

PUBLIC NOTICE

Form 4A

Public Notice of the Proposed Freshwater Planning Instrument Part of Proposed Otago Regional Policy Statement Using Freshwater Planning Process

Proposal

The Otago Regional Council has prepared the following freshwater planning instrument (the **proposal**):

Proposed Freshwater Planning Instrument Part of the Proposed Otago Regional Policy Statement.

The proposal contains those parts of the Proposed Otago Regional Policy Statement 2021 (PORPS 2021) which relate to freshwater and therefore comprise a freshwater planning instrument.

These parts:

Package	Components
Interpretation	Definitions: Certified freshwater farm plan Drinking water National Objectives Framework Natural Hazard works Other infrastructure Over-allocation Specified infrastructure Specified rivers and lakes Wetland utility structure
SRMR	SRMR-15 SRMR-16 SRMR-19
RMIA-WAI	RMIA-WAI-11 RMIA-WAI-13
LF-WAI	LF-WAI-01 – Te Mana o te Wai LF-WAI-P1 – Prioritisation LF-WAI-PR1 – Principal reasons – Paragraph 1 LF-WAI-AER2
LF-VM	LF-VM-02 – Clutha Mata-au FMU vision LF-VM-03 – North Otago FMU vision LF-VM-04 – Taieri FMU vision LF-VM-05 – Dunedin & Coast FMU vision LF-VM-06 – Catlins FMU vision LF-VM-P5 – Freshwater Management Units (FMUs) and rohe LF-VM-P6 – Relationship between FMUs and rohe LF-VM-E2 – Explanation
LF-FW	LF-FW-08 – Fresh water LF-FW-09 – Natural wetlands LF-FW-P7 – Fresh water LF-FW-P9 – Protecting natural wetlands LF-FW-P10 – Restoring natural wetlands LF-FW-P15 – Stormwater and wastewater discharges LF-FW-M6 – Regional plans LF-FW-M7 – District plans LF-FW-M8 – Action plans LF-FW-E3 – Explanation (paragraph 2) LF-FW-E3 – Explanation (paragraph 5) LF-FW-PR3 – Principal reasons LF-FW-AER4 – AER11
LF-LS	LF-LS-P18 – Soil erosion LF-LS-P21 – Land use and fresh water LF-LS-M11 – Regional plans LF-LS-AER14
Maps	MAP1

Balance of the PORPS 2021

The rest of the PORPS 2021 does not relate to freshwater and is therefore not a freshwater planning instrument.

That part of the PORPS 2021 will undergo the processes in Part 1 of Schedule 1 of the Act. It was publicly notified on 26 June 2021. Submissions and further submissions on this part of the PORPS 2021 have closed. Otago Regional Council has appointed a panel to hear submissions on this part. The panel has advised that it will begin hearing submissions in early 2023.

Availability

The proposal may be inspected at:

- www.orc.govt.nz/fpirps; or
 - Otago Regional Council offices:
 - o Level 2, Philip Laing House, 144 Rattray Street, Dunedin; or
 - o Terrace Junction, 1092 Frankton Road, Queenstown; or
 - All public libraries, and city and district council offices throughout the Region.
- Please contact ORC Customer Experience staff on 0800 474 082 if you have any questions about the proposal.

Submissions

The following persons may make a submission on the proposal:

- the local authority, in its own area; and
- any other person, but if the person could gain an advantage in trade competition through the submission, then the person may do so only if the person is directly affected by an effect of the proposal that—
 - o adversely affects the environment; and
 - o does not relate to trade competition or the effects of trade competition.

A person may make a submission on the proposal by sending an electronic or a written submission to Otago Regional Council at fpisubmission@orc.govt.nz or by post to Proposed FPIRPS, Otago Regional Council, Private Bag 1954, Dunedin 9054. The submission must be in Form 5 and state whether you wish to be heard in support of your submission. Copies of this form (Form 5) are available at the Otago Regional Council website www.orc.govt.nz/fpirps or by phoning 0800 474 082, or <https://www.legislation.govt.nz/regulation/public/2003/0153/latest/DLM195860.html>

Submissions must be received by 3pm on Tuesday 29 November 2022.

Special advice

The effect of the High Court decision in *Otago Regional Council v Royal Forest and Bird Protection Society of New Zealand Incorporated* [2022] NZHC 1777 is that the parts of the PORPS 2021 that form the proposal must be re-notified.

That means that any previous submission made on the provisions in the Table above is now of no effect.

If you made a submission or further submission on any provision in the Table and still wish to be a submitter on that provision, then you must make a new submission.

Anita Jayne Dawe
Position: General Manager, Policy and Science
On behalf of: Otago Regional Council
30 September 2022

Note regarding appeals

Following its hearing of submissions on the proposal, a freshwater hearings panel makes recommendations to the regional council. The regional council must accept or reject each recommendation. Appeal rights in relation to the freshwater planning instrument are dependent on whether the regional council accepts or rejects the recommendations of the freshwater hearings panel.

A person who made a submission on a freshwater instrument—

- may appeal to the Environment Court against a rejected recommendation in the specific circumstances outlined in [clause 55](#) of Schedule 1 of the Act;
- may appeal to the High Court on points of law in relation to an accepted recommendation in the specific circumstances outlined in [clause 56](#) of Schedule 1 of the Act.