

From: [Jim Hopkins](#)
To: [RPS](#)
Subject: ORPS submission from Jim Hopkins
Date: Friday, 3 September 2021 2:57:37 p.m.
Attachments: [ORPS submission Version 2.pdf](#)

Submission from
Jim Hopkins

I confirm that I **could not** gain an advantage in trade competition through this submission
I **am not** directly affected by an effect of the subject matter of the submission as outlined
in **(a)** and **(b)**

I **wish** to be heard in support of my submission

If others make a similar submission, I **will** consider presenting a joint case with them at a
hearing

My name is Jim Hopkins

The date is 3/9/2021

My address is 16 Tamar Street, Oamaru 9400

I am the contact person

My email address is jimhop46@gmail.com

My phone numbers are 021 114 3189 or 03 434 9410

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use Form 5. Which I was doing, for 3 hours!!!! Then, for no apparent reason, your
template wouldn't allow me to open any new boxes and, worse still, while trying to create
more space, everything I'd written unexpectedly disappeared.

So I'm submitting to you the same way I submitted to parliament on the 'exposure draft'
for the proposed Natural and Built Environments Bill, which I trust you will find
acceptable.

My first submission relates to the Foreword or mihi.

I oppose the failure to adequately include the need for human ecosystems to be healthy,
flourishing, resilient and safeguarded along with the rest of the environment. A truly
holistic view of the environment would include us as well as all the other species that
constitute the biodiversity and natural systems referenced In the foreword/mihi.

The long term vision "reflects that a healthy, flourishing environment is fundamental to
our well-being." So is a healthy, flourishing economy and healthy, flourishing
communities. If engagement with and use of the wider environment - something every
living species has and is doing for their own benefit - then the professed goal in the ORPS,
to support "the well-being of present and future generations" will be put at risk.
Without resilient, safeguarded, flourishing communities the well-being of future
generations will not be supported.

The foreword/mihi should include the concept of the human ecosystem as part of the wider
environment and acknowledge that use of the environment for human benefit is legitimate
and should be enabled within parameters that allow development, modification,
enhancement and reinstatement.

Under **Purpose** on Page 3, the wording of paragraph 2 should be amended to read; The
Otago Regional Policy Statement (ORPS) provides policy framework that aims to achieve
long-term environmental *and social* sustainability by integrating the protection,
restoration, enhancement and use of Otago's natural and resources *with the sustaining of*

communities and their well-being.

The foreword/mihi also uses at least one spiritual term, “mauri” in respect of water bodies. There has been a long-standing constitutional separation of the secular and the spiritual, for very good reasons. The ORPS should not deviate from this. Quantifiable, measurable terms are more universal and deliver better outcomes. Terms like ‘purity,’ ‘quality,’ ‘life-supporting ability’ should be used instead of spiritual concepts not necessarily universally shared.

If, for example, someone were to submit that the ORPS should embrace Christian beliefs about the environment, such as it being God’s creation, I would expect you to decline such a request. Applying particular spiritual concepts creates a ranking of beliefs and has the potential to introduce new areas of conflict in the wider planning context.

Finally, the foreword/mihi refers to a range of issues and concerns like “managing urban development, improving freshwater and coastal environmental management and supporting biodiversity.” It goes on to say, “Mana whenua and ORC have faced this planning challenge together.”

I would be surprised and concerned if other people, communities and organisations had not also been involved and if they were, then they too should be acknowledged.

Finally, I would note that the last sentence of the foreword/mihi states “*Regional and district plans* must give effect to the ORPS.

This is a new provision and gives the ORC new and wider powers. My submission is that these should be exercised in a measured and moderate way which allows TLAs a reasonable discretion so that the requirement “to give effect” is achieved in a way best suited to the particular circumstances of the any particular Council. My submission is that this is not always the case and that the ORC has been unduly prescriptive in some instances. So I request more flexibility and nuance with the requirements set out in the ORPS.

Submission 2 relates to the Interpretation/Definitions Section, Page 14 onwards

There are references in the ORPS to Te Tiriti o Waitangi but a definition is not included in the Interpretation Section. I oppose this. My submission is that the Section should include a definition of Te Tiriti o Waitangi which is identical to that included in the ‘exposure draft’ of the proposed Natural and Built Environments Bill. This definition says the words Te Tiriti o Waitangi have the same meaning as The Treaty of Waitangi. Not including this definition may mean the ORPS is not in accord with Crown intentions and also creates potential future conflicts relating to which principles in which own two documents are being considered.

The Interpretation/Definitions section also fails to include a definition of matauraka - which is referenced on Page 61 of the document. A definition should be included in the Interpretation Section, perhaps including some means by which its precepts may be evaluated.

Submission 3 concerns the MW - Mana whenua Chapter, Pages 47-64

I oppose the apparent requirement in this Chapter requiring councils to utilise a partnership approach to give effect to the principles of Te Tiriti o Waitangi. Please note my earlier submission regarding the need for the reference to Te Tiriti to be included in the Interpretation Section.

This submission relates to the partnership approach and the need for local authorities to “recognise the status of Kai Tahu...as a Treaty partner.” Except that the Treaty partnership has been ruled to be one between Maori and the Crown, rather than local authorities. Arguably, what is included in the ORPS introduces a relationship which exceeds that identified in Court rulings.

For that reason alone, this is an example of where ORC should exercise its “give effect” powers in a moderate manner.

My submission is that the wording under the heading:-

Objectives

MW-01 - Principles of Te Tiriti o Waitangi

Should be as follows: “The principles of Te Tiriti o Waitangi are given effect in resource management processes and decisions, utilising as collaborative or partnership approach between councils and mana whenua to ensure that agreed mana whenua values are actively protected in the region.”

As currently worded, the ORPS obliges councils to adopt their partnership approach with a particular Runaka and is also leaves the identifying of values exclusively with mana whenua. On the face of it, that’s not a partnership approach. The values to be “actively protected” should be mutually agreed. This would ensure greater buy-in from the whole community.

Other matters raised in the MW - Mana whenua Chapter include the possibility of conflict between mana whenua groups. As described, mana whenua includes Waitaha and Kati Momoe. But suppose a future application for resource consent or other planning permission is made by either group. Would they be able to operate, as mana whenua, in an autonomous manner or would they require permission from, say, Papatipu Runaka or some other entity? And if that wasn’t forthcoming, how would the application be handled? My submission is that this matter requires clarification.

More generally, there is an urgent need to establish what is meant by rakatirataka and kaitiakitaka. The implication in the ORPS is that these terms confer decision-making authority on Kai Tahu in relation to “their taoka tuku iho.” If that is the intention, then it should be made explicit so that councils and the whole community are clearly aware of the situation.

What also needs to be clarified explicitly is the extent to which any rights apply. Do those rights only apply to the land areas described and set out in the ORPDS or if they apply, for instance, more widely to areas where Wahi Tupuna sites have been identified, how will those rights be exercised, what role will councils have and how will any conflicting interests or concerns be addressed and resolved?

Taking into account the “give effect” principle, these are matters that must be resolved and any such resolutions should involve clarification of the obligations set in **MW-P2 - Treaty Principles**.

Finally, on Page 61, in the **MW-M2 - Work with Kai Tahu** section, I submit (3) should be amended to read; “develop research and monitoring programmes that incorporate matauraka and the means by which it is assessed that are jointly led with agreed funding.” At present (3) says such programmes will be led by mana whenua, despite the potential for conflict of interest. Having them jointly led would better reflect the principles of partnership as would some provision allowing costs to be apportioned where benefits accrue.

Submission 4 involves ECO - Ecosystems and indigenous biodiversity

Because of the problems identified at the start of this submission, time is now short. So I will briefly set out my concerns. My submission is that the IORPS is not as emphatic as it could be or should when it comes to managing and constraining the loss of productive soils, particularly in dry catchment zones, when they are used for carbon forestry planting. This does not benefit the local human ecosystem and, if the latest research is correct, may actually exacerbate global warming.

I would like to see the ORPS either be more prescriptive when it comes to carbon forestry conversions or give councils greater powers to restrict their expansion in unsuitable areas.

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Noting that you do identify the risk of coastal erosion in the Waitaki District, my submission is that the ORPS should explicitly allow more responses than simply managed retreat. Councils should be enabled to selectively protect identified settlements or areas

where protections isn't sought and viable.

Submission 6 involves the Oamaru Harbour breakwater

The ORPS specifically references the Oamaru Harbour breakwater as containing significant natural values. My submission is that this is not the case and the reference to significant natural values should be removed. I oppose it remaining in the ORPS.

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I oppose the provision in the ORPS requiring local authorities to map outstanding water bodies by 2026. This is an unfunded mandate that properly sits with ORC. My submission is that this requirement be removed completely or until funding and resourcing have been agreed between ORC and affected councils.

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Submission 9 involves EIT-INF-M5 (7)

Put simply, what does this mean? My submission is that the ORPS should clearly explain the provision and its consequences.

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It will be very difficult for Waitaki District Council to link future high transport generators with public transport options when there is currently no public transport available in the district. My submission is that EIT-TRANS-M8 should be more conditional and provide for areas without public transport.

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Thank you for considering my submission.

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