

# Written Submission on Proposed Otago Regional Policy Statement 2021

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

## To: Otago Regional Council

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

Waitaki District Council

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

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



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

Name: Councillor Melanie Tavendale

Position: Deputy Mayor, Chair of Community, Culture and Regulatory Committee

Organisation: Waitaki District Council

**c. Date**

2 September 2021

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

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

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8. My submission is:

Column 1	Column 2	Column 3	Column 4
<p><i>The <b>specific provisions</b> of the proposal that my submission relates to are:</i></p> <p><i>(Please enter the relevant objective, policy, method, or 'other' provision reference where possible. For example, 'AIR-O1'.)</i></p>	<p><i>I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b>.</i></p> <p><i>(Please indicate "support" or "oppose" or "amend")"</i></p>	<p><i>The <b>reasons</b> for my views are:</i></p>	<p><i>I seek the following <b>decision</b> from the local authority:</i></p> <p><i>(Please be as clear as possible – for example, include any alternative wording for specific provision amendments.)</i></p>
<p>Paragraph 5 Description of the region – page 6</p>	<p>Amend</p>	<p>It is unclear why agriculture has been singled out without any reference to horticulture and viticulture</p>	<p>Use generic descriptor “primary production” to replace agriculture and mining references - horticulture and viticulture are included within the generic primary production definition</p>
<p>Description of the region – page 7</p>	<p>Amend</p>	<p>There is no reference to North Otago in the locations of rolling plains etc..</p>	<p>Include reference to North Otago alongside South Otago and Central Otago, or use a generic reference to “rural Otago”</p>
<p>Interpretation – page 17</p>	<p>Amend</p> <p>[Recommended new provision]</p>	<p>Include a definition for carbon forestry.</p> <p>A definition for carbon forestry will assist with a consistent regional approach to the management of the carbon forestry activity.</p>	<p>Recommended definition for carbon forestry:</p> <p><i>Carbon forestry</i>  <i>“The practice of planting and growing trees to sequester atmospheric carbon into the soil, wood, leaves and roots.”</i></p>

Glossary of <i>te reo</i> terms – page 42	Amend  [Recommended new provision]	A glossary of <i>te reo</i> terms, words or phrases would be useful. There are a number of <i>te reo</i> terms eg. matauraka used throughout the document and some are not explained while others have bracketed interpretation throughout the text. A central place for interpretation would make this easier for the reader to understand the provisions of the plan.	Include new glossary of <i>te reo</i> terms
Objectives and policy numbering	Amend  [Recommended alignment with National Planning Standards]	The numbering of objectives and policies differ from other draft and proposed plans recently released under the National Planning Standards.	Each chapter objective, policy, rule and method to begin with 1.
Dates - throughout	Amend	Dates have been provided throughout the RPS provisions when District Councils must prepare and/or amend their District Plans to give effect to the RPS provisions. In some cases, no dates are provided.  Similarly, for monitoring requirements, in some cases dates are provided, while in other cases, alternative wording has been provided eg. when practicable.	There is a consistent approach to dates when actions are required – that dates are provided for all requirements to avoid any ambiguity in interpretation.
MW-P1 – page 60 MW-P2 – page 60 MW-P3 – page 61		Treaty partnership position  Adopting a Treaty partnership approach to governing and managing land and water is intertwined throughout the PRPS	A revised section 32 analysis to assess the benefits, costs and risks of the proposed policies in MW-P1, MW-P2 and MW-P3. This includes providing the opportunity for further discussion with local

		<p>provisions. Relevant proposed policy provisions that reinforce this approach in the PRPS include:</p> <p><i>MW-P2 (2) including Kāi Tahu in resource management processes and implementation to the extent desired by mana whenua</i></p> <p><i>MW-P2 (7) actively pursuing opportunities for:</i></p> <p><i>(a) delegation or transfer of functions to Kāi Tahu, and</i></p> <p><i>(b) partnership or joint management arrangements</i></p> <p><i>MW-P3 (3) working with Kāi Tahu to incorporate mātauraka in resource management.</i></p> <p>WDC is concerned around the assumption that local authorities are a treaty partner. WDC understands that whilst section 4 of the LGA02 clearly acknowledges responsibility for the Treaty obligations lie with the Crown, under parts 2 and 6, local government is charged with the responsibility to promote opportunities for Māori and other members of the public to contribute to its decision-making processes.</p>	<p>authorities and their communities around the underlying principles of the mana whenua chapter.</p> <p>Note concerns and clarify ORC's understanding of local authority Treaty partner status</p>
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		<p>WDC also understands that provisions in the RMA91 that recognise Māori interests in natural resources include:</p> <ul style="list-style-type: none"> <li>• section 6 – recognition of the national importance of the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga;</li> <li>• section 7 – a requirement to have regard to kaitiakitanga in relation to managing the use, development and protection of natural and physical resources; and</li> <li>• section 8 – a requirement to take into account the principles of the Treaty of Waitangi in relation to managing the use, development and protection of natural and physical resources.</li> </ul>	
MW-M2 – page 61		<p>Working with Kāi Tahu</p> <p>WDC is concerned that ORC has not provided an appropriate opportunity for key stakeholders to have a principles discussion around the Mana Whenua provisions in the PRPS, and what this means for the communities of the Otago region.</p> <p>WDC is concerned that the section 32 analysis on the Mana whenua chapter does not clearly articulate the benefits,</p>	<p>A revised section 32 analysis to assess the benefits, costs and risks of the proposed methods in MW-M2. This includes providing the opportunity for further discussion with local authorities and their communities around the underlying principles of the mana whenua chapter.</p>

		<p>costs, and risks of the new provisions on the community, the economy and the environment. This compromises the ability to understand the rationale for the choice of new policy and methods.</p> <p>In particular, the requirement to consult with Kāi Tahu to develop research and monitoring programmes that incorporate mātauraka which are led by mana Whenua (3).</p>	
MW-M4 – page 62		<p>Kāi Tahu involvement in resource management</p> <p>WDC is concerned that the section 32 analysis on the Mana whenua chapter does not clearly articulate the benefits, costs, and risks of the new provisions on the community, the economy and the environment. This compromises the ability to understand the rationale for the choice of new policy and methods. In particular, the requirement for local authorities to include accredited Kai Tahu commissioners on hearing panels (1), resourcing Kai Tahu participation in resource management decision making and associated funding requirements(2), joint management agreements and full or partial transfers of functions, duties and powers from local authorities (3).</p>	<p>A revised section 32 analysis to assess the benefits, costs and risks of the proposed methods in MW-M4. This includes providing the opportunity for further discussion with local authorities and their communities around the underlying principles of the mana whenua chapter.</p> <p>Expectations around resourcing requirements to give effect to the RPS are proportionate to the size of the local authority.</p>

		<p>There are significant resourcing implications for smaller territorial authorities such as Waitaki. WDC is concerned around the affordability of facilitating Kāi Tahu involvement in resource management as anticipated in the proposed provisions.</p> <p>WDC considers that expectations around resourcing requirements associated with Kāi Tahu involvement in resource management should be proportionate to the size of the local authority.</p>	
SRMR – I1 – page 65	Amend	<p>Natural hazards As per previous notes around the use of primary production as a generic term.</p> <p>The lower Waitaki River is not referenced as a risk from flooding disrupting floodplains.</p>	<p>Paragraph 2 - Replace agriculture with “primary production”</p> <p>Include Lower Waitaki in the bracketed naming of specific rivers</p>
SRMR – I1 – page 66	Amend	<p>WDC considers that coastal erosion in the Waitaki district has been downplayed even in the current situation, and notes that coastal erosion is occurring and has been for some time. A change in the wording from “risk” to “issue” may help to strengthen this position.</p> <p>WDC also requests removal of the word “potentially” as coastal erosion is</p>	<p>Amend SRMR – I1:</p> <p>Replace ‘risk’ with ‘issue’ Remove “potentially”</p> <p>Proposed amendment to statement: <i>Coastal erosion is an <u>risk</u> issue in Waitaki District, Dunedin City and along the Clutha River Delta, <del>potentially</del> affecting</i></p>



		affecting communities and infrastructure (land and buildings around Oamaru are being lost to coastal erosion and part of a local roading network has been affected between Oamaru and Kakanui.	<i>communities and infrastructure near the coast.</i>
SRMR – I2 - page 67		Climate Change 1st para – there is an absence of Waitaki examples or inclusion of North Otago in this scene setting part of the document. Hampden has issues with coastal erosion exposing an old waste dump.	Include Hampden Beach in climate change statement
SRMR – I5 – page 74	Amend	Water short catchments  WDC notes that water-short catchments are referred to in SRMR-15 (and in other resource management issue statements as discussed below), however, these are not defined anywhere in the PRPS.	Define “water-short catchments”
SRMR – I2 - page 67  SRMR- I3 – page 70, 71  SRMR - I10 - page 83	Amend  [Recommended new provisions]	Carbon forestry  WDC is disappointed that carbon forestry has not been recognised as a resource management issue in the Otago region through the provisions of the PRPS.  The carbon forestry land use bypasses existing national regulatory provisions relating to forestry including the National Environmental Standards for Plantation	Include reference to carbon forestry as a resource management issue for Otago

		<p>Forestry. Carbon forestry is not defined at a national level.</p> <p>WDC considers there is scope to promote the sustainable management of carbon forestry through Otago's RPS in the absence of any national direction to date. Regional direction is needed to ensure a consistent approach to its management across the territorial authorities of Otago.</p> <p>Carbon forests are becoming more common in New Zealand as part of initiatives to address climate change. The Otago region will not be exempt from this.</p> <p>Recent public meetings in North Otago have highlighted the current issue that carbon forestry poses. This issue is anticipated to accelerate across the region throughout the life of the RPS with the high degree of central government incentive.</p> <p>Carbon storage is an increasing issue for the Otago region, with pastoral properties now actively being marketed as suitable for carbon forestry.</p> <p>Carbon forestry can result in disproportionate impacts on rural economies, a loss of historically</p>	
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		<p>“productive” land, negative impacts on local employment and agricultural services, reverse sensitivity effects, fire risk and wilding tree spread if not managed appropriately, and issues with site rehabilitation if not managed appropriately.</p> <p>WDC notes that the PRPS includes reference to issues around wilding pines in SRMR-I3, however carbon forestry is not referenced despite similar effects referenced around wilding pines including threatening high country and tussock, increased fire risk, reduced water yields in water short catchments, changes in landscape and negative impacts on recreational, hydrological and conservation value.</p> <p>The permissive nature of the carbon forestry activity as it currently stands has the potential to conflict with several policies in the PRPS including:</p> <ul style="list-style-type: none"><li>• <i>prioritising the use of highly productive land for primary production;</i></li><li>• <i>managing land use that may have adverse effects on the flow of water in surface water bodies and in the recharge of groundwater;</i></li></ul> <p><i>and</i></p>	
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		<ul style="list-style-type: none"> <li>• <i>promoting land use that improves the resilience to the impacts of climate change</i></li> </ul>	
SRMR – I10 – page 83	Amend	<p>WDC is concerned that the PRPS does not adequately recognise and provide for existing physical resources such as the Macraes mining operation. The Macraes mining operation is a significant activity within the Waitaki District and wider Otago region.</p> <p>The Macraes Mine holds a special zoning under the Waitaki District Plan referred to as the “Macraes Mining Zone”. WDC is proposing to continue this zone in its 2<sup>nd</sup> generation District Plan, as it is an example of a special purpose zone under the National Planning Standards.</p>	<p>Include a greater recognition of mining operations in the Otago region and their contribution towards social and economic wellbeing.</p> <p>Recognise the Macraes Mine special zoning under the Waitaki District Plan within the PRPS.</p>
RMIA-MKB - I1 – page 89	Amend  [Recommended new provision]	Carbon forestry	<p>Amend last bullet point of RMIA-MKB - I1 to include reference to carbon forestry:</p> <p><i>The impact of inappropriate forestry developments including carbon forestry, conversion of tussock lands and other intensification of farming on indigenous flora and fauna values, including ecological disturbance and displacement of species.</i></p>

<p>CE-M2 – page 114</p>		<p>Identifying areas and values of high and outstanding natural character</p> <p>Method CE-M2(4) requires that the identification of high and outstanding natural character is prioritised in areas that are likely to face development or growth pressure over the life of the RPS, or likely to contain outstanding natural character areas or natural features.</p> <p>WDC notes that there are four areas identified in Table 2 within the Waitaki district. These include the Oamaru Harbour Breakwater, Moeraki Beach, Moeraki Peninsula, Shag Point and the Shag River Estuary. As identified in the PRPS, Table 2 are areas likely to contain significant values.</p> <p>WDC notes that there is no discussion around the significance of these areas within the section 32 report, and the reasons for their inclusion. A justification needs to be provided to confirm the effectiveness and efficiency of requiring detailed assessments of the values, and capacity to accommodate change through development or growth pressure in these areas. This work has the potential to require significant resourcing from WDC.</p>	<p>Clarify the significance of the following areas as identified in the PRPS as areas likely to contain significant values: Oamaru Harbour Breakwater, Moeraki Beach, Moeraki Peninsula, Shag Point and the Shag River Estuary.</p> <p>Clarify the rationale for inclusion of Oamaru Harbour Breakwater, Moeraki Beach, Moeraki Peninsula, Shag Point and the Shag River Estuary within Table 2.</p>
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<p>LF-VM-03 North Otago FMU vision – page 125</p>	<p>Amend  [Recommended new provisions]</p>	<p>Water quantity is not explicitly addressed through the FMU vision for North Otago.</p> <p>WDC notes that there are issues with dry catchments in the Waitaki district, and this has not been captured through the localised RPS provisions and vision for North Otago FMU.</p> <p>Page 35 of the Section 32 report states that “the importance of agriculture to the North Otago economy and the need for <u>certainty of access to water</u>” was determined through public consultation in late 2020. However, relevant considerations in the Waitaki FMU have not been included in the RPS.</p>	<p>Add new vision point for North Otago FMU:</p> <p><i>Land management practices are not resulting in adverse effects on the flow of water in surface water bodies or the recharge of groundwater.</i></p>
<p>LF-FW-08 – page 129</p>	<p>Support</p>	<p>WDC supports the objectives for freshwater management.</p>	<p>Note support</p>
<p>LF-LS-O11 – page 137</p>	<p>Support</p>	<p>WDC supports the objective around safeguarding life-supporting capacity of Otago’s soil and productive capacity of highly productive land for primary production.</p>	<p>Note support</p>
<p>LF-LS-O12 – page 137</p>	<p>Support</p>	<p>WDC supports the objective for land use to maintain soil quality and contribute towards achieving environmental outcomes for freshwater.</p>	<p>Note support</p>

LF-LS-P16 – page 137	Support	WDC supports the objective of integrated management of land and freshwater resources.	Note support
LF-LS-P17 – page 137	Support	WDC supports the objective of maintaining soil values (mauri, health and productive potential) including interconnections between soil health, vegetative cover, water quality and quantity.	Note support
LF-LS-M12 – page 139	Amend  [Recommended new provisions]	WDC considers that ORC is best placed to provide appropriate methods to manage the effects of carbon forestry to ensure our land, water and soils are managed appropriately across the region through District Plan provisions.	Amend 1 (a):  <i>(1) manage land use change by: (a) controlling the establishment of new or any spatial extension of existing plantation forestry activities <u>including carbon forestry</u> where necessary to give effect to an objective developed under the NPSFM...</i>
LF-LS-M12 – page 139	Amend  [Recommended new provisions]	Water short catchments  WDC notes that reference to water short catchments has been removed from the Proposed RPS methods to manage land use change (previously included the draft version). However, WDC notes that there are references to water short catchments in various resource management issue statements in the RPS document.	New method (1) (c):  <i>Managing land uses practices that may have adverse effects on the flow of water in surface water bodies or the recharge of groundwater</i>

		<p>WDC understand that ORC have stated in the media that dry catchment provisions have not been included in the PRPS due to the “inability to define significant reduction in water yield in dry catchments.” The section 32 report states that dry catchment provisions are not considered a priority when giving effect to the principles of Te Mana o te Wai.</p> <p>WDC notes that in the Te Mana o te Wai hierarchy as defined in the PRPS, providing for the health and wellbeing of people and their use of water for drinking and consumption of harvested resources is second priority behind the health and wellbeing of the water body, and providing for the social, economic and cultural wellbeing now and the future being a third priority.</p> <p>WDC considers that water quantity must to be managed appropriately in order to achieve ORC’s desired prioritisation around fresh management, and this is best placed through integrated land and water management through District Plan provisions.</p> <p>WDC considers that regional plan provisions alone are not enough to manage this issue.</p>	
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		In order to implement the recommended additional method through District Plan provisions, territorial authorities would need ORC to commit to resourcing continuous monitoring and provide up-to-date information on water short catchments and high-risk groundwater recharge areas across the Otago region.	
LF-LS-M12 – page 139	Amend  [Recommended new provisions]	<p>WDC considers that land use must be managed to ensure that carbon farms are in appropriate locations away from highly productive land – “the right tree in the right place.”</p> <p>WDC considers that RPS direction should be provided for all territorial authorities through their district plans to enable the prioritisation of productive land for primary production ahead of other land uses which may include carbon forestry.</p>	<p>New method (1) (d):</p> <p><i>Prioritise the use of highly productive land for primary production ahead of other land uses including carbon forestry</i></p>
<p>ECO-P2 – page 142</p> <p>ECO-M2 – page 145</p> <p>ECO-M5 – page 147</p> <p>ECO-M7 – page 148</p>	Note	<p>WDC notes that the ORC has largely based the biodiversity provisions in the PRPS around the Draft National Policy Statement for Indigenous Biodiversity. While this is the latest policy position of central government, WDC notes that there is the potential for some change to this national direction prior to it being finalised. WDC is concerned that the PRPS provisions could lock in stronger</p>	<p>The PRPS is not stronger than National Direction</p>

		<p>provisions than those required under national direction, and the possible reasons for this have not yet been articulated through a section 32 report. There are significant resourcing implications around the identification of SNA's and their provision through a rule framework. While WDC has been undertaking a programme to identify SNA's for a number of years, the update of SNA provision has been constrained due to access being denied by landowners, and resourcing and funding constraints by Council.</p> <p>WDC supports a consistent framework around the identification of SNA's.</p>	
ECO-P5 – page 143	Amend	<p>Existing activities within SNA's</p> <p>WDC is concerned that the proposed provisions may impact on existing activities.</p> <p>There is no certainty provided in the section 32 report as to whether this policy would only relate to general ongoing continuation of a legally authorised activity or whether it would be applicable to the extension of activities in an existing zoned area under a District Plan.</p>	<p>The PRPS is not any stronger on existing activities than s10 of the RMA</p> <p>Provide for existing activities within SNA's.</p>

		<p>The section 32 report notes that <i>“the proposed provisions allow existing activities to continue within SNAs provided that the continuation will not lead to the loss of extent or degradation of the ecological integrity of the SNA, and the adverse effects are no greater in character, intensity or scale than they were before the RPS became operative.”</i></p> <p>There is no commentary provided around the determination of existing activities – eg. lawfully established with existing use rights as per section 10 of the RMA91.</p> <p>WDC is concerned that the proposed provisions could disadvantage existing lawfully established land uses that may be operating lawfully within a special zone within a District Plan, or under the conditions of an existing land use consent eg. Macraes Mining operations in the Waitaki District under a special zone in the Waitaki District Plan.</p>	
ECO-M5 – page 147	Support and amend	<p>Wilding conifer species / carbon forestry</p> <p>WDC supports the intent to manage wilding conifer spread. However, we note that wilding conifer species are not usually intentionally planted in SNA’s, rather they are typically incidental to other plantation forestry or carbon</p>	<p>Amend ECO-M5 (6):</p> <p><i>Within areas identified as significant natural areas, prohibit the planting of <del>wilding</del> conifer species as listed in APP5 that have the ability to spread, including those associated with carbon forestry</i></p>

		<p>forestry activities. The NES-PF limits the planting of plantation forestry that has the potential to spread through its wilding tree risk calculator.</p> <p>WDC would like to reiterate that carbon forestry activities also have the potential to result in negative effects through the spread of wilding conifers onto adjacent land.</p> <p>WDC requests that carbon forestry also be referenced through this method to ensure that District Plans can control the possible side effect of wilding conifer spread associated with carbon forestry activities. A regionally consistent approach to the management of carbon forestry would be beneficial.</p>	
ECO-M5 – page 147	Amend	WDC requests an additional method to provide for buffer zones adjacent to SNA's where it is necessary to protect the SNA.	<p>New ECO-M5(7):</p> <p><i>Provide buffer zones adjacent to significant natural areas where it is necessary to protect the significant natural area</i></p>
HCV-HH-P3 – page 178	Amend	<p>Otago's historic heritage</p> <p>WDC considers it difficult to create a comprehensive list of Otago's historic heritage. It is not clear why residential</p>	<p>Amend HCV-HH-P3:</p> <p><i>(5) surveying equipment, communications and transport, including roads, bridges, railway infrastructure and routes</i></p>

		<p>and commercial buildings are listed, but not social or civic buildings (to capture the likes of schools, churches, civic and public buildings). WDC considers that several other types of heritage should be included in this list.</p> <p>WDC also notes that vegetation is not typically a heritage feature unless the vegetation reference is referring to “designed landscape.”</p>	<p><i>(6) industrial historic heritage, including mills, quarries, limekilns, grain stores, water supply infrastructure and brickworks,</i></p> <p><i>(7) gold, limestone and other mining systems and settlements,</i></p> <p><i>(8) dredge and shipwrecks, and coastal structures and buildings, including breakwaters, jetties, and lighthouses</i></p> <p><i>(11) memorials and cemeteries</i></p> <p><i>(12) trees and vegetation</i></p> <p><i>(13) military structures or remains</i></p>
HCV-HH-P3 – page 178		<p>Recognising historic heritage</p> <p>WDC is concerned there is possible duplication between clause 1 and clause 10 of this policy.</p>	<p>WDC requests that ORC clarifies the difference between coastal historic heritage (clause 10) and Maori cultural and historic values (clause 1).</p>
HCV-HH-P3 – page 178		<p>Recognising historic heritage</p> <p>WDC notes that cultural and heritage values are typically linked to a site or feature, and not considered stand alone.</p>	<p>WDC requests ORC’s clarifies if clause 1 (Māori cultural and historic heritage values) also refers to sites and not just values.</p>
HCV-HH-P7 – page 179	Support	Integration of historic heritage	Note support

		WDC supports the policy around integrating historic heritage values into new activities and the adaptive reuse or upgrade of historic heritage places and areas.	
NFL – P5 – page 182	Amend	<p>Wilding conifers / carbon forestry</p> <p>WDC requests reference to carbon forestry activities within the policy to control wilding conifers in outstanding and highly valued landscapes.</p>	<p>Amend NFL-P5:</p> <p><i>(1) avoiding afforestation, <del>and</del> replanting of plantation forests <u>and carbon forestry activities</u> with wilding conifer species listed in APP5....</i></p>
<b>Note:</b> Additional rows for each separate provision or submission point should be added as required.			