

Silver Fern Farms RPS21_FS00221

FORM 6

**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO,
SUBMISSION ON NOTIFIED PROPOSED POLICY STATEMENT
OR PLAN, CHANGE OR VARIATION**

Clause 8 of Schedule 1, Resource Management Act 1991

To Otago Regional Council
Private Bag 1954
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Name **Silver Fern Farms Limited**

1. **Further submitter details**

Name of further submitter: Silver Fern Farms Limited ("**Silver Fern Farms**")

Silver Fern Farms made a submission on the Proposed Otago Regional Policy Statement ("**PORPS**"), being submission no. 221.

2. **Only certain people can make a further submission**

Silver Fern Farms has an interest in the PORPS that is greater than the interest that the general public has on the following grounds:

- a. Silver Fern Farms has significant assets and operational interests in the Otago Region. Silver Fern Farms' Finegand Processing Plant (the "**Site**") and the underlying 48 ha property are located at 72 Yorston Road, approximately 3.5 kilometres south of Balclutha, in the Clutha District.
- b. As explained in Silver Fern Farms' original submission, the Site is a key economic asset to the Clutha District and Otago Region. Silver Fern Farms holds 15 long-term resource consents from the Otago Regional Council authorising discharges to air, land and water and for water abstractions associated with the Site's operation.

Consequently, Silver Fern Farms wishes to ensure that the PORPS recognises and provides for the Site's continued operation and associated effects.

3. Hearing options

Silver Fern Farms does wish to be heard in support of its further submission.

If others are making a similar submission, Silver Fern Farms would consider presenting a joint case with them at the Hearing.

Signature:

SILVER FERN FARMS LIMITED

by its authorised agents Mitchell Daysh Ltd



Date:

11 November 2021

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4. Further submission details

Submitter	Submission Point	Specific provision	Position on submission point	Reasons for support or opposition	Decision sought from Council
Horticulture New Zealand	00236.012	New definition - 'Ambient air'	Support	<p>Silver Fern Farms agrees that the references to 'ambient air' in the AIR chapter of the PORPS need clarification by way of definition. It supports the definition proposed by this submitter (below):</p> <p><i>"Ambient air is air outside buildings and structures. It does not include indoor air, air in a workplace or contaminated air discharged from a source".</i></p> <p>Alternatively, the drafting of provisions referring to "ambient air" could be amended to utilise the defined term "ambient air quality standards".</p>	Accept in full.
New Zealand Infrastructure Commission	00321.002	Definition - 'Effects management hierarchy'	Support	<p>Silver Fern Farms notes that PORPS Policy ECO-P6 applies this term to contexts outside the freshwater environment and in doing so, contemplates the mitigation of adverse effects. As such, Silver Fern Farms supports reference to 'mitigation' in this definition, for consistency.</p> <p>Otherwise, it is necessary for clear interpretation and application of the term, that the PORPS clearly distinguishes when use of the term 'Effects management hierarchy' is to be interpreted as defined in the National Policy Statement for Freshwater Management 2020 (which does not contemplate mitigation), and when its usage in other PORPS provisions does enable mitigation to be contemplated.</p>	Accept in full.
Waka Kotahi NZ Transport Agency	00305.001	Definition - 'Functional need'	Support	Silver Fern Farms agrees that the definition of this term in accordance with the National Planning Standards 2019 is appropriate and supports the relief sought.	Accept in full.
Waka Kotahi NZ Transport Agency	00305.004	Definition - 'Operational need'	Support	Silver Fern Farms agrees that the definition of this term in accordance with the National Planning Standards 2019 is appropriate and supports the relief sought.	Accept in full.
New Zealand Pork Industry Board	00240.025	New definition - 'Highly productive land'	Support	Silver Fern Farms agrees that a definition of 'Highly productive land' is needed in the PORPS to facilitate the implementation of Policy 'LF-LS-P19 – Highly productive land' and other provisions that seek to manage the use and development of such land.	Accept in full.
Waka Kotahi NZ Transport Agency	00305.005	New definition - 'Reverse sensitivity'	Support	Silver Fern Farms agrees with the need for, and proposed drafting of, this definition, and in particular, supports reference to the <i>intensification</i> of existing sensitive activities, as well as the establishment of new sensitive activities.	Accept in full.
Fonterra Co-operative Group Ltd	00213.007 ¹	New definition - 'Rural industry'	Support	This submission aligns with Silver Fern Farms request for the term 'rural industry' to be defined in accordance with the National Planning Standards 2019.	Accept in full.
Fonterra Co-operative Group Ltd	00213.009	Definition - 'Sensitive activity'	Support	Silver Fern Farms agrees that the PORPS definition of this term is unduly narrow. This definition must identify the full range of activities that are 'sensitive', particularly for the purposes of managing reverse sensitivity effects.	Accept in full.
Ravensdown Limited	00121.012	Definition - 'Urban area'	Support	Silver Fern Farms agrees with the submitter's proposed clarification of this term to ensure land used for rural industry activities is not classified as being in an 'urban area'.	Accept in full.

¹ Silver Fern Farms notes that the Summary of Submissions has mis-numbered submission points made by Fonterra Co-operative Group Ltd, as 00213.xxx. Fonterra's submitter no. is 00233. Waitaki Irrigators Collective Limited is submitter no. 00213. For the avoidance of doubt, please refer to the 'Submitter' column of this table in conjunction with the specific submission point numbering.

Submitter	Submission Point	Specific provision	Position on submission point	Reasons for support or opposition	Decision sought from Council
Fonterra Co-operative Group Ltd	00213.011	MW – O1 Principles of Te Tiriti o Waitangi	Support	For alignment with section 8 of the Resource Management Act 1991, Silver Fern Farms agrees with the request to replace the words 'give effect to' with the words 'take into account'.	Accept in full.
Federated Farmers of New Zealand	00239.011	MW–P2 – Treaty principles	Support	<p>Silver Fern Farms agrees with the submitter's view that the proposed policy appears to risk an inappropriate delegation of matters and includes uncertain and unclear terminology - particularly at sub-clause (2) which states:</p> <p><i>"Local authorities exercise their functions and powers in accordance with Treaty principles, by:</i> ... <i>(2) including Kāi Tahu in resource management processes and implementation to the extent desired by mana whenua,"</i></p> <p>Silver Fern Farms' agrees that a more appropriate approach would be to retain the partially operative Otago RPS Policy 2.1.2 (Treaty Principles), with the addition of reference to NPSFM 2020 provisions regarding the involvement of tangata whenua in freshwater management.</p>	Accept in full.
Federated Farmers of New Zealand	0239.012	MW–P3(1) Supporting Kāi Tahu wellbeing	Support	<p>Silver Fern Farms agrees with the submitter's view that sub-clause (1) of this proposed policy represents a significant change with a range of implications given its ambiguity and the high threshold introduced by requirements relating to 'protection' and 'restoration'.</p> <p><i>"MW–P3(1) Supporting Kāi Tahu wellbeing</i> <i>The natural environment is managed to support Kāi Tahu well-being by:</i> <i>(1) protecting customary uses, Kāi Tahu values and relationships of Kāi Tahu to resources and areas of significance, and restoring these uses and values where they have been degraded by human activities,</i> <i>(2) safeguarding the mauri and life-supporting capacity of natural resources, and</i> <i>(3) working with Kāi Tahu to incorporate mātauraka in resource management."</i></p> <p>The effectiveness, efficiency and risks, of this policy are not assessed in the Section 32 report. Silver Fern Farms supports amendment of sub-clause (1) to align with sub-clause (a) to Policy 2.2.1 of the partially operative Otago RPS, as follows:</p> <p><i>"Recognising and providing for their customary uses and cultural values in Schedules 1A and B; and,"</i></p>	Accept in full.
Te Ao Marama	00223.034	MW–M4 – Kāi Tahu involvement in resource management	Oppose	Silver Fern Farms opposes the proposed addition of the phrase 'to the extent desired by mana whenua, including...' to this method as this appears to risk an inappropriate delegation of authority.	Disallow in full.
Fonterra Co – operative Group Limited	00213.012	MW–E1 – Explanation	Support	For alignment with section 8 of the Resource Management Act 1991, Silver Fern Farms agrees with the replacement of the words 'give effect to' with the words 'take into account'.	Accept in full.
Cosy Homes Charitable Trust	00242.001	SRMR - New – Provision	Oppose	Silver Fern Farms considers that the submitter's proposed additional issue ('Poor ambient air quality is negatively impacting human health') is unduly vague, and in the absence of a definition of the term 'ambient air' (discussed earlier in this further submission table in relation to submission	Disallow in full.

Submitter	Submission Point	Specific provision	Position on submission point	Reasons for support or opposition	Decision sought from Council
				point no. 00236.012), cannot meaningfully guide planning consideration of discharges to air, particularly where such discharges are appropriately located, managed and consented and contribute to positive social and economic effects.	
AgResearch Ltd	00208.004	SRMR-14 – Poorly managed urban and residential growth affects productive land, treasured natural assets, infrastructure and community well-being	Support	<p>Silver Fern Farms is of the opinion that the revised drafting suggested by this submitter (shown below) more clearly and fully identifies the scope of adverse effects associated with reverse sensitivity issues in rural areas.</p> <p><i>“Urban development can also lead to reverse sensitivity effects on <u>existing or potential</u> whereby <u>traditional methods of pest management or the undertaking of rural primary production activities in rural areas or supporting activities that have an operational need to locate in these areas (e.g. rural research, rural industry)</u> cannot be deployed due to the proximity of <u>new</u> urban populations and the potential for adverse impacts on those populations.”</i></p>	Accept in full.
Fonterra Co-operative Group Ltd	00213.016	SRMR-14 – Poorly managed urban and residential growth affects productive land, treasured natural assets, infrastructure and community well-being	Support	Silver Fern Farms agrees that it is appropriate to recognise the adverse economic implications associated with reverse sensitivity effects arising from the establishment of incompatible land uses in the environs surrounding regionally significant industrial activities.	Accept in full.
Fonterra Co-operative Group Ltd	00213.017	SRMR-15 – Freshwater demand exceeds capacity in some places	Support	<p>Silver Fern Farms supports the addition of reference to ‘industry’ and ‘rural industry’ in this issue statement as shown below, given the reliance of these activities on freshwater resources.</p> <p><i>“Freshwater in the Otago region is a factor of production that directly contributes to human needs (urban water supply), agriculture, <u>industry, including rural industry</u>, hydro – electric power supply, and mineral extraction.”</i></p>	Accept in full.
Fonterra Co – operative Group Limited	00213.022	IM-05 – New Provision	Support	<p>Silver Fern Farms supports the proposed addition of an objective (shown below) to recognise and provide for the protection, use and development of regionally significant infrastructure and industry.</p> <p><i>“IM – 05 – <u>Regionally significant industry and infrastructure</u> <u>The social, economic and cultural well-being of Otago’s communities is enabled through the appropriate protection, use and development of regionally significant infrastructure and regionally significant industry.</u>”</i></p>	Accept in full.
Horticulture New Zealand	00236.034	IM-03 – Environmentally sustainable impact	Support	<p>Silver Fern Farms agrees that this objective (shown below) is inconsistent with Section 5 of the RMA and its inclusion is not supported by Section 32 analysis. As such, it should be deleted.</p> <p><i>“Otago’s communities carry out their activities in a way that preserves environmental integrity, form, function, and resilience, so that the life-supporting capacities of air, water, soil, ecosystems, and indigenous biodiversity endure for future generations.”</i></p>	Accept in full.

Submitter	Submission Point	Specific provision	Position on submission point	Reasons for support or opposition	Decision sought from Council
Horticulture New Zealand	00236.036	IM-P2 – Decision priorities	Support	<p>Silver Fern Farms agrees that this proposed policy (shown below) should be deleted as it is inconsistent with Section 5 of the RMA and the NPSFM, and incorrectly refers to “decision making” under the PORPS.</p> <p><i>Unless expressly stated otherwise, all decision making under this RPS shall:</i></p> <p><i>(1) firstly, secure the long-term life-supporting capacity and mauri of the natural environment;</i></p> <p><i>(2) secondly, promote the health needs of people, and</i></p> <p><i>(3) thirdly, safeguard the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</i></p>	Accept in full.
Waitaki Irrigators Collective Limited	00213.006	IM-P3 – Providing for mana whenua cultural values in achieving integrated management	Support	<p>Silver Fern Farms agrees that, without a defined meaning for ‘rakatirataka’ specified in the PORPS, the relief sought by this submitter (shown below) is appropriate.</p> <p><i>“(1) enabling mana whenua to exercise rakatirataka and kaitiakitaka,”</i></p>	Accept in full
Otago Fish & Game Council and the Central South Island Fish & Game Council	00231.035	IM-P5 – Managing environmental interconnections	Oppose	<p>Silver Fern Farms opposes the submitter’s recommended amendments (shown below) given:</p> <ul style="list-style-type: none"> It is inherent that resources are situated within an environmental context. This renders addition of “<i>or the natural environment</i>” superfluous. The addition of “<i>in time or space</i>” to sub-clause (1) is redundant because decision making undertaken where temporally or spatially distributed values are affected is guided in part by RMA Section 3. That section contemplates past, present and future effects and cumulative effects in the meaning of the term “<i>effect</i>”. <p><i>“Coordinate the management of interconnected natural and physical resources by recognising and providing for:</i></p> <p><i>(1) situations where the value and function of a natural or physical resource, or the natural environment, extends beyond the immediate, or directly adjacent, area of interest, in time or space,</i></p> <p><i>(2) the effects of activities on a natural or physical resource, or the natural environment, as a whole when that resource is managed as sub-units, and</i></p> <p><i>(3) the impacts of management of one natural or physical resource, or the natural environment, on the values of another, or on the environment.”</i></p>	Disallow in full.
Federated Farmers of New Zealand	00239.045	IM-P15 – Precautionary approach	Support	<p>Silver Fern Farms agrees that the appeal to the precautionary principle under this proposed policy is subjective and does not provide effective policy guidance. As such IM-P15 should be deleted.</p>	Accept in full.
Fonterra Co – Operative Group Limited	00213.025	AIR-O2 – Discharges to air	Support	<p>Silver Fern Farms agrees that discharges to air should be enabled where the subsequent effects are appropriately managed, as suggested by the submitters proposed amendments (below).</p>	Accept in full.

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				<i>"Enable discharges to air provided there are no significant localised effects on human health, amenity and mana whenua values and the life-supporting capacity of ecosystems are protected from the adverse effects of discharges to air."</i>	
Fonterra Co – Operative Group Limited	00213.026	AIR–P1 – Maintain good ambient air quality	Support	<p>Silver Fern Farms concurs that the ambiguity of the proposed drafting is appropriately resolved by the submitter’s proposed amendments (below). Reference to the defined term “ambient air quality standards” may also assist to resolve the shortcomings of the notified drafting.</p> <p><i>“Good ambient air quality is maintained across Otago by: (1) ensuring discharges to air comply with are managed to maintain ambient air quality within the contaminant thresholds in the National Environment Standards for Air Quality and the Ambient Air Quality Guidelines ambient air quality limits where those limits have been set, and (2) where limits have not been set, only allowing discharges to air if the adverse effects on ambient air quality are no more than minor.”</i></p>	Accept in full.
Fonterra Co – Operative Group Limited	00213.026	AIR–P2 – Improve poor ambient air quality	Support	<p>Silver Fern Farms is of the view that the ambiguity of the proposed drafting is appropriately resolved by the submitter’s proposed amendments (below).</p> <p><i>“Air quality is improved across Otago by: establishing, maintaining and enforcing plan provisions that set to improve ambient air quality to meet the contaminant thresholds of the National Environment Standards for Air Quality limits and timeframes for improving ambient air quality; including by managing the spatial distribution of activities and transport, and”</i></p>	Accept in full.
Horticulture New Zealand	00236.044	AIR–P4 – Avoiding certain discharges	Support	<p>Silver Fern Farms agrees that the policy requirement to “Avoid discharges to air that cause offensive, objectionable, noxious or dangerous effects” is inappropriate due to the undefined/subjective nature of the stated effects combined with the ‘avoidance’ requirement.</p>	Accept in full.
Horticulture New Zealand	00236.046	AIR–P6 – Impacts on mana whenua values	Support	<p>As mana whenua values are addressed in AIR-O1, AIR-O2 and AIR-P3 Silver Fern Farms agrees that this proposed policy is superfluous and notes that the requirement to avoid discharges to air that have any adverse effect is inappropriate.</p>	Accept in full.
Horticulture New Zealand	00236.047	AIR-P7 - Sensitive activities (proposed new policy)	Support in part	<p>Horticulture NZ proposes the following new policy:</p> <p><i>‘AIR-P7 Sensitive activities - Avoid locating new sensitive activities near existing activities which are permitted or consented to discharge to air’.</i></p> <p>Silver Fern Farms considers that an unqualified ‘avoidance’ requirement may be unduly restrictive given discharges to air (particularly permitted discharges) may not necessarily affect sensitive activities. However, it agrees with the intent to prevent reverse sensitivity effects generated by sensitive activities establishing in areas where air discharges with potential adverse effects are undertaken.</p>	Accept in part.

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Horticulture New Zealand	00236.048	AIR–M2 – Regional plans	Support	<p>Silver Fern Farms supports the deletion of sub-clause (1) to this method given its undefined drafting (discussed in relation to submission point 00236.044 above) as shown below.</p> <p>“No later than 31 December 2024, Otago Regional Council must prepare or amend and maintain its regional plans to: (1) avoid offensive, objectionable, noxious or dangerous discharges to air;”</p>	Accept in full.
Horticulture New Zealand	00236.049	AIR–M3 – Territorial authorities	Support	<p>Silver Fern Farms agrees with the amendment to provision AIR-M3, as sought by the submitter, which seeks to clarify that new sensitive activities should be located where reverse sensitive effects could potentially arise.</p> <p><i>“(3) Ensuring that there is spatial separation between location of new sensitive activities and existing activities that are consented or permitted to discharge contaminants to air.”</i></p>	Accept in full.
Horticulture New Zealand	00236.052	AIR – AER2	Support	<p>Silver Fern Farms is of the opinion that the relief sought by this submission point (shown below) is appropriate and well-aligned with AIR-AER4 which anticipates reduced air discharge complaints.</p> <p><i>“Otago has an urban form that takes into account the effects of activities, and any discharges to air they create, on Otago’s air quality including potential reverse sensitivity effects in the spatial distribution and separation of sensitive activities from activities that discharge to air.”</i></p>	Accept in full.
Federated Farmers of New Zealand	00239.069	LF–WAI–O1 – Te Mana o te Wai	Support	<p>Silver Fern Farms supports the focus of the submitter’s proposed amendments (below) which promote the protection - or where degraded, improvement – of significant water resources because this results in improved consistency with ‘Te mana o te Wai’ as set out in the NPSFM.</p> <p><i>“The mauri of Otago’s water bodies and their health and well-being is protected, and restored where it is degraded, and the management of land and water recognises and reflects that: The health and wellbeing of Otago’s water bodies is protected, and improved where it is degraded, and the management of the land and water recognises and reflects that:</i></p> <p><i>(1) Protecting the health of water protects the wider environment and the mauri of water;”</i></p>	Accept in full.
Waitaki Irrigators Collective Limited	00213.008	LF–WAI–P2 – Mana whakahaere	Support	<p>As noted earlier in relation to submission point 00213.006 on <i>IM–P3 – Providing for mana whenua cultural values in achieving integrated management</i>, Silver Fern Farms agrees that, without a defined meaning for ‘rakatirataka’ specified in the PORPS, the relief sought by this submitter (deletion of references to ‘rakatirataka’) is appropriate.</p>	Accept in full.
Otago Fish & Game Council and the Central South Island Fish & Game Council	00231.047	LF–WAI–P3 – Integrated management/ki uta ki tai	Oppose in part	<p>Silver Fern Farms opposes the relief sought by the submitter (shown below) as follows.</p> <p>The unqualified drafting of sub-clause (8) will apply the subjective ‘precautionary approach’ (see Silver Fern Farms’ further submission on submission point no. 00239.045 above) to all adverse effects, regardless of magnitude or whether such effects warrant such an approach.</p> <p>The addition of proposed sub-clause (9) is inappropriate in Silver Fern Farms’ view. The indeterminate nature of ‘naturalised flow and unpolluted state’ does not recognise natural variability in flows/water quality and notwithstanding that issue, the best information available may not enable these parameters to be defined. For modified (or artificial) water bodies, determining a ‘natural state’ would be further complicated. Overall, Silver Fern Farms considers that the relief</p>	Disallow the proposed amendments to sub-clauses (8), and the proposed new sub-clauses (9), (10) and (11).

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sought raises a possible conflict with sub-clauses (3) and (4) of NPSFM Clause 3.10, which require regional councils to set baseline attribute states using the best information available and accounting for natural variability.

It opposes proposed sub-clause (10) as this proposed provision appears to be a de-facto requirement to avoid all adverse effects on water bodies - regardless of the significance of the water body, the magnitude of adverse effect or the positive effects of the proposal.

“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 water, from the mountains to the sea,*
- (3) sustains and, ~~wherever possible,~~ restores the habitats of mahika kai and indigenous species, including taoka species associated with the water body,*
- (3a) sustains and restores the habitats of trout and salmon species associated with the water body, insofar as this is consistent with ECO-P11,*
- (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,*
- (5) requires encourages the coordination and sequencing of regional or urban growth to ensure it is sustainable,*
- (6) has regard to foreseeable climate change risks, ~~and~~*
- (7) has regard to cumulative effects, ~~and~~*
- (8) ~~the need to apply~~ applies a precautionary approach where there is limited available information or uncertainty about potential adverse effects,*
- (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*
- (10) requiring all activities affecting water bodies to support the health, well-being and resilience of relevant water bodies and associated freshwater ecosystems.*
- (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.”*

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Royal Forest and Bird Protection Society of New Zealand Incorporated	00230.078	Proposed new provision: LF – VM – O1 – All of Otago catchment vision	Oppose in part	<p>Silver Fern Farms opposes these submitters' new objective (shown below) because it:</p> <ul style="list-style-type: none"> Represents a de-facto policy direction to prohibit all adverse effects on water bodies regardless of magnitude (sub-clause 2); Requires water bodies to revert to an indeterminate 'natural state' despite the degree, purpose and benefits of any existing modification and potential opportunity costs of such reversion (sub-clause 3); Requires subjective 'abundant' food gathering and recreational opportunities (sub-clauses 7 and 8); and Requires management in accordance with LF-WAI objectives and policies that Silver Fern Farms opposes, as noted earlier in this further submission and in its original submission. <p><i>"LF – VM – O1 – All of Otago catchment vision</i></p> <p><i>By no later than 2040, in all Otago catchments:</i></p> <p><i>(1) water bodies are protected at, or restored to a state of good health, well-being and resilience,</i></p> <p><i>(2) activities relating to water support the health, well-being and resilience of affected water bodies,</i></p> <p><i>(3) the natural form and function of water bodies, including with respect to water quality, sedimentation and flows, mimics that of their natural behaviour,</i></p> <p><i>(4) ecosystem connections between freshwater, wetlands and the coastal environment are protected and restored,</i></p> <p><i>(5) wetland, estuary and lagoon extent has been restored as much as practical where it has been lost, and their quality is protected and restored,</i></p> <p><i>(6) the habitat of indigenous species is protected and restored, and indigenous species are able to migrate easily within and between catchments,</i></p> <p><i>(7) food is available to be harvested from water bodies in abundance and is safe to consume,</i></p> <p><i>(8) people have abundant, quality opportunities to connect with and recreate within or close to a wide range of water bodies,</i></p> <p><i>(9) there are no direct discharges of waste water to water bodies, and</i></p> <p><i>(10) fresh water is managed in accordance with the LF – WAI objectives and policies."</i></p>	Disallow in full.
Otago Fish & Game Council and the Central South Island Fish & Game Council	00231.05				
Federated Farmers of New Zealand	00239.084	LF-FW-O9 – Natural wetlands	Support	<p>Silver Fern Farms agrees with deletion of this objective (shown below) as it duplicates and/or contradicts other PORPS biodiversity and ecosystem provisions and introduces a management framework for natural wetlands that departs from that set out by NPSFM Clause 3.22.</p> <p><i>"Otago's natural wetlands are protected or restored so that:</i></p>	Accept in full.

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				<p>(1) — mahika k̄ai and other mana whenua values are sustained and enhanced now and for future generations;</p> <p>(2) — there is no decrease in the range and diversity of indigenous ecosystem types and habitats in natural wetlands;</p> <p>(3) — there is no reduction in their ecosystem health, hydrological functioning, amenity values, extent or water quality, and if degraded they are improved, and</p> <p>(4) — their flood attenuation capacity is maintained.”</p>	
Federated Farmers of New Zealand	00239.085	LF–FW–P7 – Fresh water	Support	Silver Fern Farms agrees that the targets specified in this policy should be reconsidered in light of the less onerous national targets for freshwater quality for contact recreation.	Accept in full.
Trustpower Limited	00311.017	LF–FW–P10 – Restoring natural wetlands	Support	Silver Fern Farms supports substituting the word ‘practicable’ for the word ‘possible’ (shown below) given the wide variety of circumstances likely to apply to natural wetland restoration. “Improve the ecosystem health, hydrological functioning, water quality and extent of natural wetlands that have been degraded or lost by requiring, where <u>practicable possible</u> : ...”	Accept in full.
Royal Forest and Bird Protection Society of New Zealand Incorporated	00230.091	LF–FW–P12 – Protecting outstanding water bodies	Oppose	The submitter proposes that outstanding water bodies not already specified in the relevant plan be identified during resource consent application processes. In Silver Fern Farms view this ad-hoc approach would be uncertain and cause inconsistent interpretations and implementation.	Disallow in full.
Oceana Gold (New Zealand) Ltd	00115.014	LF–FW–P13 – Preserving natural character	Support	Given the effects management hierarchy is the appropriate management method, Silver Fern Farms supports the deletion of references in sub-clause (1)(b) of this policy (below) to other methods. “(b) the effects of the activity are managed by applying: <ul style="list-style-type: none"> (i) — for effects on indigenous biodiversity, either ECO — P3 or ECO — P6 (whichever is applicable), and (ii) — for other effects, the effects management hierarchy,” 	Accept in full.
Royal Forest and Bird Protection Society of New Zealand Incorporated	00230.094	LF – FW – P15	Oppose	Silver Fern Farms opposes the submitters’ proposed insertion of ‘Avoid’ into this policy (shown below). Discharges of stormwater may be acceptable where adverse effects on the receiving environment are managed - which may not require discharges to be avoided altogether. “ Minimise Avoid the adverse effects of direct and indirect discharges of stormwater and wastewater to fresh water by: ...”	Disallow in full.
Royal Forest and Bird Protection Society of New Zealand Incorporated	00230.104	ECO–P5 – Existing activities in significant natural areas	Oppose	This submission point (shown below) delegitimises existing lawfully established activities located within 10 m of a freshwater body or located anywhere in the coastal environment. Silver Fern Farms opposes this approach, given it disregards the policy’s confined scope – which is to manage significant natural areas only, not riparian margins and/or the coastal environment more generally. Furthermore, existing lawfully established activities in these locations that appropriately manage any adverse effects should be provided for in the PORPS rather than precluded outright. Lastly the submitters’ proposed amendments seek to confine existing activities to ‘maintenance and	Disallow in full.

Submitter	Submission Point	Specific provision	Position on submission point	Reasons for support or opposition	Decision sought from Council
				<p>continuing operation', disregarding the fact that activities variously carry out upgrades, extensions, renewals or replacement exercises that may contribute to better environmental outcomes.</p> <p><i>"ECO – P5 – Existing Maintenance and operation of activities in significant natural areas Except as provided for by ECO – P4, provide for the maintenance and continuing operation of existing lawfully established activities within significant natural areas and that may adversely affect indigenous species and ecosystems that are taoka, if:</i></p> <p>(1) <i>the maintenance and continuing operation of an existing lawfully established activity will not lead to the loss (including through cumulative loss) of extent or degradation of the ecological integrity of any significant natural area or indigenous species or ecosystems that are taoka, and</i></p> <p>(2) <i>the adverse effects of the maintenance and continuing operation of an existing activity are no greater in character, spatial extent, intensity or scale than they were before this RPS became operative. and</i></p> <p>(3) <i>the activity is not within 10m of a freshwater body or within the coastal environment."</i></p>	
Federated Farmers of New Zealand	00239.135	HAZ–NH–O1 – Natural hazards	Support	<p>Silver Fern Farms agrees that the term 'tolerable' in this objective (below) requires clarification.</p> <p><i>"HAZ–NH–O1 – Natural hazards</i></p> <p><i>Levels of risk to people, communities and property from natural hazards within Otago do not exceed a tolerable level."</i></p>	Accept in full.
Graymont (NZ) Limited	00022.021	HAZ–NH–P3 – New activities	Support	<p>Many activities have a functional need to locate in an area(s) of natural hazard risk. Silver Fern Farms supports the proposed drafting clarification to recognise this (shown below).</p> <p><i>"(1) when the natural hazard risk is significant, the activity is avoided except where the activity may be functionally required to be undertaken in an area where the natural hazard risk is significant, then the activity must be managed so that it does not further increase the natural hazard risk..."</i></p>	Accept in full.
LAC Properties Trustees Limited	00211.050	UFD – General	Oppose	<p>These submitters consider that references to amenity values, rural character and reverse sensitivity unduly restrict urban growth and seek the deletion of these references.</p>	Disallow in full.
Lane Hocking	00210.049			<p>Silver Fern Farms considers that reverse sensitivity effects in rural areas are detrimental and warrant restraining policy settings, to support ongoing rural productivity and associated positive social and economic effects.</p>	
Maryhill Limited	00118.066				
Universal Developments Hawea Limited	00209.05				
Federated Farmers of New Zealand	00239.180	Proposed new provision – UFD-AER-13	Support	<p>Silver Fern Farms supports inclusion of a new AER 13 to embed recognition in the PORPS of the significant values and positive effects associated with protecting the rural environment and rural activities from inappropriate urban expansion, incompatible activities and reverse sensitivity effects, as shown below.</p>	Accept in full.

Submitter	Submission Point	Specific provision	Position on submission point	Reasons for support or opposition	Decision sought from Council
				<i>"UFD – AER13 The productive capacity, amenity and character of the rural environment and rural activities are not adversely impacted by inappropriate urban expansion and urban activities and reverse sensitivity issues."</i>	
Federated Farmers of New Zealand	00239.173	UFD–O2 – Development of urban areas	Support	<p>Silver Fern Farms supports the additional policy guidance provided by the submitter's proposed amendment to this objective, shown below.</p> <p><i>"The development and change of Otago's urban areas: ...</i></p> <p><i>(6) minimises conflict between incompatible activities and avoids reverse sensitivity issues with existing rural activities,"</i></p>	Accept in full.
AgResearch Limited	00208.010	UFD–P4 – Urban expansion	Support	<p>Silver Fern Farms agrees with the proposed additions to sub-clause 7(a) of this policy (shown below), as these changes more accurately capture the range of rural activities that can be significantly constrained if reverse sensitivity effects are generated by urban expansion.</p> <p><i>"Expansion of existing urban areas is facilitated where the expansion:</i></p> <p>...</p> <p><i>7. locates the new urban/rural zone boundary interface by considering:</i></p> <p><i>a. adverse effects, particularly reverse sensitivity, on rural areas and existing or potential primary production productive rural activities or activities that directly support, service or are dependent on primary production and have an operational need to be located in rural areas (e.g. rural research activities, rural industry) beyond the new boundary, and ..."</i></p>	Accept in full.
Z Energy Limited, BP Oil NZ Limited, Mobil Oil NZ Limited		UFD-P6	Support	<p>Silver Fern Farms agrees that, if (as sought by The Oil Companies) 'Major Hazard Facilities' are defined in the PORPS, then amended policy settings will need to be developed to recognise these land uses and prevent reverse sensitivity effects deriving from incompatible activities encroaching into the surroundings.</p>	Accept in full.
Z Energy Limited, BP Oil NZ Limited, Mobil Oil NZ Limited		UFD-M2	Support	<p>The submitter proposes that sub-clause (3) of this method be amended as follows:</p> <p><i>Provide for industrial activities in urban areas by:</i></p> <p>...</p> <p><i>3. ensure that urban development is designed to:</i></p> <p>...</p> <p><i>g. Avoid the potential for reverse sensitivity effects on regionally and nationally significant infrastructure and major hazard facilities.</i></p> <p>Silver Fern Farms supports policy settings to restrict the creation of reverse sensitivity effects on 'Major Hazard Facilities'.</p>	Accept in full.

RPS

From: Sharon Aitchison <sharon.aitchison@mitchelldaysh.co.nz>
Sent: Thursday, 11 November 2021 11:43 a.m.
To: RPS
Cc: Steve Tuck
Subject: PORPS Further Submission - Silver Fern Farms Ltd
Attachments: FINAL Further Submission PORPS - Silver Fern Farms 11 11 21.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Further Submission

Attention: ORC Policy Team

Please find attached a Further Submission by **Silver Fern Farms Ltd** with respect to the Proposed Otago Regional Policy Statement 2021. We undertake to serve copies of this further submission on the relevant submitters within 5 working days.

Please acknowledge receipt in due course.

Regards

Sharon (on behalf of Steve Tuck)

 **Sharon Aitchison**
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