

Proposed Otago Regional Policy Statement Hearing – LF Chapter

Speaking notes of Murray Brass for the Director-General of Conservation Tumuaki Ahurei

1. These notes are intended to assist the Panel by providing updates to my Evidence in Chief (EIC) in response to matters raised in the hearing so far, particularly through Ms Boyd's Opening Statement.
2. LF-Chapter Objectives: In my EIC I proposed that two new objectives be added to this chapter, to provide a clear connection between the management of land within this chapter and provisions elsewhere in the pORPS relating to habitats, ecosystems and other values:

"Otago's land environments support healthy habitats for indigenous species and ecosystems. Land use activities in Otago are managed in a way which recognises and protects terrestrial, freshwater, and coastal values which land use activities could affect either directly or indirectly."
3. In Ms Boyd's Opening Statement for this hearing she considered there could be some merit in the first objective, albeit with some concern about avoiding overlap with the ECO chapter and a question whether it would sit better as a stand-alone provision or incorporated into existing provisions. She opposed inclusion of the second objective.
4. I have reviewed my first proposed new objective against the existing LF-LS Objectives. I consider that the new objective would provide a terrestrial counterpart to LF-LS-O12 for fresh water, but that it would be clearer to retain them as separate objectives rather than trying to combine them.
5. I consider that there is still merit in my second proposed new objective, as it would provide a clear signpost connecting the LF-LS provisions to provisions elsewhere in the pORPS (rather than relying only on links being made from those other provisions to LF-LS). It would also provide a clearer framework for changes to provisions for wilding conifers and other pest species which I address below.
6. Management of wilding conifers and other pest species: In Ms Boyd's Opening Statement she agreed that the impacts of wilding conifers were broader than only biodiversity and natural features and landscape. She had concerns with proposed policies to address this issue, provided by myself and Ms Baish for Ernslaw One, but did not propose alternative drafting at that stage.

7. I take Ms Boyd's point about the impact of the NES-Plantation Forestry, and the resulting need to separate out provisions relating to plantation forestry and other plantings. Ms Boyd preferred Ms Baish's drafting of a new policy. I have therefore reviewed Ms Baish's drafting, and suggest that plantation forestry which is permitted under Clause 10 of the NES-PF should be excluded from clause (1). This would avoid conflict with the NES, and would allow clause (1) to continue to apply to permanent forestry, woodlots, wind breaks etc. A similar exclusion is not required for clause (2), as the NES-PF allows rules in plans to be more stringent than the NES-PF where the rules are developed to give effect to the NPSFM.
8. However, Ms Baish's drafting simply requires that wilding conifers be managed, and does not set any purpose or outcome for that management. As discussed previously, wilding conifers can impact on a wide range of land values – not just those specifically covered by policies ECO-P9 (biodiversity) and NFL-P5 (natural features and landscape). I consider that there is still a need to have policy relating to those wider effects, and that the Land and Soil chapter is the logical place for this. In my EIC I proposed a new Policy LF-LS-PX to address this matter. I discuss the drafting of this below, but consider that my revised policy should sit alongside and prior to Ms Baish's draft policy. The structure being that my LF-LS-P23 would deal with reducing the effects of pest species in general, and LF-LS-P24 would then deal with the specific issue of planting and establishment of wilding conifer species.
9. In terms of my proposed LF-LS-PX, Ms Boyd considered that the drafting was too broad. Having reflected on this, I consider that the key aspect I was looking to cover was that the pORPS enables control of general pest species rather than requires it – this would then flow through to regional and district plan provisions that, for example, permit removal of pest vegetation or allow use of pesticides and herbicides even within SNAs or regionally significant wetlands. This would not duplicate the Biosecurity Act 1993 (which I agree is the primary legislation for *requiring* control of pest species), rather, it would support that Act's implementation by *enabling* pest control activities. I retain my view that this is an important matter for the pORPS to cover.
10. In terms of wilding conifers, I note that this approach would also ensure that the pORPS doesn't just manage new planting and establishment of wilding conifers, but also provides for control of wilding conifers which have already spread.
11. I propose drafting for these two provisions in Appendix 1.

12. Fish barriers LF-FW-P14: Ms Boyd has supported changes to clause (3) of this policy, relating to the creation of fish barriers. I have reviewed her drafting, and confirm that I support it.
13. Species interactions LF-FW-M8A: Ms Boyd has supported changes I proposed to the drafting of this proposed new method, and also proposed some further changes to ensure a common starting point for implementing the method and improve drafting. I confirm that I am comfortable with the further changes she proposes.
14. Ms Boyd also suggested that the drafting of the method could be progressed through the FPI process – I confirm that I would have no objection if the Panel were of a mind to do that.

Murray Brass

8 May 2023

APPENDIX 1

LF-LS-P23 Pest species *(to replace M Brass EIC drafting)*

Reduce the impact of pest species (including wilding conifers and other pest species on land) on indigenous biodiversity, economic activities, landscapes and wahi tūpuna by:

(1) enabling control of pest species on land, and

(2) supporting initiatives to control pest species and limit their further spread.

LF-LS-P234 Management of conifers *(suggested changes to Baish EIC drafting)*

The planting and establishment of conifer species, including for the purpose of forestry, landscape/amenity planting, erosion control and shelter-belt planting, is managed by:

(1) Requiring any proposal for the planting of new or any spatial extension of existing conifers listed in APP5 (other than where permitted under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017) to identify the risk, and minimise the potential spread of wildings, including:

a) The location and its potential for wilding spread;

b) The surrounding land uses and whether these would reduce the potential for wilding spread;

c) The outcome of a risk assessment based on a recognised methodology;

d) A management plan appropriate for the risk identified.

(2) Controlling the establishment of new or any spatial extension of existing plantation forestry activities or permanent forestry activities where identified as necessary to give effect to a freshwater objective developed under the NPS-FM, and in alignment with LS-LF-M11(2).