

From: Nigel Paragreen <nparagreen@fishandgame.org.nz>
Sent: Friday, 3 September 2021 3:00 p.m.
To: RPS
Cc: Angela Christensen
Subject: Fish & Game PORPS 2021 Submission
Attachments: 210903_Fish_&_Game_RPS_Submission.pdf; 210903_Form_5_Fish_&_Game.pdf; 210903_Fish_&_Game_RPS_Submission.docx

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Submission - Sector stakeholder

Hi,

I'm writing to make a submission on the PORPS 2021, on behalf of the Otago Fish and Game Council and the Central South Island Fish and Game Council. Please find the submission attached.

Cheers,

Nigel Paragreen | Environmental Officer

Otago Fish and Game Council

PO Box 76, Dunedin 9054

Cnr Hanover and Harrow Street, Dunedin

P 0272 050 395 | E nparagreen@fishandgame.org.nz | W www.fishandgame.org.nz



Proposed Otago Regional Policy Statement 2021

Information for Submitters

Submissions must be in the prescribed form (Form 5) specified by the Resource Management Act and must be received by Otago Regional Council
by 3 pm Friday 3 September 2021

Privacy: Be aware that **all submissions are considered public**, including your name and address which will be uploaded to ORC website as part of this process. The Council and further submitters will use your name and contact details for correspondence in relation to the making of the Regional Policy Statement.

LODGE A SUBMISSION MANUALLY (*USING FORM BELOW*)

A template complying with the requirements of Form 5 is provided below. Once completed, please forward to ORC by one of the following:

Email: rps@orc.govt.nz Submissions in MS Word or other editable format are preferred, if possible

Post: Otago Regional Council, Private Bag 1954, Dunedin 9054. Att: ORC Policy Team

Hand Delivery at

Dunedin: Otago Regional Council Office, 70 Stafford St, Dunedin, Att: ORC Policy Team

Queenstown: Terrace Junction, 1092 Frankton Road, Queenstown, Att: ORC Policy Team

Alexandra: William Fraser Building, Dunorling Street, Alexandra. Att: ORC Policy Team

INQUIRIES

Email: rps@orc.govt.nz

Phone: ORC Call Centre: 0800 474 082, Monday - Friday, 8am-5pm

NOTES TO PERSON MAKING A SUBMISSION

If you are a person who could gain an advantage in **trade competition** through the submission, your right to make a submission may be limited by [clause 6\(4\)](#) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be **struck out** if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Go to Written Submission Form on next page

Written Submission on Proposed Otago Regional Policy Statement 2021

(Submissions must be received by Otago Regional Council by 3 pm Friday 3 September 2021)

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)*

The Otago Fish & Game Council and the Central South Island Fish & Game Council

2. This is a submission on the **Proposed Otago Regional Policy Statement 2021**.
3. I ~~could~~/**could not** *(Select one)* gain an advantage in trade competition through this submission. *(See notes to person making submission)*
4. I **am/am not** *(Select one)* directly affected by an effect of the subject matter of the submission that
- adversely affects the environment; and
 - does not relate to trade competition or the effects of trade competition *(See notes to person making submission)*
5. I **wish/do not wish** *(Select one)* to be heard in support of my submission
6. If others make a similar submission, I **will/will not** *(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 Nigel Paragreen

Position Environmental Officer

Organisation The Otago Fish and Game Council

- c. **Date**

3 September 2021

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

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

Please see submission

e. Email:

Please see submission

f. Telephone:

Please see submission

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

Please see submission

8. My submission is:

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<p><i>The specific provisions of the proposal that my submission relates to are:</i></p> <p><i>(Please enter the relevant objective, policy, method, or 'other' provision reference where possible. For example, 'AIR-O1'.)</i></p>	<p><i>I support or oppose the specific provisions or wish to have them amended.</i></p> <p><i>(Please indicate "support" or "oppose" or "amend")"</i></p>	<p><i>The reasons for my views are:</i></p>	<p><i>I seek the following decision from the local authority:</i></p> <p><i>(Please be as clear as possible – for example, include any alternative wording for specific provision amendments.)</i></p>

Please see submission

Note: Additional rows for each separate provision or submission point should be added as required.



3 September 2021

Otago Regional Council

Private Bag 1954

Dunedin, 9054

rps@orc.govt.nz

Submission on the proposed Otago Regional Policy Statement 2021

This submission is provided on behalf of the Otago Fish & Game Council and the Central South Island Fish & Game Council. For additional information please contact Nigel Paragreen and Angela Christensen using the details below.

Submitter Details

Otago Fish & Game Council

Contact person: Nigel Paragreen, Environmental Officer

Email: nparagreen@fishandgame.org.nz

Office phone: 03 477 9076

Postal address: PO Box 76, Dunedin, 9016

Central South Island Fish & Game Council

Contact person: Angela Christensen, Resource Officer

Email: achristensen@fishandgame.org.nz

Office phone: 03 615 8400

Postal address: PO Box 150, Temuka, 7948

Statutory managers of freshwater sports fish, game birds and their habitat

Otago Fish & Game Council & Central South Island Fish & Game Council

www.fishandgame.org.nz

Abbreviations used

National Planning Framework 2019	NPF 2019
National Environmental Standard for Freshwater 2020	NES-FW
Proposed Otago Regional Policy Statement 2021	PORPS 2021
Otago Regional Council	ORC
Otago Fish & Game Council and the Central South Island Fish & Game Council	Fish & Game
Resource Management Act 1991	RMA
National Policy Statement	NPS
Te Mana o te Wai	TMOTW
Fish index of biotic integrity	F-IBI
Regional Plan: Water for Otago	RPW
Freshwater Management Unit	FMU
National Policy Statement for Renewable Energy Generation	NPS-REG

The Fish & Game Councils

1. The Otago Fish & Game Council and the Central South Island Fish & Game Councils (collectively referred to in this submission as **Fish & Game**) are the statutory manager of sports Fish & Game bird resources within the Otago and Central South Island Fish & Game regions respectively. They hold functions and responsibilities set out in the Conservation Act 1987. The organisations' functions include, but are not limited to, managing, maintaining and enhancing sports Fish & Game resources in the recreational interests of anglers and hunters; representing the interests and aspirations of anglers and hunters in the statutory planning process; and advocating the interests of the Councils, including their interests in habitats. This submission has been developed in line with these functions.

Statutory managers of freshwater sports fish, game birds and their habitat

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www.fishandgame.org.nz

2. Due to the popularity of angling in New Zealand, the demographic Fish & Game represents when carrying out its statutory functions is significant; however, this is not always obvious. The 2013/2014 Active NZ Survey conducted by Sport and Recreation New Zealand reported that 19.5% of respondents had been fishing (including both marine and freshwater angling) in the past 12 months¹. The survey found fishing had a higher rate of participation than rugby, tramping, football, cricket and basketball for men; and that fishing had a higher participation rate than netball, tennis, snow sports and tramping for women. Within Otago, license sales have exceeded 10,000 licences in the past two decades and in the last decade has increased to over 20,000 licences across all categories. Participation rates estimated from the National Angling Survey² between 1994 and 2015 show that total freshwater fishing effort in the Otago Fish & Game Region ranged from 180,860 to 215,430 angler-days over the fishing season.

Key issues and reasons for submission

A paradigm shift using lessons from the NPS-FM 2020

3. The PORPS 2021 is required to give effect to a range of NPSs and have regard to or consider other guidance. The NPS for Freshwater Management 2020 stands out as it contains a paradigm shift which may be usefully applied to the entire PORPS 2021. It does this through the concept of TMOTW, which challenges all New Zealanders to think differently about water bodies, not as a resource to be used but as an entity to be respected, protected, and restored where degraded. It is a water-centric concept, adding value and guiding human use such that the health and well-being of water is at the heart of all related activities.
4. Fish & Game submits that it will be beneficial for this concept to be adapted to the natural environment as a whole so that it is respected, protected and restored where degraded. Fully adopting and embodying this paradigm shift for the natural environment is the most effective way to achieve the purpose of the RMA, and to transition the Otago Region towards meaningful sustainable management.
5. The fundamental concept of TMOTW prioritises a hierarchy of obligations. With a directive hierarchy as the single objective, the direction is clear to all who use the policy statement. This improves the consistency of outcomes and reduces conflict regarding implementation within regions.
6. The NPS-FM 2020 puts into effect the consideration of water, water bodies and ecosystems as holistic entities. The first tier of the hierarchy of obligations prioritises:

“... first, the health and well-being of water bodies and freshwater ecosystems”³

¹ Sport and Recreation New Zealand, Sport and Active Recreation in the Lives of New Zealand Adults: 2013/14 Active New Zealand Survey Results, (Wellington, Sport New Zealand, 2015).

² Unwin, M. J., Angler Usage of New Zealand Lake and River Fisheries, (Christchurch, National Institute of Water and Atmospheric Research, 2016).

³ NPS-FM 2020 section 2.1(1)(a)

7. This imbues both water bodies and freshwater ecosystems with the characteristics of being healthy and well or, conversely, unhealthy and un-well. Section 1.3 of the NPS-FM 2020 states the mauri of the wai should be protected and that all New Zealanders bear a responsibility to care for freshwater.⁴ From a European cultural perspective,⁵ anthropomorphising components of the environment can sometimes seem unnatural; however, it has benefits for natural resource management. Decision making under the RMA is often compartmentalised, such that adverse effects on components of the environment (i.e., ecology, amenity, economic) are typically discussed individually with the assumption that protecting the sum of all parts will protect the whole. However, this protection has clearly not happened, as evidenced by environmental degradation that has occurred while the RMA has been in force.⁶
8. A priority placed on the health and well-being of a water body creates an additional check that helps combat unaddressed cumulative effects. This same guidance can be applied to the natural environment in general and will aid in achieving the purpose of the PORPS 2021, in achieving “... long term environmental sustainability...”⁷
9. The implications of what can be achieved by adopting this approach is perfectly expressed in *Aratiatia Livestock Limited vs Southland Regional Council* [2019] NZEnvC 208:

*“This plan redirects the usual RMA focus on the scale and significance of effects of resource use onto the mauri or life force of water and the enquiry becomes how do users of resources protect the water’s mauri and health. ... this plan requires all people to work on the causes of degradation.”*⁸
10. This approach, or something similar, will be required for the PORPS 2021 in matters relating to water. Fish & Game submits that the PORPS 2021 will be improved if it adopts concepts of TMOTW for the whole environment. Specifically, by:
 - a. creating a clear and directive hierarchy, with the natural environment as the priority;
 - b. imbuing the anthropogenic concepts of health, well-being and resilience⁹ upon the natural environment; and
 - c. ensuring all actions support the health, well-being and resilience of the natural environment.

⁴ NPS-FM 2020 section 1.3(1) & (4)(f)

⁵ Other cultural perspectives might instead see this approach as simply a more accurate representation of their world view, such as this Māori perspective, where the author outlines her genealogical relationship with water. <https://thespinoff.co.nz/atea/06-11-2018/wai-maori-a-maori-perspective-on-the-freshwater-debate/>

⁶ For example, ORC water quality monitoring in 2012 found that over half of the sites monitored around the region showed “meaningful declining water quality”. <https://www.odt.co.nz/news/dunedin/water-quality-declining-orc-report>

⁷ PORPS, pg 5

⁸ *Aratiatia Livestock Limited vs Southland Regional Council* [2019] NZEnvC 208

⁹ Fish & Game recommends adding ‘resilience’ to the list of anthropogenic concepts in the hierarchy of obligations and notes that this is already a key theme within the notified PORPS 2020 wording.

11. Fish & Game notes that the PORPS 2021 authors have gone quite some way to embodying these principles and this is supported by Fish & Game. At times, Fish & Game seeks further improvements over and above the notified wording.

The protection of trout and salmon habitat

12. Sports fish and game birds are highly valued by a large segment of the New Zealand population as well as international tourists, as highlighted above.
13. Sports fish are also valued by some Māori as part of an expression of evolving culture. In the text below, Mr Whaanga describes how he interacts with some introduced species:

Today, we still have that connection to the interior lands and waters of Te Mata au, which is why we return there. However, it is different now as the traditional foods are not there. There would have once been birds to gather, before travelling back down by mōkihi. There are examples of inland tuna weirs, which would have been places for longer stops.

In the modern context, this is comparable to the seasonal migrations of some holidaymakers to their favourite camping spots. Our people still travel inland to connect with their whakapapa and visit their favourite places to fish and hunt. As traditional mahinga kai resources have dwindled or disappeared, like weka, we will still go up there and fish for trout, hunt rabbits, pigs and deer.”¹⁰

14. Fish & Game acknowledge that the introduction of sports fish in the 1800s has had, and is continuing to have, an impact on aquatic species. Whilst angling provides a highly valued recreational opportunity and a source of food, in recent years sports fish have been blamed for the decline of New Zealand aquatic species. In a report appropriately titled *Salmonids and Native Fish in New Zealand: Are trout to blame for the decline in native fish?*, Atkinson and Joy find that:

“The declines in freshwater ecosystem health are clearly linked to the intensification and expansion of pastoral agriculture and to a lesser extent industry and urbanisation. In the last 20 years the number of dairy cows in the country, and the amount of water taken for irrigation has almost doubled. Between 1990 and 2005 the use of nitrogen fertiliser in New Zealand increased by more than 800 per cent (the highest percentage increase of 29 OECD countries) and phosphate fertiliser use increased by more than 100 per cent (the second highest increase in the OECD).

Native fish are declining rapidly with now more than sixty percent of New Zealand’s native freshwater fish as well as the only freshwater crayfish and mussel species listed as threatened or in-decline.

Introduced salmonids are widespread throughout New Zealand waterways and have significant impacts on some but not all native fish species. Non-migratory galaxiids are particularly vulnerable due to their small geographical range as well as being very similar to salmonids in terms

¹⁰ Evidence in Chief of Mr Dean Whaanga on Plan Change 7, paragraphs 14 & 15. <https://environmentcourt.govt.nz/assets/Documents/Publications/05.02.21-FINAL-Otago-PC7-Dean-Whaanga-Culture-34616627-v-4.PDF>

of feeding behaviour, food and habitat preferences. Other species of native fish, such as bullies and smelt seem more able to co-exist with salmonids despite also being subject to predation.

The recent claims from Federated Farmers that trout are more to blame than intensive farming for the demise of both water quality and native fish population is totally unfounded. Trout can have an impact on native fish but it is not in the same magnitude as the effects of sedimentation, eutrophication, and water abstraction from intensive farming. Trout can potentially increase the amount of periphyton in streams by altering food web dynamics but they cannot add nutrients to a system like intensive farming does. Thus, the magnitude of the effects of trout on stream ecosystems compared to agriculture is not on the same scale.”¹¹

15. Similarly, the background paper¹² outlining the F-IBI attribute¹³ in the NPS-FM 2020 indicates that intensive land use upstream of sampling sites was associated with poor F-IBI scores. The presence of non-indigenous species is considered as a negative, detracting from the F-IBI score. However, it did not have as significant an impact as land use.
16. The protection of trout and salmon habitat is a matter to be had particular regard to in the RMA,¹⁴ and Policies 9 and 10 of the NPS-FM requires the habitat of trout and salmon to be protected, insofar as it is consistent with protection of habitat for indigenous species. The PORPS 2021 fails to give effect to these directions as there is no guidance on how or when to protect the habitat of trout and salmon nor is there clear direction on how species interactions will be managed.
17. Fish & Game infers that the absence of direction to protect the habitat of trout and salmon in the PORPS 2021 means that in *no instance* is the protection of trout and salmon habitat in Otago is consistent with the protection of the habitat of indigenous species. Fish & Game considers that there are cases where the protection of indigenous species and trout and salmon is consistent; this can be demonstrated conceptually, as the protection of the flows and water quality within a pool that is habitat to both a trout and eel improves the quality and quantity of habitat for both species.
18. The above leads Fish & Game to seek relief for the PORPS 2021 that achieves two key points:
 - a. protects water bodies and freshwater ecosystems, including the habitat of trout and salmon, from the impacts of land use and restores them where they are degraded; and
 - b. develops a framework for considering when protecting the habitat of trout and salmon is consistent with protecting the habitat of indigenous species and assists in managing species interactions where they are of concern.

¹¹ Atkinson, N., & Joy, M. (2012). *Salmonids and native fish in New Zealand: Are trout to blame for the decline in native fish?* Wellington: Fish & Game New Zealand.

¹² Joy, M., & Death, R. (2004). *Application of the index of biotic integrity methodology to New Zealand freshwater fish communities*. Environmental Management, 415 - 428.

¹³ A measure of biotic integrity for fish populations, which a low score indicates worse integrity.

¹⁴ RMA section 7(h)

Recognition of human interaction with waterbodies

19. The health and well-being of people and communities is an important component in how resources are managed. In turn, when the environment is healthy and well, with ample access opportunities, people are able to contribute to their health and well-being needs by connecting with the environment. Conversely, when the environment is unhealthy, these opportunities diminish and the activities once undertaken become a distant memory. Many waterbodies across the region now fail to provide for the opportunities that New Zealanders so greatly value.
20. Engagement with the environment is different for different people. Some connect recreationally, others to harvest food, some spiritually or culturally.
21. Fish & Game licence holders engage in outdoor activities both for recreation and to gather food for themselves, their families or communities. This long-time tradition is highly valued and often passed on from generation to generation. Māori engage with the environment in a similar way for mahinga kai and cultural traditions and have done so for centuries. The fundamental concept of enabling people to use, enjoy and connect meaningfully with waterbodies to further their amenity, health and well-being, including through recreation and harvesting food, should be recognised and provided for within Otago planning framework.
22. The ability for people to interact with waterbodies in a meaningful way is important to recognise in the PORPS 2021, yet is distinctly missing. People should be able to engage in recreational opportunities, harvest food and mahinga kai in a healthy environment. These experiences help define who we are as a people and as a country. People from around the world come to New Zealand to seek out these same experiences. Access to outdoor experiences, recreational opportunities and the gathering of food is more important than ever and ensuring that these opportunities are available to future generations is vital.

A necessity for clear wording – removing ambiguity for the benefit of all

23. There is a necessity for directive wording in the PORPS 2021 if it is to overcome centuries of environmental degradation in Otago at the hands of humans. Change in this context will require all New Zealanders to play a part and it may not always be easy. For this reason, Fish & Game has a preference to embed directive wording in the PORPS 2021, so that all New Zealanders are clear about the path forward and what is required.

A need for clear language

24. The PORPS 2021 states, “*The [P]ORPS has been drafted using direct language and clarity of outcomes sought*”.¹⁵ However, it falls short of this claim at multiple points. Fish & Game considers this statement as critical to achieving outcomes and seeks relief that will reduce uncertainty as to the conclusions to be drawn from provisions.
25. The PORPS 2021 uses wording which creates uncertainty as to the direction it is providing. Phrases like ‘sustain’, ‘encourage’, ‘promote’, ‘practicable’ or ‘wherever possible’ does not provide clear direction to the decision-maker and undermines the effectiveness of the provision.
26. Similarly, other phrases used in the PORPS 2021, such as ‘improve’, ‘maintain’ or ‘enhance’ provide a general sense of direction but not specific detail on what is intended. The directives ‘improve’ or ‘enhance’ are particularly problematic, as they direct that movement be in a positive direction but do not suggest how much movement is necessary. Identifying the scale of improvement required is then difficult and often politically fraught. The phrase ‘maintain’, in the context of ecological integrity, faces the opposite problem. The phrase is often associated with preserving the status quo and directs the factors within the ecological integrity concept to be preserved at status quo levels.
27. In these cases where ‘maintain’, ‘improve’ or ‘enhance’ is used, Fish & Game has generally opted to seek the wording ‘protect and restore’, with a definition provided for restoration to aid in clarity. ‘Protect’ has a similar meaning to ‘maintain’ in that the quality or extent of the attribute is not to be meaningfully reduced, but has fewer connotations to retaining the status quo. In the context of a degraded ecosystem, such as a heavily abstracted river where a decision maker is considering activities against a naturalised flow, the protection of habitat might require that habitat be improved from the status quo.
28. This is intermixed then with the term ‘restore’, but using such a term in addition is useful to add guidance. Fish & Game has a preference for using ‘restore’ in addition to ‘protect’, as it can be defined to require a target state, so that decision makers face less ambiguity as to how much improvement is required in a given circumstance. The definition proposed by Fish & Game is such that restoration need not occur when the target state is already achieved; therefore, the provision direction can be to protect *and* restore.
29. Multiple points within the PORPS 2021 use wording that is akin to limits, such as ‘environmental limits’, ‘bottom lines’ or ‘environmental constraints’. Fish & Game submits that ‘environmental limits’ is most suitable as it aligns with commonly used terminology, including that in the NPS-FM 2020. Language should be clear and consistent and direct that environmental limits be determined for the region to an adequate standard, or to achieve specific aims, and that resource use and all activities must be within those limits.

¹⁵ PORPS 2021, pg 11

Ecosystems and indigenous biodiversity

30. The PORPS 2021 intends, via its Long Term Vision (IM-O1), to manage all forms of plants and animals (whether native to New Zealand or introduced) and in doing so, achieve healthy, resilient and safeguarded natural systems. It is not defined what a 'natural system' is, but reference to 'natural and physical resources' in IM-O1 strongly suggests that introduced species are included within the concept and are acceptable where the whole natural system is healthy, resilient and safeguarded. This is consistent with the approach of the RMA, where the purpose refers to 'natural and physical resources', and explicitly references both indigenous species¹⁶ and the habitat of trout and salmon,¹⁷ in addition to discussing ecosystems and outstanding natural features, categories of water bodies and the environment in a manner that is inclusive of both indigenous and introduced species, in Part 2.
31. Within the PORPS 2021 wording used to discuss the protection, enhancement or restoration of ecosystems and habitat can be focused on those which are exclusively indigenous or native. Fish & Game's interpretation is that references to indigenous habitats and native ecosystems in the PORPS 2021 direct that habitats and ecosystems that are not wholly native or indigenous are not to be considered at all.
32. This runs the risk creating an unintentionally narrow focus as habitats and ecosystems that host only indigenous species are rare in Otago, so a focus on just those habitats and ecosystems effectively weakens protection of water bodies and terrestrial ecosystems generally. Introduced flora, such as gorse and introduced trees, provide habitat for indigenous species and are widely interspersed within Otago ecosystems. Furthermore, the concept of ecosystems includes fauna, so the abundance of introduced insects, animals and fish (most of which are not considered pests) means that Otago ecosystems are not entirely indigenous or native.
33. The end result is that using terminology like indigenous or native to describe broad ecological terms like habitat and ecosystems makes protection, enhancement, and restoration more, not less, difficult. Fish & Game supports the protection of ecosystems and indigenous biodiversity and recommends that these concepts are included in the ORPS 2021 to achieve the outcomes.
34. Fish & Game seeks relief that will:
 - a. provide protection for Otago's ecosystems, indigenous biodiversity and habitats; and
 - b. define the term natural environment so it is meaningful in the Otago Region.

¹⁶ RMA section 6(c)

¹⁷ RMA section 7(h)

Reasons for submission

Statutory context

35. In its Section 32 Report, the ORC has outlined the documents and legislation that is relevant to the PORPS 2021. Fish & Game agrees with and adopts this list, with the exception of noting that the Central South Island Sports Fish and Game Management Plan 2012 - 2022 will also need to be considered.
36. Fish & Game has prepared its submission with the above documents and legislation in mind.

General relief sought

37. Fish & Game generally seek the following outcomes:
- c. protects water bodies and freshwater ecosystems, including the habitat of trout and salmon, from the impacts of land use and restores them where they are degraded;
 - d. develops a framework for considering when protecting the habitat of trout and salmon is consistent with protecting the habitat of indigenous species and assists in managing species interactions where they are of concern;
 - e. require the RPS to take a hierarchical approach, with a priority on the natural environment;
 - f. remove ambiguous and unclear wording and replace with consistent, directive terms;
 - g. recognise and provide for the way in which people connect with the environment, including recreation in and around water and harvesting food from water bodies;
 - h. define the term natural environment, which is used at critical points in the PORPS 2021, so it can be meaningful in a modern Otago context;
 - i. provide protection for the wide range of Otago ecosystems and habitats by removing the words 'indigenous' and 'native' where it is not logical;
 - j. remove references to 'environmental bottom lines' and 'environmental constraints' and instead use the term 'environmental limits' consistently;
 - k. explicitly acknowledge that water bodies that support recreation and amenity values are highly valued features;
 - l. explicitly acknowledge and ensure consistent protection of the water bodies recognised in the Water Conservation (Kawarau River) Order; and
 - m. significant reduction in length of Parts 1 and 2.

38. Specific changes to the provisions are set out below. In the alternative, Fish & Game seek additional and consequential changes that give effect to the general relief and outcome sought in the submission above, or that otherwise address the issues highlighted in the reasons for the submission.

39. In the alternative, Fish & Game seek deletion of the PORPS 2021.

Relief sought on specific provisions

40. In addition, Fish & Game seeks the below relief or alternative wording to the same effect.

Provision	Position	Reasoning	Relief Sought
Foreword or mihi	Support in part	The foreword reads too narrowly, as though the PORPS 2021 applies primarily to water bodies. The PORPS 2021 covers the totality of the natural and built environment in Otago, in an integrated fashion.	Reword and correct the focus of the Foreword
Definitions chapter	Support in part	Fish & Game support the provisions within chapter and seek to retain the provision wording, subject to the comments below.	Retain, subject to relief below
Definition: regionally significant infrastructure	Support	The types of infrastructure listed here should be restricted to those which are strictly necessary to achieve the intent of the related provisions. There is a risk that this definition will balloon in size, as organisations and people in Otago vie to have specific infrastructure of importance to them included in this definition.	Retain
Definition: natural environment	Seek insertion	The term natural environment is used at critical points in the PORPS 2021, such as in IM-P2, but is never defined. Fish & Game’s experience is that any term including the word ‘natural’ (or variants of) is difficult to use in practice as it means different things to different people. This term could be usefully clarified. Fish & Game has drawn on and modified wording from the Natural and Built Environment Act Exposure Draft, which uses similar wording to that of natural and physical resources under the RMA. It is acknowledged that there is no legal basis for using this wording—it is simply that it is most useful.	<u>Natural environment means:</u> <u>(a) land, water, air, soil, minerals, energy, and all forms of plants, animals and other living organisms, whether native to New Zealand or introduced, and their habitats,</u> <u>(b) ecosystems, their constituent parts and the natural processes that sustain these,</u>

		Because this term is related to, but broader than, that of natural and physical resources, consequential changes may be required to insert references to the natural environment in addition to or in place of natural and physical resources, in provisions throughout the PORPS 2021, as needs be.	<p><u>(c) the natural landscape and landforms that are formed by the interactions between (a) and (b), and</u></p> <p><u>(d) excludes pests and domestic and farmed animals.</u></p> <p>Plus, consequential changes as referenced in the reasoning section.</p>
Definition: minimise	Seek insertion	The term minimise is used in the PORPS 2021 but is not defined and the directive nature of the document could be improved if this were undertaken.	<p><u>Minimise means to reduce to the smallest amount reasonably practicable. Minimised, minimising and minimisation have the corresponding meaning.</u></p>
Definition: precautionary approach	Seek insertion	<p>This term is used in numerous provisions of the PORPS 2021 and is commonly referenced in Otago planning processes already. Fish & Game’s experience is that a lack of clear definition has hindered the concept’s effective use in the past. This issue will be resolved by defining it within the PORPS 2021. To do so, Fish & Game has drawn on the NPS-FM 2020 section 1.6.</p> <p>Fish & Game acknowledges there will be reluctance to place a priority on the natural environment in (b), within the context of natural hazards decisions. However, this approach is consistent with the integrated management chapter provisions, particularly P2, which natural hazard precautionary approach provisions (such as HAZ-NH-P5) are not explicitly excluded from.</p>	<p><u>Precautionary approach means an approach that:</u></p> <p><u>(a) avoids not acting due to uncertainty about the quality of quantity of the information available, and</u></p> <p><u>(b) interprets uncertain information in a way that best supports the health, well-being and resilience of the natural environment</u></p>
Definition: restore	Seek insertion	A direction to restore is used often in the PORPS 2021 and this intent is supported by Fish & Game. Fish & Game has long sought restoration of degraded ¹⁸ environments and ecosystems. In Fish & Game’s experience, the concept has been difficult to implement because it is often unclear to what standard restoration should aim for. It is appropriate to resolve this issue within	<p><u>Restore means to return to a state of good health, well-being and resilience.</u></p>

¹⁸ The word is used in the general sense, as Fish & Game has sought restoration since long before the term ‘degraded’ came to be defined within national policy statements.

		<p>the PORPS 2021, and Fish & Game seeks relief that will provide guidance on what the term requires people to achieve.</p> <p>This proposed wording has been developed so that restoration is self-evidently not required when the object of restoration is already in a state of good health, well-being and resilience, meaning that directive language can be used in provisions. This allows for consequential changes elsewhere in the PORPS 2021, so that language that adds additional uncertainty can be replaced with certain, positive directions. Fish & Game seeks such consequential changes be made.</p>	
Provisions of MW Chapter	Support in part	<p>Fish & Game generally supports the provisions of this chapter, noting that MW-O1 requires the PORPS 2021 to 'give effect to' the Treaty of Waitangi. The test is the same as in the Conservation Act 1987, which Fish & Game operates under, and Fish & Game is supportive of the intent. Fish & Game does wish to clarify whether this directive can be practically achieved, as the treaty is an agreement between Iwi and the Crown, whereas the local authorities administering the PORPS 2021 are a small part of a wider group of Crown institutions.</p>	<p>Retain and clarify whether the PORPS 2021 is practically able to give effect to the Treaty of Waitangi.</p>
SRMR Chapter	Support in part	<p>The National Planning Standards Regional Policy Statement 'rehousing' template refers to the issues section as being the engine room of the RPS, where issues are to be discussed, with priorities raised alongside potential solutions. At present, the PORPS 2021 does not achieve this.</p> <p>Aside from this point, Fish & Game support this chapter, subject to the comments below.</p>	<p>That all the relief sought by Fish & Game is generally reflected as solutions within the SRMR chapter, to be redrafted in its entirety.</p>
SRMR – Interacting with water bodies	Seek insertion	<p>The SRMR chapter does not discuss the way in which people in Otago interact with the environment for recreation, or otherwise value its amenity values, and gain wellbeing from it. While it is a positive, not negative issue, it is an issue of significance to the people of Otago (and others who visit the region) and should be represented within the SRMR chapter as a matter of priority.</p>	<p>Insert an additional issue to the SRMR chapter, discussing the positive issue of the ways in which people interact with the environment in Otago for recreation and amenity, including but not limited to how resource management decisions impact upon this capability. The links</p>

			<p>between the well-being of people and connection with the environment must be recognised.</p> <p>Fish & Game has not drawn up this wording, as the work involved is substantial and would be better proffered by the PORPS 2021 authors to maintain consistency with the language used in the other issues; however, Fish & Game can provide wording if necessary.</p> <p>Included in the description of this new issue, and then following through into the provisions, should be reference to the fact that where a water body supports positive recreation and amenity values, that that water body is a "highly valued feature" in accordance with both the definition and APP9.</p>
SRMR-12	Support in part	<p>When discussing impacts of climate change on species at multiple points the passage restricts consideration to native species, rather than the whole of the environment. The phrase 'native ecosystems' (and related terms) is prominent and it is not clear what this actually refers to, as very few ecosystems do not have introduced species intertwined with natives. The focus on 'native' species and ecosystems unnecessarily and inaccurately narrows the massive scope of the issue. This also makes the passage inconsistent with other issues passages, which talk about ecosystems and species wholistically (unless there is genuine reason not to, as in SRMR-17 when talking specifically about indigenous biodiversity loss).</p>	<p>Remove the word 'native' throughout the passage, except where referring to interactions between native and introduced species in the first paragraph of the Environment sub-section.</p>

		The issue does not include reference to the potential risks posed to ecosystems from humans adapting to climate change. For example, building additional dams to store snow melt water, which is likely to be reduced in quantity over a season.	Insert additional sentence into the Environment section which reads: <u>Human adaptation to climate change, such as building or expanding dams or flood protection schemes, may impose adverse impacts upon ecosystems in addition to those imposed by climate change itself.</u>
SRMR-13	Support	This is an issue of concern for Fish & Game. It is noted that there is a statutory meaning for the word 'pest' that this issue is confined to.	Retain or ensure any changes continue to be confined to the statutory identification of pests in the Biosecurity Act, and the Otago Pest Management Plan.
SRMR-15	Support in part	The environmental section should include reference to the health and well-being of water bodies being affected by water demand, in addition to the ecosystems within water bodies. Doing so will make the passage consistent with the Te Mana o te Wai priority on "the health and well-being of water bodies <i>and</i> freshwater ecosystems." ¹⁹	Add sentence to the Environmental section: "... between species and their habitat. <u>The sum of these impacts affects the overall health, well-being and resilience of the water body.</u> How much an ecosystem ..."
SRMR-17	Support in part	Parts of this passage imply that it is only trout and dams causing loss of aquatic biodiversity—this is not the case. Alteration to water ways, especially from land use decisions, is a massive contributor to the decline of freshwater species. As discussed above, the impact of sports fish on native freshwater species is smaller than that of land use decisions. This passage should be broadened to better reflect the reality of the situation. Fish & Game is conscious of the need to manage species interaction issues and the difficulties of doing so, given the complex matrix of responsibility for species and habitats involved created by the Treaty of Waitangi, the Conservation Act 1987 and the RMA. As such, Fish & Game has proposed a	Insert a sentence to place focus on a more holistic gambit of issues facing native freshwater species: "degraded native fish communities, due to <u>anthropogenic alteration of waterways, such as damming, abstraction, bed manipulation, draining wetlands and the discharge of contaminants, the presence of the Clutha dams and their effects on eel populations</u> and trout predation on native galaxiids."

¹⁹ NPS-FM 2020 2.1(1)(a)

		framework in its relief to protect and restore the natural environment, where trout and salmon habitat is present. Details on the proposed framework are in the relief sought later in this submission.	
RMIA chapter provisions	Support	Fish & Game notes that RMIA-WAI-I1 refers to mahiki kai being carried out in artificial habitats and switching to exotic species such as trout and salmon, which is generally supported by Fish & Game.	Retain
IM Chapter	Support in part	Fish & Game support the provisions within chapter and seek to retain the provision wording, subject to the comments below.	Retain, subject to relief below
IM-O1	Support in part	The PORPS 2021 will need to achieve this vision, meaning that in order to embody the positive aspects of the NPS-FM 2020 which Fish & Game seek.	The management of <i>natural and physical resources</i> in Otago, by and for the people of Otago, including Kāi Tahu, and as expressed in all resource management plans and decision making, achieves, <u>as a priority, a</u> healthy, resilient, and safeguarded natural <u>systems</u> environment, <u>and including</u> the ecosystem services <u>they</u> it offers, and <u>then ensures that actions by humans</u> supports the well-being of the <u>natural environment and</u> present and future generations, mō tātou, ā, mō kā uri ā muri ake nei.
IM-O3	Support in part	The reference to ‘environmental’ in the title is unnecessary when referring to sustainable. A sustainable impact is one that is inherently sustainable across the different domains of sustainability (ecologically, socially, economically).	IM-O3 – <u>Environmentally</u> Sustainable impact ...

IM-P1	Support in part	The provision would be improved by using consistent language referencing environmental limits.	The objectives and policies in this RPS form an integrated package, in which: (1) all activities are carried out within the environmental constraints limits of <u>directed by</u> this RPS, ...
IM-P2	Support in part	The phrase 'life-supporting capacity' should be broadened to include the health, well-being and resilience of the natural environment. These phrases encapsulate life-supporting capacity but are more holistic in nature. They provide a cumulative check that decisions will consider the natural environment in its entirety. While Fish & Game has a clear focus on the natural environment, it is acknowledged that the PORPS 2021 also deals with the anthropogenic realm. Fish & Game supports the hierarchical approach of this provision and the clear direction which will apply to most of the document. Fish & Game expects that the second and third tiers will create positive outcomes for humans.	Unless expressly stated otherwise, all decision making under this RPS shall: (1) firstly, secure the long-term <u>health, well-being, resilience</u> and mauri of the natural environment, ...
IM-P4	Support in part	Fish & Game's experience is that ecosystem health is often undermined by many small effects, including those which are no more than minor, merging into cumulative effects that can be much larger in scale. As notified, this provision does not address this issue effectively. The provision can be improved by requiring the measurement and proactive management of cumulative effects, and by requiring the identification and implementation of environmental limits.	Healthy <u>and resilient</u> ecosystems and ecosystem services are achieved through a planning framework that: (1) protects their intrinsic values, (2) takes a long-term strategic approach that recognises changing environments, (3) recognises and provides for ecosystem complexity and interconnections, <u>and</u> (4) anticipates, or responds swiftly to, changes in activities, pressures, environmental state and trends.

			<p><u>(5) measures cumulative effects on the environment and requires their proactive management, and</u></p> <p><u>(6) Identifies and implements environmental limits in at least the following matters:</u></p> <p><u>(a) air,</u></p> <p><u>(b)coastal waters,</u></p> <p><u>(c) estuaries,</u></p> <p><u>(d) freshwater,</u></p> <p><u>(e) wetlands, and</u></p> <p><u>(f) soil.</u></p>
IM-P5	Support in part	<p>The value and function of a natural or physical resource may extend geographically, as represented in the provision as notified, or through time. For example, young of the year salmonids²⁰ have no fishery value in and of themselves but are part of a lifecycle which will lead to a cohort of young of the year becoming a fishable population of adults in time. The value of young of the year for fishery purposes is not immediately recognised if environmental interconnections through time are not also recognised.</p> <p>Reference to the natural environment are also sought to be inserted in addition to natural or physical resources, to ensure that the broader natural environment, which includes ecosystem processes and landscapes, are considered. The phrase ‘natural or physical resource’ must remain as it refers to structures, which are not part of the definition sought for the natural environment.</p>	<p>Coordinate the management of interconnected natural and physical resources by recognising and providing for:</p> <p>(1) situations where the value and function of a natural or physical resource, <u>or the natural environment,</u> extends beyond the immediate, or directly adjacent, area of interest, <u>in time or space,</u></p> <p>(2) the effects of activities on a natural or physical resource, <u>or the natural environment,</u> as a whole when that resource is managed as sub-units, and</p>

²⁰ That being animals which are less than one year old.

			(3) the impacts of management of one natural or physical resource, <u>or the natural environment</u> , on the values of another, or on the environment.
IM-P7	Support in part	Consequential relief is requested to consider the broadened term 'natural environment' within this provision.	Coordinate the management of Otago's natural and physical resources <u>and the natural environment</u> across jurisdictional boundaries and, whenever possible, between overlapping or related agency responsibilities.
IM-P10	Support in part	<p>Climate change adaptation will be necessary for Otago in future and it will trigger some difficult environmental decisions. For example, should a dam be built to provide more zero-emission energy, despite aiding to over-allocation or removing fish passage? Fish & Game seek relief that places a preference on choosing climate change adaptation and mitigation actions that avoid contravening environmental limits unless it is absolutely necessary.</p> <p>The framework set up by IM-P10, IM-P11 and IM-P12, with the relief sought by Fish & Game, sets up such a framework. The relief sought makes it clear that contravening environmental limits is to be a last resort. This is justified, as the point of limits is for them not to be broken and this should not be undertaken haphazardly.</p>	<p>Identify and implement climate change adaptation and mitigation methods for Otago that:</p> <p>(1) minimise the effects of climate change processes or risks to existing activities,</p> <p>(2) prioritise avoiding the establishment of new activities in areas subject to risk from the effects of climate change, unless those activities reduce, or are resilient to, those risks, <u>and</u></p> <p>(3) provide Otago's communities, including Kāi Tahu, with the best chance to thrive, even under the most extreme climate change scenarios, <u>and</u></p> <p><u>(4) preferentially chooses actions which avoid contravening environmental</u></p>

			<u>bottom lines, unless consistent with IM-P12.</u>
IM-P12			... (4) the activity will not impede either the achievement of the objectives of this RPS or the objectives of regional policy statements in neighbouring regions, and (5) the activity will not contravene an <u>bottom line environmental limit</u> set in a national policy statement or national environmental standard, <u>and</u> <u>(6) there are no other reasonable alternatives, including changes in the nature or scale of associated activities.</u>
IM-P13	Support in part	This provision is improved by broadening the consideration from natural and physical resources to that of the whole environment, which includes concepts such as amenity. In addition, Fish & Game seek that all cumulative activities in Otago ultimately support the health, well-being and resilience of the natural environment. This is a positive aspect of the NPS-FM which can be brought into the wider context of the RPS without being inconsistent with other NPSs.	Otago's environmental integrity, form, function, and resilience, and opportunities for future generations, are protected by recognising and specifically managing the cumulative effects of activities on <u>the environment natural and physical resources</u> in plans and explicitly accounting for these effects in other resource management decisions, <u>such that the sum of human activity in Otago supports the health, well-being and resilience of the natural environment.</u>
IM-P14	Support in part	The PORPS 2021 will be improved in achieving its vision if it is clear that all activities are to support the health, well-being and resilience of the natural environment. Fish & Game sought relief to ensure this is the case for cumulative	...

		activities and further guidance will be helpful for individual activities in this provision.	requiring that activities are established in places, and carried out in ways that <u>support the health, well-being and resilience of the natural environment</u> , are within those limits and are compatible with the natural capabilities and capacities of the resources they rely on, and ...
IM-P15	Support in part	The precautionary approach should not be reserved only for times when effects could be potentially adverse, as uncertainty should never be a reason not to address potential adverse effects. The definition for 'precautionary principle' sought by Fish & Game is not radical, but simply requires uncertainty to be addressed in a practical manner. It is certainly suitable to be applied to all situations where uncertainty arises.	Adopt a precautionary approach towards proposed activities whose effects are uncertain, unknown or little understood, but could be significantly adverse , particularly where the areas and values within Otago have not been identified in plans as required by this RPS.
IM-M1	Support in part	Fish & Game seek improvements by: <ul style="list-style-type: none"> - referring to the broader term 'natural environment', rather than 'natural and physical resources'; - use wording that is more broad and clear when referring to ecosystem services and intrinsic values. 	... (4) ensure cumulative effects of activities on <u>natural and physical resources the natural environment</u> are accounted for in resource management decisions by recognising and managing such effects, including: ... (5) adopt a ki uta ki tai approach to resource management by establishing policy and implementation frameworks that <u>treat reinforce</u> Otago's environments as an integrated system, including

			<p>collaboration between local authorities to achieve consistent management of resources or effects that cross jurisdictional boundaries, and</p> <p>(6) establish clear thresholds for, and limits on, activities that have the potential to adversely affect healthy ecosystem services and intrinsic values, which support the health, well-being and resilience of the natural environment.</p>
IM-M2	Support in part	Limb (3) refers to 'environmental' when clearly it is in reference to only ecological factors, as the other aspects of the environment are also listed.	<p>...</p> <p>(3) consult with Otago's communities to ensure policy frameworks adequately respond to the diverse facets of environmental ecological, social, cultural, and economic well-being.</p>
LF-WAI Chapter	Support in part	Fish & Game support the provisions within chapter and seek to retain the provision wording, subject to the comments below.	Retain, subject to relief below
LF-WAI-O1	Support in part	As discussed above, Fish & Game seek that the way people connect with water bodies be recognised and provided for within the PORPS 2021.	<p>...</p> <p>(4) water and land have a connectedness that supports and perpetuates life, and</p> <p>(5) Kāi Tahu exercise rakatirataka, manaakitaka and their kaitiakitaka duty of care and attention over wai and all the life it supports, and</p> <p>(6) people are enabled to use,</p>

			<u>enjoy and connect meaningfully with water bodies to further their amenity and well being, including through recreation and harvesting food</u>
LF-WAI-P1	Support in part	The word 'bathing' in (2) for immersive activities in rivers is rarely used in a modern English language context and would be better replaced with 'recreation'. While not all forms of recreation are immersive, the direction in limb (2) clearly directs that only immersive recreation, aside from harvesting resources as it is mentioned explicitly, are to be considered.	... (2) second, the health and well-being needs of people, te hauora o te tangata; interacting with water through ingestion (such as drinking water and consuming harvested resources) and immersive activities (such as harvesting resources and bathing <u>recreation</u>), and ...
LF-WAI-P3	Support in part	As discussed above, trout and salmon habitat is to be protected insofar as it is consistent with Policy 9 of the NPS-FM. Fish & Game has proposed a framework to inform this and remove ambiguity. This provision can be improved by directing the protection of trout and salmon habitat and referencing this framework. In line with other relief sought, and for the same reasons, Fish & Game also seeks that activities relating to water support the health, well-being and resilience of water bodies. Unclear language is sought to be replaced in multiple places in this provision to ensure the document is directive and unambiguous. Most notably, this includes a requirement to restore.	Manage the use of fresh water and land in accordance with tikaka and kawa, using an integrated approach that: (1) recognises and sustains the connections and interactions between water bodies (large and small, surface and ground, fresh and coastal, permanently flowing, intermittent and ephemeral), (2) sustains and wherever possible, restores the connections and interactions between land and

		<p>A long-running issue with the RPW is that it is not clear whether adverse effects should be compared against the status quo or a naturalised flow / unpolluted state. This can be helpfully resolved within this provision.</p> <p>In addition, Fish & Game seeks to insert direction to manage water and land in a way that recognises and sustains amenity and recreation values. This resolves a gap in the provision.</p>	<p>water, from the mountains to the sea,</p> <p>(3) sustains and, wherever possible, restores the habitats of mahika kai and indigenous species, including taoka species associated with the water body,</p> <p><u>(3a) sustains and restores the habitats of trout and salmon species associated with the water body, insofar as this is consistent with ECO-P11,</u></p> <p>(4) manages the effects of the use and development of land to maintain or enhance the health and well-being of fresh water and coastal water,</p> <p>(5) requires encourages the coordination and sequencing of regional or urban growth to ensure it is sustainable,</p> <p>(6) has regard to foreseeable climate change risks, and</p> <p>(7) has regard to cumulative effects, and</p> <p>(8) the need to apply <u>applies</u> a precautionary approach where there is limited available information or uncertainty about</p>
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			<p>potential adverse effects,</p> <p><u>(9) preferentially considers effects against the naturalised flow and unpolluted state of a water body when making flow and quality decisions about the health, well-being and resilience of water bodies and freshwater ecosystems, including when setting limits or environmental outcomes, and</u></p> <p><u>(10) requiring all activities affecting water bodies to support the health, well-being and resilience of relevant water bodies and associated freshwater ecosystems.</u></p> <p><u>(11) Recognise and sustain the amenity and recreation values that people and communities derive from water bodies and their sources, including recreation in and around water and harvest food from water.</u></p>
LF-WAI-P4	Support in part	Fish & Game seeks that an additional policy be inserted into the LF-WAI chapter to aid in the consideration of TMOTW. A consequential change has been made to LF-WAI-P4.	All persons exercising functions and powers under this RPS and all persons who use, develop or protect resources to which this RPS applies must recognise that LF-WAI-O1, LF-WAI-P1, LF-WAI-P2, LF-WAI-P3 <u>and LF-WAI-P5</u> are

			fundamental to upholding Te Mana o te Wai, and must be given effect to when making decisions affecting fresh water, including when interpreting and applying the provisions of the LF chapter.
LF-VM Chapter	Support in part	Fish & Game support the provisions within chapter and seek to retain the provision wording, subject to the comments below.	Retain, subject to relief below
LF-VM-O2 to LF-VM-O6		<p>Fish & Game notes that a vision be clear as to the outcomes sought, as it must set aspirational goals that are difficult to achieve but not impossible,²¹ but a vision is also most effective also provide a narrative for people to aspire towards. This is currently missing, and the vision objectives don't paint a holistic vision for outcomes in the catchments, they are more disparate parts that do not add up to a whole.</p> <p>Even more worryingly, some vision objectives cite basic aspects of river management within them, such as restoring the gravel bed, or restring natural form and function, while these are absent in others. The implication of this is that where such basic goals are not discussed, they need not be achieved.</p> <p>Fish & Game seeks that an overarching vision be inserted that can apply to every river. This should paint a holistic picture about how all rivers will be managed in future to provide for their health, well-being and resilience. From this, LF-VM-O2 to LF-VM-O6 should stand in addition (subject to additional relief sought by Fish & Game) to provide additional vision goals only where they are specific to that FMU or Rohe.</p> <p>Fish & Game has provided wording for such an over-arching vision objective and notes that the wording proposed may need to be expanded to be inclusive of vision wording for other parties which Fish & Game cannot speak for.</p>	<p>LF-VM-OA2 – All of Otago catchment vision</p> <p><u>By no later than 2040, in all Otago catchments:</u></p> <p><u>(1) water bodies are protected at, or returned to a state of good health, well-being and resilience,</u></p> <p><u>(2) activities relating to water support the health, well-being and resilience of affected water bodies,</u></p> <p><u>(3) the natural form and function of water bodies, including with respect to water quality, sedimentation and flows, mimics that of their natural behaviour,</u></p> <p><u>(4) ecosystem connections between freshwater, wetlands and the coastal environment are protected and restored,</u></p> <p><u>(5) wetland, estuary and lagoon extent has been restored as much as practical</u></p>

²¹ NPS-FM 2020 section 3.3(2)

		<p>Fish & Game seeks relief to resolve drafting issues within the vision objectives. Many vision limbs aren't formatted logically. For example, LF-VM-O2(7)(b)(ii) requires that land use be innovative in addition to sustainable. In Fish & Game's experience, sustainable land use may arise from 'traditional' and decidedly not innovative practices low stocking rate high country grazing enterprises. A land use practice doesn't have to be cutting edge to be sustainable.</p> <p>Finally, the dates by which the visions are to be achieved is unnecessarily distant. For some limbs within the visions, such as LF-VM-O2 (4) and (5) are not time bound at all, despite having clear goals that could be set to a timeframe. Particularly in Central Otago catchments affected by excessive abstraction, where deemed permit holders have already been given 30 years to move towards more sustainable practices, movement should be quicker. Fish & Game seeks that all relevant goals within the vision objectives be achieved by at most 2040. For some catchments, achievement of the visions may still need to occur sooner.</p>	<p><u>where it has been lost, and their quality is protected and restored,</u></p> <p><u>(6) the habitat of indigenous species is protected and restored, and indigenous species are able to migrate easily within and between catchments,</u></p> <p><u>(7) the habitat of trout and salmon is protected and restored, and trout and salmon are able to migrate easily within and between catchments, insofar as each goal is consistent with that of indigenous species,</u></p> <p><u>(8) food is available to be harvested from water bodies in abundance and is safe to consume,</u></p> <p><u>(9) people have abundant, quality opportunities to connect with and recreate within or close to a wide range of water bodies,</u></p> <p><u>(10) there are no direct discharges of waste water to water bodies, and</u></p> <p><u>(11) fresh water is managed in accordance with the LF-WAI objectives and policies.</u></p> <p>Consequential relief to remove parts of LF-VM-O2 to LF-VM-O6 that duplicate direction in LF-VM-AO2.</p> <p>Specific drafting of this consequential relief and relief required to remove</p>
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			drafting issues sought by Fish & Game has not been provided by Fish & Game as the potential consequential amendments required will be comprehensive and has the capacity to make and specific drafting changes redundant.
LF-VM-M3	Support in part	Limbs (3) and (4) may create a perverse outcome in that they would require community initiatives to be supported, regardless of merit. Fish & Game seeks relief that allows the ORC choose which initiatives and guidelines it supports on a merit basis.	(3) <u>strongly considering</u> supporting community initiatives that contribute to maintaining or improving the health and well-being of water bodies, and (4) <u>strongly considering</u> supporting industry-led guidelines, codes of practice and environmental accords where these would contribute to achieving the objectives of this RPS.
LF-FW Chapter	Support in part	Fish & Game support the provisions within chapter and seek to retain the provision wording, subject to the comments below.	Retain, subject to relief below
LF-FW-O8	Support in part	Fish & game supports the intent of this provision and seeks that the habitat for trout and salmon is protected and restored, as discussed above, and that the health, well-being and resilience of water bodies is prioritised, also for the reasons given above.	In Otago's water bodies and their catchments: <u>(A1) the health, well-being and resilience of water bodies is prioritised,</u> (1) the health of the wai supports the health of the people and thriving mahika kai, (2) water flow is continuous throughout the whole system, (3) the interconnection of fresh water (including groundwater) and coastal

			<p>waters is recognised,</p> <p>(4) native fish can migrate easily and as naturally as possible and taoka species and their habitats are protected and restored, and</p> <p><u>(4a) trout and salmon can migrate easily and their habitats are protected and restored, insofar as this is consistent with that of indigenous species, and</u></p> <p>(5) the significant and outstanding values of Otago’s outstanding water bodies are identified and protected.</p>
FL-FW-09	Support in part	<p>Above, Fish & Game has discussed how the word ‘indigenous’ can be problematic when referring to ecosystems and habitats. It is seeking changes to clarify this issue throughout the document. Fish & Game is not seeking changes to the phrase ‘indigenous ecosystem types’, as the term is more encompassing and can include an intermixing of introduced and native species, which is likely to be found in natural wetlands.</p> <p>With that said, it is ambiguous as to whether (2) refers to ‘indigenous habitats’ or just ‘habitats’. Fish Game prefers that the latter is used and seeks relief to resolve this drafting issue.</p>	<p>...</p> <p>(2) there is no decrease in the range and diversity of <u>habitats and</u> indigenous ecosystem types and habitats in natural wetlands,</p> <p>...</p>
LF-FW-P7	Support in part	<p>Fish & Game seeks relief in line with elsewhere in this submission to insert wording to:</p> <ul style="list-style-type: none"> - Require the health, well-being and resilience of water bodies is protected and restored; - That all activities related to freshwater support the health, well-being and resilience of water bodies; and 	<p>(1) the health, and well-being <u>and resilience</u> of water bodies is <u>maintained or, if degraded, improved</u> protected and restored,</p> <p><u>(1b) all activities related to freshwater support the health, well-being and resilience of water bodies,</u></p>

		<p>- That the habitat of trout and salmon is protected in a manner consistent with Policies 9 and 10 of the NPS-FM</p> <p>In addition, Fish & Game has identified a gap in the provision, in that freshwater is allocated within environmental limits but discharges to freshwater are not considered within a similar framework. Relief is sought to address this point.</p> <p>Fish & Game has also split (5) to make the provision read in a more straightforward fashion.</p>	<p>...</p> <p>(2a) the habitats of trout and salmon associated with water bodies are protected and restored, including by providing for fish passage, insofar as it is consistent with ECO-P11, and</p> <p>...</p> <p>(5) existing over-allocation is phased out and future over-allocation is avoided, <u>and</u></p> <p><u>(5a) fresh water is allocated within environmental limits and used efficiently, and</u></p> <p><u>(6) discharges to freshwater are allocated within environmental limits.</u></p>
LF-FW-P9	Support in part	<p>Fish & Game assumes the word 'specific' was intended to be 'specified', so that it aligns with the definition for 'specified infrastructure'. Relief along this line is sought.</p> <p>In addition, Fish & Game seeks that the habitat of trout and salmon is considered within the provision, for the reasons given above.</p>	<p>...</p> <p>the maintenance of operation of <u>specific specified</u> infrastructure, or other infrastructure,</p> <p>...</p> <p>the effects of the activity on indigenous biodiversity and <u>the habitat of trout and salmon</u> are managed by applying <u>either</u> ECO-P3, ECO-P6 <u>or ECO-P11</u> (whichever is applicable), and</p> <p>...</p>
LF-FW-P10	Support in part	Fish & Game seeks relief that will:	<p>...</p> <p>(1) an increase in the extent and quality</p>

		<ul style="list-style-type: none"> - Improve the directive nature of the provision, for reasons given above; and - Require an increase in the extent and quality of habitat for trout and salmon in a manner that is consistent with NPS-FM Policies 9 and 10. <p>It is noted that previous language has sought the protection and restoration of trout and salmon habitat. The 'increase in extent and quality' language will achieve the same result but is required because the PORPS 2021 splits the protection and restoration components across multiple policies.</p>	<p>of habitat for indigenous species,</p> <p><u>(1a) an increase in the extent and quality of habitat for trout and salmon, insofar as it is consistent with ECO-P11</u></p> <p>...</p>
LF-FW-P13	Support in part	<p>The focus of this provision on natural character only is inconsistent with the direction, in avoiding the loss of values or extent of a river, in that the values of a river do not always fall neatly into natural character. For example, instream recreation or the habitat of trout and salmon. The relief sought by Fish & Game is intended to resolve this inconsistency.</p> <p>In addition, Fish & Game seeks relief to:</p> <ul style="list-style-type: none"> - consider trout and salmon habitat; - consider resilience as well as health and well-being for water bodies; and - remove uncertain language, such as 'wherever possible' 	<p>LF-FW-P13 – Preserving natural character <u>and instream values</u></p> <p>...</p> <p>for effects on indigenous biodiversity <u>and the habitat of trout and salmon, either ECO-P3, or ECO-P6 or ECO-P11</u> (whichever is applicable), and</p> <p>...</p> <p>establishing environmental flow and level regimes and water quality standards that support the health, <u>and well-being and resilience</u> of the water body,</p> <p><u>wherever possible</u>, sustaining the form and function of a water body that reflects its natural behaviours,</p> <p>...</p>

LF-FW-P14	Support in part	<p>This provision follows on from LF-FW-P13, except with a focus on restoration. In line with this, Fish & Game seeks relief along the lines of the above points, and the insertion of references to 'restore'.</p> <p>In addition, Fish & Game do not seek to remove the word 'indigenous' from 'indigenous vegetation' as that is easily defined. However, it should be made clear that references to 'habitat' does not refer to 'indigenous habitat'.</p>	<p>LF-FW-P14 – Restoring natural character <u>and instream values</u></p> <p>Where the natural character <u>or instream values</u> of lakes and rivers and their margins has been reduced or lost, <u>promote require</u> actions that:</p> <p>(1) restore a form and function that reflect the natural behaviours of the water body,</p> <p>(2) improve water quality or quantity where it is degraded,</p> <p>(3) increase the presence, resilience and abundance of indigenous flora and fauna, including by providing for fish passage within river systems,</p> <p><u>(3a) restore the habitat of trout and salmon, insofar as it is consistent with ECO-P11,</u></p> <p>(4) improve water body margins by naturalising bank contours and establishing <u>habitat and</u> indigenous vegetation <u>and habitat</u>, and</p> <p>(5) restore water pathways and natural connectivity between water systems.</p>
LF-FW-M6	Support in part	<p>For reasons given above, Fish & Game seeks relief to:</p> <ul style="list-style-type: none"> - consider the protection and restoration of trout and salmon habitat; and 	<p>...</p> <p><u>(4)(ca) the protection, including the potential for restoration, of trout and salmon habitat, insofar as it is consistent</u></p>

		<p>- require that activities should operate within limits that support the health, well-being and resilience of water bodies.</p> <p>In addition, Fish & Game seeks that Regional Plans specifically protect and enhance access to and recreational use of water bodies, recognising that it is a part of human amenity and well-being.</p>	<p><u>with ECO-P11, _</u></p> <p>...</p> <p><u>(4)(g) human amenity and well-being through protecting and enhancing access to, and recreational use, of water bodies, and</u></p> <p>...</p> <p>(5)(d)manage the adverse effects on water bodies that can arise from the use and development of land, and</p> <p><u>(5)(e) enable all activities operating within limits to support the health, well-being and resilience of water bodies, and</u></p> <p>...</p>
LF-FW-M7	Support in part	<p>Stormwater systems, both existing and new, continue to have adverse effects on water bodies in Otago. For new systems, adoption of best practice management tools and designs can reduce that adverse effect greatly. Resolving legacy issues associated with existing stormwater systems will require time and significant staged investment. Fish & Game seeks relief that will recognise these points and direct district plans to require action.</p>	<p>...</p> <p>require, wherever practicable, the adoption of water sensitive urban design techniques when managing the existing subdivision, use or development of land <u>in urban areas,</u></p> <p><u>(3a) require the adoption of water sensitive urban design techniques when managing new subdivision, use or development or land in urban areas,</u> and</p> <p>...</p>
LF-LS Chapter	Support in part	<p>Fish & Game support the provisions within chapter and seek to retain the provision wording, subject to the comments below.</p>	<p>Retain, subject to relief below</p>

LF-LS-P16	Support in part	Integrated management of soil and water is important to achieve the objectives as set out in the RPS and cannot be considered independently of one another.	Recognise that maintaining soil quality and <u>achieving environmental outcomes for freshwater</u> requires the integrated management of land and freshwater resources including the interconnections between soil health, vegetative cover and water quality and quantity.
LF-LS-P20	Support in part	Appropriate land use management practices can help to improve the surrounding environment and the health of ecosystems. Use of water, resilience to climate change impacts and the health of soil are all directly connected with how soil is managed, which is impacted by how land is used. In addition to the above, sustainable land use can improve habitat, back country areas, and indigenous vegetation.	... (2) resilience to the impacts of climate change, <u>or</u> (3) the health and quality of soil, <u>or</u> (4) <u>habitat, back country areas and indigenous vegetation, or</u> (5) <u>amenity and recreation values and the ability of the public to freely access the coastal marine area, lakes and rivers.</u>
LF-LS-P22	Support in part	Public access is important for people to undertake recreational opportunities and connect with nature. This is important for mental and physical health and well-being. These opportunities through access to outdoor places should be encouraged unless there is specific reason that warrants restriction such as public safety.	... (3) encouraging landowners to <u>only avoid</u> restricting public access <u>unless where</u> it is necessary to protect: ...
LF-LS-M11	Support in part	The development and use of farm plans to assist in achieving the outcomes of this chapter is considered a useful tool and should be relied on to help landowners effectively manage farming practices. Appropriately managing CSAs and limiting high-risk activities on steep slopes should be included as methods to achieve the environmental outcomes for soil and water quality. The importance of managing these areas for water quality	... (a) the development and implementation of certified freshwater farm plans <u>as required by the RMA and any regulations,</u>

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		and soil health is well-documented and researched and this should be reflected in the management of land in the region.	(b) the adoption of practices that reduce the risk of sediment and nutrient loss to water, including by minimising the area and duration of exposed soil, using buffers, <u>avoiding land uses which result in any pugging in critical source areas, limiting high risk activities on steep slopes</u> and actively managing critical source areas, ...
LF-LS-M12	Support in part	Tall tussock grasslands play an important role in ecosystem functions and health. Territorial authorities must appropriately and effectively manage land use. How they manage these areas affects soil and waterbody health and ecosystem well-being and resilience. The use of legal and paper roads is a critical conduit for the public to access waterbodies in the region. The role that territorial authorities play in this is important for continued enjoyment by the public of these places.	... (1) manage land use change by: (b) <u>minimising strongly discouraging</u> the removal of tall tussock grasslands, and (3) facilitate public access to, <u>and along the margin of,</u> lakes and rivers by: ... (b) promoting the use of legal roads, including paper roads, <u>and any other means of public access rights, to that</u> connect with esplanade reserves and esplanade strips. ...
ECO chapter provisions	Support in part	Fish & Game support the provisions within chapter and seek to retain the provision wording, subject to the comments below.	Retain, subject to relief below
ECO-O1	Support in part	Fish & Game support the objective that recognises the importance of Otago's indigenous biodiversity. New Zealand's unique environment has led to highly	Otago's <u>ecosystems and</u> indigenous biodiversity is healthy and thriving and

		distinct and significant ecosystems. It is important to recognise the role and importance of ecosystems and the role they play in supporting the health and well-being of indigenous biodiversity.	any decline in quality, quantity and diversity is halted.
Additional objective identified as ECO-O4 Trout and Salmon	Seek insertion	Otago's ecosystems are comprised of biological diversity, which includes the diversity within species, between species, and of ecosystems. Trout and salmon make up part of Otago's ecosystems and represent a highly valued species that provides a food resource and recreational opportunities. The protection of their habitat is an important component of overall ecosystem health and provides benefits far greater than those to trout and salmon alone. Fish & Game recommends an additional objective to recognise their value and place within ecosystems, where appropriate. The addition of this objective aligns with the direction set in the NPSFW 2020.	<u>ECO-O4 – Trout and salmon</u> <u>The habitat of trout and salmon in Otago is protected and restored in a manner that is consistent with the protection of habitat of indigenous freshwater species.</u>
ECO-P2	Support	The identification of areas and values of SNAs and of indigenous species and ecosystems that are taoka is important in order to give effect to the objectives. Without this identification, it is difficult to measure or understand the trajectory of improvement in meeting the objectives. Fish & Game notes that this policy refers to both indigenous species that are taoka, and ecosystems that are taoka. It is important to Fish & Game that this meaning is not lost in subsequent provisions.	Retain
ECO-P3	Support in part	As notified, (3) is ambiguous about whether the precautionary approach refers to identifying the areas, species and ecosystems or protecting them from activities. Fish & Game seek to resolve that ambiguity, in a way that refers to both.	... (3) prior to significant natural areas and indigenous species and ecosystems that are taoka being identified in accordance with ECO-P2, adopt a precautionary approach towards activities in accordance with IM-P15, <u>including as to whether values identified may be considered as significant natural</u>

			<u>areas and indigenous species and ecosystems that are taoka.</u>
ECO-P8	Support in part	The use of natural resources is an important part of human interaction in the environment and provides for economic, cultural, recreational and social needs. The ability for the environment to provide for these needs is heavily dependent on the health, well-being, and resilience of the ecosystem, habitats and species that live there. Use and development of resources should be undertaken in such a way that looks to ensure their health, well-being and resilience so that they can continue to provide for future generations.	.. (2) improving the health and resilience of indigenous biodiversity, including ecosystems, species, important ecosystem function, and intrinsic values, <u>and</u> (3) buffering or linking ecosystems, habitats and ecological corridors, <u>and</u> <u>(4) promoting the use and development of resources which support 1-3 above.</u>
ECO-P10	Support in part	Integrated management is an important component to achieve ecosystem and indigenous biodiversity health. Without the inclusion of the habitat of trout and salmon, it is difficult to manage indigenous biodiversity and ecosystems as these species are a part of Otago's ecosystems. The habitat of trout and salmon, such as water flows, water quality, sinuosity of rivers, riparian vegetation, and substrate are all critical components of trout and salmon habitat. Without consideration of these areas, ecosystem health cannot be achieved.	Implement an integrated and co-ordinated approach to managing Otago's ecosystems, <u>and</u> indigenous biodiversity <u>and the habitat of trout and salmon</u> that: ... (4) supports the various statutory and non-statutory approaches adopted to manage indigenous biodiversity <u>and the habitat of trout and salmon,</u> ...
Additional policy identified as ECO-P11 Trout and Salmon	Seek insertion	Otago's ecosystems are diverse and have myriad values. They contain important indigenous flora and fauna, provide for recreational opportunities, and are of immense cultural importance. Trout and salmon are part of these ecosystems and it is important to recognise and consider their presence and their habitats so that effective and appropriate management as part of a healthy and resilient ecosystem can be achieved. The relief sought aligns with the direction in the	<u>ECO-P11 – Trout and Salmon</u> <u>The habitat of trout and salmon will be protected, including fish passage, and restored, insofar as this is consistent with</u>

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		<p>NPSFW 2020 policies 9 and 10 in relation to the protection of habitats of indigenous freshwater species and the habitat of trout and salmon respectively, and section 3.26 Fish Passage.</p> <p>Without a policy framework that recognises the habitat of trout and salmon, there is not a mechanism to effectively recognise and manage species interaction.</p>	<p><u>the protection and restoration of habitat for indigenous species, including by:</u></p> <p><u>(1) using the method set out in ECO-M9 to identify water bodies, or parts of water bodies, where the protection and restoration of trout and salmon habitat is and isn't consistent with that of habitat for indigenous species,</u></p> <p><u>(2) in areas identified in (1) as being consistent:</u></p> <p><u>a. when considering consent applications, applying the biodiversity effects management hierarchy in ECO-P6 (1) – (5) to the habitat of trout and salmon, and</u></p> <p><u>b. consider the habitat of trout and salmon as part of the health, well-being and resilience of freshwater ecosystems, and</u></p> <p><u>(3) when making decisions affecting areas identified in (1) as not being consistent, have particular regard to the recommendations of the Department of Conservation, the Fish and Game Council relevant to the area, Kāi Tahu, and species interaction management plans developed under ECO-M9.</u></p>
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ECO-M4	Support in part	The amendments to the method are sought to appropriately recognise and give a pathway to implement the additional provisions as recommended in the submission. Without this pathway, it is difficult to implement the policies and achieve the objectives.	<p>Otago Regional Council must prepare or amend and maintain its regional plans to:</p> <p>(1) if the requirements of ECO-P3, <u>and</u> ECO-P6 <u>and ECO-P11</u> can be met, provide for the use of lakes and rivers and their beds, including:</p> <p style="padding-left: 40px;">(a) activities undertaken for the purposes of pest control or <u>maintaining protecting</u> or <u>enhancing restoring</u> the habitats of indigenous fauna <u>and trout and salmon</u>, and</p> <p>...</p>
ECO-M5	Support in part	The amendments to the method are to appropriately recognise and give a pathway to implement the additional provisions as recommended in the submission. Without this pathway, it is difficult to implement the policies and achieve the objectives.	<p>Territorial authorities must prepare or amend and maintain their district plans to:</p> <p>(1) if the requirements of ECO-P3, <u>and</u> ECO-P6 <u>and ECO-P11</u> are met, provide for the use of land and the surface of water bodies including:</p> <p style="padding-left: 40px;">(a) activities undertaken for the purposes of pest control or <u>maintaining protecting</u> or <u>enhancing restoring</u> the habitats of indigenous fauna <u>and trout and salmon</u>, and</p> <p>...</p> <p>(5) provide for activities undertaken <u>which promote for</u> the purpose of</p>

			restoring or enhancing the habitats of indigenous fauna <u>or habitats of trout and salmon</u> , and ...
ECO-M8	Support in part	The amendment better reflects the objectives of the chapter and aligns with higher order documents such as the NPSFW 2020 and the Resource Management Act.	... (1) providing information and guidance on the maintenance, restoration and enhancement of indigenous ecosystems, indigenous biodiversity and habitats, ... (7) gathering information on <u>indigenous ecosystems, indigenous biodiversity</u> and habitats, including outside significant natural areas.
Additional method identified as ECO-M9	Seek insertion	The addition of proposed ECO-M9 gives a clear pathway for how the management of species interactions and populations is undertaken to implement the policies and achieve the objectives of the chapter. Without this process, it is difficult to understand how integrated management can be undertaken, as a number of agencies that have statutory functions and Kāi Tahu that has kaitiakitanga must be able to have dialogue on this issue and have the opportunity to interact in this space as guardians and managers of the species. Current legislation such as the Conservation Act 1987 provides additional support for this to be achieved should it be considered appropriate.	<u>ECO-M9 – Identifying and managing species interactions between trout and salmon and indigenous species</u> <u>Local authorities will engage with the Department of Conservation, the relevant Fish and Game Council and Kāi Tahu, as groups with statutory or cultural obligations to manage indigenous species and trout and salmon, to:</u> <u>(1) identify areas where the protection and restoration of trout and salmon habitat is consistent with that of the habitat of indigenous species,</u>

			<p><u>(2) identify areas where the protection and restoration of trout and salmon habitat is not consistent with that of the habitat of indigenous species, such that it requires management, and</u></p> <p><u>(3) for areas identified in (2), encourage the joint production a species interaction management plan, which will:</u></p> <p><u>a. determine information needs to manage the species,</u></p> <p><u>b. determine short, medium and long term objectives,</u></p> <p><u>c. determine appropriate management actions that support identified objectives and account for habitat needs, and</u></p> <p><u>d. use tools available within the Conservation Act 1987, where appropriate.</u></p>
ECO-PR1	Support in part	Fish & Game recommend an additional sentence to better acknowledge and give context to species interaction and how to manage this to achieve the objectives of the chapter.	<p>The provisions in this chapter assist in maintaining, protecting and restoring indigenous biodiversity by:</p> <ul style="list-style-type: none"> • stating the outcomes sought for ecosystems and indigenous biodiversity in Otago, • requiring identification and protection of significant natural areas and indigenous species and ecosystems that are taoka, and

			<ul style="list-style-type: none"> directing how indigenous biodiversity is to be maintained. <p><u>The provisions in this chapter also provide guidance on the protection and restoration of the habitat of trout and salmon, including how to manage issues that may arise when this conflicts with outcomes sought for indigenous biodiversity.</u></p>
ECO-AER1	Support in part	The AER should reflect the objectives as set out in the chapter as this is what one would expect to achieve with the implementation of the RPS. The amendment appropriately recognises the interconnectedness of ecosystem health and indigenous biodiversity ki uta ki tai.	There is no further decline in the quality, quantity or diversity of <u>ecosystems and</u> indigenous biodiversity.
ECO-AER2	Support in part	The AER should reflect the objectives as set out in the chapter as this is what one would expect to achieve with the implementation of the RPS. The amendment appropriately recognises the interconnectedness of ecosystem health and indigenous biodiversity ki uta ki tai.	The quality, quantity and diversity of <u>ecosystems and</u> indigenous biodiversity within Otago improves over the life of this Regional Policy Statement.
EIT-EN Chapter	Support in part	Fish & Game support the provisions within chapter and seek to retain the provision wording, subject to the comments below.	Retain, subject to relief below.
EIT-EN-O2 Renewable electricity generation	Support in part	The term ‘maximised’ must be considered within the framework of sustainable development as ‘maximising’ renewable electricity generation may not be appropriate in all instances and it is unclear how the objective interacts with the well-being of people and communities. How do ‘environmental limits’ take into account people’s health, safety, cultural, and recreational values? Fish & Game considers that maintaining the generation capacity across the region and increasing where this fits within environmental limits provides for Otago’s renewable electricity generation and the security and resiliency of supply as identified in EIT-EN-O1.	The generation capacity of renewable electricity generation activities in Otago: (1) is maintained <u>across the region</u> and, if practicable <u>maximised increased, but only where it is consistent</u> with the environmental limits, and

EIT-EN-P1	Support in part	<p>It cannot be guaranteed that all current renewable generation will be operating in a way that is consistent with the PORPS 2021 or subsequent planning documents. For example, the PORPS 2021 and subsequent plans will need to provide guidance on how to give effect to both the NPS-REG and NPS-FM 2020. Some hydroelectrical generation, such as the Waipori scheme, completely abstract water bodies dry via deemed permits which have not yet been considered in any framework that gives effect to TMOTW. In such situations, the PORPS 2021 should not presuppose that all the current generation must continue. The PORPS 2021, with relief sought by Fish & Game, will require limits to be set which will protect, restore and support the natural environment. Fish & Game seeks that this provision direct current generation to work within those limits.</p>	<p>The operation and maintenance of existing renewable electricity generation activities is provided for <u>where it occurs within environmental limits while minimising its adverse effect.</u></p>
EIT-EN-P2 Recognising renewable electricity generation activities in decision making	Support in part	<p>The benefits of renewable electricity generation should be recognised; however, language such as ‘need’ pre-determines the extent of generation activities without consideration of environmental limits.</p> <p>In addition, Clause 3 appears to be taken from the NPS-REG, which applies to all New Zealand and is not specific to a single region. Otago already generates a substantial amount of renewable electricity which provides a significant proportion of New Zealand’s overall renewable electricity generation goals. Fish & Game questions whether Otago is required to develop a significant amount of more or additional electricity generation in order for New Zealand to meet its renewable energy targets and climate change obligations.</p>	<p>Recognising renewable electricity generation activities in decision making</p> <p>Decisions on the allocation and use of natural and physical resources, including the use of fresh water and development of land:</p> <p>(1) recognise the national, regional and local benefits of existing renewable electricity generation activities,</p> <p>(2) take into account the <u>benefits of need</u> to at least maintain<u>ing</u> current renewable electricity generation capacity,and</p> <p>(3) recognise that the attainment of increases in renewable electricity generation capacity will require significant development of renewable electricity generation activities.</p>

EIT-EN-P4	Support in part	<p>Some areas of Otago are appropriate for the development and upgrade of renewable generation – others aren't. For similar reasoning as is provided for EIT-EN-P2, seeks that the development and upgrade of renewable electricity generation activities be within environmental limits.</p> <p>In the face of the serious risks of climate change, it is appropriate that on the whole the security of renewable electricity supply is maintained and improved. However, this could be taken to mean that every watt of renewable electricity capacity should be retained in all circumstances. This is not practical as it means Otago cannot adapt to changing circumstances in future. Fish & Game seeks that this point is make clear within this provision.</p>	<p>The <u>overall</u> security of renewable electricity supply is maintained or improved in Otago through:</p> <p><u>(1) appropriate provision for the development or upgrading of renewable electricity generation activities and diversification of the type or location of electricity generation activities, where it is consistent with environmental limits, and</u></p> <p><u>(2) allowing for the possibility of reductions in renewable electricity supply at a specific location.</u></p>
EIT-EN-M1	Support in part	<p>The wording of clause (4) assumes that the environmental limits are set by the status quo, which are the current operating conditions of existing renewable electricity generation, when in fact, the current existing generation may not operate within environmental limits. It is recommended that this clause is deleted as the assumption made in the clause may be incorrect or not be able to be applied at a regional scale.</p>	<p>...</p> <p>(4) provide for the operation and maintenance of existing renewable electricity generation activities, including their natural and physical resource requirements, within the environmental limits, and</p>
UFD Chapter	Support in part	<p>Fish & Game support the provisions within chapter and seek to retain the provision wording, subject to the comments below.</p>	<p>Retain, subject to relief below</p>
UFD-O2 clause (8)	Support	<p>The objective appropriately recognises the need for development to result “in sustainable and efficient use of <i>water, energy, land, and infrastructure</i>”. This recognises the environmental limits of resources and requires that they are used sustainably.</p>	<p>Retain</p>

UFD-P7	Support in part	Rural areas provide many opportunities for people and communities to interact with the environment in a recreational capacity. These experiences help define who we are as a people and as a country. People from around the world come to New Zealand to seek out these same experiences. Access to outdoor experiences and recreational opportunities is more important than ever and ensuring that these opportunities are available to future generations is vital.	... (4) facilitates rural industry and supporting activities, <u>(4a) enables outdoor recreation,</u> ...
APP1	Support in part	The appendix is identified as a set of 'Criteria' that is to be used to assist in identifying outstanding water bodies as directed by policies and methods in the LF-FW chapter. Fish & Game considers that the contents of the table do not contain criteria but rather a further description of values that can be considered as contributing to the outstanding values identified for a waterbody. These descriptions and sub-values are helpful to understand the components that may make up an outstanding waterbody but do not assist in determining a particular threshold required in order to meet 'outstanding' or not. "Outstanding" needs to be determined within the Otago region – ie the context is does it stand out it Otago. However, this should not disregard the fact that there is one substantial Water Conservation Order in Otago, the Water Conservation (Kawarau River) Order, that recognises numerous water bodies in the Kawarau and Clutha catchments as being outstanding on a national basis.	Further develop table to include criteria. This appendix must be further developed if decisions are to be made in establishing a waterbody's outstanding-ness as seems to be directed by LF-FW P11 and M5. The spatial context needs to clearly be set at the regional level. The current Water Conservation Order for the Kawarau catchment, and all the water bodies it recognises, should be referred to explicitly.
APP3	Support in part	Biodiversity offsetting is a mechanism that can be used in certain situations to achieve outcomes where adverse effects cannot be avoided, remedied or mitigated.	(2) Biodiversity offsetting is available if the following criteria are met: (b) the offset achieves no net loss and preferably a net gain in indigenous biodiversity <u>and the habitat of trout and salmon where consistent with ECO-P11,</u> as measured by type, amount and

			condition at both the impact and offset sites using an explicit loss and gain calculation,
APP4	Support in part	Correction to text to reference what Fish & Game assumes is an error in policy number reference.	(2) Biodiversity compensation is available if the following criteria are met: (a) compensation addresses only residual adverse effects that remain after implementing the sequential steps required by ECO-P56(1) to (4),
APP9	Support in part	<p>The appendix is identified as a set of 'Criteria' that is to be used to assist in identifying outstanding and highly valued natural features, landscapes and seascapes as directed by policies and methods in the NFL and CE chapters. Fish & Game considers that the contents of the appendix do not contain criteria but rather a further description of attributes that can be considered as contributing to the outstanding values identified for features, landscapes and seascapes.</p> <p>These descriptions are helpful to understand the components that may make up an outstanding feature, landscape or seascape but do not assist in determining a particular threshold required in order to meet 'outstanding' or 'highly valued' not.</p> <p>As it relates to "highly valued features", this term is defined as "natural features, landscapes and seascapes are areas which contain attributes and values of significance under Sections 7(c) and 7(f) of the RMA 1991, which have been identified in accordance with APP9."</p> <p>However, the Appendix is too narrowly focused on classical 'landscape' values and does not take into account the recreation and amenity focus of section 7 (c) values specifically or sufficiently. This follows through to the fact that reference to the 'term "highly value feature" is used throughout the PORPS in a too limited sense, again with a landscape focus. This is incorrect, as throughout the PORPS and various provisions related to water bodies, that will be highly valued</p>	<p>Further develop table to include criteria.</p> <p>This appendix must be further developed if decisions are to be made to establish whether a natural feature, landscape or seascape is outstanding as seems to be directed by NFL-P1 and CE-P6.</p> <p>As it relates to highly valued features, expand the criteria so that it better and more explicitly encompasses the use values associated with people's appreciation of, and recreational use of water bodies.</p>

		features due to the section 7(c) amenity values they support for recreation associated with both their natural character, and the ecosystems and species present.	
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41. In addition, Fish & Game seeks relief, including wording and actions that will have the same effect, to improve the usability of the document.

Provision	Position	Reasoning	Relief Sought
Part 1 and Part 2	Support in part	Text within the opening parts of the document is very lengthy, making the document arduous to read. Fish & Game acknowledge that the layout of the PORPS 2021 will be dictated by direction of the NPF 2019 however, within this framework improvements can be made.	Make text within these parts succinct to aid in readability. Suggested changes have not been made by Fish & Game, as they will likely be substantial and best proffered by the ORC.
Navigation	Support in part	Provision codes in the pdf version of the PORPS 2021 don't easily work with search functions in common internet browsers and pdf viewers. The document would be much more navigable if the provision codes were quickly searchable. It may be that en or em dashes are used when there are few well-known keyboard shortcuts to type these quickly.	Format the provision codes so they can be navigated to via search functions on common internet browsers and pdf viewers.
Interpretation	Support in part	<p>Most definitions in the PORPS 2021 are simple references to definitions in other documents. The current format where the full definition is re-written for the PORPS 2021 makes the interpretation difficult to navigate. When adopting a definition from another document, it is common for policy documents and legislation to instead simply reference the definition, for example, in the NES-FW 2020:</p> <p><i>“Natural wetland has the meaning given by the National Policy Statement for Freshwater Management”²²</i></p> <p>Fish & Game suggests that this format be used in the PORPS 2021, as users can easily look up the definition in the referenced document. It is</p>	<p>The definitions section be refined so that it is smaller and easier to use, within the bounds of what is possible under the NPF 2019 and national planning standard.</p> <p>A marked up copy of relief is not provided as the action requested to be taken is self-evident.</p>

²² NES-FW 2020, section 3

		acknowledged that this is more difficult for readers using paper copies. To account for this, a separate glossary document listing the full meanings could be provided by the ORC. Hyperlinks sending computer users to this separate glossary might also prove to be useful for users of electronic copies.	
Explanation, principle reasons and anticipated environmental results sections	Oppose	Fish & Game understands that these sections are required by the national planning standard template, but considers the are currently drafted as being too long, and not clear.	Delete and redraft these sections