

From: [Lynette Baish](#)
To: [RPS](#)
Subject: Ernslaw One Ltd Further Submission to PORPS 2021
Date: Friday, 12 November 2021 1:48:40 p.m.
Attachments: [image001.png](#)
[image002.png](#)
[Ernslaw One Ltd Further Submission on Proposed Otago Regional Policy Statement Nov 2021.pdf](#)

Tena koe,

Please find attached the further submission from Ernslaw One Ltd to the proposed ORPS 2021.

Kind regards,

Lynette Baish

Lynette Baish
Environmental Planner
Ernslaw One Limited
027 880 2964



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ERNSLAW ONE LIMITED

Further Submission on the Proposed Otago Regional Policy Statement

TO: Otago Regional Council (ORC)
SUBJECT: Proposed Otago Regional Policy Statement (June 2021)
SUBMITTER NAME: Ernslaw One Limited
ADDRESS FOR SERVICE: PO Box 36, Tapanui, West Otago
Attn: Peter Weir Head of Environmental Planning and Performance
Phone 027 454 7873, Email Peter.Weir@Ernslaw.co.nz
DATE: 3 November 2021

Introduction

1. Ernslaw One Limited (Ernslaw) is a production forestry company managing land holdings of up to 130,000ha throughout New Zealand. This includes 20,860ha of plantation in Pinus radiata and Douglas Fir within the Otago Region.
2. Ernslaw has over 25,000 ha of post-1989 compliant forests, making it one of the largest owners of post-1989 forests in New Zealand. All of Ernslaw's post-1989 forests in Otago are registered in the NZ Emissions Trading Scheme (NZ ETS) with NZ Units (NZUs) sold to emitters. Ernslaw plantation forests are managed as a sustainable and renewable source of wood fibre with strategic long-term planning of harvesting, and planting operations occur successionaly throughout the estate to meet its carbon liabilities.
3. The company strives to achieve and exceed best industry standards, working with over 400 contractors nationally to ensure its resource management and environmental obligations as a steward of the land are met, including through the responsible management of hazardous substances, pest and predator control, protection of habitats of rare, threatened and endangered species, and social and cultural sites of significance, within and around its forests.
4. As a Forest Stewardship Council® (FSC®) certified forest owner, Ernslaw is committed to meeting international standards of forestry accreditation. All of Ernslaw's forests are certified under FSC by the FSC accredited certification organisation SGS. Products carrying the FSC label come from forests that are managed to meet the social, economic, and ecological needs of present and future generations.

Further Submission

Ernslaw One (Ernslaw) sets out in the attached schedule each of the submissions it supports or opposes (or in some cases a combination of the two).

In addition to the reasons listed for supporting or opposing a provision (as the case may be):

a. Ernslaw supports the identified submissions, because what is proposed in accordance with:

- i. The Resource Management Act 1991;
- ii. A section 32 analysis;
- iii. Other relevant plan provisions and policy statements; and
- iv. The Ernslaw One submission on the proposed Otago RPS.

b. Ernslaw One opposes the identified submissions, because what is proposed is not in accordance with:

- i. The Resource Management Act 1991;
- ii. A section 32 analysis;
- iii. Other relevant plan provisions and policy statements; and
- iv. The Ernslaw One submission on the proposed Otago RPS.

Ernslaw continues to pursue the submission points in its original submission on the proposed Otago Regional Policy Statement, and where relevant prefers that relief in its submission to that sought by other submitters on the same point. In some cases, this is stated in the specific further submission points in the attached Schedule. In particular, we draw attention to point 8 in Ernslaw's initial submission:

8. However, further change in national direction is coming, therefore Ernslaw submits that ORPS 2021 should be redrafted as an RPS with a freshwater focus, to prioritise the changes necessary to give effect to NPSFM 2020 and NESF 2020. These higher order documents require urgent change to improve ecosystem health and freshwater quality within 5 years, and to reverse degradation within a generation. Any provisions that do not address freshwater specifically, should be redrafted into a future RPS document which responds to the wholesale changes in national direction that will invariably transform the RMA, and the suite of national policy statements including those informing indigenous biodiversity, development, and soils. For this reason, Ernslaw submits that ORPS 2021 should be deleted in its entirety and replaced with a freshwater focused RPS.

Ernslaw One has filed to be party to the High Court declaration proceedings initiated by the Otago Regional Council against Forest and Bird (the first defendant). Ernslaw is of the view that the matters traversed in the proposed Otago Regional Policy Statement are too broad to be considered as a "Freshwater Planning Instrument" (RMA S80A) and consequently it is not appropriate to be heard by, or decided upon, a panel of specialist Freshwater Commissioners.

In terms of this further submission Ernslaw maintains that position and any further submissions in respect of the proposed Otago Regional Policy Statement included here are made notwithstanding that primary relief sought. Ernslaw wishes to be heard in support of its further submission.

If others make a similar submission, Ernslaw would consider presenting a joint case with them at a hearing.

Submission prepared by

Lynette Baish, MNZPI
Ernslaw One Ltd

Form 6

Further submission in support of, or in opposition to, submission on notified proposed Otago Regional Policy Statement 2021

(Submissions must be received by Otago Regional Council by 5pm on Friday 12 November 2021, and by original submitters within 5 working days of service on ORC)

To: Otago Regional Council

1. Name of person making further submission

Ernslaw One Limited

2. This is a further submission in support of (or in opposition to) submission on the **Proposed Otago Regional Policy Statement 2021**.

3. I am (tick whichever applies and add grounds if required):

	A person representing a relevant aspect of the public interest. In this case, also specify the grounds for saying that you come within this category; or
<input checked="" type="checkbox"/>	Ernslaw One Ltd is a person who has an interest in the proposal that is greater than the interest the general public has.
Grounds:	Ernslaw One Ltd lodged submissions on the PORPS and has and or manages plantation forests within the Otago Region.
	the local authority for the relevant area.

- 4. We wish to be heard in support of my further submission.
- 5. If others make a similar submission, **we will** consider presenting a joint case with them at a hearing.

6. Further Submitter Details

a. Signature of person making further submission

(or person authorised to sign on behalf of submitter. A signature is NOT required if you make your submission by electronic means).



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 Lynette Baish

Position Environmental Planner, Ernslaw One Ltd

c. Date

12 November 2021

Address for service of person making further submission *(This is where all correspondence will be directed)*

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

Peter Weir, Head of Environmental Planning and Performance, Ernslaw One Ltd

e. Email: *(this is our preferred means of contact)*

Peter.weir@ernslaw.co.nz

f. Telephone:

Mb 027 454 7873

g. Postal address (or alternative method of service under [section 352](#) of the Act):

Ernslaw One Ltd, PO Box 36, Tapanui, West Otago

7. My further submission is:

I support and or oppose the submissions of:

Port Blakely, City Forests, Federated Farmers, Otago Fish and Game Council, Rayonier-Matariki Forests, Royal Forest and Bird Society, Queenstown Lakes DC, University of Otago, Oceana Gold, Director-General of Conservation, Beef & Lamb/DINZ, Ministry for the Environment.

Original Submission				Further Submission		
Provision	Submitter	Sub No.	Relief Sought	Support/ Oppose	Allow/ Disallow	Reasons
General						
Benefits of forestry	00033 Port Blakely NZ Ltd	00033.005	Amend the RPS21 to recognise that forestry provides a long – term net – positive eco – system service, including the sequestration of carbon and that afforestation will bring multiple eco – system services and benefits, if managed correctly.	Support	Allow	Ernslaw agrees that ORPS21 needs to reflect the benefits and positive impacts brought about by any land use activity, including plantation and other types of forestry.
Forestry	00033 Port Blakely NZ Ltd	00033.001	There needs to be more clarity regarding certain NES – PF 2017 forestry references made in the RPS21, such as sedimentation, afforestation, wilding conifer management and setbacks from SNA. It is not clear if the NES – PF 2017 takes precedent over the NES – F when referring to forestry activities, such as sedimentation from harvesting. Robust analysis of adopting a more stringent rule than the NES – PF under regulation 6 needs to be undertaken in order to provide evidence that the current NES – PF rules are not delivering on the NPS – FM objectives.	Support	Allow	Ernslaw is concerned that sweeping statements in respect of sedimentation (esp. coastal), wilding conifers etc provide a biased view of the plantation forestry sector; furthermore, it is unclear where the NES-PF will be applied to manage related effects. An analysis of the NES-PF framework has not been undertaken.
General	00020 Rayonier Matariki Forests	00020.001	Delay the development of the RPS21 until after the RMA reform process and the introduction of the NPSIB, or an alternative is to only advance those sections of the RPS21 that give effect to the NPSFW.	Support	Allow	Given that freshwater improvement is mandated as urgent, Ernslaw agrees that an approach that prioritises and progresses sections of ORPS21 that give effect to the NPS-FW is appropriate.
General	00239	00239.196	Amend to include a broader acknowledgement towards (and recognition	Support	Allow	Ernslaw agrees that amendments could better reflect the diversity

	Federated Farmers		of) the roles resource users fulfil in meeting the positive outcomes sought under the RPS.			of interests and values associated with different resources, and related responsibilities, which are taken very seriously by land owners and land managers, in relation to resource use.
General	00231 Otago Fish & Game Council and the Central South Island Fish & Game Council	00231.003	Amend so the RPS develops a framework for considering when protecting the habitat of trout and salmon is consistent with protecting the habitat of indigenous species and assists in managing species interactions where they are of concern [specific relief not stated]	Support	Allow	Ernslaw supports this submission and additionally requests further policy investigation into species interactions to better understand threats to indigenous fish species through enhanced migration of exotic fish species.
General	00020 Rayonier Matariki Forests	00020.002	Amend the RPS21 to include provisions to other tree plantings not just to plantation forests.	Support	Allow	Agree that ORPS21 should address different types of forests.
Freshwater Planning Process	00230 Royal Forest and Bird Protection Society of New Zealand Incorporated	00230.001	It is not lawful to put the entire RPS through the freshwater planning process.	Support	Allow	Ernslaw contends that the freshwater planning process is intended for freshwater specific policies and non-freshwater plan components should be dealt with in a separate process.
Interpretation	Beef & Lamb/DINZ	21_00237	Amend the definition of primary production to specifically exclude forestry [for] the [sole] purposes of carbon sequestration.	Support in part, IF the submitter's intent was [for] & [sole], otherwise	Allow	"Plant and leave" Carbon only post-89 forests, registered in the NZ ETS, where there is no intention of harvest, are currently not regulated by the Activity Standards in the NES-PF (refer definition of Plantation Forest).

				Oppose if '[or]'		Refer: www.legislation.govt.nz/regulation/public/2017/0174/latest/whole.html#DLM7373522
Statutory Context						
RMA 1991	00239 Federated Farmers of New Zealand	00239.004	Amend as follows or similar: "The regional policy statement must give effect to higher order national direction instruments, including National Environmental Standards (NES) , National Policy Statements (NPS), and the New Zealand Coastal Policy Statement (NZCPS), and should be written to comply with the National Planning Standards <u>and to not duplicate or conflict with National Environmental Standards (NES).</u> "	Support	Allow	National Environmental Standards (NES) are in place applying to specific industries. NES detail the circumstances where regional and district rules can be more stringent - where an evidenced based process has established that effects would be better managed outside of an established NES.
SRMR – Significant resource management issues for the region						
Introduction	00020 Rayonier Matariki Forests	00020.003	Include plantation forestry in SRMR introduction and figure 2 as it is part of the primary production activities in the Otago region.	Support	Allow	Plantation forestry is an established element of primary production activity in the Otago region. Ernslaw supports the submission.
SRMR – I3	00033 Port Blakely NZ Ltd	00033.002	Change reference from 'Wilding Pines' to 'Wilding Conifers'.	Support	Allow	Agree with the suggested amendment as there are many species of coning plantation trees.
SRMR – I5	00020 Rayonier Matariki Forests	00020.006	Insert new reference to the NESPF and the effect of its regulations and explain where plan provisions may be more stringent and refer to research which justifies any greater restrictions	Support	Allow	NES detail the circumstances where regional and district rules can be more stringent - where an evidenced based process has established that effects would be better managed outside of an established NES.
SRMR – I6	00024	00024.001	Provide more nuanced and conditional statements, e.g. that "poorly managed	Support	Allow	Ernslaw agree the current statements concerning

	City Forests Limited		forestry harvesting or earthworks activity may contribute to sediment input”.			sedimentation, and forestry more generally, are inaccurate.
SRMR – I6	00020 Rayonier Matariki Forests	00020.004	Amend as follows: “Activities such as <u>pastureland or farming</u> , agricultural intensification, mining, and forestry also contribute.”	Support	Allow	Ernslaw agrees with the relief requested.
SRMR – I6	00020 Rayonier Matariki Forests	00020.007	Insert new reference to the NESPF and the effect of its regulations and explain where plan provisions may be more stringent and refer to research which justifies any greater restrictions.	Support	Allow	NES detail the circumstances where regional and district rules can be more stringent - where an evidenced based process has established that effects would be better managed outside of an established NES. Ernslaw supports the submission.
SRMR – I6	00024 City Forests Limited	00024.002	Provide more nuanced and conditional statements, e.g. that “poorly managed forestry harvesting or earthworks activity may contribute to sediment input.”	Support	Allow	Ernslaw agree the current statements concerning sedimentation, and forestry more generally, are inaccurate and imprecisely worded.
SRMR – I10	00033 Port Blakely NZ Ltd	00033.003	Amend the opening statement to acknowledge that this does not refer to compliant forestry activities nor to the majority of the forest rotation.	Support	Allow	Ernslaw agree the current statements concerning sedimentation, and forestry more generally, are inaccurate and imprecisely worded.
SRMR – I10	00020 Rayonier Matariki Forests	00020.005	Amend as follows: “Sediment from development and forestry activities <u>primary production activities</u> flow into streams and build up in the coastal environment, smothering kelp forests and affecting rich underwater habitats.”	Support	Allow	Ernslaw agrees with the relief requested.
Legal Process	00230 Royal Forest and Bird	21_00230	Forest & Bird is concerned that the intention to use the freshwater planning process to	Support	Disallow	The scope of the proposed RPS is far broader than a Freshwater Planning instrument, and

	Protection Society of New Zealand Incorporated		consider the proposed ORPS in its entirety is inappropriate and does not follow the requirements set out in s80A of the RMA.			specialist Freshwater Commissioners are not necessarily appropriate to decide on the broad range of matters covered. Ernslaw supports the Forest & Bird assertion that (#10) it is not lawful to put the entire RPS through the freshwater planning process. Refer www.legislation.govt.nz/act/public/1991/0069/latest/whole.html#DLM7236557
SRMR – I11	00230 Royal Forest and Bird Protection Society of New Zealand Incorporated	00230.027	Amend the 'Context' discussion to recognise and include the need and ability for environmental restoration; Amend the "Impact snapshot" for Environment needs to be clearer in terms of thresholds and limits that retain and improve ecosystem function and indigenous biodiversity at a healthy rich and diverse state. Rather than working towards a tipping point we should be working towards restoring and improving ecosystem health.	Support	Allow	Ernslaw agrees with the notion that tipping points are not useful and that the direction of travel needs to be one that restores and improves eco-system health rather than identifying a position in relation to a tipping point. Ernslaw supports the inclusion of clearer terms in reference to thresholds and limits for eco-system health.
RMIA – Resource management issues of significance to iwi authorities in the region						
RMIA – WAI – 15	00239 Federated Farmers of New Zealand	00239.030	Amend as follows: <ul style="list-style-type: none"> “• Water allocation concerns: ... o ... continuation of <u>inefficient poor</u> methods of water use.” “• Concerns about channel modification and river works: ... o ...indigenous vegetation and <u>planting</u> of exotic afforestation (<u>the wrong tree in the wrong place for the wrong reason</u>), ...” 	Oppose	Disallow	Ernslaw objects to the use of the reference and prefers “the right tree, in the right place, for the right reason” as this appropriately applies to <i>any</i> type of tree.

IM – Integrated management						
IM – P1	00231 Otago Fish & Game Council and the Central South Island Fish & Game Council	00231.032	Amend as follows: The objectives and policies in this RPS form an integrated package, in which: (1) all activities are carried out within the environmental constraints <u>limits</u> of <u>directed by this RPS, ...</u>	Support	Allow	Ernslaw supports the inclusion of more direct language, particularly where specificity is appropriately achieved.
IM – P2	00138 Queenstown Lakes District Council	00138.008	That the ‘decision priority’ framework in IM – P2 be limited to decision made on freshwater/those matters managed under the NPSFM 2020.	Support	Allow	Ernslaw contends that the freshwater planning process is intended for freshwater specific policies and non-freshwater plan components should be dealt with in a separate process. Agree that the decision priority framework relates exclusively to freshwater provisions.
IM – P2	00239 Federated Farmers of New Zealand	00239.036	Amend as follows or similar: “Unless expressly stated otherwise, all decision making under this RPS shall secure <u>safeguard</u> the long-term life-supporting capacity (and mauri), of air, water, soil, and ecosystems the natural environment , while enabling (1) secondly, <u>promote the health needs of people, and (2) thirdly, safeguard the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future</u>	Support	Allow	Ernslaw agrees with the suggested change in wording.
IM – P4	00239 Federated Farmers of New Zealand	00239.037	Amend as follows or similar: “(4) anticipates, or responds swiftly to, changes in activities, pressures, and trends, <u>and (5) Relies on scientifically robust data, or where data is incomplete, utilises appropriate and robust</u>	Support	Allow	Agree that where data is incomplete, or where robustness is questioned, effort is made to fill an information gap in an appropriate, evidenced based

			modelling that is updated with or replaced by <u>robust data or science as it becomes available.</u> “ _			manner, including the use of robust modelling.
IM – P6	00139 Dunedin City Council	00139.031	Add the following: <u>Determine whether delays in decision – making are unreasonable by balancing the advantages of more rapid decisions, which may rely on incomplete information, with any benefits that may be derived from having a more complete information set.</u>	Part-Support	Part-Allow	Ernslaw agrees that robust decision making around data and information gaps is necessary for processes to be fair, reasonable and transparent – it is appropriate for ORPS21 to make a position statement in this regard, but one which is worded to better outline the risks of not having a complete information set.
IM – P6	00127 University of Otago	00127.002	Amend as follows: Avoid unreasonable delays in decision – making processes by using the best information available at the time, including but not limited to mātauraka Māori, local knowledge, and reliable <u>evidence based</u> partial data.	Support	Allow	Ernslaw agrees with the suggested change in wording.
	Oceana Gold	21_0115	Oceana Gold submits that it is appropriate for the ORPS to address climate change risks, adaptation and mitigation. In doing so however Oceana Gold also seeks to ensure that there is suitable policy to support initiatives that land owners may wish to pursue to assist in mitigating or offsetting carbon emissions. For example, carbon forestry initiatives on private land. Oceana Gold seeks new provisions or policy which support and encourage landowners / individuals climate change mitigation / decarbonisation initiatives.	Support in part Amend to read: For example, carbon and Plantation forestry initiatives	Allow	Plantation forestry is adequately regulated by the NES-PF. During harvest, plantation forests provide feedstocks for bioenergy which allows major energy users to decarbonise without drawing on the electricity grid, which is already supply constrained. “Plant and Leave” carbon forests do not provide feedstocks for bioenergy production, and are not currently regulated by the NES-PF and likely not under most

				on private land		District Plans in Otago, so need not observe setbacks from streams, wetlands or areas designated SNA.
IM – M4	00139 Dunedin City Council	00139.045	Amend wording so that local authorities are 'coordinated' by ORC instead of 'led' or remove 'led by Otago Regional Council' entirely.	Support	Allow	Ernslaw agrees with the suggested change in wording.
CE – Coastal environment						
CE – New provision	00139 Dunedin City Council	00139.135	Add a policy to the Coastal Environment section to manage the effects of wilding conifers on the natural character of the coast.	Oppose	Disallow	NES detail the circumstances where regional and district rules can be more stringent - where an evidenced based process has established that effects would be better managed outside of an established NES. The NES-PF is the appropriate statutory document in this case, unless an evidenced-based process has established otherwise.
CE – O1	00230 Royal Forest and Bird Protection Society of New Zealand Incorporated	00230.046	Amend as follows: "... (2) coastal water quality supports healthy ecosystems, natural habitats, water – based recreational activities, existing activities, and customary uses, including practices associated with mahika kai and kaimoana, (3) the dynamic and interdependent natural biological and physical processes in the coastal environment are maintained or enhanced, (4) representative or significant areas of indigenous biodiversity are protected, and (5) surf breaks of national significance are protected."	Oppose	Disallow	Ernslaw contends that the freshwater planning process is intended for freshwater specific policies and non-freshwater plan components should be dealt with in a separate process.

CE – P1	00137 Director- General of Conservation	00137.052	Insert the following or words to like effect: “x. <u>Ecosystems and indigenous biodiversity must be managed in accordance with the ECO – Ecosystems and indigenous biodiversity section of this RPS.</u> ”	Oppose	Disallow	Ernslaw contends that the freshwater planning process is intended for freshwater specific policies and non-freshwater plan components should be dealt with in a separate process.
CE – P1	00230 Royal Forest and Bird Protection Society of New Zealand Incorporated	00230.051	Amend as follows: “Recognise that in addition to the CE provisions: ... (4) Land and water use activities beyond the coastal environment must be undertaken in a way that achieves the objectives and outcomes for the coastal environment, (5) the ECO indigenous biodiversity provisions apply, (6) The NLF natural features and landscape provisions apply”	Oppose	Disallow	Ernslaw contends that the freshwater planning process is intended for freshwater specific policies and non-freshwater plan components should be dealt with in a separate process.
CE – M3	00024 City Forests Limited	00024.004	Amend CE – M3(6) to remove the precautionary approach with respect to Plantation Forestry and acknowledge the efficacy of the NES – PF for managing future uncertainties.	Support	Allow	NES detail the circumstances where regional and district rules can be more stringent - where an evidenced based process has established that effects would be better managed outside of an established NES. The NES-PF is the appropriate statutory document in this case, unless an evidenced-based process has established otherwise.
CE – M3	00024 City Forests Limited	00024.006	Amend as follows: (a) reducing the discharge of sediment by: (i) ... (ii) controlling the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry, and ... Amend CE – M3(4)(d)(ii) to acknowledge the efficacy of the NES – PF to manage potential effects.	Support	Allow	NES detail the circumstances where regional and district rules can be more stringent - where an evidenced based process has established that effects would be better managed outside of an established NES. The NES-PF is

						the appropriate statutory document in this case, unless an evidenced-based process has established otherwise.
LF – Land and freshwater						
LF – FW – P8	00024 City Forests Limited	00024.008	Amend LF – FW – P8(1) so that it is in alignment with the NES – PF Identify and map natural wetlands that are: (1) 0.05 0.25 hectares or greater in extent, or...”	Support	Allow	NES detail the circumstances where regional and district rules can be more stringent - where an evidenced based process has established that effects would be better managed outside of an established NES. The NES-PF is the appropriate statutory document in this case, unless an evidenced-based process has established otherwise.
LF – FW – M6	00020 Rayonier Matariki Forests	00020.015	Amend as follows: (3) identify and manage natural wetlands in accordance with LF – FW – P7, LF – FW – P8 and LF – FW – P9 while recognising that some activities in and around natural wetlands are managed under the NESF and NESPF, and ...”	Support	Allow	NES detail the circumstances where regional and district rules can be more stringent - where an evidenced based process has established that effects would be better managed outside of an established NES. The NES-PF is the appropriate statutory document in this case, unless an evidenced-based process has established otherwise.
ECO – Ecosystems and indigenous biodiversity						
ECO – General	00033 Port Blakely NZ Ltd	00033.004	Port Blakely supports the views of collaborative engagement for the management of eco – systems and biodiversity as proposed.	Support	Allow	Ernslaw supports a collaborative approach for the management of eco-systems and biodiversity.

ECO – General	00237 Beef & Lamb NZ and Deer Industry NZ	00237.049	Delete chapter and redraft when the NPS-IB has been made operative.	Support	Allow	Ernslaw contends that the freshwater planning process is intended for freshwater specific policies and non-freshwater plan components should be dealt with in a separate process, once the NPS-IB has been gazetted.
ECO – General	00024 City Forests Limited	00024.014	Amend to acknowledge the obligations of the Wilding Calculator to manage wilding conifer spread.	Support	Allow	The NES-PF is the appropriate statutory document in this case, unless an evidenced-based process has established otherwise.
ECO – General	00136 Minister for the Environment	00136.009	Amend ECO – Methods to give ORC an explicit role of providing initial spatial data and expertise for identifying Significant Natural Areas.	Support	Allow	Ernslaw agrees that the regional council must provide robust spatial data and expertise for identifying SNA's.
EC1– Explanation	Federated Farmers	21_0239	Amend to read: Although plantation forestry is managed under the NESPF a gap remains around carbon forestry, and the NESPF allows plan rules to be more stringent if they recognise and provide for the protection of significant natural areas. The policies adopt this direction by requiring district and regional plans to prevent inappropriate plantation or carbon afforestation within significant natural areas and establish buffer zones where they are necessary to protect significant natural areas.	Support in part,	Allow only in part	“Plant and leave” Carbon only post-89 forests, registered in the NZ ETS, where there is no intention of harvest, are currently not regulated by the Activity Standards in the NES-PF. NES-PF prohibits Afforestation with SNAs and creates Buffers around SNAs. Refer: https://www.legislation.govt.nz/regulation/public/2017/0174/latest/whole.html#DLM7371046
ECO – P2	00020 Rayonier Matariki Forests	00020.018	Amend to include mapping and verification as part of the identification process.	Support	Allow	Ernslaw agrees with the relief requested.

ECO – P3	00024 City Forests Limited	00024.005	Amend ECO – P3(3) to remove the precautionary approach with respect to Plantation Forestry and acknowledge the efficacy of the NES – PF for managing future uncertainties.	Support	Allow	Ernslaw agrees with the relief requested. The NES-PF is the appropriate statutory document in this case, unless an evidenced-based process has established otherwise.
ECO – P3	00020 Rayonier Matariki Forests	00020.019	Amend to note that this Policy is subject to the provisions of the NESPF and that the NESPF would prevail.	Support	Allow	The NES-PF is the appropriate statutory document in this case, unless an evidenced-based process has established otherwise.
ECO – P5	00020 Rayonier Matariki Forests	00020.020	Amend to note that this Policy is subject to the provisions of the NESPF and that the NESPF would prevail.	Support	Allow	The NES-PF is the appropriate statutory document in this case, unless an evidenced-based process has established otherwise.
ECO – P9	00024 City Forests Limited	00024.012	Amend to exempt increased buffer zones around SNAs beyond those already enacted in the NES – PF without clear scientific evidence of their efficacy.	Support	Allow	The NES-PF is the appropriate statutory document in this case, unless an evidenced-based process has established otherwise.
ECO – P9	00139 Dunedin City Council	00139.134	Amend the policy to manage wilding conifers within areas of indigenous vegetation/habitat that are not identified as SNAs.	Oppose	Disallow	The NES-PF is the appropriate statutory document in this case, unless an evidenced-based process has established otherwise.
ECO – P9	00033 Port Blakely NZ Ltd	00033.006	Amend ECO – P9 to acknowledge that the regulatory framework for meeting this Policy already exists through the afforestation rule in the NES – PF and associated wilding risk calculator.	Support	Allow	The NES-PF is the appropriate statutory document in this case, unless an evidenced-based process has established otherwise.
ECO – P9	00138	00138.038	Amend to add new subclauses as follows: “ <u>Ensure that any planting and ongoing</u>	Oppose	Disallow	The NES-PF is the appropriate statutory document in this case,

	Queenstown Lakes District Council		<u>management of conifer species listed in APP5 is effective and can be practicably managed to avoid the adverse effects of the spread of wilding conifers.” “That any proposal for the planting and ongoing management of conifer species listed in APP5 shall consider the following to ensure the spread of wilding trees can be contained: a) The location and potential for wilding take – off, having specific regard to the slope and exposure to wind; b) The surrounding land uses and whether these would reduce the potential for wilding spread; c) The ownership of the surrounding land and whether this would constrain the ability to manage wilding spread; d) Whether management plans are proposed for the avoidance or containment of wilding spread; Whether a risk assessment has been completed and the results are favourable to the proposal”</u>			unless an evidenced-based process has established otherwise.
ECO – P9	00020 Rayonier Matariki Forests	00020.021	Amend as follows: (1) avoiding afforestation and replanting of plantation forests with wilding conifer species listed in APP5 within: (a) areas identified as significant natural areas, and (b) buffer zones adjacent to significant natural areas where it is necessary to protect the significant natural area, <u>and any forests, shelter belts and amenity planting, and ...</u>	Support	Allow	Ernslaw agrees with the relief requested.
ECO – P9	00230 Royal Forest and Bird Protection Society of New	00230.108	Amend as follows: “Reduce the impact of wilding conifers on indigenous biodiversity by: (1) avoiding afforestation and replanting of plantation forests with wilding conifer species listed in APP5 within: (a) areas identified as	Oppose	Disallow	The NES-PF is the appropriate statutory document in this case, unless an evidenced-based process has established otherwise.

	Zealand Incorporated		significant natural areas, and (b) buffer zones adjacent to significant natural areas where it is necessary to protect the significant natural area, and (2) <u>avoiding afforestation and replanting of plantation forests with wilding conifer species listed in APP5 within: (a) areas identified in a district plan as being of high amenity values; (b) outstanding natural features and landscapes; and (c) the coastal environment; and (d) within other areas, including prevailing upwind of such areas, where wilding spread would have adverse effects on indigenous biodiversity, ecosystem health or restoration where degraded; and (23) supporting initiatives to control and eliminate existing wilding conifers and limit their further spread.</u> "			
ECO – P9	00024 City Forests Limited	00024.012	Amend ECO – M5(6) to exempt increased buffer zones around SNAs beyond those already enacted in the NES – PF without clear scientific evidence of their efficacy.	Support	Allow	The NES-PF is the appropriate statutory document in this case, unless an evidenced-based process has established otherwise.
ECO – P9	00024 City Forests Limited	00024.013	Amend to exempt increased buffer zones around SNAs beyond those already enacted in the NES – PF without clear scientific evidence of their efficacy.	Support	Allow	The NES-PF is the appropriate statutory document in this case, unless an evidenced-based process has established otherwise.
ECO – P9	00239 Federated Farmers of New Zealand	00239.111	The first policy in this chapter outlines how the kaitiaki <u>and stewardship</u> role of Kāi Tahu, <u>landowners and communities</u> will be recognised in Otago. The policies which follow then set out a management regime for identifying significant natural areas <u>and</u>	Part-Support	Disallow	NES detail the circumstances where regional and district rules can be more stringent - where an evidenced based process has established that effects would be

			<p>indigenous species and ecosystems that are taoka and protecting them by avoiding particular adverse effects on them. The policies ... established <u>where the ecological integrity of the significant natural area is at risk</u>. To maintain ecosystems and indigenous biodiversity, the policies set out mandatory and sequential steps in an effects management hierarchy to be implemented through decision making, including providing for <u>voluntary</u> biodiversity offsetting and compensation if certain criteria are met. Although the objectives of this chapter apply within the coastal environment, the specific management approach for biodiversity is contained in the CE – Coastal environment chapter. Given the biodiversity loss that has occurred in Otago historically, restoration or enhancement will play a part in achieving the objectives of this chapter and these activities are promoted. <u>In addition to the threats from pests and weeds</u>, wilding conifers are a particular issue for biodiversity in Otago. Although plantation forestry is managed under the NESPF <u>a gap remains around carbon forestry</u>, and the NESPF allows plan rules to be more stringent if they recognise and provide for the protection of significant natural areas. The policies adopt this direction by requiring district and regional plans to prevent <u>inappropriate plantation or carbon</u> afforestation within significant natural areas and establish buffer zones where they are</p>			<p>better managed outside of an established NES.</p> <p>Appropriate buffer distances from water bodies, coastal marine areas and SNA's are already provided in the NES-PF, in addition to risk management methods for wildings whereby consent is needed under the NES-PF for 'high risk' afforestation and replanting.</p> <p>The NES-PF is the appropriate statutory document in this case, unless an evidenced-based process has established otherwise.</p>
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			necessary to protect significant natural areas. The policies recognise that managing ecosystems and indigenous biodiversity requires <u>active management by landowners, and ...</u>			
ECO – AER4	00230 Royal Forest and Bird Protection Society of New Zealand Incorporated	00230.119	Amend as follows: “ECO – AER4 Within significant natural areas , the area of land vegetated by wilding conifers is reduced <u>and efforts for elimination of wilding conifers are increased throughout the region.</u> ”	Support	Allow	Ernslaw proactively manages wilding risk and would appreciate joined up approaches to manage wilding risk across the region.
ECO – APP5	00230 Royal Forest and Bird Protection Society of New Zealand Incorporated	21_00230	(2) avoiding afforestation and replanting of plantation forests with wilding conifer species listed in APP5 [and S32 Appendix 15] within: (a) areas identified in a district plan as being of high amenity values;	Oppose in part – in relation to Plantation Forests regulated under NES_PF: refer Wilding risk calculator	Allow in relation to “Plant and Leave” Carbon only post89 forests registered in NZ ETS (where there is no intent to harvest), where afforestation was not Notified	Wilding conifer spread from Plantation Forests is adequately regulated under NES-PF Reg 11 (Afforestation) & Reg 79 (Replant). ORC’s S32 analysis give no evidence that this regulation is not sufficient. Seeking avoidance of replant in plantations is in conflict with objectives of NZ’s Climate Change policy and triggers massive financial liabilities under NZ ETS. Relief sought - Remove reference in APP 5 (table 5) to Plantation forestry species grown in Otago – being radiata and Corsican pine, and Douglas-fir.

					under NES-PF Reg 10	
Natural Features and Landscapes						
NFL –P5 – Wilding conifers	Federated Farmers	21_0239	Avoiding afforestation and replanting of plantation forests with wilding conifer species listed in APP5 within: (a) areas identified as outstanding natural features or landscapes,	Oppose part – in Plantation Forests regulated under NES_PF: refer Wilding risk calculator	Allow in relation to “Plant and Leave” Carbon only post89 forests registered in NZ ETS (where there is no intent to harvest), where afforestation is not Notified under NES-PF Reg 10	Wilding conifer spread from Plantation Forests is adequately regulated under NES-PF Reg 11 (Afforestation) & Reg 79 (Replant). ORC’s S32 analysis give no evidence that this regulation is not sufficient. Seeking avoidance of replant in plantations is in conflict with objectives of NZ’s Climate Change policy and triggers massive financial liabilities under NZ ETS. Relief sought - Remove reference in APP 5 (table 5) to Plantation forestry species grown in Otago – being radiata and Corsican pine, and Douglas-fir.
Appendices						
Appendix 1	Beef & Lamb / DINZ	21_00237	Delete reference to ‘salmonid fish’.	Support	Allow	Salmonid fish are exotic game fish species which, if passage allows or is restored, predate unchecked on Otago’s non-migratory

						indigenous freshwater species, without regulatory protections for those indigenous species against salmonids.
Appendix 2	Beef & Lamb / DINZ	21_00237	Any regulation relating to significant natural areas, directly or indirectly, should be withdrawn then be redrafted in line with the operative NPS-IB when it is gazetted.	Support	Delete the appendix in its entirety	Consideration of SNAs is not within the scope of a Freshwater Planning instrument; Premature to draft policy on SNAs when an exposure draft of a NPS-IB is close to release.
Appendix 5 (Table 5)	Federated Farmers	21_0239	Delete APP5 and instead provide for local authority plans to specify a list of wilding species prone to spread in their District, without the RPS attempting to create a list that may fast become out of date OR provide for this list within the Regional Pest Management Plan, so that it will be easier to modify if changes in practice or understanding are found.	Support, in part	Allow, in relation to “Plant and Leave” Carbon only post89 forests registered in NZ ETS (where there is no intent to harvest), where afforestation is not Notified under NES-PF Reg 10	Wilding conifer spread from Plantation Forests is adequately regulated under NES-PF Reg 11 (Afforestation) & Reg 79 (Replant). ORC’s S32 analysis give no evidence that this regulation is not sufficient. Seeking avoidance of replant in plantations is in conflict with objectives of NZ’s Climate Change policy and triggers massive financial liabilities under NZ ETS. Relief sought - Remove reference in APP 5 (table 5) to Plantation forestry species grown in Otago – being radiata and Corsican pine, and Douglas-fir.

