

Written Submission on Freshwater Planning Instrument Parts of Proposed Otago Regional Policy Statement 2021

Submissions must be received by Otago Regional Council by 3 pm Tuesday 29 November 2022

To: Otago Regional Council

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

PF Olsen

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

7. Submitter Details

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



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

Name: Sarah Orton

Position: Environmental Forester

Organisation: PF Olsen Ltd

- c. **Date**

28 November 2022

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

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

Sarah Orton

e. Email:

Sarah.orton@pfolsen.com

f. Telephone:

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

99 Sala Street, Rotorua 3010

8. My submission is:

Specific Provisions	Support/ Oppose/ Amend	The reasons for my views are:	I seek the following decision from the local authority:
<p>Definitions – Earthworks (p.22)</p>	<p>Amend</p>	<p>Under the NES-PF the definition for earthworks is as follows: earthworks— <i>a) means disturbance of the surface of the land by the movement, deposition, or removal of earth (or any other matter constituting the land, such as soil, clay, sand, or rock) in relation to plantation forestry; and</i> <i>b) includes the construction of forestry roads, forestry tracks, landings and river crossing approaches, cut and fill operations, maintenance and upgrade of existing earthworks, and forestry road widening and realignment; but</i> <i>c) does not include soil disturbance by machinery passes, forestry quarrying, or mechanical land preparation</i></p> <p>This is more expansive than the definition used in the Freshwater Planning Instrument Parts of Proposed Otago Regional Policy Statement 2021 and is specific to forestry earthwork activities. PF Olsen feels that if the current definition of earthworks is allowed to stand as is, it will create confusion for foresters and council staff when trying to regulate forestry earthwork activities.</p> <p>By amending the definition for earthworks to the NES-PF for forestry operations only, forestry operations can then comply with the earthworks regulations within the NES-PF.</p>	<ul style="list-style-type: none"> • Allow NES-PF definition for earthworks to prevail in situations where plantation forestry activities are being carried out
<p>RMIA-WAI-15 (p. 89)</p>	<p>Oppose & Amend</p>	<p>PF Olsen objects to the implication that only changes in vegetation cover via the clearance of indigenous vegetation and exotic afforestation will affect the water retention capacity of the land, consequent flow patterns, and therefore negatively affect mahika kai and taoka species.</p> <p>Under the NES-PF setbacks of 5 – 10 metres are enforced alongside all perennial waterways and wetlands. These setbacks were included within the NES-PF to help reduce the impacts of sedimentation and erosion during periods of harvesting, and until canopy closure is reached</p>	<ul style="list-style-type: none"> • Change wording of the final bullet point to remove the reference to exotic afforestation as other changes to land use can also impact water flows and retention patterns.

		<p>following replanting. The setbacks were also included to help reduce the impacts of sedimentation and erosion on waterways during and following storm events (act as buffers to help catch debris and sediment, and to help slow down water runoff).</p> <p>Finally, the industry recognised that by leaving these setbacks, and allowing riparian zones to flourish, it helped to control/stabilise in-stream environments by providing continuous cover, and to help protect species (including mahika kai and taoka species)</p>	
CE-M3 – Regional plans 4Dii (p. 116)	Oppose	<p>PF Olsen objects to the singling out of plantation forestry harvesting practices within section 4.d.ii as a way to control and reduce the discharge of sediment. We object on the basis that the removal of ANY type of vegetation cover (pasture, indigenous vegetation, or exotic plantation species) will expose the soils and can lead to sediment-laden runoff. All situations where the vegetative cover is removed should be subject to controls.</p> <p>Harvesting discharges (including sediment) are also controlled under the NES-PF (see Clause 97.1 b and e), so where the NES-PF is followed sediment from harvesting activities is already being controlled.</p>	<ul style="list-style-type: none"> Remove “including the impacts of harvesting plantation forestry” from 4.d.ii
CE-M4 – District plans 3 (p. 117)	Oppose & Amend	<p>Earthworks for forestry operations should be governed by the NES-PF (see Subpart 3). Not only is the NES-PF’s definition for earthworks more expansive than the one within the Freshwater Planning Instrument Parts of Proposed Otago Regional Policy Statement 2021, it’s specific to forestry earthwork activities. Likewise, Subpart 3 of the NES-PF provides more detailed conditions for earthwork activities. This includes a 30 m setback from any coastal marine area (Clause 29.2).</p>	<ul style="list-style-type: none"> Amend the current wording Allow NES-PF definition for earthworks to prevail in situations where plantation forestry activities are being carried out
LF-LS-M12 – District plans 1A (p. 140)	Oppose	<p>PF Olsen strongly objects to the implication that only plantation forestry as a land use needs to be controlled. Other land uses also impact water quality, and forestry activities are already regulated under the NES-PF (other land use types are not regulated).</p>	<ul style="list-style-type: none"> Either include controls for other land use changes (e.g. conversion to indigenous forest, or conversion to sheep & beef farming etc) OR remove 1A in regards to only controlling plantation forestry activities

<p>ECO-P9 – Wilding conifers (p. 145)</p>	<p>Support</p>	<p>The NES-PF regulates the control of wilding conifer species, especially in areas identified as significant natural areas (SNA’s).</p> <p>Many existing wilding problems are legacy issues that the industry is working with other agencies and landowners to deal with. PF Olsen supports measures / initiatives taken to help control / prevent the spread of wilding conifers</p>	<ul style="list-style-type: none"> • N/A
<p>ECO-E1 – Explanation (p. 150)</p>	<p>Amend</p>	<p>Please note that the NES-PF only allows for more stringent rules to be put in place by councils if a Section 32 analysis has been carried out and found that more stringent rules are warranted.</p>	<ul style="list-style-type: none"> • Include a footnote explaining Section 32 analysis in paragraph 3
<p>HCV-HH-M4 – Regional plans 2 (p. 180)</p>	<p>Delete</p>	<p>Heritage New Zealand governs historic sites and artefacts under the Heritage New Zealand Pouhere Taonga Act 2014. As such anyone wishing to modify, cause damage too, or work near an archaeological site is required to obtain an Archaeological Authority to carry out the work.</p> <p>There is no justification for resource consent as well as an Archaeological Authority.</p>	<ul style="list-style-type: none"> • Delete the need to obtain a resource consent. Point plan users to Heritage New Zealand and the need to obtain an Archaeological Authority.
<p>HCV-HH-M5 – District Plans 2 (p. 181)</p>			
<p>NFL-P5 – Wilding Conifers (p. 183 – 184)</p>	<p>Support</p>	<p>The NES-PF and the New Zealand forest industry also support the control of wilding conifer species, especially in areas identified as outstanding and/or highly valued natural features and landscapes.</p> <p>Many existing wilding problems are legacy issues that the industry is working with other agencies and landowners to deal with. PF Olsen supports measures / initiatives taken to help control / prevent the spread of wilding conifers</p>	<ul style="list-style-type: none"> • N/A

<p>APP5 – Species prone to wilding conifer spread (p. 208)</p>	<p>Amend</p>	<p>Given the specific listing of all of the other conifer species within APP5, the inclusion of generic <i>Pinus</i> and larch species is moot.</p> <p>Prior to any plantation forestry afforestation activities a wilding risk calculation must be undertaken. Any species that score over 12 cannot be planted (NES-PF Subpart 1, Clause 11). Likewise, for replanting activities, wilding risk calculations must be done if a different species is to be replanted (Subpart 8, Clause 79). The NES-PF also specifies that wilding monitoring must be carried out for any new afforestation areas, with control of wilding conifers carried out if any occur.</p> <p>Finally, given the radiata pine is a key plantation species in New Zealand, and it is subject to the controls within the NES-PF (which also limits planting production species within SNA's, outstanding landscapes, or areas with outstanding natural features) PF Olsen objects to this species being listed in APP5.</p>	<ul style="list-style-type: none"> • Remove generic pine and larch species from the list. • Remove Radiata pine from the list
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