorporated;
- 132.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 132.3 Queenstown Lakes District Council;

- 132.4 Remarkables Park Limited and Queenstown Park Limited;
- 132.5 Horticulture New Zealand;
- 132.6 Otago Water Resource Users Group;
- 132.7 Dunedin City Council; and
- 132.8 Alliance Group Limited

and have signed the memorandum setting out the relief sought.

[133] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Horticulture New Zealand:

- 133.1 Federated Farmers of New Zealand Incorporated;
- 133.2 Remarkables Park Limited and Queenstown Park Limited;
- 133.3 Dunedin City Council;
- 133.4 Transpower New Zealand Limited;
- 133.5 Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited; and
- 133.6 Herbert Heritage Wetlands Group

and have signed the memorandum setting out the relief sought.

[134] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Real Journeys Limited:

- 134.1 Federated Farmers of New Zealand Incorporated;
- 134.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 134.3 Queenstown Lakes District Council;
- 134.4 Remarkables Park Limited and Queenstown Park Limited;
- 134.5 Horticulture New Zealand;
- 134.6 Otago Water Resource Users Group; and
- 134.7 Alliance Group Limited

and have signed the memorandum setting out the relief sought.

[135] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Remarkables Park Limited and Queenstown Park Limited:

- 135.1 Environmental Defence Society Incorporated;
- 135.2 Horticulture New Zealand;
- 135.3 Dunedin City Council;

- 135.4 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;
- 135.5 Darby Planning LP;
- 135.6 Henley Downs Land Holdings Limited;
- 135.7 Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited;
- 135.8 Real Journeys Limited; and
- 135.9 Queenstown Lakes District Council

and have signed the memorandum setting out the relief sought.

Appeals on Policy 3.2.18

[136] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Alliance Group Limited:

- 136.1 Federated Farmers of New Zealand Incorporated;
- 136.2 Royal Forest and Bird Society of New Zealand Incorporated;
- 136.3 Environmental Defence Society Incorporated;
- 136.4 Queenstown Lakes District Council;
- 136.5 Remarkables Park Limited and Queenstown Park Limited;
- 136.6 Herbert Heritage Wetlands Group;
- 136.7 Horticulture New Zealand;
- 136.8 Oceana Gold New Zealand Limited;
- 136.9 Dunedin City Council; and
- 136.10 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

and have signed the memorandum setting out the relief sought.

[137] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Dunedin City Council:

- 137.1 Federated Farmers of New Zealand Incorporated;
- 137.2 Radio New Zealand Limited;
- 137.3 Royal Forest and Bird Protection Society of New Zealand Incorporated;
- 137.4 Horticulture New Zealand;
- 137.5 Queenstown Lakes District Council;
- 137.6 Remarkables Park Limited and Queenstown Park Limited; and

137.7 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[138] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Henley Downs Land Holdings Limited:

138.1 Federated Farmers of New Zealand Incorporated;

138.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;

138.3 Queenstown Lakes District Council;

138.4 Remarkables Park Limited and Queenstown Park Limited;

138.5 Horticulture New Zealand;

138.6 Otago Water Resource Users Group;

138.7 Oceana Gold New Zealand Limited;

138.8 Dunedin City Council; and

138.9 Alliance Group Limited

and have signed the memorandum setting out the relief sought.

[139] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Horticulture New Zealand:

139.1 Federated Farmers of New Zealand Incorporated;

139.2 Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited;

139.3 Remarkables Park Limited and Queenstown Park Limited;

139.4 Herbert Heritage Wetlands Group;

139.5 Dunedin City Council; and

139.6 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[140] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Oceana Gold New Zealand Limited:

140.1 Federated Farmers of New Zealand Incorporated;

140.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;

140.3 Minister of Energy and Resources;

140.4 Horticulture New Zealand;

140.5 Queenstown Lakes District Council;

140.6 Remarkables Park Limited and Queenstown Park Limited; and

140.7 Transpower New Zealand Limited

and have signed the memorandum setting out the relief sought.

[141] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Real Journeys Limited:

141.1 Federated Farmers of New Zealand Incorporated;

141.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;

141.3 Queenstown Lakes District Council;

141.4 Remarkables Park Limited and Queenstown Park Limited;

141.5 Horticulture New Zealand;

141.6 Otago Water Resource Users Group;

141.7 Oceana Gold New Zealand Limited; and

141.8 Alliance Group Limited

and have signed the memorandum setting out the relief sought.

[142] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Remarkables Park Limited and Queenstown Park Limited:

142.1 Minister of Energy and Resources;

142.2 Environmental Defence Society Incorporated;

142.3 Horticulture New Zealand;

142.4 Oceana Gold New Zealand Limited;

142.5 Dunedin City Council;

142.6 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;

142.7 Darby Planning LP;

142.8 Henley Downs Land Holdings Limited;

142.9 Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited;

142.10 Real Journeys Limited; and

142.11 Queenstown Lakes District Council

and have signed the memorandum setting out the relief sought.

[143] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Wise Response Incorporated:

- 143.1 Federated Farmers of New Zealand Incorporated;
 - 143.2 Royal Forest and Bird Protection Society of New Zealand Incorporated;
 - 143.3 Surfbreak Protection Society Incorporated;
 - 143.4 Environmental Defence Society Incorporated;
 - 143.5 Queenstown Lakes District Council;
 - 143.6 Remarkables Park Limited and Queenstown Park Limited;
 - 143.7 Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited;
 - 143.8 Horticulture New Zealand;
 - 143.9 Oceana Gold New Zealand Limited;
 - 143.10 Dunedin City Council;
 - 143.11 Alliance Group Limited;
 - 143.12 Transpower New Zealand Limited;
 - 143.13 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; and
 - 143.14 Central Otago Environmental Society Incorporated
- and have signed the memorandum setting out the relief sought.

Appeals on Schedule 3

[144] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Ayrburn Farm Developments Limited and Bridesdale Farm Developments Limited:

- 144.1 Federated Farmers of New Zealand Incorporated;
- 144.2 Royal Forest and Bird Society of New Zealand Incorporated;
- 144.3 Queenstown Lakes District Council;
- 144.4 Remarkables Park Limited and Queenstown Park Limited;
- 144.5 Horticulture New Zealand;
- 144.6 Oceana Gold New Zealand Limited; and

and have signed the memorandum setting out the relief sought.

[145] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Darby Planning LP:

- 145.1 Royal Forest and Bird Society of New Zealand Incorporated;
- 145.2 Queenstown Lakes District Council;
- 145.3 Remarkables Park Limited and Queenstown Park Limited;

145.4 Horticulture New Zealand;
145.5 Otago Water Resource Users Group;
145.6 Oceana Gold New Zealand Limited; and
and have signed the memorandum setting out the relief sought.

[146] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Dunedin City Council:

146.1 Federated Farmers of New Zealand Incorporated;
146.2 Radio New Zealand Limited;
146.3 Royal Forest and Bird Society of New Zealand Incorporated;
146.4 Queenstown Lakes District Council;
146.5 Remarkables Park Limited and Queenstown Park Limited;
146.6 Transpower New Zealand Limited; and
and have signed the memorandum setting out the relief sought.

[147] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Henley Downs Land Holdings Limited:

147.1 Royal Forest and Bird Society of New Zealand Incorporated;
147.2 Queenstown Lakes District Council;
147.3 Remarkables Park Limited and Queenstown Park Limited;
147.4 Horticulture New Zealand;
147.5 Otago Water Resource Users Group;
147.6 Oceana Gold New Zealand Limited; and
and have signed the memorandum setting out the relief sought.

[148] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Oceana Gold New Zealand Limited:

148.1 Royal Forest and Bird Society of New Zealand Incorporated;
148.2 Queenstown Lakes District Council;
148.3 Remarkables Park Limited and Queenstown Park Limited;
148.4 Dunedin City Council;
148.5 Otago Water Resource Users Group;
148.6 Transpower New Zealand Limited; and
and have signed the memorandum setting out the relief sought.

[149] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Real Journeys Limited:

149.1 Royal Forest and Bird Society of New Zealand Incorporated;

149.2 Queenstown Lakes District Council;

149.3 Remarkables Park Limited and Queenstown Park Limited;

149.4 Oceana Gold New Zealand Limited;

149.5 Otago Water Resource Users Group; and

and have signed the memorandum setting out the relief sought.

Appeals on Schedule 4

[150] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Environmental Defence Society Incorporated:

150.1 Royal Forest and Bird Society of New Zealand Incorporated;

150.2 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga;

150.3 Transpower New Zealand Limited;

150.4 Remarkables Park Limited and Queenstown Park Limited;

150.5 Dunedin City Council;

150.6 Queenstown Lakes District Council; and

and have signed the memorandum setting out the relief sought.

[151] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Oceana Gold New Zealand Limited:

151.1 Royal Forest and Bird Society of New Zealand Incorporated;

151.2 Transpower New Zealand Limited;

151.3 Remarkables Park Limited and Queenstown Park Limited;

151.4 Queenstown Lakes District Council;

151.5 Otago Water Users Group; and

and have signed the memorandum setting out the relief sought.

[152] The following parties gave notice of intention to become parties under Section 274 of the Act to the relevant parts of the appeal by Royal Forest and Bird Society of New Zealand Incorporated:

152.1 Environmental Defence Society Incorporated;

152.2 Remarkables Park Limited and Queenstown Park Limited;

APPENDIX 1

PART B Chapter 3 Otago has high quality natural resources and ecosystems

People and communities need to sustainably manage the environment, including safeguarding the life-supporting capacity of natural resources and recognising the intrinsic values of ecosystems, is are essential to provide for the current and future wellbeing of people and communities.

The economy, particularly primary production, tourism, and mineral and petroleum exploration and extraction, strongly relies on the quantity and quality of natural resources and the ecosystem services they provide.

This chapter begins with the recognition and maintenance of all natural resources. The second part focuses on the identification, protection, and enhancement of natural resources that are nationally or regionally important. This chapter is not concerned with sustaining mineral resources for future generations.

Objective 3.1 The **functions and values of Otago's ecosystems and natural resources are recognised, maintained and or enhanced where degraded**

Policy 3.1.1 Fresh water

Safeguard the life-supporting capacity of fresh water and manage fresh water to:

- a) Maintain good quality water and enhance water quality where it is degraded, including for:
 - i. Important recreation values, including contact recreation; and,
 - ii. Existing drinking and stock water supplies;
- b) Maintain or enhance aquatic:
 - i. Ecosystem health;
 - ii. Indigenous habitats; and,
 - iii. Indigenous species and their migratory patterns.
- c) Avoid aquifer compaction and seawater intrusion;
- d) Maintain or enhance, as far as practicable:
 - i. Natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers;
 - ii. Coastal values supported by fresh water;
 - iii. The habitat of trout and salmon unless detrimental to indigenous biological diversity; and
 - iv. Amenity and landscape values of rivers, lakes, and wetlands;
- e) Control the adverse effects of pest species, prevent their introduction and reduce their spread;
- f) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion; and,
- g) Avoid, remedy or mitigate adverse effects on existing infrastructure that is reliant on fresh water.

~~Manage fresh water to achieve all of the following:~~

- ~~a) Maintain or enhance ecosystem health in all Otago aquifers, and rivers, lakes, wetlands, and their margins;~~
- ~~b) Maintain or enhance the range and extent of habitats provided by fresh water, including the habitat of trout and salmon;~~
- ~~c) Recognise and provide for the migratory patterns of freshwater species, unless detrimental to indigenous biological diversity;~~
- ~~d) Avoid aquifer compaction and seawater intrusion in aquifers;~~
- ~~e) Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded;~~
- ~~f) Maintain or enhance coastal values;~~
- ~~g) Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers;~~
- ~~h) Maintain or enhance the quality and reliability of existing drinking and stock water supplies;~~
- ~~i) Recognise and provide for important recreation values;~~
- ~~j) Maintain or enhance the amenity and landscape values of rivers, lakes, and wetlands;~~
- ~~k) Control the adverse effects of pest species, prevent their introduction and reduce their spread;~~
- ~~l) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion;~~
- ~~m) Avoid, remedy, or mitigate adverse effects on existing infrastructure that is reliant on fresh water.~~

Policy 3.1.2 Beds of rivers, lakes, wetlands, and their margins

Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to:

- a) Safeguard the life supporting capacity of fresh water;
- b) Maintain good quality water, or enhance it where it has been degraded;
- c) Maintain or enhance bank stability;
- d) Maintain or enhance ecosystem health and indigenous biological diversity
- e) Maintain or enhance, as far as practicable:
 - i. Their natural functioning and character; and
 - ii. Amenity values;
- f) Control the adverse effects of pest species, prevent their introduction and reduce their spread; and,
- g) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion.

~~Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to achieve all of the following:~~

- ~~a) Maintain or enhance their natural functioning;~~
- ~~b) Maintain good water quality, or enhance it where it has been degraded;~~
- ~~c) Maintain or enhance ecosystem health and indigenous biological diversity;~~
- ~~d) Maintain or enhance natural character;~~
- ~~e) Maintain or enhance amenity values;~~

- ~~f) Control the adverse effects of pest species, prevent their introduction and reduce their spread;~~
- ~~g) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion;~~
- ~~h) Maintain or enhance bank stability.~~

Method 3: Regional Plans

Method 3.1.3, Method 3.1.13

Method 4: City and District Plans

Method 4.1.3, Method 4.1.15

Method 6 : Non RMA Strategies and Plans

Method 6.7

Policy 3.1.3 Water allocation and use

Manage the allocation and use of fresh water by undertaking all of the following:

- a) Recognising and providing for the social and economic benefits of sustainable water use;
- b) Avoiding over-allocation, and phasing out existing over-allocation, resulting from takes and discharges;
- c) ~~Ensure~~ Ensuring the efficient allocation and use of water by ~~undertaking all of the following:~~
 - ai) Requiring that the ~~volume~~ of water allocated does not exceed what is necessary for its efficient use;
 - bi) Encouraging the development or upgrade of infrastructure that increases use efficiency; -
 - iii. Providing for temporary dewatering activities necessary for construction or maintenance.

Policy 3.1.4 Water shortage

Manage for water shortage by undertaking all of the following:

- a) Encouraging land management that improves moisture capture, infiltration, and soil moisture holding capacity.
- ba) Encouraging collective coordination and rationing of the take and use of water when river flows or aquifer levels are lowering, to avoid breaching any minimum flow or aquifer level restriction to optimise use of water available for taking;
- cb) ~~Providing for~~ Encouraging water harvesting and storage, subject to allocation limits and flow management, to reduce demand on water bodies during periods of low flows.

Policy 3.1.5 Coastal water

Manage coastal water to:

- a) Maintain coastal water quality or enhance it where it has been degraded;
- b) Maintain healthy coastal ecosystems, the range of indigenous habitats provided by the coastal marine area, and the migratory patterns of indigenous coastal water species or enhance these values where they have been degraded;
- c) Maintain or enhance important recreation values;

- d) Maintain or enhance, as far as practicable:
 - i. Coastal values; and
 - ii. The habitats provided by the coastal marine area for trout and salmon unless detrimental to indigenous biological diversity.
- e) Control the adverse effects of pest species, prevent their introduction and reduce their spread.

~~Manage coastal water to achieve all of the following:~~

- ~~a) Maintain or enhance healthy coastal ecosystems;~~
- ~~b) Maintain or enhance the range of habitats provided by the coastal marine area, including the habitat of trout and salmon;~~
- ~~c) Recognise and provide for the migratory patterns of coastal water species unless detrimental to indigenous biological diversity;~~
- ~~d) Maintain coastal water quality or enhance it where it has been degraded;~~
- ~~e) Maintain or enhance coastal values;~~
- ~~f) Recognise and provide for important recreation values;~~
- ~~g) Control the adverse effects of pest species, prevent their introduction and reduce their spread.~~

Policy 3.1.7 Soil values

Safeguard the life-supporting capacity of soil and manage soil to:

- a) Maintain or enhance as far as practicable
 - i. Soil biological diversity;
 - ii. Biological activity in soils;
 - iii. Soil function in the storage and cycling of water, nutrients, and other elements through the biosphere;
 - iv. Soil function as a buffer or filter for contaminants resulting from human activities, including aquifers at risk of leachate contamination;
 - v. Soil fertility where soil is used for primary production;
- b) Where a) is not practicable, minimise adverse effects;
- c) Recognise that urban and infrastructure development may result in loss of soil values.
- d) Control the adverse effects of pest species, prevent their introduction and reduce their spread;
- e) Retain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained.

~~Manage soils to achieve all of the following:~~

~~Maintain or enhance their life supporting capacity;~~

- ~~a) Maintain or enhance soil biological diversity;~~
- ~~b) Maintain or enhance biological activity in soils;~~
- ~~c) Maintain or enhance soil function in the storage and cycling of water, nutrients, and other elements through the biosphere;~~
- ~~d) Maintain or enhance soil function as a buffer or filter for contaminants resulting from human activities, including aquifers at risk of leachate contamination;~~
- ~~e) Maintain or enhance soil resources for primary production;~~

- ~~g) Maintain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained;~~
- ~~h) Avoid the creation of contaminated land;~~
- ~~i) Control the adverse effects of pest species, prevent their introduction and reduce their spread.~~

Policy 3.1.8 Soil erosion

Minimise soil erosion resulting from activities, by undertaking all of the following:

- a) Using appropriate erosion controls and soil conservation methods;
- b) Maintaining vegetative cover on erosion prone land;
- c) Remediating land where significant soil erosion has occurred;
- d) Encouraging activities that enhance soil retention.

Policy 3.1.9 Ecosystems and indigenous biological diversity

Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to:

- a) Maintain or enhance:
 - i. Ecosystem health and indigenous biological diversity including habitats of indigenous fauna;
 - ii. Biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;
- b) Maintain or enhance as far as practicable:
 - i. Areas of predominantly indigenous vegetation;
 - ii. Habitats of trout and salmon unless detrimental to indigenous biological diversity;
 - iii. Areas buffering or linking ecosystems;
- c) Recognise and provide for:
 - i. Hydrological services, including the services provided by tall tussock grassland;
 - ii. Natural resources and processes that support indigenous biological diversity;
- d) Control the adverse effects of pest species, prevent their introduction and reduce their spread.

~~Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to achieve all of the following:~~

- ~~a) Maintain or enhance ecosystem health and indigenous biological diversity;~~
- ~~b) Maintain or enhance biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;~~
- ~~c) Maintain or enhance areas of predominantly indigenous vegetation;~~
- ~~d) Recognise and provide for important hydrological services, including the services provided by tussock grassland;~~
- ~~e) Recognise and provide for natural resources and processes that support indigenous biological diversity;~~

- ~~f) Maintain or enhance habitats of indigenous species and the habitat of trout and salmon that are important for recreational, commercial, cultural or customary purposes;~~
- ~~g) Control the adverse effects of pest species, prevent their introduction and reduce their spread.~~

Policy 3.1.10 Biodiversity in the coastal environment

Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:

- a) Areas of predominantly indigenous vegetation in the coastal environment;
- b) Habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
- c) Indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
- d) Habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
- e) Habitats, including areas and routes, important to migratory species; and
- f) Ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

Policy 3.1.1342 Environmental enhancement

Encourage, facilitate and support activities which ~~that~~ contribute to enhancing the resilience and enhancement of the natural environment, by one or more of the following where applicable:

- a) Improving water quality and quantity;
- b) Protecting or restoring habitat for indigenous species;
- c) Regenerating indigenous species;
- d) Mitigating natural hazards;
- e) Protecting or restoring wetlands;
- f) Improving the health and resilience of:
 - i. Ecosystems supporting indigenous biological diversity ;
 - ii. Important ecosystem services, including pollination;
- g) Improving access to rivers, lakes, wetlands and their margins, and the coast;
- h) Buffering or linking ecosystems, habitats and areas of significance that contribute to ecological corridors;
- i) Controlling pest species.

Objective 3.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced where degraded

Issue:

Otago has significant and highly-valued natural resources. These include outstanding natural features, landscapes, seascapes, indigenous biological diversity , water bodies and soil, which all have intrinsic value and help to create the region's identity and support the region's wellbeing.

These highly valued resources can become degraded if they are not adequately protected from inappropriate subdivision, use and development, and so deserve a greater degree of recognition.

Resource degradation can adversely affect the social, cultural and economic wellbeing of people and communities.

Policy 3.2.1 Identifying significant indigenous vegetation and habitats

Identify areas and values of significant indigenous vegetation and significant habitats of indigenous fauna, using the attributes detailed in Schedule 4.

Policy 3.2.2 Managing significant indigenous vegetation and habitats

Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna, by all of the following:

- a) In the coastal environment, avoiding adverse effects on:
 - i. The values that contribute to the area or habitat being significant;
 - ii. Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;
 - iii. Taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
 - iv. Indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;
 - v. Habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
 - vi. Areas containing nationally significant examples of indigenous community types; and
 - vii. Areas set aside for full or partial protection of indigenous biological diversity under other legislation;
- ~~ab)~~ Avoiding adverse effects on Beyond the coastal environment, and in the coastal environment in significant areas not captured by a) above, maintaining those values that contribute to the area or habitat being significant;
- ~~bc)~~ Avoiding significant adverse effects on other values of the area or habitat;
- ~~de)~~ Remedying when other adverse effects cannot be avoided;
- ~~ed)~~ Mitigating when other adverse effects cannot be avoided or remedied ;
- ~~fe)~~ Encouraging enhancement of those areas and values ~~which~~ that contribute to the area or habitat being significant;
- ~~gf)~~ Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.

Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes

Protect, enhance ~~and~~ or restore outstanding natural features, landscapes and seascapes, by all of the following:

- a) In the coastal environment, avoiding adverse effects on the outstanding values of the natural feature, landscape or seascape;
- ~~ba)~~ Avoiding adverse effects on Beyond the coastal environment, maintaining those the outstanding values which contribute to the significance of the natural feature, landscape or seascape;

- ~~c)~~ Avoiding, remedying or mitigating other adverse effects ;
- ~~e)~~ ~~Recognising and providing for the positive contributions of existing introduced species to those values;~~
- ~~d)~~ ~~Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;~~
- ~~de)~~ Encouraging enhancement of those areas and values ~~which~~ that contribute to the significance of the natural feature, landscape or seascape.

Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes

~~Protect~~ Maintain or enhance highly valued natural features, landscapes and seascapes by all of the following:

- a) Avoiding significant adverse effects on those values ~~which~~ that contribute to the high value of the natural feature, landscape or seascape ;
- b) Avoiding, remedying or mitigating other adverse effects ;
- ~~e)~~ ~~Recognising and providing for positive contributions of existing introduced species to those values;~~
- ~~d)~~ ~~Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;~~
- ~~ce)~~ Encouraging enhancement of those values ~~which~~ that contribute to the high value of the natural feature, landscape or seascape.

Policy 3.2.7 Landward extent of the coastal environment

Identify the landward extent of the coastal environment, recognising that the coastal environment ~~consists of one or more of the following~~ includes:

- a) The coastal marine area;
- b) Islands within the coastal marine area;
- c) Areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;
- d) Areas at risk from coastal hazards;
- e) Coastal vegetation and the habitat of indigenous coastal species including migratory birds;
- f) Elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
- g) Items of cultural and historic heritage in the coastal marine area or on the coast;
- h) Inter-related coastal marine and terrestrial systems, including the intertidal zone; and
- i) Physical resources and built facilities, including infrastructure, that have modified the coastal environment.

Policy 3.2.8 Identifying high and outstanding natural character in the coastal environment

Identify areas and values of high and outstanding natural character in the coastal environment, ~~where one or more of the following attributes are met~~ which may include matters such as:

- a) Natural elements, processes and patterns;

- b) *Biophysical, ecological, geological and geomorphological aspects;*
- c) *Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, estuaries, reefs, freshwater springs and surf breaks;*
- d) *The natural movement of water and sediment;*
- e) *The natural darkness of the night sky;*
- f) *Places or areas that are wild or scenic;*
- g) *A range of natural character from pristine to modified;*
- h) *Experiential attributes, including the sounds and smell of the sea; and their context or setting.*

Method 2: Regional, City and District Council Relationships

Method 2.1, Method 2.2

Method 3: Regional Plans

Method 3.1.5

Method 4: City and District Plans

Method 4.1.23, Method 4.2.2

Method 5: Research, Monitoring and Reporting

Method 5.1.2 b.

Policy 3.2.9 Managing the outstanding natural character of the coastal environment

Preserve or enhance the outstanding natural character of the coastal environment, by all of the following:

- a) *Avoiding adverse effects on those values ~~which~~ that contribute to the outstanding natural character of an area;*
- b) *Avoiding, remedying or mitigating other adverse effects;*
- c) *Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment;*
- d) *Encouraging enhancement of those values ~~which~~ that contribute to the outstanding natural character of an area;*
- e) *Controlling the adverse effects of pest species, prevent their introduction and reduce their spread.*

Policy 3.2.10 Managing the high natural character of the coastal environment

Preserve or enhance the high natural character of the coastal environment, by all of the following:

- a) *Avoiding significant adverse effects on those values ~~which~~ that contribute to the high natural character of an area;*
- b) *Avoiding, remedying or mitigating other adverse effects;*
- c) *Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment;*
- d) *Encouraging enhancement of those values ~~which~~ that contribute to the high natural character of an area;*
- e) *Controlling the adverse effects of pest species, prevent their introduction and reduce their spread.*

Policy 3.2.13 Identifying outstanding freshwater bodies

Identify freshwater bodies where any one or more of the following significant values are outstanding:

- a) Naturalness ;
- b) Amenity or landscape values;
- c) Kāi Tahu cultural values;
- d) Recreational values;
- e) Ecological values;
- f) Hydrological values.

Policy 3.2.14 Managing outstanding freshwater bodies

Protect outstanding freshwater bodies by all of the following:

- a) ~~Avoiding~~ Maintaining the values that significant adverse effects on those values which contribute to the water body being outstanding;
- b) Avoiding, remedying or mitigating other adverse effects on the water body ;
- c) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;
- d) Encouraging enhancement of those values ~~which~~ that contribute to the water body being outstanding.

Policy 3.2.15 Identifying the significant values of wetlands

Identify the significant values of wetlands, having regard to all of the following:

- a) Degree of naturalness;
- b) Amenity or landscape values;
- c) Kāi Tahu cultural values;
- d) Recreational values;
- e) Ecological function and values;
- f) Hydrological function and values;
- g) Geomorphological features and values.

Policy 3.2.16 Managing the values of wetlands

Protect the function and values of wetlands by all of the following:

- a) ~~Avoiding significant adverse effects on~~ Maintaining the significant values of the wetlands;
- b) Avoiding, remedying or mitigating other adverse effects;
- c) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;
- d) Encouraging enhancement ~~which~~ that contributes to the values of the wetland.
- e) Encouraging the rehabilitation of degraded wetlands.

Policy 3.2.17 Identifying significant soil

Identify areas of soil that are significant ~~according to one or more of,~~ using the following criteria:

- a) Land classified as land use capability I, II and IIIe in accordance with the New Zealand Land Resource Inventory;
- b) Degree of significance for primary production;
- c) Significance for providing contaminant buffering or filtering services;
- d) Significance for providing water storage or flow retention services;
- e) Degree of rarity.

Policy 3.2.18 Managing significant soil

~~Protect~~ Manage areas of significant soil, by all of the following:

- a) Maintaining those values which make the soil significant;
- ~~a) Avoiding significant adverse effects on those values which make the soil significant;~~
- ~~b) Avoiding, remedying or mitigating other adverse effects;~~
- ~~b)e) Recognising that loss of significant soil to urban development urban expansion on significant soils may occur in accordance with any future development strategy be appropriate due to location and proximity to existing urban development and infrastructure;~~
- ~~c)d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.~~

Method 3: Regional Plans

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;

Method 4: City and District Plans

4.1.43 Policies 3.1.2, 3.1.9 and 3.2.2: by including provisions to:

- ~~a. Maintain or enhance ecosystems and biological diversity; and to~~
- ~~b. Protect significant indigenous vegetation and significant habitats of indigenous fauna;~~
- c. Control the clearance or modification of indigenous vegetation and habitats of indigenous fauna;

4.1.15 Policy 3.1.2, 4.3.3, 4.4.1 and 4.4.3: by providing, in appropriate circumstances, for activities that have a functional need to be located in the beds of rivers, lakes, wetlands, and their margins.

Schedule 3 Criteria for the identification of outstanding natural features, landscapes and seascapes, and highly valued natural features, landscapes and seascapes

The identification of natural features, landscapes and seascapes will be based on, but not limited to, have regard to the following criteria:

1. Biophysical attributes	a. Natural science factors, including geological, topographical, ecological and dynamic components
	b. The presence of water including in seas, lakes, rivers and streams
	c. Vegetation (native and exotic)

2. Sensory attributes	a. Legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes
	b. <u>Amenity Aesthetic</u> values including memorability and naturalness
	c. Transient values including presence of wildlife or other values at certain times of the day or year
	d. Wild or scenic values

3. Associative attributes	a. Whether the values are shared and recognised
	b. Cultural and spiritual values for Kāi Tahu, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features
	c. Historical and heritage associations

Schedule 4 Criteria for the identification of areas of significant indigenous vegetation and habitat of indigenous fauna

The identification of areas of significant indigenous vegetation and habitat of indigenous fauna are assessed against all of the following criteria. Areas will be considered significant where they meet one or more of the following criteria.

1. Representativeness	An area that is an example of an indigenous vegetation type or habitat that is typical or characteristic of the natural diversity of the relevant ecological district <u>or coastal marine biogeographic region</u> . This may include degraded examples of their type or represent all that remains of indigenous vegetation and habitats of indigenous fauna in some areas.
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2. <i>Rarity</i>	<p>An area that supports:</p> <ol style="list-style-type: none"> a. An indigenous species that is threatened, at risk, or uncommon, nationally or within an ecological district <u>or coastal marine biogeographic region</u>; b. Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent nationally, regionally or within a relevant land environment, ecological district, <u>coastal marine biogeographic region</u> or freshwater environment including wetlands; c. Indigenous vegetation and habitats within originally rare ecosystems.
3. <i>Diversity</i>	<p>An area that supports a high diversity of indigenous <u>ecosystem types, indigenous taxa or has changes in species composition reflecting the existence of diverse natural features or gradients.</u> vegetation and habitats of indigenous fauna or consists of a diverse range or sequence of interrelated vegetation and habitat types. The degree of diversity should be referenced to specific communities i.e. levels of diversity varying significantly between communities and habitat types.</p>
4. <i>Distinctiveness</i>	<p>An area that supports or provides habitat for:</p> <ol style="list-style-type: none"> a. Indigenous species at their distributional limit within Otago or nationally; b. Indigenous species that are endemic to the Otago region; c. Indigenous vegetation or an association of indigenous species that is distinctive, of restricted occurrence, or has developed as a result of an unusual environmental factor or combinations of factors.
5. <i>Ecological Context</i>	<p>The relationship of the area with its surroundings, including:</p> <ol style="list-style-type: none"> a. An area that has important connectivity value allowing dispersal of indigenous vegetation and fauna between different areas; b. An important buffering function that helps to protect the values of an adjacent area or feature; c. An area that is important for indigenous fauna during some part of their life cycle, either regularly or on an irregular basis, e.g. for feeding, nesting, breeding, or refuges from predation.
6. <i>Coastal Environment</i>	<p>An area identified in accordance with Policy 11 of the NZCPS.</p>

This schedule applies to indigenous vegetation and habitat of indigenous fauna in the terrestrial, coastal and marine environments.

The Regional Council holds additional information to inform decision making on these criteria including the rationale for criteria and examples of areas representing these criteria.