

In the High Court of New Zealand
Dunedin Registry

I Te Kōti Matua O Aotearoa
Ōtepoti Rohe

CIV-2021-412-000089

Under the Declaratory Judgments Act 1908

Between **Otago Regional Council**

Plaintiff

And **Royal Forest and Bird Protection Society of New Zealand
Incorporated**

Defendant

And **Waitaki District Council**

Third Party

Affidavit of Victoria Jane van der Spek for Waitaki District Council

30th November 2021

Waitaki District Council solicitors:

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I, **VICTORIA JANE VAN DER SPEK**, Executive Officer, Oamaru **swear**:

Introduction and background

- 1 I am currently employed as Executive Officer at Waitaki District Council (WDC).
- 2 I have worked in New Zealand as a planner and policy professional for local authorities, private consultancy and as an independent consultant for 20 years.
- 3 I hold a Bachelor of Social Science (1st class Hons) majoring in Geography and Resources and Environmental Planning from Waikato University. I am an Associate Member of the New Zealand Planning Institute.
- 4 I have been employed by WDC since December 2020 in my current position. Previously, I contracted to WDC, Timaru District Council, Waimate District Council and Greater Wellington Regional Council in the planning and policy space as an independent consultant. Prior to this, I worked as Policy Advisor to the Wellington Regional Strategy, Parks Planner at Greater Wellington Regional Council, Resource Management Consultant at Hill Young Cooper Ltd, Planner at Connell Wagner Ltd, and Resource Advisor at Environment Waikato.
- 5 My planning experience encompasses both resource management policy development and implementation. I have assisted WDC and Timaru District Council with the development of their 2nd generation District Plans, prepared national and regional planning and policy submissions, processed resource consent applications, land information memorandums and project information memorandums, monitored resource consent conditions, and provided generic planning advice to the public, private clients and on behalf of Councils.
- 6 I led the preparation of WDC's submission on the Proposed Otago Regional Policy Statement (PORPS).
- 7 I have read the High Court Code of Conduct for Expert Witnesses. My evidence complies with the Code in all respects and the opinions herein are within my area of expertise.
- 8 In this affidavit I:
 - (a) Summarise the purpose of regional policy statements;
 - (b) Summarise the freshwater planning provisions in the Resource Management Act (RMA);



- (c) Provide an overview of the key issues covered in WDC's submission on the PORPS;
- (d) Discuss the impact on WDC of treating the entire PORPS as a freshwater planning instrument; and
- (e) Identify those chapters of the PORPS that I consider should be treated as freshwater planning instruments and those that should not.

Regional policy statements

- 9 Regional Councils such as the Otago Regional Council must prepare regional policy statements (**RPS**) is to provide an overview of resource management issues in their region. Section 59 of the RMA states that:

The purpose of a regional policy statement is to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.

- 10 The definition of "natural and physical resources in section 2 of the RMA is very broad and includes: "land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures."
- 11 Under section 62 of the RMA RPSs must set out objectives for addressing the resource management issues that they identify. They must provide specific policies for each objective, and methods for implementation of the policies. They also identify the environmental results anticipated.
- 12 Under section 61 of the RMA, when preparing or changing an RPS, the regional council must have regard to any:
 - (a) management plans and strategies prepared under other Acts; and
 - (b) relevant entries in the Historic Places Register; and
 - (c) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources;

to the extent that their content has a bearing on resource management issues of the region; and to the extent necessary to ensure consistency with the policy statements and plans of adjacent regional councils; and with regulations made under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

- 13 RPSs provide a framework and broad directions for resource management within their regions. This broad direction is then implemented through regional and district plans, such as the Waitaki District Plan prepared by WDC.

Freshwater planning processes

- 14 Under section 2 of the RMA "water" means:
- (a) water in all its physical forms whether flowing or not and whether over or under the ground:
 - (b) includes fresh water, coastal water, and geothermal water:
 - (c) does not include water in any form while in any pipe, tank, or cistern;
- and "freshwater" means "all water except coastal water and geothermal water".
- 15 The freshwater planning provisions set out in section 80A and Part 4 of Schedule 1 of the RMA were introduced through the Resource Management Amendment Act 2020 to address the need to improve freshwater management and outcomes by providing a more streamlined decision-making pathway.
- 16 Section 80A(2) of the RMA sets out that a freshwater planning instrument means:
- (a) a proposed regional plan or regional policy statement for the purpose of giving effect to any national policy statement for freshwater management:
 - (b) a proposed regional plan or regional policy statement that relates to freshwater (other than for the purpose described in paragraph (a)):
 - (c) a change or variation to a proposed regional plan or regional policy statement if the change or variation:
 - (i) is for the purpose described in paragraph (a); or
 - (ii) otherwise relates to freshwater.
- 17 Under section 80A(3)(b) if a council is satisfied that only part of the instrument relates to freshwater, the council must:
- (a) prepare that part in accordance with section 80A and Part 4 of Schedule 1; and



- (b) prepare the parts that do not relate to freshwater in accordance with Part 1 of Schedule 1 or, if applicable, the streamlined planning process set out in section 80B.
- 18 Under Part 4 of Schedule 1, freshwater planning instruments will follow the process below:
- (a) the Chief Freshwater Commissioner must convene a freshwater hearings panel to conduct the public hearing of submissions
 - (b) the freshwater hearings panel must conduct the public hearing of submissions in accordance with Part 4 of Schedule 1:
 - (c) after the public hearing of submissions the freshwater hearings panel must make recommendations to the regional council:
 - (d) the regional council may accept or reject any recommendation. However:
 - (i) the regional council must provide reasons for rejecting a recommendation; and
 - (ii) a person who made a submission on the freshwater planning instrument may make an appeal in accordance with subpart 2 of Part 4 of Schedule 1.
- 19 The appeal rights available in respect of a freshwater planning instrument are set out in clauses 55 and 56 of Schedule 1.
- 20 Under section 55 in circumstances where a council rejects the freshwater hearings panel's recommendation, submitters whose submissions covered that particular matter may appeal to the Environment Court on the merit of the decision.
- 21 Under section 56, where a council accepts the freshwater hearings panel's recommendations submitters who submitted on that particular matter covered in the recommendation may only appeal to the High Court on points of law, with rights of appeal to the Court of Appeal.
- 22 The establishment of a separate streamlined pathway, with limited appeal rights for freshwater planning instruments indicates a clear intention that planning instruments that do not relate to freshwater should be processed according to the existing provisions in the RMA.



WDC's submission on the PORPS

- 23 I have summarised below the key issues covered in WDC's submission on the PORPS.

Mana whenua

- 24 WDC has sought clarification around ORC's interpretation of Treaty partner status for local authorities.
- 25 WDC noted that the section 32 report for 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, and that this compromises the ability to understand the rationale for the choice of associated policy and methods.
- 26 WDC noted concern around the affordability of facilitating Kāi Tahu involvement in resource management as anticipated in the provisions of the PORPS, and also noted that there are significant resourcing implications associated with this requirement for smaller territorial authorities. For example, the proposed requirements for local authorities to include accredited Kai Tahu commissioners on hearing panels, resourcing Kai Tahu participation in resource management decision making and associated funding requirements, and joint management agreements and full or partial transfers of functions, duties and powers from local authorities.
- 27 WDC also recommended that resourcing requirements associated with Kāi Tahu involvement in resource management be proportionate to the size of the local authority.

Significant resource management issues for the Otago region

- 28 WDC noted that there is limited reference to North Otago / Waitaki in the significant resource management issues chapter of the PORPS. In particular:

Coastal erosion

- 29 WDC noted that Coastal erosion in the Waitaki District has been downplayed in the PORPS. Coastal erosion is already affecting communities and infrastructure (land and buildings) around Oamaru, and part of the local roading network has been affected between Oamaru and Kakanui.



Climate change

- 30 WDC noted that there is an absence of Waitaki examples or inclusion of North Otago in the climate change scene setting part of the PORPS. As an example, the small coastal town of Hampden currently has issues with coastal erosion exposing an old waste dump.

Carbon forestry

- 31 WDC noted concerns that carbon forestry has not been recognised as a significant resource management issue in the Otago region.
- 32 WDC noted in its submission:
- (a) carbon forests are becoming more common in New Zealand as part of initiatives to address climate change;
 - (b) carbon storage is an increasing issue for the Otago region, with pastoral properties now actively being marketed and sold for carbon forestry;
 - (c) carbon forestry is not defined at a national level;
 - (d) the carbon forestry land use bypasses existing national regulatory provisions relating to forestry including the National Environmental Standards for Plantation Forestry (NES-PF); and
 - (e) carbon forestry can result in disproportionate impacts on rural economies, a loss of historically "productive" land, negative impacts on local employment and agricultural services, reverse sensitivity effects; and, if not managed appropriately fire risk and wilding tree spread, and issues with site rehabilitation.
- 33 WDC submitted that there is scope to promote the sustainable management of carbon forestry through the provisions of the PORPS, and that regional direction is needed to ensure a consistent approach the management of carbon forestry across Otago's territorial authorities.
- 34 WDC noted that the PORPS includes reference to issues around wilding pines, however carbon forestry is not referenced despite carbon forestry presenting similar risks to those posed by wilding pines, such as threatening high country and tussock, increased fire risk, changes in landscape, and negative impacts on recreational, hydrological and conservation values.



- 35 WDC noted that the carbon forestry activities are treated permissively. There is potential that this treatment will conflict with several policies in the PORPS including prioritising the use of highly productive land for primary production and promoting land use that improves the resilience against the impacts of climate change
- 36 To support suggested policies and methods to manage the effects of carbon forestry, WDC recommended that a regional carbon forestry definition be included in the PORPS (see discussion below on ecosystems and indigenous biodiversity, landuse and soil, and natural features and landscapes).

Macraes Mining operation

- 37 WDC noted that the PORPS 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. 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 2nd generation district plan, as it is an example of a special purpose zone under the National Planning Standards.

Land and Soil

- 38 WDC indicated its support for a number of objectives in the PORPS relating to land and soil including: safeguarding the life-supporting capacity of Otago's soil, and productive capacity of highly productive land for primary production; maintaining soil quality; integrated land management and maintaining soil values.
- 39 WDC requested that carbon forestry be referenced in the "land and soils" policies in the PORPS to ensure that carbon forestry is positioned in appropriate locations away from highly productive land – "the right tree in the right place."
- 40 WDC considered 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.

Coastal Environment

- 41 WDC noted that there is no discussion in the section 32 report of the PORPS around the significance of listed coastal areas or structures located in the Waitaki District that have been considered to contain significant



values (including Oamaru Harbour Breakwater, Moeraki Beach, Moeraki Peninsula, Shag Point and the Shag River Estuary).

- 42 WDC requested a justification for the inclusion of these areas or structures in the PORPS. The subsequent requirement to develop detailed values assessments and estimations of their capacity to accommodate change as a result of development or growth pressure has the potential to require significant resourcing from WDC.

Ecosystems and Indigenous Biodiversity

- 43 WDC noted that ORC has largely based the biodiversity provisions in the PORPS around the Draft National Policy Statement for Indigenous Biodiversity. While this is the latest policy position of central government, WDC noted that there is the potential for some change to this national direction prior to it being finalised. WDC also noted concern that the PORPS provisions could lock in stronger provisions than those required under national direction, and the possible reasons for this have not yet been articulated through a section 32 report.
- 44 WDC indicated its support for a consistent framework around the identification of Significant Natural Areas (SNAs). However, WDC also noted that there are significant resourcing implications around the identification of SNAs and their provision through a rule framework. While WDC has been undertaking a programme to identify SNAs 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.
- 45 The section 32 report notes that “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.” In response to this WDC noted that there is no certainty provided as to whether policy ECO-P5 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.
- 46 WDC noted that there is no commentary provided in the PORPS around the determination of existing activities – e.g. lawfully established existing use rights as per section 10 of the RMA. WDC is concerned that the proposed provisions could disadvantage existing lawfully established land uses within a special zone within a District Plan, or under the conditions of

an existing land use consent e.g. Macraes Mining operations in the Waitaki District under a special zone in the Waitaki District Plan.

- 47 WDC has requested that ORC provides for existing activities within SNAs.

Wilding conifer species / carbon forestry

- 48 WDC supported the intent to manage wilding conifer spread. However, WDC also noted that wilding conifer species are not usually intentionally planted in SNAs, rather they are typically incidental to other plantation forestry or carbon forestry activities. The NES-PF limits the planting of plantation forestry that has the potential to spread through its wilding tree risk calculator.

- 49 WDC noted that carbon forestry activities also have the potential to result in negative effects through the spread of wilding conifers onto adjacent land.

- 50 WDC requested that carbon forestry also be referenced through the methods of the PORPS to ensure that District Plans can control the possible side effect of wilding conifer spread associated with carbon forestry activities, thus supporting a regionally consistent approach to the management of carbon forestry.

- 51 WDC also requested an additional method to provide for buffer zones adjacent to SNAs where it is necessary to protect the SNA.

Natural Features and Landscapes

- 52 WDC requested reference also be made in policy to carbon forestry activities (along-side wilding conifers) to enable the effects of these activities in outstanding and highly valued landscapes.

Historical and Cultural Values

- 53 WDC noted its concerns that only residential and commercial buildings are listed as historic heritage buildings, while social and civic buildings (including schools, churches, civil and public buildings) are not captured.

- 54 WDC also suggested several other types of heritage structures that should be included in the historic heritage list (railway infrastructure, quarries, limekilns, grain stores, water supply infrastructure, limestone mining systems and settlements, coastal structures and buildings, including breakwaters, jetties, and lighthouses, cemeteries, military structures or remains).



- 55 WDC noted that vegetation is not typically a heritage feature unless the vegetation reference is referring to “designed landscape” and recommended that vegetation be removed from Otago’s historic heritage list.
- 56 WDC requested that ORC clarifies the difference between coastal historic heritage and Maori cultural and historic values, noting that cultural and heritage values are typically linked to a site or feature, and not considered stand alone.
- 57 WDC noted its support for the policy to integrate historic heritage values into new activities and the adaptive reuse or upgrade of historic heritage places and areas.
- 58 **Annexure A** provides a table summary of WDC’s key submission points to the PORPS that do not relate to freshwater.

Treating the entire PORPS as a Freshwater Planning Instrument

- 59 In the Governance Report prepared for Otago Regional Council, and dated 16 June 2021 Anita Dawe, Manager of Policy and Planning stated at paragraph 28 that:

To perpetuate the disintegration of the management of natural and physical resources within the region fails to recognise that all water, in rivers, underground, in the air and in the ocean is connected and what occurs in the headwaters and on land will have an impact in the ocean. This lack of holistic freshwater management, and consequently all natural and physical resources, also makes it difficult to understand and address the cumulative effects of different activities and decisions on cultural values.¹

- 60 While I acknowledge the connections between all waters; whether in rivers, underground, in the air, or in the ocean, I disagree that recognition of this interconnection requires treatment of the entire PORPS as a freshwater planning instrument. Treating the PORPS in this way does not have regard to other key issues that WDC has submitted on that do not directly relate to freshwater management.

¹ Governance Report prepared for Otago Regional Council by Anita Dawe, Manager of Policy and Planning, Otago Regional Council, 16 June 2021, at [28]

61 Further, paragraph 18 of the ORC's Statement of Claim quotes from the Public Notice of Proposed Otago Regional Policy Statement Using Freshwater Planning Process which states:

The PORPS is considered to meet the requirements of Section 80(2)(a) and 80(2)(b) of the Resource Management Act 1991 because the Chapters of the PORPS are either giving effect to any national policy for freshwater management or relate to freshwater.

The single purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. That purpose can only be achieved through an integrated approach to the task of managing those resources. The PORPS 2021 has been prepared to achieve that outcome. To not have it considered a freshwater planning instrument would be to defeat that purpose.²

62 I support the intention behind taking an integrated approach to managing natural and physical resources, however treating the entire PORPS as a freshwater planning instrument goes beyond integration and would allow all resource management issues to be forced into a process that was intended specifically to deal with freshwater issues. The effect of this will not be an integrated approach that allows for appropriate consideration of all aspects of sustainable management but rather a process that sees all issues through the lens of freshwater management, and deals with them only in that context. I consider that this treatment would do a disservice to a number of the key issues that WDC identified in its submission on the PORPS.

63 The majority of WDC's areas of interest within the PORPS focused on issues other than freshwater management. These included submission points on the following chapters as outlined in the previous section of this affidavit:

- Mana whenua
- Significant resource management issues
- Coastal environment
- Land and soil

² Public Notice of Proposed Otago Regional Policy Statement Using Freshwater Planning Process, 26 June 2021, quoted in *Otago Regional Council v Royal Forest and Bird Protection Society of New Zealand Incorporated*, Statement of Claim for Declaratory Judgment, 3 September 2021 at [18]

- Ecosystems and indigenous biodiversity
- Historical and cultural values
- Natural features and landscapes

- 64 The impact of treating the entire PORPS as a freshwater planning instrument for WDC is that the PORPS would be heard, and decisions be made by commissioners with freshwater expertise.
- 65 Given that many of the matters raised by WDC do not relate to freshwater, or only relate to freshwater very tangentially, I consider that having these matters considered by a freshwater hearing panel would not be appropriate.
- 66 Further, WDC's appeal rights would be severely limited. Under the freshwater planning instrument process, rather than following the more typical RMA process having decisions on submissions, and then rights of appeal to the Environment Court on their merits, WDC could only appeal to the High Court on questions of law.

Appropriate treatment of the PORPS

- 67 I consider that the following treatment of the PORPS is in keeping with the intention of section 80A of the RMA:
- (a) The freshwater provisions of the PORPS listed below should continue to be prepared under the freshwater planning process, and need not be re-notified:
- (i) Integrated management
 - (ii) Land and freshwater - Te Mana o te Wai, visions and management, freshwater; and
- (b) The following non-freshwater provisions be removed from the freshwater planning process and, be further prepared in accordance with Part 1 of Schedule 1 of the RMA, and need not be re-notified:
- (i) Mana whenua
 - (ii) Significant resource management issues for the region
 - (iii) Resource management issues of significance to iwi authorities in the region
 - (iv) Air

- (v) Coastal environment
- (vi) Land and freshwater – the land and soil section of this chapter
- (vii) Ecosystems and indigenous biodiversity
- (viii) Energy, infrastructure and transport
- (ix) Hazards and risks
- (x) Historical and cultural values
- (xi) Natural features and landscapes
- (xii) Urban form and development

Conclusion

- 68 I consider that the topic areas highlighted in paragraph 67(b) do not relate to or engage with freshwater or freshwater management. The non-freshwater topic areas cover the majority of WDC’s submission points to the PORPS.
- 69 I consider that the freshwater planning commissioners may not have the expertise required to consider and make informed decisions on the non-freshwater related matters raised by WDC (and other submitters) in its submission to the PORPS. I understand the RMA requires non-freshwater related RPS provisions to follow the usual Schedule 1 process. I have outlined above the parts that I consider fall within this category.

Sworn at Oamaru)
 this 30th day of November 2021,)
 before me:)

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Paul Bruce Kope J.P
 #98359

A Solicitor of the High Court of New Zealand
 A Justice of the Peace



EXHIBIT NOTE

This is the annexure marked "Annexure A" referred to in the within affidavit of Victoria Jane van der Spek and sworn/affirmed at Oamaru this 30th day of November 2021 before me:

Paul Bruce Hope S.R.
#08351



"A"

Annexure A: WDC key submission points on PORPS

Topic	Requested change / relief sought
Mana whenua	<p>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 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; WDC is concerned around the assumption that local authorities are a treaty partner.</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>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>Confirm expectations around mana whenua resourcing requirements to give effect to the RPS are proportionate to the size of the local authority.</p>
Description of region	<p>Amend Para 5 to use generic descriptor "primary production" to replace agriculture and mining references – horticulture and viticulture are included within the generic primary production definition.</p> <p>Include reference to North Otago alongside South Otago and Central Otago, or use a generic reference to "rural Otago"</p>

Topic	Requested change / relief sought
Definitions	Add new definition of 'carbon forestry' as follows: Carbon forestry "The practice of planting and growing trees to sequester atmospheric carbon into the soil, wood, leaves and roots."
SRMR - I1 Natural hazards pose a risk to many Otago communities	Amend as follows: - Replace 'risk' with 'issue' Remove "potentially" Amend 'Statement' as follows: "Coastal erosion is a risk issue in Waitaki District, Dunedin City and along the Clutha River Delta, potentially-affecting communities and infrastructure near the coast." Amend 'Context' as follows: - Paragraph 2 – Replace agriculture with "primary production"
SRMR - I2 Climate change is likely to impact our economy and environment	Amend 'Statement' to include Hampden Beach. Amend to include reference to carbon forestry as a resource management issue for Otago (p.67).
SRMR – I3 Pest species pose an ongoing threat to indigenous biodiversity, economic activities and landscapes	Amend to include reference to carbon forestry as a resource management issue for Otago (p.70, 71).
SRMR – I10 Economic and domestic activities in Otago use natural resources but do not	Amend to include reference to carbon forestry as a resource management issue for Otago (p.83). Include a greater recognition of mining operations in the Otago region and their contribution towards social and economic wellbeing.

Topic	Requested change / relief sought
<p>always properly account for the environmental stresses or the future impacts they cause</p> <p>RMIA – MKB – I1</p> <p>The diversity and abundance of terrestrial and aquatic indigenous species has been reduced due to adverse effects of resource use and development</p>	<p>Recognise the Macraes Mine special zoning under the Waitaki District Plan within the PRPS.</p>
<p>CE-M2 – Coastal environment</p>	<p>Amend last bullet point to include reference to carbon forestry as follows:</p> <p>“The impact of inappropriate forestry developments <u>including carbon forestry</u>, conversion of tussock lands and other intensification of farming on indigenous flora and fauna values, including ecological disturbance and displacement of species.”</p>
<p>LF-LS-O11 – Land and soil</p>	<p>Amend as follows:</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 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>
<p>LF-LS-P17 – Soil values</p>	<p>Retain proposed provision:</p> <p>The life-supporting capacity of Otago’s soil resources is safeguarded and the availability and productive capacity of highly productive land for primary production is maintained now and for future generations.</p>
	<p>Retain proposed provision:</p>

Topic	Requested change / relief sought
	Maintain the mauri, health and productive potential of soils by managing the use and development of land in a way that is suited to the natural soil characteristics and that sustains healthy: (1) soil biological activity and biodiversity, (2) soil structure, and (3) soil fertility.
LF – LS – M12 – Land and soil	Amend to add a new subclause (1)(d) as follows: “Prioritise the use of highly productive land for primary production ahead of other land uses <u>including carbon forestry</u> ”
ECO – P2 Ecosystems and indigenous biodiversity	The PRPS is not stronger than National Direction
ECO – P5 Ecosystems and indigenous	The PRPS is not any stronger on existing activities than s10 of the RMA. Provide for existing activities within SNA’s.
ECO – M2 Ecosystems and indigenous biodiversity	The PRPS is not stronger than National Direction
ECO – M5 Ecosystems and indigenous biodiversity	The PRPS is not stronger than National Direction Amend (6) as follows: “Within areas identified as significant natural areas, prohibit the planting of <u>wilding conifer species as listed in APP5 that have the ability to spread, including those associated with carbon forestry</u> ” Amend to add new subclause (7) as follows: “Provide buffer zones adjacent to significant natural areas where it is necessary to protect the significant natural area”

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Topic	Requested change / relief sought
ECO – M7 Ecosystems and indigenous biodiversity HCV – Historical and cultural values HCV – HH – P3	<p>The PRPS is not stronger than National Direction</p> <p>Clarify the difference between coastal historic heritage (10) and Maori cultural and historic values (1).</p> <p>Clarify if (1) (Māori cultural and historic heritage values) also refers to sites and not just values.</p> <p>Amend as follows: “(5) surveying equipment, communications and transport, including roads, bridges, <u>railway infrastructure</u> and routes (6) industrial historic heritage, including mills, <u>quarries, limekilns, grain stores, water supply infrastructure and brickworks</u>, (7) gold, <u>limestone</u> and other mining systems and settlements, (8) dredge and shipwrecks, <u>and coastal structures and buildings, including breakwaters, jetties, and lighthouses</u> (11) memorials and <u>cemeteries</u> (12) <u>trees and vegetation</u> (13) <u>military structures or remains</u>”</p>
HCV – HH – P7	<p>Retain proposed provision: HCV-HH-P7 – Integration of historic heritage Maintain historic heritage values through the integration of historic heritage values into new activities and the adaptive reuse or upgrade of historic heritage places and areas.</p>
NFL – Natural features and landscapes NFL – P5	<p>Amend as follows: “(1) avoiding afforestation, and replanting of plantation forests and carbon forestry activities with wilding conifer species listed in APP5....”</p>