

Section 42A Hearing Report

Proposed Otago Regional Policy Statement 2021

Chapter 2:

Submissions on Part 1 – Introduction and general provisions

Lisa Hawkins

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2. Submissions on Part 1: Introduction and General Provisions

2.1. Introduction

1. Part 1 of the pORPS sets up the administrative structure of the document. The content of Part 1 follows the guidance contained within the National Planning Standards for Regional Policy Statements. Mandatory standards within Part 1 include – cross boundary matters, definitions, abbreviations, National Direction Instruments (NPS, NZCPS and Regulations) and Mana Whenua matters.
2. The Foreword or mihi includes an introduction to the purpose of a regional policy statement, an explanation of the timing of the mahi underpinning the preparation of the pORPS, and a succinct reflection of the outcome to be attained through implementation of the regional policy statement. It is a statement prepared jointly by ORC and Kāi Tahu.
3. The ‘Purpose’, ‘The description of the region’, and the ‘How the policy statement works’ sections, provide the reader with an overview of Otago and how the pORPS is to respond to this context. It sets out its role within the policy framework for Otago Regional Council, and relevant Territorial Authority policy documents. The ‘National direction Instruments’ section provides a list of the relevant higher order documents which have been given effect to and considered in the preparation of the pORPS. This section does not provide an assessment of ‘how’, but is rather an inventory of the ‘versions’ relevant during policy development.
4. The interpretation section contains a list of definitions used throughout the pORPS. Many of these definitions have been sourced from higher order documents, although where necessary for the Otago context new definitions have been included. Throughout the pORPS defined terms or words have been italicised where they have the same meaning as contained in Part 1. They are to provide clarity to their meaning within provisions.
5. As per Planning Standard requirements, Part 1 also contains policy direction as it relates to Mana Whenua, with this section focussing on context and process-related provisions for Mana Whenua.

2.2. Authors

2.2.1. Lisa Hawkins

6. I am Team Leader RPS, Air and Coast employed by Otago Regional Council. I hold a Bachelor of Urban and Regional Planning from The University of South Australia and a Graduate Diploma in Public Health from The University of Melbourne.
7. I have over 19 years of planning experience, with the last five within resource management in New Zealand. Majority of my experience has been working in the public sector in the fields of strategy and policy development, working for Local and Territorial

Authorities (UK and Australia), Regional Councils and State Government (Australia). I have experience in policy analysis, drafting provisions and implementation.

8. I have been involved in the review of the pORPS 2019 and the preparation of the pORPS since November 2019. I have provided leadership and oversight for the programme and provision drafting, the section 32 evaluation report, and chapter contribution for this section 42A report.

2.3. General themes

9. Due to the broad nature of the content within this chapter, it is more appropriate to address general themes within each section rather than discuss them collectively here. Therefore, some sections of this report have been grouped and discuss submissions under particular topic headings, as relevant and appropriate to the concerns and issues raised.

2.4. Foreword or mihi

2.4.1. Introduction

10. The foreword or mihi has been prepared jointly by the Otago Regional Council and Kāi Tahu. It sets out the process which led to the pORPS being prepared and what is hoped to be achieved by doing so. It particularly focusses on the partnerships which have been formed to prepare the document, specifically with iwi, but also more broadly the input received from community, stakeholders, organisations and interested parties. The foreword or mihi also includes the long-term vision for Otago, which is included in the pORPS in section 4.6 of Chapter 4 – IM – Integrated Management (IM-O1 – Long-term vision). The foreword or mihi acknowledges the intent of the pORPS being that if we manage the natural and physical resources of Otago well to achieve healthy, resilient and safeguarded natural systems (and ecosystems), then we will also be supporting the wellbeing of present and future generations.
11. As notified, the Foreword or mihi reads:

Foreword or mihi

Regional policy statements are significant planning tools; overarching documents that identify your most pressing environmental issues and provide direction to district plans and other resource management plans on how we will manage them. Developing this new Regional Policy Statement has provided an opportunity for renewed partnership between Kāi Tahu in Otago and Southland, and the ORC. We present this foreword to the notified version together, in recognition of that partnership and in anticipation of the work to come.

ORC didn't expect to find itself writing another Regional Policy Statement so soon. The ink is hardly dry on the 2019 Partially Operative Regional Policy Statement (in fact, as the name suggests, all the ink isn't even there yet), and here is the notification for the

next. Nonetheless, a 2019 review of ORC's water management framework and a slew of new national regulation meant a new RPS was needed to set the scene for work on a new Land and Water Regional Plan.

Having this new RPS developed so soon after the last has allowed it to build directly on the previous process. With issues and concerns still fresh, more refinement has been possible, building better processes and driving rapid progress on significant issues facing the region, including resilience to climate change and natural hazards, managing urban development, improving freshwater and coastal environmental management, and supporting biodiversity. Mana whenua and ORC have faced this planning challenge together. We have placed the environment at the centre of all we do in our long-term vision:

The management of natural and physical resources in Otago, by and for the people of Otago, including Kāi Tahu, and as expressed in all resource management plans and decision-making, achieves healthy, resilient, and safeguarded natural systems, and the ecosystem services they offer, and supports the well-being of present and future generations, mō tātou, ā, mō kā uri ā muri ake nei.

This statement reflects that a healthy, flourishing environment is fundamental to our well-being. Integration is the central tenet, seeing the environment as a single connected system, ki uta ki tai, and weaving this in to the RPS fabric.

Our long-term vision takes its cue from the holistic perspective of Te Mana o te Wai in the National Policy Statement for Freshwater Management 2020. Guided by the need to give effect to Te Mana o te Wai we have worked with mana whenua and the wider community to develop long-term visions for Otago's water bodies. The purpose of these visions is to protect the mauri of water bodies in Otago, a responsibility shared by all. The aim is to achieve positive outcomes for water and habitat that also address the community's needs and interests.

A broad section of people from all walks of life have contributed to developing the Regional Policy Statement. Through a variety of means, including in-person public workshops, community reference groups, online surveys, and reports, people have helped shape policy development in its earliest stages and fed into the long-term freshwater visions for their own parts of Otago.

Thank you to all who have been involved in bringing this RPS to notification: mana whenua; staff from ORC, Aukaha, and Te Ao Marama Inc; councillors; stakeholders; and community members.

The objectives and policies in this RPS signal a significant step change in Otago, mindful of the need to consider the environment that will be inherited by future generations. We are asking our communities to join us in that change, to create a future of opportunity and security for all of us.

2.4.2. Submissions

12. To counter the belief that the Foreword or mihi is too narrowly focussed on water bodies, Fish and Game requests a review to broaden it out to reflect all natural and built environment in Otago¹. Similarly, Jim Hopkins requests the concept of human ecosystem be included to acknowledge that use of the environment for human benefit is legitimate.² Jim Hopkins also requests acknowledgement of others who have been involved in the preparation of pORPS and as such seeks an amendment to the phrase “Mana Whenua and ORC have faced this planning challenge together”.³
13. Ngāi Tahu ki Murihiku seeks a number of editorial requests to improve clarity, strengthen intent or correct grammatical errors.⁴ The request is:
- Remove the phrase “in Otago and Southland” from the fourth line of the first paragraph –
 - Amend the long-term vision wording, as follows: “..., and supporting...” –
 - Amend the last line of the second to last paragraph, as follows: “... habitat in a way that ...” –
 - Space required in first line of the first paragraph – “...identify_our...”
 - Space required in first line of the second paragraph – “...is_hardly...”
14. There is also support for the foreword or mihi to be retained, either as a whole or as relevant to specific elements.⁵⁶

2.4.3. Analysis

15. Fish and Game requests the foreword or mihi be expanded to reflect all natural and built environment in Otago, but do not provide any specific text. I consider the foreword to be sufficiently broad in that it acknowledges the driver of having to prepare an RPS so soon after completing the previous one and reinforces the environment to be at the centre of the long-term vision for the RPS. Without specific relief identified, I consider the use of the term ‘environment’ to adequately respond to the concerns of Fish and Game. I therefore do not recommend accepting this submission.
16. Jim Hopkins requests that the use of the environment for human benefit is acknowledged as legitimate and should be enabled within parameters, stating this can be achieved through including the concept of ‘human ecosystem’. The submitter does not define ‘human ecosystem’, although they do include the following phrase, *‘So is a healthy, flourishing economy and health, flourishing communities’* in describing the link with the

¹ 00231.013 Fish and Game

² 00420.001 Hopkins, Jim

³ 00420.004 Hopkins, Jim

⁴ 00223.007 Ngāi Tahu ki Murihiku

⁵ 00104.001 Herlihy, Gavan James

⁶ 00222.002 Wai Wanaka

long-term vision, and as being fundamental to well-being. At the heart of this pORPS is safeguarding and managing the environment so that it can support the well-being of present and future generations. The foreword or mihi talks to this in referencing the pORPS long term vision. The vision establishes the sustainable management of natural and physical resources as key to achieving the environmental conditions that will support the well-being of present and future generations. This vision demonstrates the clear interrelationship between the natural and human environments which, when taken together, embraces the concept of 'human ecosystem' sought by the submitter. Taking this concept any further in the regional policy statement would be to shift the necessary balance away from the essential preconditions to a healthy economy and healthy communities. I consider the approach taken in the pORPS achieves the outcome sought by this submitter. I therefore do not recommend accepting this submission.

17. Jim Hopkins also seeks to expand the phrase 'mana whenua and ORC have faced this planning challenge together' to include others who may have been involved. This phrase in the foreword specifically talks to the 'planning challenge' of developing an RPS so soon after the last, further the important involvement and contribution of others including community, organisations etc is acknowledge further in the foreword in both paragraph 7 and 8. However, the community do shoulder responsibility with mana whenua and ORC and have contributed to developing the pORPS and I therefore recommend accepting this submission.
18. I agree with most of the editorial amendments sought by Ngāi Tahu ki Murikihiku to improve the clarity and correct grammatical errors. However, the submitters second request listed above, relating to the long-term vision, is better dealt within section 4.6 of Chapter 4: IM – Integrated Management which considers submissions on IM-O1 – Long term vision. The third request I do not believe adds value to or improves clarity of the statement. Further incorporating the phrase 'in a way' would appear to unnecessary weaken the statement. I therefore accept this submission in part.

2.4.4. Recommendation

19. I recommend the following amendments to the foreword or mihi as set out below, (please note there is consequential changes to the long term vision as reference from discussion in Chapter 6: Integrated Management of the s42a report):

Foreword or mihi

Regional policy statements are significant planning tools; overarching documents that identify our most pressing environmental issues and provide direction to *district plans* and other resource management plans on how we will manage them. Developing this new Regional Policy Statement (RPS)⁷ has provided an opportunity

⁷ Clause 16(2), Schedule 1, RMA

for renewed partnership between Kāi Tahu in Otago and Southland,⁸ and the Otago Regional Council (ORC)⁹. We present this foreword to the notified version together, in recognition of that partnership and in anticipation of the work to come.

ORC didn't expect to find itself writing another Regional Policy Statement so soon. The ink is hardly dry on the 2019 Partially Operative Regional Policy Statement (in fact, as the name suggests, all the ink isn't even there yet), and here is the notification for the next. Nonetheless, a 2019 review of ORC's water management framework and a slew of new national regulation meant a new RPS was needed to set the scene for work on a new Land and Water Regional Plan.

Having this new RPS developed so soon after the last has allowed it to build directly on the previous process. With issues and concerns still fresh, more refinement has been possible, building better processes and driving rapid progress on significant issues facing the region, including resilience to climate change and natural hazards, managing urban development, improving freshwater and coastal environmental management, and supporting biodiversity. Mana whenua, the community¹⁰ and ORC have faced this planning challenge together. We have placed the environment at the centre of all we do in our long-term vision:

The management of natural and physical resources in Otago,¹¹ by and for the people of Otago, including in partnership with¹² Kāi Tahu, and as expressed in all resource management plans and decision making,¹³ achieves a healthy, and resilient, and safeguarded¹⁴ natural systems environment,¹⁵ and including¹⁶ the ecosystem services they offer it provides,¹⁷ and supports the well-being of present and future generations, (mō tātou, ā, mō kā uri ā muri ake nei).¹⁸

This statement reflects that a healthy, flourishing environment is fundamental to our well-being. Integration is the central tenet, seeing the environment as a single connected system, ki uta ki tai, and weaving this in to the RPS fabric.

Our long-term vision takes its cue from the holistic perspective of Te Mana o te Wai in the National Policy Statement for Freshwater Management 2020. Guided by the need to give effect to Te Mana o te Wai we have worked with mana whenua

⁸ 00223.007 Ngāi Tahu ki Murihiku

⁹ Clause 16(2), Schedule 1, RMA

¹⁰ 004200.004 Jim Hopkins

¹¹ 00239.034 Federated Farmers

¹² 00226.085 Kāi Tahu ki Otago

¹³ 00121.015 Ravensdown

¹⁴ 00211.004 LAC, 00210.004 Lane Hocking, 00209.004 Universal Developments, 00118.005 Maryhill, 00014.005 Mt Cardrona Station

¹⁵ 00231.03 Fish and Game

¹⁶ 00139.022 DCC

¹⁷ 00239.034 Federated Farmers

¹⁸ 00239.034 Federated Farmers

and the wider community to develop long-term visions for Otago's water bodies. The purpose of these visions is to protect the mauri of water bodies in Otago, a responsibility shared by all. The aim is to achieve positive outcomes for water and habitat that also address the community's needs and interests.

A broad section of people from all walks of life have contributed to developing the Regional Policy Statement. Through a variety of means, including in-person public workshops, community reference groups, online surveys, and reports, people have helped shape policy development in its earliest stages and fed into the long-term freshwater visions for their own parts of Otago.

Thank you to all who have been involved in bringing this RPS to notification: mana whenua; staff from ORC, Aukaha, and Te Ao Marama Inc; councillors; stakeholders; and community members.

The objectives and policies in this RPS signal a significant step change in Otago, mindful of the need to consider the environment that will be inherited by future generations. We are asking our communities to join us in that change, to create a future of opportunity and security for all of us.

2.5. Purpose

2.5.1. Introduction

20. This section sets out the reasons for the pORPS to exist and broadly the intention for preparing the statement, namely to identify the significant resource management issues for the region and to develop a policy framework that over time will resolve these issues.

21. As notified, the Purpose reads:

Purpose

As a community, we in Otago are moving into an age that requires solutions to both entrenched legacy issues and significant emerging issues in order to promote positive sustainable change while also enabling the Otago community to flourish, and to enjoy all that the region has to offer.

The Otago Regional Policy Statement (ORPS) provides a policy framework that aims to achieve long-term environmental sustainability by integrating the protection, restoration, enhancement, and use of Otago's natural and physical resources.

The ORPS responds to identified significant regional values and resource management issues relating to Otago's *environment*, historic heritage, economy, recreational opportunities and communities. The ORPS sets out objectives, policies, and methods to resolve, over time, the identified issues as effectively and efficiently as possible. The ORPS gives effect to the statutory requirements set out in the Resource Management Act 1991 (RMA 1991), as well as relevant national direction instruments and iwi authority planning documents. *Regional* and *district plans* must give effect to the ORPS.

2.5.2. Submissions

22. Submissions typically either seek a stronger focus on the ‘well-being’ of community and society in environmental management¹⁹, or a stronger focus on the increased management and protection of the environment²⁰. There is also support for the purpose remaining as is²¹.

23. Fonterra seeks to have the purpose expanded to put ‘planning for well-being’ into resource management in Otago, to acknowledge that environmental management and protection is inseparable from resource use²². Jim Hopkins requests the following changes be made to paragraph 2²³:

The Otago Regional Policy Statement (ORPS) provides a policy framework that aims to achieve long-term environmental and social sustainability by integrating the protection, restoration, enhancement and use of Otago’s natural and resources with the sustaining of communities and their well-being.

24. Federated Farmers considers the previous overview section of the partially operative RPS 2019 to be more aspirational, with the pORPS being seen to be too narrow and negative in its focus. The submitter seeks the overview of the partially operative RPS to be reinstated, specifically for the following text to replace the first two paragraphs in the pORPS²⁴.

“Continued prosperity and wellbeing is essential to ensuring the community is equipped to face the environmental, economic, cultural and social changes of the 21st century, and to provide opportunities for all people to realise their aspirations.

A thriving and healthy natural environment is vital to sustaining our wellbeing. The RPS is a high level policy framework for the sustainable integrated management of resources, identifying regionally significant issues, the objectives and policies that direct how natural and physical resources are to be managed and setting out how this will be implemented by the region’s local authorities. “

25. Wise Response seeks to have the purpose reflect the level of transformation required to address the process of ecological breakdown, considered to be unfolding in NZ and the world²⁵. They suggest a position statement based on an accepted list of premises which are the basis for the pORPS. This position statement is set out below:

¹⁹ 00213.003 Fonterra, 00420.002 Hopkins, Jim, 00239.001 Federated Farmers

²⁰ 00509.008 Wise Response

²¹ 00104.002 Herlihy, Gavan James

²² 00213.003 Fonterra

²³ 00420.002 Hopkins, Jim

²⁴ 00239.001 Federated Farmers

²⁵ 00509.008 Wise Response

- That there is a fundamental contradiction between economic growth and sustainability that must be resolved if sustainable management of natural and physical resources is to be achieved.
- The ecological core of sustainability dictates that resolution relies in changing the nature of our economy's largely exploitative relationship with the environment to one of conservation and cycling resources under a "fair share" rather than "more" philosophy.
- There are myriad signs that safe environmental limits are already met or overshoot and that we have limited time to reverse the growing damage and looming climate catastrophe.
- While climate change is a pressing issue that needs resolution, it is never – the – less, just a symptom of a socio – economic system that has got too far out of step with the biophysical processes and ecological systems Proposed Otago Regional Policy Statement 2021 Summary of Decisions Requested - Part A 78
- A level of climate change is already locked in, so adaptation to and mitigation are necessary. However, unless we actually address its cause – in large part due to our excessive use of fossil fuels – then our efforts to secure wellbeing for our environment and citizenry will ultimately come to naught as conditions overwhelm our capacity to adapt.
- As the way we do things is responsible for climate change the way we do things will need to change if we are to fix it. Logically, this involves better managing ourselves to accommodate the environment, rather than better managing the environment to accommodate us.
- The climate threat level is such now that incremental change is no longer sufficient, systems-level interventions will be required. Such transformation cannot be expected to occur without a significant shift in our current modes and enterprise.
- Communities will need to identify and work within the biophysical capacity of a district and region, and account for planetary boundaries, in a way that also supports the well – being of present generations without compromising the wellbeing of future generations
- This set of circumstances requires a new kind of RPS – one that is more directive in its outcomes, removes barriers to magnifying action, shifts the focus from revenue to resilience and which demands all of us examine to what extent our lives and activities help or hinder the transformational change required, and act accordingly.
- Encouraging is that the actions necessary to reduce carbon emissions are, in large part, the same as those required anyway for a more sustainable, secure and respectful life going forward.

26. Including 'food production' as a significant regional value and resource management issue is raised by Horticulture NZ and NZ Pork, with reasons including the role of food

production in promoting human health and well-being, and the regional value of food production to Otago. ²⁶

27. Ngāi Tahu ki Murihiku seeks to clarify that the RPS is ‘informed by’ iwi authority planning documents. ²⁷
28. Jim Hopkins seeks an amendment to the phrase “Regional and district plans must give effect to the ORPS” to allow this to be exercised in a measured and moderate way, allowing discretion of the territorial authorities. ²⁸

2.5.3. Analysis

29. The purpose sets out the challenge ahead for Otago’s community, with the first paragraph acknowledging that solutions will need to ‘*promote positive sustainable change while also enabling the Otago community to flourish, and enjoy all that the region has to offer*’. I consider this to be an active statement, using the terminology ‘enabling’ and ‘flourish’ and acknowledging that the well-being of the community is considered. I therefore do not recommend accepting the submission points by Fonterra and Jim Hopkins²⁹.
30. I do not accept the premise of the submission point by Federated Farmers, in that the purpose of the pORPS is narrow and negative. And whilst I do not support reinstatement of the purpose from the pORPS 2019, I do acknowledge that the links between a thriving natural environment and community wellbeing could be more explicitly set out in the purpose. This is consistent with the existing policy approach within the pORPS³⁰. I therefore recommend accepting this submission point in part.
31. The request from Wise Response, whilst an extensive list of issues that may be at play in resource management, I do not feel is appropriate for this section of the pORPS. Many of the specific points raised by Wise Response relate to conflicts of how resources are managed. The Significant Resource Management Issues in Part 2 of the pORPS identifies many such conflicts and I’m of the opinion adequately cover the concerns of Wise Response. Other issues raised, such as the need for transformational change or the pORPS being more directive in its outcomes are covered in the Foreword or Mihi and in the drafting approach for the pORPS where objectives set a clear outcome and the policies provide the mechanism to achieve this³¹. Therefore, I recommend to not accept this submission point.

²⁶ 00236.007 Horticulture NZ, 00240.001 NZ Pork

²⁷ 00223.08 Ngāi Tahu ki Murihiku

²⁸ 00420.005 Hopkins, Jim

²⁹ 00420.004 Hopkins Jim, 00213.003 Fonterra

³⁰ For example IM-O1, IM-P14

³¹ For example IM-O1 sets out the long-term vision for Otago, where healthy, resilient, and safeguarded natural systems, and their ecosystem services, support the well-being of present and future generations or , IM-P2 sets out clear decision priorities, or IM-P14 is preserving opportunities for future generations by identifying limits to growth and adverse effects

32. I do not accept the submission points of NZ Pork and Horticulture NZ to specifically add ‘food production’ to paragraph three. The list included in paragraph three is not a list of ‘significant regional values and resource management issues’ as has been interpreted by the submitters. Rather it comprises descriptors which significant regional values and resource management issues may relate to. I consider these terms contained within the pORPS (environment, historic heritage, economy, recreational opportunities and communities) to be broad enough to encompass food production as it relates to the economy and the community. I therefore recommend to not accept these submission points.
33. Ngāi Tahu ki Murihiku is correct in their assessment that the pORPS has been ‘informed by’ iwi authority planning documents. I therefore recommend accepting this submission point.
34. I do not accept the submission point of Jim Hopkins as the terminology used in the PORPS is correct, Regional and district plans must give effect to the pORPS, and is practice for the Territorial Authority to determine how they do this. Whilst I can appreciate some of the methods within the pORPS (applying to both the Regional Council and the Territorial Authorities) are very directive, I consider this to be necessary to assist in resolving the regionally significant resource management issues, the regionally significant issues for iwi and to achieve the desired outcomes (the objectives) of the pORPS. I do not recommend accepting this submission point.

2.5.4. Recommendation

35. I recommend the following amendments to the purpose:

Purpose

As a community, we in Otago are moving into an age that requires solutions to both entrenched legacy issues and significant emerging issues in order to promote positive sustainable change while also enabling the Otago community to flourish, and to enjoy all that the region has to offer.

The Otago Regional Policy Statement (ORPS) provides a policy framework that aims to achieve long-term environmental sustainability by integrating the protection, restoration, enhancement, and use of Otago’s natural and physical resources. The ORPS also promotes a thriving and healthy natural environment as being vital to sustaining our wellbeing.³²

The ORPS responds to identified significant regional values and resource management issues relating to Otago’s *environment*, historic heritage, economy, recreational opportunities and communities. The ORPS sets out objectives, policies, and methods to resolve, over time, the identified issues as effectively and

of human activities, requiring activities to be established in places and carried out in ways that are within those limits, and regularly assessing and adjusting limits and thresholds for activities over time

³² 00239.002 Federated Farmers

efficiently as possible. The ORPS gives effect to the statutory requirements set out in the Resource Management Act 1991 (RMA-1991)³³, as well as relevant national direction instruments, and is informed by³⁴ iwi authority planning documents. *Regional plans*³⁵ and *district plans* must give effect to the ORPS.

2.6. Description of the Region

2.6.1. Introduction

36. This section provides the reader with a snapshot description of the Otago region. It is a high-level description statement which points to the main geographical, social and economic features of Otago. It has a strong focus on the elements of the region which are the focus of the management of natural resources and provides a lead into the remainder of the RPS. It is the context for the Significant Resource Management Issues for the region and the policy framework to address and resolve these issues.
37. The description of the region is broken up into sub-headings and as such this report will deal with the submissions as per the relevant sub-heading.
38. As notified, the Description of the Region reads:

Description of the Region

At 32,000 km², the Otago region is the second largest region in New Zealand, making up 12% of New Zealand's land mass.

The region's eastern edge is entirely marine, extending 12 nautical miles out to sea from a scenic and varied coastline. Otago meets Canterbury at the southern bank of the Waitaki River, its northern border following the river upstream then branching off along Awamoko Stream, following the north branch of the Kakanui River before heading inland once again along the Hawkdun Range, following catchment boundaries and ridgelines into the Southern Alps at Otago's westernmost border. In the south, beginning at Brother's Point in the scenic Catlins, the border with Southland tends northeasterly, taking in the Pomohaka River catchment, and Umbrella and Kopuwai Ranges to encompass the headwaters of the glacial alpine lakes, Whakatipu-wai-māori (Lake Wakatipu), Wanaka, and Hāwea.

Otago is made up of five *territorial authorities*: Dunedin City Council, and Queenstown Lakes, Waitaki, Central Otago, and Clutha District Councils.

Otago's population at the 2018 Census was 225,186³⁶. Dunedin City has the largest population of the Otago *territorial authorities* at 126,255, followed by Queenstown

³³ Clause 16(2), Schedule 1, RMA

³⁴ 00223.008 Ngāi Tahu ki Murihiku

³⁵ Clause 16(2), Schedule 1, RMA

³⁶ 2018 Census place summaries: Stats NZ. (n.d.). <https://www.stats.govt.nz/tools/2018-census-place-summaries/otago-region> (accessed 26 May 2021)

Lakes District at 39,153, Waitaki District at 22,308, Central Otago District at 21,558, and Clutha District at 17,667. Growth is not evenly distributed across the region, with the fastest growing district being Queenstown Lakes.

Otago's economy centres around agriculture, tourism, *mineral* mining, and education. The University of Otago enrolls approximately 20,000 students each year from around New Zealand and internationally, contributing to annual population spikes in Dunedin and significantly boosting the economy. Tourism has also had a significant impact on the regional economy, contributing about a quarter of the region's total gross domestic product. This is the highest of any region in New Zealand, and primarily concentrated in the Queenstown Lakes District.

Renewable energy generation facilities³⁷ meet a large portion of regional and national energy requirements. Significant hydroelectric generation facilities in Otago are located in the Central Otago, Clutha, and Queenstown Lakes Districts. Additionally, Otago has two wind farms, located in the Clutha District.

Climate

The Otago region experiences two distinct climates due to the geographic variety between the temperate coastal areas, and the almost continental inland areas. The coastal settlements experience a cyclic weather pattern that alternates frequently between a warmer and drier climate, and a cooler, damper climate. Central Otago's climate is characterised by hot, dry summers and contrastingly cold, frosty winters.

General temperature ranges for the region fall between 18°C and 24°C on summer afternoons, and -2°C and 3°C during winter nights.³⁸ The mean daily temperatures in summer in Central Otago range between approximately 10°C and 25°C, while the mean daily temperatures in winter range between approximately -1°C and 10°C.³⁹ Central Otago has held national records for both the hottest and coldest temperature readings in New Zealand. Ophir, a small settlement in Central Otago, has recorded temperatures of 35.2°C in 1959 and -21.6°C in 1995. Significant rises in the use of heating sources occur during the drastically colder winter periods. The highest regional rainfalls, averaging 2000mm per year, occur typically over western areas of Otago such as around the Lakes District and Southern Alps. In contrast, the average rainfall in Central Otago is the lowest in New Zealand averaging around 400-500mm per year.

Coast

The Otago coastline stretches for 480 km and is extremely diverse, encompassing pebble and sandy beaches, basalt formations, dune systems, eelgrass and saltmarshes, estuaries, rolling downlands, and striking cliff heads. Significant coastal settlements include Dunedin and Oamaru, with the Otago port based in Port

³⁷ Fitzgerald, W. (2019). *Dunedin Energy Study 2017-2018*. University of Otago.

³⁸ Macara, G. R. (2015). *The Climate and Weather of Otago*, Second Edition. *NIWA SCIENCE AND TECHNOLOGY SERIES*, 67th ser.

³⁹ Central Otago Climate. (n.d.). <https://centralotagongz.com/opportunities/working-here> (accessed 26 May 2021)

Chalmers. Otago Harbor is the region's only commercial freight handling harbor, however commercial fishing ramps are present in Oamaru, Moeraki, Karitane, and Taieri Mouth. Coastal erosion and the decline of the regional coastline is well documented, posing a long-term threat to residential and commercial coastal developments.

Otago's benthic and marine ecosystems are varied and diverse including rocky reef systems, sponge gardens, bryozoan and horse mussel beds, biogenic reefs, kelp forests and submarine canyons within 12 nautical miles of the shore. More than thirty species of seabird are regularly found off the coast of Otago. Rare sea birds such as the Royal Albatross and hoiho (Yellow-eyed penguin) can be found along the landward coastal environment. Surfing is a significant recreational activity, in Dunedin particularly, and there are four *surf breaks* of national significance along the Otago coastline.

Water bodies

The Otago region has significant *freshwater* resources in the form of surface water, natural and artificial *lakes*, *groundwater*, and *wetlands*. Otago's communities are reliant on the use of these *water* resources for their social, cultural and economic well-being. *Rivers* and *lakes* make up most of the regional surface *water*. The big *lakes*, such as Wanaka, Whakatipu-wai-māori (Lake Wakatipu) and Hāwea and including artificial *lakes* Dunstan, Roxburgh and Onslow, constitute about 23% of New Zealand's total *lake* surface area. The primary catchments are Lakes Wanaka, Whakatipu-wai-māori (Lake Wakatipu) and Hāwea, which feed into Otago's largest *river*, the Clutha River/Mata-Au. Otago also has many *groundwater* sources. *Wetlands* make up many significant landscape and ecosystem elements in Otago, including blanket and string bogs, saline areas, swamp forest remnants, shallow *lake* complexes, estuarine saltmarshes, and valley floor swamps.

Natural character and landscapes

Otago's landscapes are diverse. Moving inland from Otago's diverse and varied coastline, the landscapes change dramatically. Rolling plains separated by mountain ranges, steep hillsides of tussock, and deep gorges make up a lot of South and Central Otago. This *land* is dissected by flowing bodies of water, towering mountainscapes, and fascinating geological formations. Modified landscapes encompassing farmland and remnants of the region's early gold mining activity are ever-present, creating a rich sense of heritage and regional identity.

Urban form

Urbanised areas in Otago occupy only about 1% of total *land* area, however 87% of people live in urban settlements. Dunedin is Otago's largest urban area, surrounded by hills and harbor, and has a large suburban area and commuter catchment especially to the south, with more recent expansion moving out to connect with an expanding Mosgiel. The Queenstown Lakes District population is approximately 91% urban. Its outstanding landscape has historically determined, and will continue to determine, how urban form develops.

In the remainder of the region, smaller urban settlements are geographically scattered, maintaining clear distinctions between rural and urban forms, and with significant variability in growth pressures and infrastructure capacity. Growth in overall numbers of people is not the only driver of urban change pressures in Otago; many areas face low or no growth, and all areas are expected to have an aging population.

2.6.2. Description of the Region - general

2.6.2.1. Submissions

39. A number of submissions call for there to be more focus on the role agriculture and primary production plays in Otago, not only in terms of economic value but also for its capacity as part of the New Zealand food supply chain.⁴⁰
40. Federated Farmers expresses concern that the pORPS has moved away from the pORPS2019 in that too much focus is placed on the tourism and education sectors, which have shown volatility due to Covid 19. An amendment is sought to include reference to agriculture as a basis for Otago's economy to balance against the detail given on other industries.⁴¹ Waitaki DC requests that the term 'primary production' replace the individual industries referenced because it is a more inclusive term.⁴²
41. OWRUG also request the unique climatic conditions of Otago and the role this plays in supporting the food and fibre sector should be identified, along with the importance of irrigation and water storage to food and fibre⁴³.
42. Trojan and Wayfare request an editorial update to reflect the impact of tourism on the regional economy in present tense rather than past tense.⁴⁴
43. Kāi Tahu Ki Murihiku requested editorial changes to reflect the correct spelling of Pomahaka and Wānaka. They also requested acknowledgement of Te Ākau Tai Toka, The Catlins area, as a significant part of this region, specifically for its cultural values⁴⁵. They specifically request this be considered in light of the Coastal and Natural character and landscapes sections.
44. DOC request that a new section, titled 'land', be added to the description of the Region. The seek to have this section incorporate key information on terrestrial ecosystems and suggested the Wildlands reports 2020a and 2020b would provide a good summary⁴⁶.

⁴⁰ including 00239.002 Federated Farmers, 00236.008 Horticulture NZ, 00240.002 NZ Pork, 00235.006 OWRUG

⁴¹ 00239.002 Federated Farmers

⁴² 00140.001 Waitaki DC

⁴³ 00235.006 OWRUG

⁴⁴ 00206.006 Trojan, 00411.001 Wayfare

⁴⁵ 00223.009 Kāi Tahu Ki Murihiku

⁴⁶ 00137.004 DOC

2.6.2.2. Analysis

45. Federated Farmers and Horticulture NZ provide suggested wording to be included in the general section of the 'Description of the Region' that would allay their concerns that not enough focus has been given to the agriculture and food production sectors. Their specific suggestions are set out below. NZ Pork and OWRUG do not provide specific wording for their relief.
- Federated farmers - "Agriculture is the basis of Otago's economy, and the primary production sector continues to be a major source of revenue, employment and vibrancy for the districts and wider region. Otago's 3300 farms are a key contributor towards Otago's GDP."
 - Horticulture NZ - "The region is nationally recognised for its unique productive capacity and place in the national food supply network."
46. I agree with Federated Farmers that agriculture is a key part of Otago's economy. However, I question the claim that agriculture is the basis of Otago's economy, with a number of industries including tourism and construction contributing in similar measure to agriculture. Given these concerns, I recommend an amended version of this part of the description to more accurately reflect the role of agriculture in Otago. I therefore recommend accepting the submission points from Federated Farmers and Horticulture NZ in part, and believe the approach below should also satisfy the intent of the request from NZ Pork and OWRUG.
47. Regarding the relief sought by Waitaki DC, I note that the term "primary production" and its definition is discussed in *Report 1: Introduction and general themes*. In summary, the definition includes aquaculture, agricultural, pastoral, horticultural, mining, quarrying, and forestry activities. According to Ecoprofile Infometrics (2021)⁴⁷, in 2020 agriculture, forestry and fishing contributed 6.5% regional GDP while mining contributed 4.2%. That compares to 5.0% and 1.0% respectively for national GDP. These are the same activities captured by the term "primary production" therefore I recommend accepting the submission point by Waitaki DC to delete "agriculture" and "mining" and instead include the term "primary production."
48. I agree with OWRUG that Otago does have a unique climate. However, this supports many industries not just those listed by OWRUG in their submission. I therefore recommend accepting this submission point in part by including reference to the unique climate as it supports many of the diverse industries in Otago. I recommend this amendment is better included under the heading 'Climate', rather than in the general section of the Description of the Region.
49. OWRUG also requests the role of irrigation and water storage in supporting food and fibre industries be recognised. This section of the pORPS provides a high-level overview

⁴⁷ <https://ecoprofile.infometrics.co.nz/Otago%20Region>

of the key features of the Otago region and the key industries. It doesn't delve down into the next level of the supporting services or industries. I therefore do not consider it appropriate include specific reference to the supporting infrastructure of just one industry in the region. Further the role of irrigation and water storage is covered through the SRMR section of the PORPS. I therefore recommend not accepting this submission point.

50. I consider the amendment requested by Trojan and Wayfare to reflect tourism in a present tense to be appropriate and therefore recommend accepting these submission points.
51. I recommend accepting the editorial changes requested by Kāi Tahu ki Murihiku, as they reflect correct spelling and use of macrons, and I note these changes occur throughout Part 1. However, I do not recommend accepting their submission point to recognise the Catlins in the coastal or natural character and landscape sections. The Catlins is already referenced in the second paragraph of the general description. Further, the overview included in the coastal and natural character and landscapes sections provides a description of the key features rather than identification of specific places. To include just the Catlins would be inconsistent with this approach and risk excluding other specific places which may also warrant mention. I therefore recommend accepting this submission point in part.
52. I agree with DOC that the description of the region is missing a summary of the biodiversity unique to Otago. However, I do not agree that an additional section, 'land', is required, rather I recommend incorporating a summary on Otago's biodiversity within the opening paragraphs covering key features of the region. I have reviewed the wildlands report⁴⁸ and have drafted a paragraph summarising the key aspects of biodiversity in Otago and recommend this is included following the final paragraph in the general 'description of the region' section. I therefore recommend accepting this submission point in part.

2.6.2.3. Recommendation

53. I recommend the following amendments to the Description of the Region, general section and Climate:

Description of the Region⁴⁹

At 32,000 km², the Otago region is the second largest region in New Zealand, making up 12% of New Zealand's land mass.

The region's eastern edge is entirely marine, extending 12 nautical miles out to sea from a scenic and varied coastline. Otago meets Canterbury at the southern bank

⁴⁸ Wildlands Consultants Ltd (Kelvin Lloyd), *An Overview of the State of Indigenous Biodiversity in the Otago Region*, March 2021

⁴⁹ Clause 16(2), Schedule 1, RMA

of the Waitaki River, its northern border following the river upstream then branching off along Awamoko Stream, following the north branch of the Kakanui River before heading inland once again along the Hawkdun Range, following catchment boundaries and ridgelines into the Southern Alps at Otago's westernmost border. In the south, beginning at Brother's Point in the scenic Catlins, the border with Southland tends northeasterly, taking in the ~~Pomohaka~~ Pomahaka⁵⁰ River catchment, and Umbrella and ~~Kopuwaiti~~ Kōpūwai⁵¹ Ranges to encompass the headwaters of the glacial alpine lakes, Whakatipu-wai-māori (Lake Wakatipu), ~~Wanaka~~ Wānaka,⁵² and Hāwea.

Otago is made up of five *territorial authorities*: Dunedin City Council, and Queenstown Lakes, Waitaki, Central Otago, and Clutha District Councils.

Otago's population at the 2018 Census was 225,186⁵³. Dunedin City has the largest population of the Otago *territorial authorities* at 126,255, followed by Queenstown Lakes District at 39,153, Waitaki District at 22,308, Central Otago District at 21,558, and Clutha District at 17,667. Growth is not evenly distributed across the region, with the fastest growing district being Queenstown Lakes.

Otago's economy centres around construction, primary production ~~agriculture~~, tourism, ~~mineral mining~~,⁵⁴ and education. The construction industry is a major contributor to employment numbers in Otago, supported by the region's population growth. The primary production sector is a source of revenue and employment for the districts and the wider region. Otago's farms are also a key contributor to the national food supply network.⁵⁵ The University of Otago enrolls approximately 20,000 students each year from around New Zealand and internationally, contributing to annual population spikes in Dunedin and significantly boosting the economy. Tourism ~~has~~⁵⁶ also ~~has~~⁵⁷ a significant impact on the regional economy, contributing about a quarter of the region's total gross domestic product. This is the highest of any region in New Zealand, and primarily concentrated in the Queenstown Lakes District.

Renewable energy generation facilities⁵⁸ meet a large portion of regional and national energy requirements. Significant hydroelectric generation facilities in Otago are located in the Central Otago, Clutha, and Queenstown Lakes Districts. Additionally, Otago has two wind farms, located in the Clutha District.

⁵⁰ 00223.009 Ngai Tahu ki Murihiku

⁵¹ 00226.024 Kāi Tahu ki Otago

⁵² 00226.024 Kāi Tahu ki Otago, 00223.009 Ngai Tahu ki Murihiku

⁵³ 2018 Census place summaries: Stats NZ. (n.d.). <https://www.stats.govt.nz/tools/2018-census-place-summaries/otago-region> (accessed 26 May 2021)

⁵⁴ 00140.001 Waitaki DC

⁵⁵ 00239.002 Federated Farmers, 00236.008 Horticulture NZ, 00240.002 NZ Pork, 00140.001 Waitaki DC

⁵⁶ 00206.006 Trojan, 00411.001 Wayfare

⁵⁷ 00206.006 Trojan, 00411.001 Wayfare

⁵⁸ Fitzgerald, W. (2019). *Dunedin Energy Study 2017-2018*. University of Otago.

Otago is home to important indigenous biodiversity for Aotearoa, some of which is specific to Otago. Nationally significant indigenous biodiversity features include inland saline habitats, ephemeral wetlands, endemic and threatened inland galaxiid fish and lizard populations, western forest habitats, and coastal fauna.⁵⁹

Climate

The Otago region experiences two distinct climates due to the geographic variety between the temperate coastal areas, and the almost continental inland areas. The coastal settlements experience a cyclic weather pattern that alternates frequently between a warmer and drier climate, and a cooler, damper climate. Central Otago's climate is characterised by hot, dry summers and contrastingly cold, frosty winters. The unique climate supports many of the diverse industries in Otago.⁶⁰

General temperature ranges for the region fall between 18°C and 24°C on summer afternoons, and -2°C and 3°C during winter nights.⁶¹ The mean daily temperatures in summer in Central Otago range between approximately 10°C and 25°C, while the mean daily temperatures in winter range between approximately -1°C and 10°C.⁶² Central Otago has held national records for both the hottest and coldest temperature readings in New Zealand. Ophir, a small settlement in Central Otago, has recorded temperatures of 35.2°C in 1959 and -21.6°C in 1995. Significant rises in the use of heating sources occur during the drastically colder winter periods. The highest regional rainfalls, averaging 2000mm per year, occur typically over western areas of Otago such as around the Lakes District and Southern Alps. In contrast, the average rainfall in Central Otago is the lowest in New Zealand averaging around 400-500mm per year.

2.6.3. Coast

2.6.3.1. Submissions

54. The incorrect spelling of 'harbor' to has been noted by two submitters, who both request it is changed to 'harbour'.⁶³
55. Federated Farmers seeks to have 'working farms' included in the description of Otago's coastline, to acknowledge this particular commercial activity as others are already listed.⁶⁴ Similarly, Heritage NZ requests historic heritage, particularly wāhi tupuna, be included in the description of the coastline, to address the threat of climate change on the coastline broadly, and on heritage in particular.⁶⁵ Heritage NZ provides specific wording to implement the relief sought, and request the following be added at the end of the first

⁵⁹ 00137.004 DOC

⁶⁰ 00235.006 OWRUG

³ Macara, G. R. (2015). The Climate and Weather of Otago, Second Edition. NIWA SCIENCE AND TECHNOLOGY SERIES, 67th ser.

⁶² Central Otago Climate. (n.d.). <https://centralotagonz.com/opportunities/working-here> (accessed 26 May 2021)

⁶³ 00223.010 Ngai Tahu ki Murihiku, 00411.011 Wayfare

⁶⁴ 00239.003 Federated Farmers

⁶⁵ 00123.008 Heritage NZ

paragraph – “...commercial coastal development and historic heritage, particularly wāhi tūpuna.”

56. Otago Rock Lobster supports the reference to commercial fishing in the description, however they also express concern at the lack of provisions relating to commercial fishing ramps and industry infrastructure, and wish to be consulted further when policies are developed specifically relating to infrastructure.⁶⁶ Wayfare seeks to have Careys Bay also listed as a location for commercial fishing, and for the phrase ‘fishing fleet’ to replace ‘fishing ramp’.⁶⁷

2.6.3.2. Analysis

57. Working farms, historic heritage and wāhi tūpuna are features of the Otago coastline and should be included in the description of the Otago Coast. However, the first paragraph of this section describes natural features, rather than uses of the land. Reference to working farms, would be better included leading into the second sentence. I therefore recommend accepting the Federated Farmers submission in part. I agree with the request from Heritage NZ and therefore recommend accepting the submission point in full.
58. I acknowledge the support by Otago Rock Lobster for the inclusion of commercial fishing in this description of the Coast, but in the absence of any detail as to specific changes that would meet their concerns regarding fishing infrastructure and ‘other important fishing areas along the Otago Coast’ I am unsure of how to best address these matters. I note the request for further consultation on policies specifically relating to industry infrastructure and fishing areas. This would likely occur during the next review of the Otago Regional Plan Coast, and is outside of the scope of the pORPS. I therefore do not recommend accepting this submission.
59. The listed commercial fishing ramps are those outside of Otago Harbour, and as Careys Bay is considered to be within the Otago Harbour its commercial role is adequately covered by the existing wording. Rather than the specific inclusion requested by the submitter, I am recommending minor amendment in sentence structure to improve clarity on this point raised. I therefore recommend accepting the submission point of Wayfare in part. With regard to changing the reference from ‘fishing ramps’ to ‘fishing fleet’, I believe a more correct reflection of the activities is to combine the terms. Fishing ramps must be retained as it refers to the physical infrastructure that is required in the coastal environment to support the commercial fishing fleets. I therefore recommend accepting this submission in part.
60. I support the correction to the spelling of harbour, and therefore recommend accepting these submission points.

⁶⁶ 00125.012 Otago Rock Lobster

⁶⁷ 00411.012 Wayfare

2.6.3.3. Recommendation

61. I recommend the following amendments to the description of the coast:

Coast

The Otago coastline stretches for 480 km and is extremely diverse, encompassing pebble and sandy beaches, basalt formations, dune systems, eelgrass and saltmarshes, estuaries, rolling downlands, and striking cliff heads. Working farms abut most of the coastline, and⁶⁸ Significant coastal settlements include Dunedin and ~~Oamaru~~ Ōamaru.⁶⁹ ~~with~~⁷⁰ The Otago port is based in Port Chalmers, ~~within the Otago Harbour~~⁷¹, and ~~Otago Harbor~~⁷² is the region's only commercial freight handling harbour. ~~However~~⁷³ commercial fishing ramps (supporting fishing fleets)⁷⁴ are present in ~~Oamaru~~ Ōamaru,⁷⁵ Moeraki, ~~Karitane~~ Karitāne,⁷⁶ and Taieri Mouth. Coastal erosion and the decline of the regional coastline is well documented, posing a long-term threat to residential and commercial coastal developments and historic heritage, particularly wāhi tūpuna.⁷⁷

Otago's benthic and marine ecosystems are varied and diverse including rocky reef systems, sponge gardens, bryozoan and horse mussel beds, biogenic reefs, kelp forests and submarine canyons within 12 nautical miles of the shore. More than thirty species of seabird are regularly found off the coast of Otago. Rare sea birds such as the Royal Albatross and hoiho (Yellow-eyed penguin) can be found along the landward coastal environment. Surfing is a significant recreational activity, in Dunedin particularly, and there are four *surf breaks* of national significance along the Otago coastline.

2.6.4. Natural Character and landscapes

2.6.4.1. Submissions

62. Trojan and Wayfare make the same submission in seeking to have the 'tremendous amount' of unmodified land (National Parks and other Public Conservation Land Parks) acknowledged in the description because the pORPS understates the amount and importance of such land in Otago.⁷⁸

⁶⁸ 00239.003 Federated Farmers

⁶⁹ 00226.024 Kāi Tahu ki Otago

⁷⁰ 00411.012 Wayfare

⁷¹ 00411.012 Wayfare

⁷² 00223.010 Ngai Tahu ki Murihiku, 00411.011 Wayfare

⁷³ 00411.012 Wayfare

⁷⁴ 00411.012 Wayfare

⁷⁵ 00226.024 Kāi Tahu ki Otago

⁷⁶ 00226.024 Kāi Tahu ki Otago

⁷⁷ 00123.008 Heritage NZ

⁷⁸ 00206.007 Trojan, 00411.013 Wayfare

63. Waitaki DC requests inclusion of reference to North Otago in the second sentence when describing natural features or landscape, or alternatively inclusion of a more generic reference to 'rural Otago' and removal of references to specific geographic regions⁷⁹.

2.6.4.2. Analysis

64. The amount of land within National Parks and other Public Conservation Land Parks, amounts to 23%⁸⁰ of the Otago region, of which some of this land is not 'unmodified' due to covenants which can apply varying management techniques. The amount of land which is just a National Park, so more likely to be 'unmodified', is just 4.4% of the Otago region⁸¹. I consider it to be incorrect to state there is a 'tremendous amount' of such land in Otago as is suggested by Trojan and Wayfare. I therefore do not recommend accepting these submission points.

65. Whilst the features described in the second sentence are more typical of South and Central Otago, the absence of North Otago gives the impression that this area is void of such features, which is not true. This can be corrected by using the more generic term as requested by Waitaki DC to apply across the whole of Otago. I therefore recommend accepting this submission point.

2.6.4.3. Recommendation

66. I recommend the following change to the description of Natural character and landscapes:

Natural character and landscapes

Otago's landscapes are diverse. Moving inland from Otago's diverse and varied coastline, the landscapes change dramatically. Rolling plains separated by mountain ranges, steep hillsides of tussock, and deep gorges make up a lot of rural Otago ~~South and Central Otago~~⁸². This *land* is dissected by flowing bodies of water, towering mountainscapes, and fascinating geological formations. Modified landscapes encompassing farmland and remnants of the region's early gold mining activity are ever-present, creating a rich sense of heritage and regional identity.

⁷⁹ 00140.001 Waitaki DC

⁸⁰ % of land in the Otago region that is protected in national parks, public conservation land, and other conservation lands such as covenants. Statistics NZ Regional Council layers 2022, Department of Conservation Public Conservation Land and QEII provided layers

⁸¹ % of land in the Otago region that is protected in national parks, Statistics NZ Regional Council layers 2022, Department of Conservation Public Conservation Land provided layers

⁸² 00140.001 Waitaki DC

2.6.5. Urban Form

2.6.5.1. Submissions

67. Trojan and Wayfare seek to clarify the language used in the first paragraph in relation to the impact the outstanding landscape in QLDC has on urban form. The following changes to the last sentence are requested:

Its outstanding landscape has ~~historically determined~~, and will continue to influence urban growth ~~determine, how urban form develops~~.⁸³

2.6.5.2. Analysis

68. I consider that historic context is important in QLDC, and that it is worthwhile emphasising this through the language used here. For consistency with the chapter headings and terminology of the pORPS I do not believe a changing the wording “urban form” to “urban growth” is appropriate. Further they are two different concepts. In the context of this sentence urban form is spatial, and it is that alone which is the focus of the sentence, and which is so heavily influence by the landform. However, I consider that “influenced” is a better term than “determined”, because the latter term could incorrectly suggest that landform is the sole driver for urban form. I recommend accepting this submission point in part.

2.6.5.3. Recommendation

69. I recommend the following changes to the pORPS, Urban Form description:

Urban form

Urbanised areas in Otago occupy only about 1% of total *land* area, however 87% of people live in urban settlements. Dunedin is Otago’s largest urban area, surrounded by hills and harbour⁸⁴, and has a large suburban area and commuter catchment especially to the south, with more recent expansion moving out to connect with an expanding Mosgiel. The Queenstown Lakes District population is approximately 91% urban. Its outstanding landscape has ~~historically determined~~, and will continue to, influence ~~determine~~,⁸⁵-how urban form develops.

In the remainder of the region, smaller urban settlements are geographically scattered, maintaining clear distinctions between rural and urban forms, and with significant variability in growth pressures and infrastructure capacity. Growth in overall numbers of people is not the only driver of urban change pressures in Otago; many areas face low or no growth, and all areas are expected to have an aging population.

⁸³ 00206.008 Trojan, 00411.014 Wayfare

⁸⁴ 00120.007 Yellow-eyed Penguin Trust

⁸⁵ 00206.008 Trojan, 00411.014 Wayfare

2.7. How the policy statement works

2.7.1. Introduction

70. This section of the pORPS provides a high-level overview of the environment in which the pORPS will operate. This includes legislative, partnerships, and cross-boundary related requirements with regard to natural and physical resource management. It is intended to provide a high-level descriptor for a reader who may not be familiar with such processes. A section on Cross boundary matters is a requirement of the Planning Standards.
71. Submissions received on this section are considered under their relevant sub-headings, some of which are further broken down into sub-sections where required.

2.7.2. Statutory context

2.7.2.1. Introduction

72. As notified, this subsection 'Statutory context' reads as follows:

Statutory context

Resource Management Act 1991

The Resource Management Act 1991 (RMA 1991) is the primary resource management statute in New Zealand and sets out the related responsibilities and powers of national, regional, and city/district government.

The RMA 1991 requires regional councils to have a regional policy statement (RPS) under Section 60, prepared in accordance with the process set out in Schedule 1. The purpose of the RPS, as set out in Section 59 of the RMA, is to provide an overview of the specific resource management issues for the region and establish policies and methods to achieve the integrated management of both the *natural and physical resources* of the region. The RPS must be prepared in accordance with and contain the matters set out in Sections 30, 60, 61, and 62 of the RMA 1991.

The regional policy statement must give effect to higher order national direction instruments, including National Environmental Standards (NES), National Policy Statements (NPS), the New Zealand Coastal Policy Statement (NZCPS) and be written to comply with the National Planning Standards. The RPS sets out requirements that *regional plans*, *district plans*, and regional coastal plans must give effect to. More information about the relevant national direction instruments can be found in the ‘national direction instruments’ section of this Regional Policy Statement.

FIGURE 1 - STATUTORY FRAMEWORK



Partnership, Te Tiriti o Waitangi and Kāi Tahu⁸⁶

The Otago Regional Policy Statement has been developed in partnership with Kāi Tahu, the iwi and *tangata whenua* of Otago. The partnership between the Otago Regional Council and Kāi Tahu is an important and valuable relationship, evident throughout the ORPS and woven into its provisions. The RMA 1991 requires Regional and Local Councils to address matters of National Importance, including matters associated with Te Tiriti o Waitangi (The Treaty of Waitangi) and key issues and concerns of iwi.⁸⁷

The ORC has also considered the Kāi Tahu ki Otago 2005 Resource Management Plan and Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008. ORPS chapters on Significant Resource Management Issues

⁸⁶ In the South Island, the local Māori dialect uses a ‘k’ interchangeably with ‘ng’. The preference in Otago is to use a ‘k’ so southern Māori are known as Kāi Tahu, rather than Ngāi Tahu. In this RPS, the ‘ng’ is used for iwi in general or where there is reference to Ngāi Tahu ki Murihiku (Southland).

⁸⁷ These matters are addressed throughout the Resource Management Act 1991, see in particular sections 6, 8 and 62.

for Iwi and on *Mana Whenua* provide an in-depth discussion of iwi issues and set a basis for the remaining policy framework.

The key issues identified by Kāi Tahu include:

- recognising the rights and interests of Kāi Tahu in natural and resource management processes;
- recognising the important role of mātauraka in natural resource management;
- recognising the integral relationship of Kāi Tahu with natural and physical resources, including the coast, waterways, lakes, wetlands and indigenous flora and fauna, protecting these resources from degradation, improving them where they have been degraded, and sustaining them for future generations;
- protecting and restoring the abundance of mahika kai and restoring access to mahika kai areas;
- protecting the values of wāhi tūpuna and the ability for Kāi Tahu to maintain their relationship with these areas;
- enabling development of land and resources within native reserves, including papakāika housing; and
- the need for integrated management that recognises the interconnections between resources and across different parts of the environment.

2.7.2.2. Submissions

73. Within the 'Resource Management Act 1991' section, Fonterra seeks clarification of the intent of Figure 1, stating that it is incomplete if it is to provide a statutory framework for how resources are managed, or Te Tiriti o Waitangi is given effect to.⁸⁸ Federated Farmers identifies the requirement for a RPS to not duplicate or conflict with a NES, rather than to 'give effect to' as is currently stated within pORPS. They also request editorial changes to include the word 'should' ahead of 'be written to comply with National Planning Standards'.⁸⁹
74. Within the 'Partnership, Te Tiriti o Waitangi and Kāi Tahu' section of the Statutory Context, Ngāi Tahu ki Murihiku requests an editorial update to remove the word 'housing' from the second to last bullet to align with the definition of papakāika in the interpretation section. They also seek an amendment to footnote 5 to resolve any unnecessary confusion regarding the Papatipu Rūnanga referenced by the term Kāi Tahu.

⁸⁸ 00213.004 Fonterra

⁸⁹ 00239.004 Federated Farmers

This amendment seeks to recognise the seven Papatipu Rūnunga with interests in the Otago region.⁹⁰

2.7.2.3. Analysis

75. Figure one is intended to show the position of the Regional Policy statement within the resource management planning framework, and that this planning framework has responsibilities to Te Tiriti o Waitangi, albeit this being one strand of a broader policy response to give effect to the Te Tiriti o Waitangi. Further the relationship of the RPS with the Te Tiriti o Waitangi is further described in the following section 'Partnership, Te Tiriti o Waitangi and Kāi Tahu'. Whilst I disagree that it is an incomplete figure as it relates to the resource management planning framework, I agree it would not be unhelpful for minor amendments to be made to improve clarity by amending the title of the figure. I recommend accepting the submission point of Fonterra in part.
76. The request of Federated Farmers in relation to the relationship between the pORPS and a NES is partly correct. As identified, s 62(3) of the Act sets out the higher order documents which a RPS must give effect to. This list does not include National Environmental Standards, however s 44A (1-6) is not applied in the way interpreted by Federated Farmers. s 44A (1-6) requires 'rules or plans' to not duplicate or conflict with a NES. s 44A(7) and (8) require local authorities to observe and enforce the observance of a NES to the extent to which their powers enable them to do so. Therefore an appropriate change would be to remove reference to National Environmental Standards as currently contained, and incorporate a new sentence which correctly sets out the responsibilities of ORC. In relation to the request to insert the word 'should' ahead of 'be written to comply with National Planning Standards', I disagree. Inserting 'should' suggests there is a discretion to comply with a NPS, which is not the case. I recommend accepting the submission point in part.
77. I accept the submission points by Ngāi Tahu Ki Murihiku with regard to removing the term housing as this will better align with the definition of papakāika contained in the interpretation section of the pORPS. I also accept the additional clarification in Footnote 5 as it relates to differentiating between Papatipu Rūnanga. I therefore recommend accepting these submission points.

2.7.2.4. Recommendation

78. I recommend the following changes to the pORPS, How the policy statement works – Statutory context section:

Statutory context

⁹⁰ 00223.001 Ngāi Tahu ki Murihiku

Resource Management Act 1991

The Resource Management Act 1991 (RMA-1991)⁹¹ is the primary resource management statute in New Zealand and sets out the related responsibilities and powers of national, regional, and city/district government.

The RMA-1991⁹² requires regional councils to have a regional policy statement (RPS) under Section 60, prepared in accordance with the process set out in Schedule 1. The purpose of the RPS, as set out in Section 59 of the RMA, is to provide an overview of the specific resource management issues for the region and establish policies and methods to achieve the integrated management of both the *natural and physical resources* of the region. The RPS must be prepared in accordance with and contain the matters set out in Sections 30, 60, 61, and 62 of the RMA-1991.⁹³

The regional policy statement must be prepared in accordance with and/or⁹⁴ give effect to higher order national direction instruments, including any regulations ~~National Environmental Standards (NES)~~,⁹⁵ National Policy Statements (NPS), the New Zealand Coastal Policy Statement (NZCPS) and be written to comply with the National Planning Standards. Further ORC must observe and enforce observance of any National Environmental Standards (NES) to the extent to which their powers enable them to do so⁹⁶ The RPS sets out requirements that *regional plans, district plans*, and regional coastal plans must give effect to. More information about the relevant national direction instruments can be found in the 'national direction instruments' section of this Regional Policy Statement.

Figure 2 – Position of the Regional Policy Statement within the resource management planning framework ~~Statutory framework~~⁹⁷

⁹¹ Clause 16(2), Schedule 1, RMA

⁹² Clause 16(2), Schedule 1, RMA

⁹³ Clause 16(2), Schedule 1, RMA

⁹⁴ 00239.004 Federated Farmers

⁹⁵ 00239.004 Federated Farmers

⁹⁶ 00239.004 Federated Farmers

⁹⁷ 00213.004 Fonterra



Partnership, Te Tiriti o Waitangi and Kāi Tahu^{5 98}

The Otago Regional Policy Statement has been developed in partnership with Kāi Tahu, the iwi and *tangata whenua* of Otago. The partnership between the Otago Regional Council and Kāi Tahu is an important and valuable relationship, evident throughout the ORPS and woven into its provisions. The RMA–1991⁹⁹ requires Regional and Local Councils to address matters of National Importance, including matters associated with Te Tiriti o Waitangi (The Treaty of Waitangi) and key issues and concerns of iwi^{6 100}.

The ORC has also considered the Kāi Tahu ki Otago 2005 Resource Management Plan and Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008. ORPS chapters on Significant Resource

⁵ In the South Island, the local Māori dialect uses a ‘k’ interchangeably with ‘ng’. The preference in Otago is to use a ‘k’ so southern Māori are known as Kāi Tahu, and in this document Kāi Tahu is a reference to the seven Papatipu Rūnanga with interests in the Otago region. In this RPS, the ‘ng’ is used for iwi in general ~~or when there is reference to Ngāi Tahu ki Murihiku (Southland)~~, when referencing statutory instruments or documents, and when specifically differentiating between the groupings of Papatipu Rūnanga represented by Aukaha Limited (Kāi Tahu ki Otago) and Te Ao Marama Incorporated (Ngāi Tahu ki Murihiku)”

⁹⁸ 00223.011 Ngai Tahu ki Murihiku

⁹⁹ Clause 16(2), Schedule 1, RMA

⁶ These matters are addressed throughout the Resource Management Act 1991, see in particular sections 6, 8 and 62.

Management Issues for Iwi and on *Mana Whenua* provide an in-depth discussion of iwi issues and set a basis for the remaining policy framework.

The key issues identified by Kāi Tahu include:

- recognising the rights and interests of Kāi Tahu in natural and resource management processes;
- recognising the important role of mātauraka in natural resource management;
- recognising the integral relationship of Kāi Tahu with *natural and physical resources*, including the coast, waterways, *lakes, wetlands* and indigenous flora and fauna, protecting these resources from degradation, improving them where they have been degraded, and sustaining them for future generations;
- protecting and restoring the abundance of ~~māhika kai~~ māhika kai¹⁰¹ and restoring access to ~~māhika kai~~ māhika kai¹⁰² areas;
- protecting the values of *wāhi tūpuna* and the ability for Kāi Tahu to maintain their relationship with these areas;
- enabling development of *land* and resources within native reserves, including *papakāika* housing; and
- the need for integrated management that recognises the interconnections between resources and across different parts of the environment.

2.7.3. Cross-boundary matters

2.7.3.1. Introduction

79. While this section in the pORPS includes sub-sections, the submissions received on Cross-boundary matters have been dealt with as a whole below, but where appropriate the specific sub-section is identified.

80. As notified, this subsection 'Cross-boundary matters' reads as follows:

Cross-boundary matters

Ecosystems and human activities cross jurisdictional boundaries. When different jurisdictions manage similar activities or resources in different ways there is potential for inconsistent outcomes, resulting in inefficient and ineffective management.

To achieve integration, those involved in resource management need to coordinate their policies, plans and actions. This is encompassed by the philosophy "ki uta ki tai"

¹⁰¹ Clause 10(2)(b)(i) – consequential amendment arising from 00226.038 Kāi Tahu ki Otago

¹⁰² Clause 10(2)(b)(i) – consequential amendment arising from 00226.038 Kāi Tahu ki Otago

– from the mountains to the sea. Accordingly, section 62 of the RMA 1991 requires regional councils to include in the RPS the processes to be used to deal with issues that cross *local authority* boundaries, and issues between *territorial authorities* or between regions.

Cross-boundary issues can arise in several ways, and generally manifest in issues for either plan preparation and review, or plan administration and the processing of applications for *resource consents*. Otago’s cross-boundary matters include:

- adverse *effects* in one jurisdiction due to the activities in another, particularly where *territorial authority* boundaries do not match catchment boundaries, as with the Clutha Mata-au, or the Waitaki River catchment over which Otago and Canterbury Regional Councils share jurisdiction, or Otago’s coastal environment, which covers three *territorial authorities’* jurisdictions, and may be affected by *land uses* in the other two (through sediment flowing down the Clutha Mata-au, for instance);
- Kāi Tahu interests, which span Otago as a whole, across *local authority* boundaries;
- resources that cross local authority boundaries which must be managed in a uniform manner, such as outstanding natural features, outstanding natural landscapes and significant natural areas;
- differences in policies or methods across plans, particularly where *district* and *regional plans* are at different planning stages and may be out of step with current regulation;
- local, *regionally* or *nationally significant infrastructure* operating across *local authority* boundaries, as with transport and electricity supply networks, and potentially shared services such as waste disposal; and
- duplicated effort for *local authorities* and increased cost for people seeking consents for activities that occur across *local authority* boundaries or require *resource consent* from two or more consent authorities.

Processes that will be used to address these matters are described in the sections below.

Clear direction in the ORPS

The ORPS provides a vision and broad policy framework for all resource management in Otago, including various methods that require *local authorities* to work together to achieve good outcomes and, in some cases, set implementation timeframes. *Regional* and *district plans* as they develop over the next 10 years and beyond, are required to give effect to the ORPS. In doing so one result should be consistency between them. The ORPS has been drafted using direct language and clarity of outcomes sought.

ORPS methods also indicate actions that fall outside the RMA 1991 framework. This recognises that only *district* and *regional plans* are required to give effect to a regional

policy statement, and non-regulatory methods may sometimes be useful to help address cross-boundary matters and achieve desired outcomes.

Cooperation and partnerships with stakeholders

Stakeholders, from industry representatives to community-based volunteer groups, provide valuable strategic input to planning and decision-making. Inter-agency groups, such as Te Roopu Taiao, can assist with managing cross-boundary issues and issues affecting people across Otago strategically and collaboratively.

ORC will seek to establish and build upon working relationships with other resource management stakeholders. This will help ensure that the processes it undertakes are efficient and, wherever possible, reduce duplication of effort. As new issues emerge in the region and work on existing issues continues, they are best managed through collaboration, which will improve effectiveness and deliver better outcomes. This is particularly important for enhancing and managing *regionally significant infrastructure* and *significant natural areas*.

Cooperation and partnerships with other *local authorities*

There are many opportunities to work more closely with other *local authorities* to achieve a consistent and integrated approach to managing *natural and physical resources*.

Local authorities together can:

- share information, for instance to understand the long-term growth and economic development opportunities and threats and the spatial pattern of *land use* and development, or to ensure natural resources are not artificially fragmented;
- hold joint processes for processing *resource consents* and associated hearings where activities or *effects* cross jurisdictional boundaries. This allows all *effects* of new activities to be considered holistically at the same time, including any cumulative *effects*. Joint processes could also reduce the processing cost (in both money and time) for the applicant;
- work collaboratively on plan changes and develop combined planning documents for shared areas of responsibility;
- clearly define their resource management roles and responsibilities to reduce duplication of effort and streamline processes for Otago's communities; and
- cooperate and budget for joint processes and major projects through Annual and Long-term Planning processes under the Local Government Act 2002 (LGA 2002). This allows pooling resources, reducing inefficiency and integrating management approaches through time, to ensure that cooperation between agencies is budgeted for, including setting up structures and processes for joint management.

These approaches are more likely to properly address cross-boundary issues and *effects* than *local authorities* working alone.

Triennial agreement

Triennial agreements under the LGA 2002 are an opportunity for *local authorities* within a region to set out processes for consultation, protocols and processes for resolving cross-boundary issues.

Cooperation at a national level

Cross-boundary issues may arise that are significant at a national level. This is particularly likely when addressing nationally important infrastructure such as the electricity transmission grid or *land* transport infrastructure.

In such cases, ORC will advise and work with the Minister for the Environment, the Minister of Conservation in the *coastal marine area* and any other relevant agency to identify and resolve cross boundary issues or proposals, to ensure that consideration of the matter occurs in a transparent and timely manner. ORC will endeavor to represent its communities' interests in such situations.

Transferring and delegating functions, powers and duties to other authorities

The RMA 1991 enables ORC to transfer or delegate its powers to another public authority, community boards, commissioners or employees. ORC can also enter joint management agreements with other statutory bodies (such as Te Rūnanga o Ngāi Tahu).

These tools can be used to achieve integrated management and to reduce duplication of effort by local and public authorities. Joint management agreements enable important stakeholders to have an active role in the management of specific resources, and for specific purposes. They can also be used to build community capacity and share understanding in resource management.

Helping to build capacity for, and improve, *takata whenua* involvement

Takata whenua have the prerogative to express and explain how their tikaka and mātauraka should be realised in resource management. Councils have a vital role in assisting this process through finding ways to partner, resource, and upskill rūnaka so they can be fully involved in the resource management partnership.

2.7.3.2. Submissions

81. There are a number of submissions on the list of Otago's cross-boundary matters on page 11 of the pORPS. Horticulture NZ seeks to include water as a cross-boundary resource, and they also wish to acknowledge the 'administrative and operational constraints for

activities’ as a result of inconsistent regulatory approaches, by making the following amendments to the last dot point ¹⁰³:

‘duplicated effort for local authorities, provide administrative or operational constraints for activities, and increased cost for people seeking where consents might be required for activities that occur across local authority boundaries or require resource consent from two or more consent authorities.’

82. Transpower seeks to add regionally and nationally significant infrastructure as examples of resources that need to be managed in a uniform manner. They also seek editorial amendments to remove the word ‘adverse’ from the first dot point and change ‘particularly’ to ‘including’ ¹⁰⁴.
83. Ngai Tahu ki Murihiku seeks to qualify the words ‘ki uta ki tai’ in the second paragraph by adding ‘often translated’ before “from the ... to the sea”¹⁰⁵. ECan provides support for the identification of adverse effects that may occur in one jurisdiction due to an activity in another, particularly where catchment boundaries don't align, and would like to see the same acknowledgement given to the potential for this in the coastal environment¹⁰⁶. DCC seek to have wording changed from ‘waste disposal’ to ‘waste management and minimisation’ as this reflects the wider hierarchy from the Waste Minimisation Act¹⁰⁷. They also request inclusion of the impact of larger sediment from dam structures in the list of Otago’s cross boundary matters on page 11 of the pOPRS¹⁰⁸.
84. DOC requests government agencies be acknowledged in the same vein as community and stakeholders are within the section.¹⁰⁹

Cooperation and partnership with stakeholders

85. Within the ‘cooperation and partnership with stakeholders’ section, Federated Farmers requests specific acknowledgement of landowners and catchment groups in recognition of the role they will have in achieving the outcomes of the RPS¹¹⁰. Federated Farmers also request amendments to the final sentence of this section as it relates to the collaboration and partnerships to getting gains in the area of significant natural areas, but consider the proposed wording to not make sense as currently drafted. They suggest the following amendments:

¹⁰³ 00236.009 Horticulture NZ

¹⁰⁴ 00314.002 Transpower

¹⁰⁵ 00223.012 Ngai Tahu ki Murihiku

¹⁰⁶ 0013.001 ECan

¹⁰⁷ 00139.004 DCC

¹⁰⁸ 00139.003 DCC

¹⁰⁹ 00137.005 DOC

¹¹⁰ 00239.005 Federated Farmers

‘This is particularly important for enhancing and managing processes that relate to important region-wide matters such as regionally significant infrastructure and significant natural areas.’

86. Three submitters request the section go further and be translated to or incorporate a non-regulatory method to establish a stakeholder advisory group, as this would assist in developing relationships and partnerships, particularly with the rural community.¹¹¹

Cooperation and partnerships with other local authorities

87. There is support for the ‘Cooperation and partnerships with other local authorities’ to be retained as notified or to amended only where the original intent is preserved¹¹². Ngāi Tahu ki Murihiku requests an editorial update to remove the word ‘new’ from the second dot point to acknowledge that joint hearings may be held for existing activities that require new consents.¹¹³

Cooperation at a national level

88. Within the ‘Cooperation at a national level’ section, Transpower seeks amendments to update terminology from ‘electricity transmission grid’ to ‘National Grid’, and to change the term ‘...nationally important infrastructure...’ to “...nationally significant infrastructure...”¹¹⁴.
89. Ngāi Tahu ki Murihiku requests omission of ‘in the coastal marine area’ from the first sentence of the second paragraph as working with the Minister for Conservation shouldn’t only be limited to the coastal environment.¹¹⁵

Transferring delegating functions, powers and duties to other authorities

90. Ngāi Tahu ki Murihiku seeks inclusion of specific reference to the ability for Council to transfer powers to an Iwi authority included in the first paragraph of the ‘Transferring and delegating functions, powers and duties to other authorities’.¹¹⁶ Wise Response requests the first paragraph be rewritten as they consider it to be a misstatement of law in that it conflates the ability to transfer powers and delegate powers. They also support the specific identification of transfer powers to an Iwi authority.¹¹⁷

¹¹¹ 00239.005 Federated Farmers, 00236.010 Horticulture NZ, 00235.007 OWRUG

¹¹² 00013.002 ECan, 00240.003 NZ Pork

¹¹³ 00223.013 Ngāi Tahu ki Murihiku

¹¹⁴ 00314.002 Transpower

¹¹⁵ 00223.014 Ngāi Tahu ki Murihiku

¹¹⁶ 00223.015 Ngāi Tahu ki Murihiku

¹¹⁷ 00509.013 Wise Response

91. Ngāi Tahu Ki Murihiku requests an additional paragraph be added to the 'Helping to build capacity for, and improve, takata whenua involvement'. The suggested wording acknowledges that relationship agreements are not a one-way street and the burden on Kāi Tahu is significantly reduced if council staff and decision makers have a sound understanding of Mana Whenua rights, interest and values.¹¹⁸

2.7.3.3. Analysis

92. To clarify the understanding of 'ki uta ki tai' I agree with the Ngāi Tahu ki Murihiku request to add in the term 'often translated as'. I therefore recommend accepting this submission point.
93. I agree that removing the word 'adverse' from the start of the first dot point under Otago's cross-boundary matters, as requested by Transpower, would put the statement in a more positive light, as effects of cross boundary matters may not always be adverse in nature. Similarly, I'm inclined to agree with amending the word 'particularly' to 'including' as this statement is not intended to imply there is a focus on one cross-boundary matter over another, nor for this to be an exhaustive list. I therefore recommend accepting these submission points.
94. E-Can's request to include reference to the Canterbury coastal environment alongside the three territorial authorities has merit, however I suggest alternative text be considered to broaden the effects that may impact on the adjoining Regional Council jurisdictions. DCC has requested acknowledgement of the impacts of dams on the distribution of larger-sized sediment, but does not provide wording for the amendment. However, the inclusion of the term 'dam structures' and a change from '...sediment flowing..' to '..sediment flow..' would possibly address the submission point. I therefore recommend accepting in part these submission points.
95. I agree with the Horticulture NZ request to have water inserted into the list of Otago's cross-boundary matters (dot point three), as a number of rivers within Otago cross jurisdictional boundaries for the example the Clutha River runs through three of the five Territorial Authorities in Otago. I therefore recommend accepting this submission point.
96. I do not accept the Transpower request to include 'regionally significant infrastructure, nationally significant infrastructure' within the third dot point of Otago's cross-boundary matters. This dot point lists resources that need to be managed in a uniform manner whereas the requirements of infrastructure across boundaries is dealt with under fifth dot point. To include them twice would introduce confusion. I therefore do not recommend accepting this submission point.

¹¹⁸ 00223.016 Ngai Tahu ki Murihiku

97. I agree with the amendments sought by Transpower to the fifth dot point to better express cross-boundary matters as they relate to the National Grid, except for the deletion of the term 'local'. The inclusion of this term was intended to refer to the infrastructure that is provided to service communities locally. The terms 'regionally significant infrastructure' and 'nationally significant infrastructure' should be italicised to reflect the fact that they are defined terms. I therefore recommend accepting this submission in part.
98. I agree with the DCC request to replace the term waste disposal in this dot point (5th) with 'waste management and minimisation'. This is consistent with the terminology used in provisions contained in the HAZ-CL chapter of the pORPS. I therefore recommend accepting this submission.
99. I do not agree that the request of Horticulture NZ to include 'administrative and operations constraints for activities' in the last dot point of Otago's cross boundary matters. The paragraph acknowledges 'duplicated effort for local authorities' and 'increased costs for people seeking consents...' as two separate matters that can be caused by cross boundary matters, with two different sources of the burden. In my opinion it confuses these points to state 'duplicated effort for local authorities, provide administrative or operational constraints for activities, and increased costs for people seeking consents...'. Further I do not see value in the changes requested in the last part of this paragraph, and believe the existing wording is clearer and more direct. I therefore do not recommend accepting this submission point.

Cooperation and partnerships with stakeholders

100. DOC seeks to have themselves and other government agencies recognised along with stakeholders, local authorities and Tangata whenua. The explanation of what cross-boundary matters should cover reflects the requirements from the RMA, and I do not believe it appropriate to expand reference in this context beyond what is already contained in the pORPS - 'issues that cross local authority boundaries, and issues between territorial authorities or between regions'. However, I do see merit in the request from DOC under the sub-section 'Cooperation and partnership with stakeholders', and as such recommend adding 'government agencies' in this section as important partners in resource management for Otago. I therefore recommend accepting this submission point in part.
101. Further changes requested by Federated Farmers to the 'Cooperation and partnership with stakeholders' section also seek to broaden the list of stakeholders. Whilst the phrase "...from industry representatives to community-based volunteer groups.." was intended to be broad and inclusive enough so as to not exclude any particular group across the myriad of issues the RPS needs to address, I can see merit in including landowners as distinct enough from industry representors and volunteer based groups. However, I would argue that catchments groups are an example of community-based volunteer groups and are therefore already covered. I therefore recommend accepting this

submission in part. I note that E-Can and NZ Pork seek retention of this section or preservation of its original intent. I consider that whilst I have recommended changes, I consider these to preserve the original intent of this section.

102. I consider the request by Federated Farmers to clarify the 'region-wide' link between 'regionally significant infrastructure' and 'significant natural areas' as having merit but the proposed wording causes some concern. These are both important matters that will require a collaborative approach to achieve outcomes, but by adding the suggested reference to processes, it move the intent of the statement away from the action of enhancing and managing to narrowing it to the processes of these actions. However, I do see merit in acknowledging that these matters are region-wide matters and the sentence would benefit from this reference. I therefore recommend accepting the submission point in part.
103. Federated Farmers, OWRUG and Hort NZ all seek the establishment of a stakeholder advisory group or rural advisory panel. OWRUG and Hort NZ request the 'Cooperation and partnerships with stakeholders' section to be translated to a method, whereas Federated Farmers requests a non-regulatory method to be inserted. It is not the purpose of this section of the pORPS to include non-regulatory methods. Further no detail has been provided as to how such a group would function or the role it would play and therefore it is difficult to appreciate where else in the pORPS such a method could be considered. I therefore recommend these submission points to not be accepted.

Cooperation and partnerships with other local authorities

104. Within the 'Cooperation and partnerships with other local authorities' section Ngāi Tahu ki Murihiku seeks a minor amendment to remove the word 'new' from the second dot point, second sentence, as it relates to 'activities'. This is because it could preclude the option of joint hearings in relation to existing activities for which new resource consents are required. I consider that this may occur, and the removal of the term 'new' broadens the reference to be interpreted as new and/or existing activities. I therefore recommend accepting the submission point. I do not think this amendment is inconsistent with either the ECan or NZ Pork support for this section.

Cooperation at a national level

105. Within the 'Cooperation at a national level' Ngāi Tahu ki Murihiku requests the removal of the phrase '... in the coastal marine area...' from the second paragraph. I agree that working with the Minister for Conservation should include being on all matters within their jurisdiction. However, as this matter specifically speaks to cross-boundary matters, the CMA is specifically noted due to the requirements under the NZCPS, and therefore mentioning the Minister for Conservation in this context is appropriate. I therefore recommend not accepting this submission point.
106. I agree with Transpowers request to replace the word 'important' with 'significant' in relation to infrastructure and to replace 'electricity transmission grid' with 'National

Grid’. These amendments reflect the level of infrastructure where cooperation at a national level is likely to be required, and are consistent with terminology used elsewhere in the pORPS and in the definition of Nationally Significant Infrastructure. I recommend accepting this submission point.

Transferring and delegating functions, powers and duties to other authorities

107. Both Wise Response and Ngāi Tahu ki Murihiku have relating submission points on the ‘Transferring and delegating functions, powers and duties to other authorities’ to clarify and correct the interpretation of the RMA as it relates to ORC powers. I agree with both Wise Response and Ngāi Tahu ki Murihiku that the first paragraph incorrectly conflates transferring and delegation of powers of the ORC. I consider the suggested amendment by Wise Response to appropriately address this issue, with a further amendment to include reference to ‘an iwi authority’ as requested by Ngāi Tahu Ki Murihiku, along with some minor grammatical amendments for clarity. Ngāi Tahu ki Murihiku also requests changes to the second paragraph to recognise the significance of these tools to assist with a Treaty partnership approach to resource management. I agree with these changes. Further, as identified by Ngāi Tahu ki Murihiku, these changes promote consistency with provisions in the Mana Whenua chapter. I therefore recommend accepting these submission points.

Helping to build capacity for, and improve takata whenua involvement

108. Ngāi Tahu ki Murihiku requests the following paragraph be added to the section ‘Helping to build capacity for, and improve takata whenua involvement’. This is because continuing to support capacity building assists with reducing the burden on Kāi Tahu when council staff and decision makers have increased understanding of mana whenua rights, interests and values.

“Establishing and implementing relationship agreements such as Mana Whakahono a Rohe agreements, protocols and charters can provide a framework for the council to provide necessary support. Increasing skills and capacity within council staff and decision-makers through training in Te Tiriti o Waitangi, locally relevant Treaty Settlement mechanisms and tikanga Māori, and developing familiarity with Kāi Tahu documents, are also important means of improving takata whenua involvement in council processes

109. I agree with the addition, and consider it aligns with MW – P1 and MW – M6. I therefore recommend accepting this submission point.

2.7.3.4. Recommendation

How the policy statement works – Cross-boundary matters section

110. I recommend the following changes to the pORPS:

Cross-boundary matters

Ecosystems and human activities cross jurisdictional boundaries. When different jurisdictions manage similar activities or resources in different ways there is potential for inconsistent outcomes, resulting in inefficient and ineffective management.

To achieve integration, those involved in resource management need to coordinate their policies, plans and actions. This is encompassed by the philosophy “*ki uta ki tai*”, often translated as “from the mountains to the sea”.¹¹⁹ Accordingly, section 62 of the RMA ~~1991~~¹²⁰ requires regional councils to include in the RPS the processes to be used to deal with issues that cross *local authority* boundaries, and issues between *territorial authorities* or between regions.

Cross-boundary issues can arise in several ways, and generally manifest in issues for either plan preparation and review, or plan administration and the processing of applications for *resource consents*. Otago’s cross-boundary matters include:

- ~~adverse~~¹²¹ *effects* in one jurisdiction due to the activities in another, ~~particularly including~~¹²² where *territorial authority* boundaries do not match catchment boundaries, as with the Clutha Mata-au, or the Waitaki River catchment over which Otago and Canterbury Regional Councils share jurisdiction, or Otago’s coastal environment, which covers three *territorial authorities’* jurisdictions, and may be affected by *land uses and dam structures*¹²³ in the other two (through sediment flowing down the Clutha Mata-au, for instance). Effects within the Otago Coastal environment may also have effects on adjoining regional council jurisdiction;¹²⁴
- Kāi Tahu interests, which span Otago as a whole, across *local authority* boundaries;
- resources that cross local authority boundaries which must be managed in a uniform manner, such as *water*,¹²⁵ outstanding natural features, outstanding natural landscapes and significant natural areas;
- differences in policies or methods across plans, particularly where *district plans*¹²⁶ and *regional plans* are at different planning stages and may be out of step with current regulation;

¹¹⁹ 00223.012 Ngāi Tahu ki Murihiku

¹²⁰ Clause 16(2), Schedule 1, RMA

¹²¹ 00314.002 Transpower

¹²² 00314.002 Transpower

¹²³ 00139.003 DCC

¹²⁴ 00013.001 ECan

¹²⁵ 00236.009 Horticulture NZ

¹²⁶ Clause 16(2), Schedule 1, RMA

- local, *regionally significant infrastructure*¹²⁷ or *nationally significant infrastructure* being developed and operated ~~operating~~¹²⁸ across *local authority* boundaries, as with transport and electricity ~~supply~~ networks, and potentially shared services such as waste management and minimisation ~~waste disposal~~¹²⁹; and
- duplicated effort for *local authorities* and increased cost for people seeking consents for activities that occur across *local authority* boundaries or require *resource consent* from two or more consent authorities.

Processes that will be used to address these matters are described in the sections below.

Clear direction in the ORPS

The ORPS provides a vision and broad policy framework for all resource management in Otago, including various methods that require *local authorities* to work together to achieve good outcomes and, in some cases, set implementation timeframes. *Regional plans*¹³⁰ and *district plans* as they develop over the next 10 years and beyond, are required to give effect to the ORPS. In doing so one result should be consistency between them. The ORPS has been drafted using direct language and clarity of outcomes sought.

ORPS methods also indicate actions that fall outside the RMA-1991¹³¹ framework. This recognises that only *district plans*¹³² and *regional plans* are required to give effect to a regional policy statement, and non-regulatory methods may sometimes be useful to help address cross-boundary matters and achieve desired outcomes.

Cooperation and partnerships with stakeholders

111. I recommend the following changes to the pORPS:

Cooperation and partnerships with stakeholders

Stakeholders, ~~from~~ including Government agencies,¹³³ industry representatives, landowners, and ~~to~~¹³⁴ community-based volunteer groups, provide valuable strategic input to planning and decision-making. Inter-agency groups, such as Te Roopu Taiao, can assist with managing cross-boundary issues and issues affecting people across Otago strategically and collaboratively.

¹²⁷ Clause 16(2), Schedule 1, RMA

¹²⁸ 00314.002 Transpower

¹²⁹ 00139.004 DCC

¹³⁰ Clause 16(2), Schedule 1, RMA

¹³¹ Clause 16(2), Schedule 1, RMA

¹³² Clause 16(2), Schedule 1, RMA

¹³³ 00137.005 DOC

¹³⁴ 00239.005 Federated Farmers

ORC will seek to establish and build upon working relationships with other resource management stakeholders. This will help ensure that the processes it undertakes are efficient and, wherever possible, reduce duplication of effort. As new issues emerge in the region and work on existing issues continues, they are best managed through collaboration, which will improve effectiveness and deliver better outcomes. This is particularly important for enhancing and managing important region-wide matters such as¹³⁵ *regionally significant infrastructure and significant natural areas*.

Cooperation and partnerships with other local authorities'

112. I recommend the following changes to the pORPS:

Cooperation and partnerships with other *local authorities*

There are many opportunities to work more closely with other *local authorities* to achieve a consistent and integrated approach to managing *natural and physical resources*.

Local authorities together can:

- share information, for instance to understand the long-term growth and economic development opportunities and threats and the spatial pattern of *land use* and development, or to ensure natural resources are not artificially fragmented;
- hold joint processes for processing *resource consents* and associated hearings where activities or *effects* cross jurisdictional boundaries. This allows all *effects* of ~~new~~¹³⁶ activities to be considered holistically at the same time, including any cumulative *effects*. Joint processes could also reduce the processing cost (in both money and time) for the applicant;
- work collaboratively on plan changes and develop combined planning documents for shared areas of responsibility;
- clearly define their resource management roles and responsibilities to reduce duplication of effort and streamline processes for Otago's communities; and
- cooperate and budget for joint processes and major projects through Annual and Long-term Planning processes under the ~~Local Government Act 2002~~ (LGA 2002) LGA¹³⁷. This allows pooling resources, reducing inefficiency and integrating management approaches through time, to ensure that

¹³⁵ 00239.005 Federated Farmers

¹³⁶ 00223.013 Ngāi Tahu Ki Murihiku

¹³⁷ Clause 16(2), Schedule 1, RMA

cooperation between agencies is budgeted for, including setting up structures and processes for joint management.

These approaches are more likely to properly address cross-boundary issues and *effects* than *local authorities* working alone.

Cooperation at a national level

113. I recommend the following changes to the pORPS:

Cooperation at a national level

Cross-boundary issues may arise that are significant at a national level. This is particularly likely when addressing nationally ~~important~~ significant¹³⁸ infrastructure such as the National Grid ~~electricity transmission grid~~¹³⁹ or *land* transport infrastructure.

In such cases, ORC will advise and work with the Minister for the Environment, the Minister of Conservation in the *coastal marine area* and any other relevant agency to identify and resolve cross boundary issues or proposals, to ensure that consideration of the matter occurs in a transparent and timely manner. ORC will endeavour to represent its communities' interests in such situations.

Transferring and delegating functions, powers and duties to other authorities'

114. I recommend the following changes to the pORPS:

Transferring and delegating functions, powers and duties to other authorities

~~The RMA 1991 enables ORC to transfer or delegate its powers to another public authority, community boards, commissioners or employees. ORC can also enter joint management agreements with other statutory bodies (such as Te Rūnanga o Ngāi Tahu).~~ The RMA enables ORC to transfer its powers, functions and duties to another public authority, including an iwi authority or other statutory body. It may also delegate these to committees, community boards, commissioners or employees. ORC can also enter joint management agreements with other statutory bodies and an iwi authority (such as Te Rūnanga o Ngāi Tahu).¹⁴⁰

These tools can be used to achieve integrated management and to reduce duplication of effort by local and public authorities, and to enable a Treaty partnership approach to resource management.¹⁴¹ Joint management agreements enable iwi partners and¹⁴² important stakeholders to have an active role in the

¹³⁸ 00314.002 Transpower

¹³⁹ 00314.002 Transpower

¹⁴⁰ 00509.013 Wise Response

¹⁴¹ 00223.015 Ngāi Tahu ki Murihiku

¹⁴² 00223.015 Ngāi Tahu ki Murihiku

management of specific resources, and for specific purposes. They can also be used to build community capacity and share understanding in resource management.

‘Helping to building capacity for, and improve, takata whenua involvement’

115. I recommend the following changes to the pORPS:

Helping to build capacity for, and improve, *takata whenua* involvement

Takata whenua have the prerogative to express and explain how their tikaka and mātauraka should be realised in resource management. Councils have a vital role in assisting this process through finding ways to partner, resource, and upskill rūnaka so they can be fully involved in the resource management partnership.

Establishing and implementing relationship agreements such as Mana Whakahono a Rohe agreements, protocols and charters can provide a framework for the council to provide necessary support. Increasing skills and capacity within council staff and decision-makers through training in Te Tiriti o Waitangi, locally relevant Treaty Settlement mechanisms and tikanga Māori, and developing familiarity with Kāi Tahu documents, are also important means of improving takata whenua involvement in council processes.¹⁴³

2.8. National direction instruments

2.8.1. Introduction

116. This section is a mandatory requirement from the National Planning standards as it applies to addressing NPS and Regulations. The purpose of this section, and the series of tables it includes, is to identify the instruments which applied at the time the pORPS was prepared. It is merely a list of relevant instruments, and no specific detail of each instrument is included in this section.

117. As notified, the National direction instruments section reads:

National policy statements and New Zealand Coastal Policy Statement

National Policy Statements

National policy statements (NPSs) and the New Zealand Coastal Policy Statement (NZCPS) form part of the Resource Management Act’s policy framework and are prepared by central government. NPSs and the NZCPS contain objectives, policies and methods that must be given effect to by policy statements and plans. NPSs and the NZCPS must also be given regard to by consent authorities when making decisions on *resource consent* applications, alongside other considerations.

¹⁴³ 00223.016 Ngāi Tahu ki Murihiku

The following table provides an overview of whether any relevant review/s of the Otago Regional Policy Statement has been undertaken in relation to NPSs and the NZCPS.

National Policy Statement on Electricity Transmission 2008	The policy statement has been reviewed in May 2021
New Zealand Coastal Policy Statement 2010	The policy statement has been reviewed in May 2021
National Policy Statement for Renewable Electricity Generation 2011	The policy statement has been reviewed in May 2021
National Policy Statement for Freshwater Management 2020	The policy statement has been reviewed in May 2021
National Policy Statement on Urban Development (2020)	The policy statement has been reviewed in May 2021

National environmental standards

National Environmental Standards

National environmental standards (NESs) are prepared by central government and can prescribe technical standards, methods (including rules) and/or other requirements for environmental matters throughout the whole country or specific areas. If an activity doesn't comply with an NES, it is likely to require a *resource consent*. NESs must be observed and enforced by *local authorities*. The following relevant NESs are currently in force:

- [Resource Management \(National Environmental Standards for Air Quality\) Regulations 2004 \(amended 2011\)](#)
- [Resource Management \(National Environmental Standards for Sources of Human Drinking Water\) Regulations 2007](#)
- [Resource Management \(National Environmental Standards for Electricity Transmission Activities\) Regulations 2009](#)
- [Resource Management \(National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health\) Regulations 2011](#)
- [Resource Management \(National Environmental Standards for Telecommunications Facilities\) Regulations 2016](#)
- [Resource Management \(National Environmental Standard for Plantation Forestry\) Regulations 2017](#)
- [Resource Management \(National Environmental Standards for Freshwater\) Regulations 2020](#)
- [Resource Management \(National Environmental Standards for Marine Aquaculture\) Regulations 2020](#)

Regulations

Regulations
<p>The regulations included in this chapter come under the Resource Management Act 1991 (excluding the national environmental standards listed above). These regulations are:</p> <ul style="list-style-type: none"> • Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991 • Resource Management (Exemption) Regulations 1996 • Resource Management (Marine Pollution) Regulations 1998 • Resource Management (Infringement Offences) Regulations 1999 • Resource Management (Forms, Fees, and Procedure) Regulations 2003 • Resource Management (Discount on Administrative Charges) Regulations 2010 • Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 • Resource Management (Network Utility Operations) Regulations 2016 • Resource Management (Exemption) Regulations 2017. • Resource Management (Stock Exclusion) Regulations 2020

Water conservation orders

Water Conservation Orders	
<p>Regional policy statements, <i>regional plans</i> and <i>district plans</i> cannot be inconsistent with the provisions of a water conservation order. A water conservation order can prohibit or restrict a regional council issuing new water and discharge permits, although it cannot affect existing permits.</p> <p>The following table provides an overview of whether any relevant review/s of the Otago Regional Policy Statement have been undertaken in relation to relevant water conservation orders.</p>	
Water Conservation (Kawarau) Order 1997	The policy statement has been reviewed in May 2021

2.8.2. Submissions

118. There are a number of submissions which seek this section be retained as notified.¹⁴⁴
119. DOC requests the following change to the introduction section of the NPSs and NZCPS as it considers it is insufficient to only state that the RPS has been reviewed without making a statement about compliance.¹⁴⁵ They request this change be considered in light of all tables for consistency.

¹⁴⁴ 00236.017 Hort NZ, 00235.001 OWRUG, 00236.018 Hort NZ, 00235.012 OWRUG, 00236.019 Hort NZ, 00235.013 OWRUG, 00236.020 Hort NZ and 00235.014 OWRUG

¹⁴⁵ 00137.017 DOC

“The following table provides an overview of whether any relevant review/s of the Otago Regional Policy Statement has been undertaken in relation to NPSs and the NZCPS sets out the NPSs and NZCPS which this RPS has been prepared to give effect to:”

2.8.3. Analysis

120. The wording from these tables is taken directly from the Planning Standards and is mandatory¹⁴⁶. I therefore recommend not accepting the submission point.

2.8.4. Recommendation

121. I do not recommend any amendments.

¹⁴⁶ Instruction 17c of Part 6 of the National Planning Standards.

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