

**BEFORE THE OTAGO REGIONAL COUNCIL
AT DUNEDIN**

Under the

Resource Management Act
1991

In the Matter of

Proposed Otago Regional
Council's Draft Regional
Policy Statement

ORAL SUBMISSION OF THE WISE RESPONSE SOCIETY INC.

26 November 2015

Opening submission

Good morning Commissioners

My name is Dugald MacTavish and I am secretary of Wise Response and presenting for that Society

Our formal submission states "Evidence-based science on several fronts, shows that, due in large part to encountering limits, New Zealand in general and therefore Otago are environmentally, socially and economically vulnerable".

The main reason for wishing to appear today is to provide some evidence-based science to back up that claim and therefore provide justification for the changes we seek to the pRPS.

We felt we needed a full day for 8 experts to adequately convey the state of affairs in their subject area but we have been restricted to two hours. As it is the sweep and interlinked nature of the issues we think is so important, we have decided to retain all speakers but limit them to 12min each. I've suggested that each speak for 7 - 10 minutes to allow time for questions. If there are none, they may wish to add another point or two. We realise this is quite an ask on everyone's part and it does mean that we will need to keep to time.

Before we call our first expert, I wish to quickly remind you of the 12 heading statements we want more clearly reflected in the RPS so they are fresh in our minds when you hear the evidence. These were:

1. Establish a firm platform for the plan of presuppositions and issue identification against which progress can be gauged

We do not consider that the RPS sets out sufficiently clearly assumptions regarding the status of environment and its trends. Without that it is not possible to judge whether the provisions are an adequate response.

This is effectively "the significant resource management issues for the region" s62(1)(a) and perhaps (b)

2. Give the Plan a global as well as the national context

The RPS can not directly address the global context but it can take it into account to give "sustainable management" a fully integrated and defensible bio-physical foundation.

WR see this as part of "the significant resource management issues for the region" (s62(1)(a)) because they set a biophysical baseline for the regional issues. They also appear to be "cross boundary" issues ((s62(1)(h)) that Council can not ignore if it is to have any confidence it

can continue to effectively carry out its "functions" and "duties" (s62(1)(k)).

3. Requiring the setting of limits to resource use and discharges that will be ecologically sustainable into the future

The ORC have been setting minimum river flows and maximum nutrient loads within the region. The philosophy of recognising and planning for limits (including efficiency) needs to be extended to other resources, like high quality soils, carbon use, remaining biodiversity, significant amenity and vistas.

Supreme Court in King Salmon found a) that environmental protection is a key element of sustainable management and b) that the term "while" in s5 RMA means "at the same time as". This in effect turns clause a-c of s5 (notably safeguarding the life supporting capacity of ecosystems) into environmental bottom lines.

4. The focus of the plan needs to be firmly on building region-wide and integrated resilience

We consider that the Council must refocus on its core responsibility of ensuring resources are managed sustainably in a fully integrated manner across all interfaces (air, land, freshwater, estuarine and marine) as a single functional ecosystem.

5. Securing the environment and biodiversity before considering economic development needs must be reflected in the wording and ranking of policies

WR consider that a healthy "land base" is ultimately an essential platform for a healthy society and economy, so the RPS must be first and foremost about securing the environment. Our understanding is that is the core purpose of the RMA and it is not about "balancing interests" like under the LGA.

King Salmon again

6. Promoting agro-ecological resilience at scale as a way to address a range of issues and needs

Currently optimisation occurs within farms but not between them. There is thus a massive hole in planning across catchments to maximise ecosystem services like clean water supply and amenity, and mitigate the adverse effects of landuse.

pRPS Objectives 3.7 and 3.8 require that urban areas and urban growth be "well designed". The concept of strategic planning should also apply to rural zones

7. Achieve sustainable resource management throughout Otago, not just where resources are identified as being 'significant' or 'highly valued'.

We understand sustainable resource management is not optional under the RMA. The RPS needs to recognise that as a bottom line, and to afford extra protection for "significant" resources.

8. Where there is scientific uncertainty, precaution must prevail

This means that the Council accept the responsibility to protect the public from exposure to harm, when scientific investigation has found a plausible risk. These protections can be relaxed only when sound evidence demonstrates no significant harm will result.

Activity can proceed if the research and surety requirements for proceeding to the next stage are fulfilled. It must cease or remain at the acceptable level if not. May be scope to use prohibited activity status.

9. Wording in the RPS needs to be clear and uncompromising were it addresses primary issues

The RPS objectives and policies are often rather sweeping and therefore open for interpretation. Therefore, RPS wording must be explicit enough to be reflected in the Regional Plans if appropriate.

It is critical the RPS is clear and directive and provides a robust framework (ref: Tramlease v Auckland council 2015 EnvC and nzta v architectural society 2015 HC (basin Bridgefly over decision))

10. Ensure that key policies and regulations are backed up with monitoring requirements that include sustainability indicators.

To monitor the "efficiency and effectiveness of the policies" (s62(1)(j)) there must be indicators and methods that measure genuine sustainability.

11. ORC have to be able to be held to account and have targets or reviews

12. Plan structure

We think there is scope to simplify the RPS

Witnesses

Wise Response					
Presentation Plan to ORC RPS					
Lapse time	Time allocated (mins)	Presenter	Subject	Appearing in person	Phone
9:45	9	Dugald MacTavish	Opening submission		
9:54	12	Dr John Peet	Energy and engineering	Phone	03 3841282
10:06	12	Dr Bob Lloyd	Remaining carbon budget	In person	
10:18	12	Nathan Surendran	Energy and transport	Phone	021 209 6286
10:30		Morning Tea			
10:45	12	Dr Bill Lee	Ecology/biodiversity	In person	
10:57	12	Dr Alan Mark	Upland Ecology and hydrology	In person	
11:09	12	Dr Liz Slooten	The ocean	In person	
11:21	12	Dr Alexandra McMillan	Public Health	Jocelyn	(Stand in)
11:33	12	Chris Perley	Land use	Phone	(06) 8779633, 027 4880977
11:45	10	Dugald MacTavish	Closing submission		
11:55	115	Finish			

Closing submission

What emerges from the evidence of our expert witnesses?

1. Considered together, this evidence demonstrates the strategic risks and vulnerabilities associated with many of our cultural norms - including our current land use systems, biodiversity, transport systems, infrastructure, urban pattern and public health - and therefore, by inference, our economic activity. Indeed, the evidence of Messrs Peet, Lloyd and Surrendren indicate we have reached a point where we are at real risk of wide scale system failure and we are underprepared.
2. WR consider that from the evidence, the following logical inferences can be made, which we propose should be included as presuppositions for the RPS.
 - i. For all practical purposes, planet earth is a closed physical system with finite resources. Therefore continual exponential economic and population growth is not possible.
 - ii. Much of our natural and physical resource both globally and locally is under stress due to degradation and pollution of the environment by humans which is a symptom of structural flaws in the way we manage our resources.
 - iii. Unless these trends are addressed sufficiently robustly, and in some cases urgently, we can expect systems to start to break down as resources and support systems decline or fail with potentially serious consequences in a highly interconnected world
 - iv. The scale and depth of the biophysical crisis we face is such that being "small" or "far away" is no longer grounds not to play our part. Our primary challenge is to bring the intensity of our impact into line with what can be sustained, be it locally and globally.
 - v. Global and local resource issues and risks are caused by the cumulative impact of local human activity. Thus, to minimise risks requires appropriate planning responses locally and individually.
 - vi. Failure to achieve sustainable resource management globally will inevitably swamp efforts at sustainable resource management locally, so the two must reconcile. Planning instruments prepared under the RMA provide the opportunity and legal mechanisms by which to address these local and global resource issues concurrently.
3. Under these circumstances, WR considers that we can not address the threats and vulnerabilities outlined by our expert witnesses unless the RPS adopts precautionary principle and approach in all its

provisions to the full extent necessary to achieve genuine sustainable management of natural resources.

4. We know that the capacity of the Council to make provisions for climate change is limited under the RMA which is why we see the precautionary approach as so important.
5. In our original submission we proposed that a new definition be included for the precautionary principle. We now feel it would be more effective to simply adapt the definition in the National Coastal Policy Statement so it applies consistently across the region. It would read thus:-

Precautionary approach

(1) Adopt a precautionary approach towards proposed activities whose effects on the environment are uncertain, unknown, or little understood, but potentially significantly adverse.

(2) In particular, adopt a precautionary approach to use and management of resources potentially vulnerable to effects from climate change, so that:

- (a) avoidable social and economic loss and harm to communities does not occur;
- (b) natural adjustments for processes, natural defences, ecosystems, habitat and species are allowed to occur; and
- (c) the natural character, public access, amenity and other values of the environment meet the needs of future generations.

6. A second key theme that emerges from the evidence is the extent to which carbon mismanagement (imbalance in its use and discharge) is causing many of our major issues. From a planning perspective, therefore, fossil carbon provides a convenient common reference point. Thus, the extent to which individual provisions in the RPS will cause a reduction in our dependence on it must be used as a key indicator to develop, refine, monitor and evaluate them.
7. Based on the science the RPS must also achieve enhanced carbon sequestration in terrestrial biomass wherever this is technically feasible.

Summary outcome we seek

8. Based on the evidence, we are therefore seeking a proactive "regime shift" in the way Council approaches land management and in the rigour with which it requires cultural change in the Otago Community. That is not an ideology but a rational response to the severity of the risks and vulnerabilities that have been presented.
9. There are two key components of resilience - adaptability and transformability. The Society considers that as the RPS stands, much in it concerns efficiency and adaptation. Yet on the basis of the evidence provided today alone, it is clear that what is needed is transformative change to structures underpinning contemporary

landuse and cultural norms. In other words we dont need a RPS that offsets high stressor levels without remedying their underlying causes.

10. And while there may be short-term costs and inconveniences for all of us deeply imbedded in current business models, ultimately achieving genuine sustainability is in everyone's interest, particularly for the young and the unborn. Anything less will fail to meet the requirements of the RMA or give proper effect to all provisions in national policy statements.
11. Finally we want to say that we are aware that we have not provided you with a comprehensive suite of plan proposals that would address our concerns. Council planners will know much better than we the extent to which they can respond in different social and ecological settings under the RMA.
12. So we have instead focussed on providing you with a strong evidential base which we think clearly demonstrates the depth and breadth of the issues confronting us. That base should also enable more informed decisions about the kind of provisions required if the new RPS is to be a useful and legal document over the next 10 years.

On behalf of the Society, thankyou very much for the opportunity to submit and we wish you well in your deliberations.