

Under	the Resource Management Act 1991 (RMA)
In the matter of	The Otago Regional Council Proposed Otago Regional Policy Statement 2021 (excluding parts determined to be a freshwater planning instrument)

Evidence of Victoria Jane van der Spek for Waitaki District Council

Date: 23 November 2022

Waitaki District Council solicitors:

Michael Garbett
Anderson Lloyd
Level 12, Otago House, 477 Moray Place, Dunedin 9016
Private Bag 1959, Dunedin 9054
DX Box YX10107 Dunedin
p + 64 3 477 3973
michael.garbett@al.nz

**anderson
lloyd.**

Qualifications and experience

- 1 My name is **Victoria Jane van der Spek**. I am currently employed as Executive Officer at Waitaki District Council (**WDC**).
- 2 I have worked in New Zealand as a planner and policy professional for local authorities, private consultancy and as an independent consultant for 21 years.
- 3 I hold a Bachelor of Social Science (1st class Hons) majoring in Geography and Resources and Environmental Planning from Waikato University. I am an Associate Member of the New Zealand Planning Institute.
- 4 I have been employed by WDC since December 2020 in my current position. Previously, I contracted to WDC, Timaru District Council, Waimate District Council and Greater Wellington Regional Council in the planning and policy space as an independent consultant. Prior to this, I worked as Policy Advisor to the Wellington Regional Strategy, Parks Planner at Greater Wellington Regional Council, Resource Management Consultant at Hill Young Cooper Ltd, Planner at Connell Wagner Ltd, and Resource Advisor at Environment Waikato.
- 5 My planning experience encompasses both resource management policy development and implementation. I have assisted WDC and Timaru District Council with the development of their 2nd generation District Plans, prepared national and regional planning and policy submissions, processed resource consent applications, land information memorandums and project information memorandums, monitored resource consent conditions, and provided generic planning advice to the public, private clients and on behalf of Councils.
- 6 I led the preparation of WDC's submission on the Proposed Otago Regional Policy Statement (PORPS).

Code of conduct

- 7 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of evidence

- 8 In this evidence I cover the following topics:
 - (a) Carbon forestry regional definition;

- (b) Support for points raised in WDC's original submission that have been addressed in the section 42A report; and
- (c) Confirming points raised in WDC's original submission that WDC does not wish to advance any further evidence on.

Carbon forestry definition

- 9 Kāi Tahu ki Otago (FS00226.541), Otago Fish and Game Council (FS00609.201) and Te Rūnanga o Ngāi Tahu (FS00234.035) and New Zealand Carbon Farming (FS00602.003) submitted on this topic.
- 10 The Section 42A report does not consider that a definition of permanent 'carbon' forestry is necessary or appropriate in the context of the provisions that rely on the use of this term. I do not support this.
- 11 The proposed solution to address this issue and address the submissions of Kāi Tahu ki Otago, Otago Fish and Game Council and Te Rūnanga o Ngāi Tahu was to provide a regional definition for permanent forestry in the PORPS to provide scope for lower order planning documents (District Plans) to apply consistent terminology and management approaches to carbon forestry.
- 12 WDC participated in the 'Intro / Common themes' PORPS Pre-hearing meeting on 17 June 2022. Outcome 8 of this Pre-hearing discussion on 17 June 2022 required the following:

"WDC in conjunction with Aukaha, NZ Carbon Farming, DCC, DOC, TAMI, TRONT, F&G and Wise Response to draft a definition of "carbon / permanent forestry" and provide this to the Hearing Administrator by 27 June 2022. ORC to report back by 1 July 2022."
- 13 WDC with support from Department of Conservation, Te Rūnanga o Ngāi Tahu and Kāi Tahu ki Otago presented a draft 'permanent forestry' definition to the ORC Hearings Administrator on 27 June 2022.
- 14 In response, ORC proposed a revision to the definition presented by WDC with the intent to align more closely with the "plantation forestry" definition in the NESPF, and to simplify the definition's structure, and considered it reflected the term as was intended to be used in the PORPS.
- 15 On 6 October 2022, the [Ministry for Primary Industries and the Ministry for the Environment released Discussion Paper No: 2022/10](#), providing a discussion around national directions for exotic carbon forestry and afforestation, including the provision of a draft definition for exotic carbon forestry.

- 16 I consider that the draft definition for exotic carbon forestry contained in Discussion Paper No: 2022/10 to be fit for purpose, and if adopted and included within the NESPF, would provide sufficient direction to apply consistent terminology and management approaches in relation to the carbon forestry activity through the Otago Regional Policy Statement and within lower order planning documents in the region.
- 17 I therefore no longer consider it necessary to pursue a regional definition for carbon (permanent) forestry for the Otago region. No further relief is sought on this matter.
- 18 However, if a national definition for exotic carbon forestry is not adopted, then it would be valuable to continue to pursue a regional definition.

Other matters raised

- 19 WDC raised additional points in its original submission that have been addressed in the section 42A report. I support the recommended approach by Otago Regional Council in the section 42A report to address the following matters raised by WDC:
 - (a) Numbering of chapter objectives, policies, rules, and methods (00140.004)
 - (b) Consistency of approach to dates for actions (00140.005)
 - (c) Te reo terms definition (00140.003)
 - (d) Description of region (00140.001)
 - (e) Significant resource management issues (00140.010, 00140.014)
 - (f) Land and freshwater (00140.018, 00140.019, 00140.020, 00140.021, 00140.022, 00140.023)
 - (g) Ecosystems and indigenous biodiversity (00140.028, 00140.026)
 - (h) Historical and cultural values (00140.029, 00140.030)
 - (i) Natural features and landscapes (00140.031)
- 20 WDC also raised a number of other additional points in its original submission. These points were in relation to the following topics:
 - (a) Significant resource management issues for the region – the inclusion of Hampden Beach, reference to carbon forestry as a resource

management issue for Otago, the provision of a definition for 'water – short catchments' (00140.011, 00140.012, 00140.013, 00140.014)

- (b) Mana whenua policies, methods, and resourcing requirement for Councils (00140.006, 00140.007, 00140.009)
 - (c) Resource management issues of significance to iwi authorities – the inclusion of carbon forestry (00140.015)
 - (d) Coastal environment - clarifying the rationale for inclusion of identified significant areas of Cape Wanbrow, Moeraki Point, Moeraki Beach, Moeraki Peninsula, Shag Point, and the Shag River Estuary) (00140.016)
 - (e) Land and freshwater - reinforcing the linkage between wilding conifers and water short catchments (00140.017)
 - (f) Ecosystems and indigenous biodiversity - reference to regional directions not being stronger than national directions (00140.024, 00140.025, 00140.026, 00140.027)
- 21 These submission points were not addressed by the Otago Regional Council in the section 42A report. WDC does not wish to withdraw these submissions but has no further evidence to advance on these topics.

Conclusion

- 22 My rationale for not pursuing a regional definition for carbon forestry is based on the draft definition provided in MPI's national direction for plantation and exotic carbon afforestation Discussion Paper No: 2022/10.
- 23 I consider that the draft definition for exotic carbon forestry contained in the MPI discussion document to be fit for purpose, and if adopted and included within the NESPF, would provide sufficient direction to apply consistent terminology and management approaches in relation to the carbon forestry activity through the Otago Regional Policy Statement and within lower order planning documents in the region.
- 24 I also consider that the main points raised in WDC's original submission have been addressed in the section 42A report. I support the approach set out in the section 42A report.



Victoria van der Spek

20 November 2022