

Written Submission on Freshwater Planning Instrument Parts of Proposed Otago Regional Policy Statement 2021

Submissions must be received by Otago Regional Council by 3 pm Tuesday 29 November 2022

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)*

John Highton

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

Position

Organisation

- c. **Date**

27/11/22

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

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

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8. My submission is:

Column 1	Column 2	Column 3	Column 4
<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>
MWM1	support	I support close collaboration with Ngai Tahu on environmental matters	
MWM/1	support	Map places of significance. I have a particular interest in sites at the North and South Branches of the Clutha/Mata-au especially the Clutha Lagoon, Puerua Estuary, Lake Tuakitoko, the Lower Taieri and associated wetlands and sites on the Upper Taieri including Tunaheketaka.	Substantial recognition and environmental improvement for these particular sites.
Top of P 66		11 most significant issues	Add ongoing loss of wetlands and tussock uplands as additional

			<i>significant resource issues for the region</i>
<i>SMR12</i>		<i>Water reliability is too vague as a statement</i>	<i>Specify reduced river flows</i>
<i>Para beginning by 2090 p 69</i>		<i>Algal blooms are a particularly nasty consequence of reduced river flows due to climate warming</i>	<i>Include increased algal growth and algal blooms as recognised hazards</i>
<i>Para beginning Lakes p 69</i>		<i>Altered chemical composition of lakes due to accelerated melting of glaciers and permanent snow leading to altered zooplankton and other effects on Lakes</i>	<i>I think this effect of climate warming deserves recognition in this pre-amble</i>
<i>SMR14 page 72</i>	<i>support</i>	<i>Mention is made of the importance of urban stillwaters and rivers</i>	<i>Emphasis on the value of urban waterways throughout the document is required. Rivers like Bullock Creek are of inestimable value and need protection. This has received inadequate attention and Bullock Creek has been subject to siltation from developments and subdivisions. QLDC have not provided adequate protection. The Leith has been severely altered by concrete engineering. The Leith also needs recognition of its value and restoration including passage of migratory fish and amenity values. Kaikorai Stream and estuary have received insufficient attention and ORC was recently instrumental in causing a fish kill in the Kaikorai estuary. Tomahawk Lagoon has been allowed to deteriorate. Silverstream at Mosgiel</i>

			<p><i>was subject to a fish kill due to discharge of water by ORC. Given these events protection and enhancement of urban waterways should feature more strongly in the RPS</i></p>
<p><i>SRMR 15, Context, p 75</i></p>	<p><i>Agree</i></p>	<p><i>This is a statement of the context concerning deemed permits. I think this is a very minimal statement of context. It does acknowledge a “permissive resource management regime”. Despite this I think this is a minimal introduction to a topic of vital importance to the Otago situation.</i></p>	<p><i>More detail on this topic including that this is a particular problem for Otago that has many more mining rights than other parts of NZ. Some of the complexities of this issue could be indicated especially those brought about by delays in making decisions relating to this issue.</i></p>
<p><i>SRMR 16 Declining water quality</i></p>	<p><i>Agree that water quality has declined</i></p>	<p><i>This is a very bland statement of deterioration of water quality</i></p>	<p><i>More acknowledgement that the deterioration of water quality has occurred while current ORC management policies applied and so that change of focus and tightening of policy is required. Water monitoring is referenced. In my opinion this is something that has been done particularly poorly under the present plan and requires substantially more emphasis in this policy statement.</i></p>
<p><i>SRMR 19 Pressure on Lakes</i></p>	<p><i>Agree</i></p>	<p><i>No mention of degradation due to hydro electric power generation eg level fluctuation in Lakes Hawea and Mahinerangi and the Clutha River. There is potential for complete</i></p>	<p><i>Add recognition of the role of power generation in affecting our current lakes and its potential to have further major effects in Otago in future</i></p>

		<i>destruction of Lake Onslow by the battery project if this goes ahead.</i>	
<i>SRMR 19 Pressure on Lakes</i>	<i>Agree</i>	<i>Pressures of excessive tourism and growth. I have noted vastly excessive numbers camping at the Bendigo boat launch which is completely inappropriate use of this facility. I have also noted the vast increase in the number of boats on Lake Wanaka in summer impacting on peace and quiet and enjoyment of the environment. The risk of boating accidents is also substantially increased.</i>	<i>I may have missed it but I have not noted sections dealing with these matters in the proposed RPS. I am interested in keeping camping in sites designed for camping. I would like to see more control of boats. I would like to see areas set aside for peace and quiet without jetskis and noisy boats eg Paddock Bay on Lake Wanaka. I believe this issue has received some recognition with reduction of boat speeds allowed on the Clutha above Albert Town so there is a precedent.</i>
<i>SRMR 10</i>	<i>Agree</i>	<i>Industry sometimes does not clean up after itself and could take more responsibility. This includes obvious examples like Tiwai Point and uncapped oilwells. Planters of pine and fir plantations should take some responsibility for wilding spread of pines. Hydro-electricity generators should be held to account for their effects like accumulation of silt, loss of free passage for migrating fish, rapid fluctuation of river levels and other major ongoing effects</i>	<i>Attention to holding industry to account for its adverse effects. Hydro-electricity generation to have tightened requirements and power companies to increase mitigation of their effects. Can we not plant sterile pines and firs in this age of genetic modification?</i>
<i>SRMR 11</i>	<i>Agree</i>	<i>Tipping points "potentially" being reached. I believe tipping points have been reached. The problem is that this has not been recognised because of lack of monitoring and testing.</i>	<i>Much improved monitoring and testing. A pro-active approach rather than the current passive approach. Listening and responding to input</i>

			<i>from concerned members of the public.</i>
<i>RMIA-Wai-12</i>	<i>Agree</i>	<i>I agree that current water management does not adequately address Kai Tahu cultural values.</i>	<i>Separate recognition that in many cases that current management does not meet the cultural expectations of the rest of the community as well (see next point)</i>
<i>RMIA-Wai-13</i>	<i>Agree</i>	<i>I agree that recognition of the cultural value of mahika kai and gathering healthy food from a healthy environment is appropriate and a high priority.</i>	<i>The RPS document should also recognise in a separate section the cultural importance of being able to gather healthy food from a healthy environment for the general community. This includes things like whitebaiting, fishing for trout and salmon and hunting. It follows that the document should also recognise and plan for the importance of maintaining the environment for valued introduced species of game fish and game birds. This is currently a major oversight in this RPS. New sections should be created recognising the status of game fish and birds and the requirement to maintain a healthy environment for them.</i>
<i>RMIA-Wai-14</i>	<i>Support</i>	<i>I support the inclusion of matauraka, especially the central importance of Te Mana o te Wai</i>	
<i>RMIA-Wai-15</i>	<i>Agree</i>	<i>I agree that there is poor co-ordination between different agencies and that this has had adverse effects for the environment. I think a good example is poor management of the Waitaki riverbed.</i>	<i>I seek a decision to greatly improve coordination of planning and communication with other agencies such as DOC, the Access</i>

		<p><i>Later in this document there is recognition of the need to maintain the braided nature of braided rivers. This has not happened on the Waitaki where the riverbed has become overgrown and where incursion of farming into the riverbed has been allowed. This has been contributed to by the multiple agencies involved, none of whom have taken responsibility for or leadership of proper maintenance of the riverbed. As a consequence, the riverbed has become overgrown. One result of this is that it has become ideal wallaby habitat. This has in turn facilitated incursion of wallabies into Otago.</i></p>	<p><i>Commission, LINZ and others</i></p>
<p><i>RMIA-MKB-11</i></p>	<p><i>Agree</i></p>	<p><i>There have been many impacts on mahika kai species. I believe that in this section there should be recognition of the adverse effect of commercial exploitation of eels. I also have concern that commercialisation of freshwater crayfish may provide an incentive for poaching of wild populations for financial gain. I am concerned that migratory smelt are a species that is suffering from environmental degradation and this has not been recognised.</i></p>	<p><i>Together with other agencies carefully regulate commercial exploitation of important native species including whitebait, eels, freshwater crayfish. Together with other agencies investigate and monitor runs of smelt into Otago estuaries and take steps to ensure that they have a healthy environment for breeding.</i></p>
<p><i>IMP2, page 97</i></p>	<p><i>Agree</i></p>	<p><i>I support these priorities</i></p>	
<p><i>IMP3</i></p>	<p><i>Agree</i></p>	<p><i>I support these policies for Mahika Kai</i></p>	<p><i>Separately and elsewhere in the document there should be recognition of valued introduced species as already discussed above.</i></p>

<i>IMP6</i>	<i>Agree</i>	<i>I agree that best data should be used to make decisions where these are required to be made in a timely manner</i>	<i>This should be combined with taking a precautionary approach when adequate data is lacking (IMP15)</i>
<i>IMP7</i>	<i>Agree</i>	<i>I strongly support improved coordination across agencies</i>	
<i>IMP 14 (3)</i>	<i>Agree</i>	<i>I support regular assessment</i>	<i>One of the shortcomings of the current system is failing to adequately monitor the environment. I would like to see much more support for active monitoring of the Otago environment, even if this requires more staff and expenditure. The results of careful monitoring should be pro-active intervention before tipping points are reached. Reaching these points is currently going unrecognised due to lack of monitoring.</i>
<i>IMP 15</i>	<i>Support</i>	<i>I strongly support a precautionary approach when there is inadequate data</i>	
<i>IMAER 1</i>	<i>Agree</i>	<i>I support much more active monitoring</i>	
<i>CE01 to CE05</i>	<i>Agree</i>	<i>I strongly support caring for the coastal environment. I have a particular interest in coastal lagoons and estuaries.</i>	
<i>CEP5 2d</i>	<i>Support</i>	<i>I strongly support remedial action for estuaries, lagoons and coastal wetlands.</i>	<i>I would particularly value protection and remediation of the estuaries, lagoons and coastal wetlands associated with both mouths of the Clutha which in my opinion require urgent remedial action</i>

CEP8	Support	<i>I endorse the importance of public access</i>	<i>I would like to draw attention to a particular aspect of access. There is a lot of planting going on close to water bodies which is a good thing. I do note however that in some cases no attention has been paid to maintaining access to the water bodies. The RPS should note that when planting is being planned that consideration should be given to maintaining access to and along the margin of water bodies. Putting large flax plants and trees immediately adjacent to the water line results in lack of access.</i>
CEP11	Disagree	<i>There is no mention of avoidance of pollution caused by aquaculture</i>	<i>Add provision for consideration given to pollution/environmental degradation caused by aquaculture such as salmon farming</i>
CEM2 table 2	Addition	<i>Only one branch of the Clutha at the mouth seems to be mentioned</i>	<i>Include both mouths of the Clutha/Mata-au</i>
CEM3	Addition	<i>To map areas of deteriorated water quality they must first be discovered. At the moment it is likely that there are areas of deteriorated water quality that are unrecognised because they have not been tested.</i>	<i>The wording should be "discover" and map areas of deteriorated water quality. To get an accurate map more testing will need to be done.</i>
CEM3	Addition?	<i>Does this apply to discharge of silt and contaminants from agricultural activity? Mainly stormwater and sewage is mentioned.</i>	<i>Should this include specific mention of agricultural discharge into estuaries and coastal lagoons for example?</i>
CEM3 11	Disagree	<i>In some situations exclusion of all stock is over simplistic and risks adverse outcomes</i>	<i>What is required is a more flexible approach or provision for</i>

		<i>where the fenced area becomes dominated by a thick sward of introduced grass and pest weeds. This is a poor outcome for native species and can also preclude adequate access.</i>	<i>exemptions that would allow controlled grazing where this is necessary and appropriate. There are times when this will result in better outcomes for native species and certainly for access</i>
<i>LF-Wai-01</i>	<i>Support</i>	<i>I support the principles of Te Mana o te Wai including that each water body has its own unique characteristic so that different waters should not be mixed. This has some major implications. For example, it should prevent the mixing of glacial origin Clutha water full of Didymo and Lagarosiphon with the clean tussock and swamp waters of Lake Onslow, thus ruling out the Battery project</i>	<i>What is required is upholding Te Mana o te Wai once this principle is accepted. Once these principles are accepted in the RPS they should be upheld.</i>
<i>LF-Wai-P1</i>	<i>Support</i>	<i>I support the prioritisation outlined</i>	
<i>LF-Wai-P2</i>	<i>Support</i>	<i>I support active involvement of Mana Whenua with decision making</i>	
<i>LF-Wai-P3</i>	<i>Support</i>	<i>I support sustaining Mahika Kai. I have particular concerns regarding eels and commercial fishing, adequate protection of freshwater crayfish as a market develops for them that encourages poaching, over-exploitation of whitebait (we should adopt the Tasmanian rules). I am also concerned that runs of smelt are diminishing and that this needs attention which it is not getting.</i>	<i>With other regulatory bodies ensure protection of eels, freshwater crayfish, whitebait and migratory smelt.</i>
<i>LF-Wai-P3</i>			<i>As previously indicated a new section of the RPS needs to be generated that recognises the cultural significance of valued introduced species and</i>

			<i>provides for protecting the environment for these species such as game fish and birds. This is separate from Mahika Kai but follows the same principles relating to gathering healthy food from a healthy environment.</i>
<i>LFVM-02, 5</i>	<i>Support</i>	<i>I support provision for the migration of fish</i>	<i>The document also needs to provide for migration of valued introduced species such as salmon as well as for native species or at least generous mitigation where migration is blocked</i>
<i>LFVM-02,6</i>	<i>Disagree</i>	<i>I believe this sentence provides for blanket protection of hydro-electric generation. This is wrong. Hydro-electric generation has been largely exempted from some environmental requirements. Generators have not been held adequately accountable for complete prevention of fish migration as in section 5 above. There are also major problems with silt accumulation and generators have been able to avoid adequate mitigation of this problem. Generators cause significant environmental degradation through rapid variation of river and lake levels. For these reasons I am opposed to this statement that aims to maintain the current status of generators and allow them to escape full accountability for their environmental effects</i>	<i>I would like to see provision for tighter regulation applied to the environmental effects of hydro-electric generation. Generators have huge income and more of this could be used to mitigate their environmental effects. Generators need to recognise their full community responsibilities and the RPS should hold them to these responsibilities through regulation. This is important right now as the Battery project is investigated as this project is likely to further damage the Otago environment. Te Mana o te Wai should, if fully adhered to, rule out this project. However, if it goes ahead as seems likely then the effects on our Otago environment must be fully</i>

			<i>recongised, mitigated and compensated.</i>
<i>LVFM-02, 7</i>	<i>Support</i>	<i>I support 7 a,b,c but would emphasise ciii, changing land management practices to reduce discharge of nutrients, contaminants and silt.</i>	<i>Land management practices need attention in some areas of Otago to achieve the stated aims of RPS to reduce discharge of contaminants, nutrients and silt. I fully acknowledge and commend the good work that is being done, especially by catchment groups, but there are still areas where environmental degradation is continuing and require urgent intervention. I have previously voiced my concerns about this process affecting the coastal lakes, estuaries and lagoons at the mouths of the Clutha/Mata-au to give an example.</i>
<i>LVFM-02, 8</i>	<i>Disagree</i>	<i>The timeframes are too long. Achievement of these goals should not be put so far in the future that it is easy to postpone meaningful action</i>	<i>I suggest 2030 for all of these goals</i>
<i>LVFM-04, 3</i>	<i>Additon required</i>	<i>The Upper Taieri Scroll Plain is unique within NZ and is therefore of at least National, if not International, significance. As such it deserves specific mention in this section</i>	<i>Add specific mention of the Upper Taieri Scroll Plain and its significance</i>
<i>LVFM-04, 4</i>	<i>Support</i>	<i>I strongly support controlling the inflow of silt into the Taieri and associated wetlands</i>	
<i>LVFM-04, 5</i>	<i>Alter and move</i>	<i>I am not sure why Didymo is specifically mentioned in this section on the Taieri. Didymo is not currently a significant problem in the Taieri. It is a</i>	<i>The RPS should make a strong statement about looking seriously at how Didymo can be controlled. At present emphasis is put on</i>

		<i>major problem in the Clutha catchment.</i>	<i>control of Lagarosiphon, and too little attention is given to Didymo which is more damaging. However, this should be in an appropriate section eg on the Clutha or as a separate section, not in a paragraph specific to the Taieri. This is another inter-agency issue that should have strong input given the substantial problem with Didymo in Otago's biggest rivers.</i>
<i>LFVM-05</i>	<i>Support</i>	<i>The Leith has been heavily modified. As under number 4 opportunities should be looked for to restore natural form and function.</i>	<i>Pay particular attention to restoration of amenity values of the Leith and restoration of the ability of migratory fish to get up the Leith. Restore the Tomahawk Lagoon ,look after the Kaikorai stream and estuary and take care of the Silverstream.</i>
<i>LFVM-M3</i>	<i>Support</i>	<i>I think this is of critical importance. I think catchments should be managed by Catchment Groups with wide representation of relevant parties. Catchment Groups should work to an agreed catchment plan. A significant number of community Catchment Groups are emerging. Their further evolution should be encouraged so that they can represent their catchments and become guardians of their catchments</i>	<i>Interact with and encourage development of Catchment Groups and Catchment Plans. Provide coordination to ensure that there are not too many different organisations working to separate plans in the same catchment.</i>
<i>LFFW-08, LF-FW-P7</i>	<i>Support and add new section</i>	<i>I support providing for the wellbeing of taaka species and their migration</i>	<i>As previously noted, add a separate section providing for valued introduced species</i>

			<i>including protection of their habitat and recognition of their need for migration to maintain healthy populations</i>
<i>LF-FW-P9,-P10</i>	<i>Support</i>	<i>I strongly support protection and restoration of wetlands.</i>	<i>As previously noted, total exclusion of stock may in some cases be counter-productive to the outcomes sought for wetlands</i>
<i>LF-FW-p13</i>	<i>Support</i>	<i>I support maintenance of natural character and braiding in braided rivers. This has been neglected in the Waitaki</i>	<i>Work with other relevant bodies, of which there are many, to develop a plan for maintenance of the Waitaki riverbed that includes maintenance of natural character and braiding</i>
<i>LF-FW-p14, 4</i>	<i>Support</i>	<i>I support native planting to restore the margins of freshwater bodies but this should have regard to maintaining access</i>	<i>Ensure that when plans are made for native planting of water margins that provision is made for access to the water margin and along the water margin. Avoid putting large obstructive plants immediately adjacent to water margins.</i>
<i>LF-FW-M6, 6.</i>	<i>Support</i>	<i>I believe that water storage will become a major topic as climate change dries out our environment. This section states that water storage must comply with Te Mana o te Wai. This might cause difficulties if for example it was planned to dam a tributary. On the one hand this might provide for maintenance of flow and natural character in the river, but at the same time alter the characteristics of the tributary a lot, and the mainstem a lesser amount</i>	<i>Undertake planning on forms of water storage and how this will interact with Te Mana o te Wai.</i>

<i>LF-LS-P21</i>	<i>Add</i>	<i>Land use and provision of fresh water is a vital topic. Something that relates to this and that I have not seen emphasised in the RPS is protecting the water-providing properties of the upper catchment of rivers, ensuring maintenance of water inflows to catchments. This will be of increasing importance in a drying environment and I believe warrants emphasis in the RPS. It includes topics like preserving upland tussock grasslands in upper catchments with control of wilding conifers and control of Hieracium/hawkweed. It also includes protection and enhancement of wetlands in upper catchments</i>	<i>Ensure that the RPS places particular emphasis on protection of water yielding capabilities in the upper reaches of river catchments.</i>
<i>LF-LS-P22</i>	<i>Support</i>	<i>I support good public access to water bodies especially for recreational activities</i>	<i>Again, note the necessity to consider public access when planting water margins</i>
<i>LF-LS-M11, a</i>	<i>Add</i>	<i>Individual farm plans should be informed by an over-arching catchment plan</i>	<i>I suggest adding a section suggesting that individual farm plans should be informed by a related catchment plan</i>
<i>LF-LS-M12</i>	<i>Support</i>	<i>I support the provisions of this section.</i>	
<i>ECO-M6</i>	<i>support</i>	<i>I support engagement from ORC as well as local authorities. In my experience engagement with ORC has on occasions met with resistance and lack of response</i>	<i>ORC to ensure that it has good systems for engagement with the public and response to those engagements</i>
<i>Part 4, p 198</i>	<i>Support</i>	<i>I support the development of a comprehensive monitoring programme. I believe this is an area that has received insufficient attention in the past. I think this is a significant contributing factor to deterioration of the Otago environment</i>	<i>Ensure a very active monitoring programme is put into effect</i>

