

Written Submission on Proposed Otago Regional Policy Statement 2021 – Freshwater Provisions

To: Otago Regional Council (rps@orc.govt.nz)

1. This is a submission by **NZSki Limited (NZSki)** on the Proposed Otago Regional Policy Statement 2021 – Freshwater provisions.
2. **NZSki:**
 - a. Cannot gain an advantage in trade competition through this submission.
 - b. Is 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
 - c. Does wish to be heard in support of my submission
 - d. Will consider presenting a joint case with them at a hearing if others make a similar submission

Submission

3. This submission affects all provisions on the RPS to the extent that they are relevant to the matters stated in the table on the following pages of this submission. In addition, NZSki seeks the following decisions:
 - a. Amendments to all the provisions of the RPS in accordance with and in no way limited to the changes set out on the following pages;
 - b. Or alternatively other amendments, including any such combination of provisions as may be appropriate, to address the matters raised in this submission, and to achieve the intent of this submission.
 - c. Any similar, alternative, consequential and/or other relief as necessary to address the issues raised in this submission.
 - d. Consideration of the matters raised by or on behalf of NZSki in relation to the RPS non-freshwater provisions process (including submissions and evidence). This request is made for the avoidance of doubt in case this submission does not capture all relevant matters raised previously in relation to the non-freshwater provisions process).
4. **Submitter Details**
 - a. Refer overleaf provides some details about NZSki.

5. Address for service:

<i>Submitter Contact</i>	<i>Copy to</i>
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About NZSki

6. **NZSki** owns and operates three of New Zealand's largest commercial ski areas - Coronet Peak and The Remarkables in Queenstown and Mt Hutt in Canterbury. NZSki manages some of New Zealand's best ski areas across Coronet Peak and The Remarkables in Queenstown and Mt Hutt in Canterbury (voted NZ's Best Ski Resort six years running). Across the three mountains ranges a variety of park features and wide-open runs to natural roller-coaster terrain. There are experiences for every level of skier from first timers through to professionals. When operating at capacity NZSki employees around 60 permanent staff and around 1,400 seasonal staff.
7. Given the scale of important of ski areas to the Otago Region, NZSki and Realnz commissioned an independent assessment on the contribution of skiing to the Queenstown Lakes economy. The assessment was prepared by Mr Benje Patterson in October 2021. The key findings of the report included:
 - a. There were around 885,000 skier days at Queenstown-Lakes District's four major ski resorts during the 2019 ski season.
 - b. Locals from Queenstown-Lakes accounted for about one out of every five of these skier days (167,000) with the remaining skier days (approximately 718,000) being visitors. Alongside the 718,000 skier days spent up the mountain by visitors, these visitors were estimated to spend a further 911,000 days off the mountain. Previous research has shown that the average holidaymaker spends approximately 30% more on ski days than on other days during their holiday.
 - c. It is estimated that total expenditure by skiing holidaymakers in Queenstown-Lakes during the 2019 ski season was \$430.9 million, which was the equivalent of \$207.5 million of economic value add (GDP).
 - d. Ski tourism GDP is equivalent to 14% of what Queenstown-Lakes' entire tourism industry generated in GDP across 2019, and equates to 6.3% of the district's entire economy across all industries.
 - e. Alongside the economic impacts of ski tourism that accrue directly within Queenstown-Lakes, the rest of Otago also benefits from some spillover. Previous research has shown that skiers spend approximately one day travelling through other parts of Otago for every five days they spend within Queenstown-Lakes. After factoring in this spillover, it is estimated that skiing tourism GDP across the whole of Otago was \$233.8 million in 2019. This estimate is equivalent to 11% of Otago's entire tourism GDP and 1.7% of Otago's entire economy across all industries in 2019.
 - f. Skier days in Queenstown-Lakes fell one third (32%) from approximately 885,000 in 2019 to 599,000 in 2020. Skiing GDP almost halved (down 45%), falling from \$207.5 million in 2019 to \$114.6 million in 2020. A key factor behind this relatively steeper decline in GDP is because domestic visitors to Queenstown-Lakes typically spend less per day than the international visitor they replaced.
8. This contribution is significant to Otago and New Zealand.
9. NZSki is a subsidiary company of Trojan Holdings Limited (Trojan). Trojan has a long-standing reputation of excellence in service delivery, safety, diverse product offering and innovation. The company takes pride in providing its services and sharing the incredible New Zealand environment with their customers whilst protecting it for future generations. At heart, Trojan is part of a proudly family-owned business, with strong family values embedded throughout. Further details about Trojan and its subsidiaries can be found at <https://trojanholdings.co.nz/>.

Provision	Position	Reason(s)	Decision Sought
Entire RPS – new provisions sought	Support in part	<p>The pRPS fails to include recognition of and provision for people and communities' health and wellbeing by not sufficiently recognising or providing for the benefits of transport and tourism activities and development, in particular activities centred on supporting people's wellbeing by transporting people to the natural environment so people can use and appreciate the natural environment. It should go without saying that people (residents and visitors) rely on access to and use of the natural environment to support their health (mental and physical) and cultural, social and economic wellbeing. Similarly, it should go without saying that the health and wellbeing of communities including many local business benefit directly and indirectly from providing services associated with transporting people to the natural environment so people can use and appreciate the natural environment. Trojan owns and operates recreation related activities which support these well-beings.</p> <p>The lack of provision for activities which directly or indirectly support people's ability to the natural environment, so people can use and appreciate the natural environment undermines the above benefits and is contrary to the concept of sustainable management of Otago's natural and physical resources, because fundamentally these activities generally: (i) are part of Otago's identity which the current generations of the region rely on; (ii) maintain, enhance or do not significantly compromise the health and wellbeing of the region's natural environment; and (iii) do not undermine or threaten the well-being of future generations.</p>	Insert new provisions which explicitly promote the benefits of and provide for people's well-being, including the use of and access to the natural environment for transport, the visitor industry inclusive of commercial recreation, and ancillary commercial and industry services.
Entire RPS – new provisions sought	Support in part	Unless otherwise discussed or affected by the reasons below the pRPS is supported.	Retain all provisions in the pRPS as notified except as discussed or affected by the reasons discussed and relief sought below.
Entire RPS – reference to and use of Environmental limits and bottom lines	Support in part	In respect of environmental limits (or bottom lines) the RPS is unclear on what environmental limits are actually being referred to – e.g. do they refer to limits on landscape and amenity values? Limits should only apply to the natural environment (for example relate to biophysical attributes, and possibly ngai tahu rights and interests).	

Provision	Position	Reason(s)	Decision Sought
Entire RPS	Support in part	<p>There are numerous hackneyed vagaries in the pRPS document, for example as listed below:</p> <ul style="list-style-type: none"> • Significant • Sustainable / sustainable development / sustained • Environmental limit • Bottom line • Environments • Statements including or like "important features and values identified by this RPS" <p>These words lack practical or effective meaning and therefore will create uncertainty when applied in practice. Every word in every objective, policy, method, or AER should be clear and explicit about what it means.</p>	Replace these words with other words which have a practical or clearer/explicit meaning.
Entire RPS	Support in part	There are numerous references to the term "possible". However, this term is an extremely stringent and potentially unrealistic test to meet.	Delete term "possible" from the pRPS. Replace with clearer achievable or more practicable direction, or alternatively replace with "practicable".

Provision	Position	Specific Reason(s) if any	Decision or Amendment Sought
Interpretation – minimise	Support in part	The term minimise is used in the pRPS but it is not defined.	Insert definition for “ minimise ”, as below: “Reduce to the smallest amount reasonably practicable. Minimised, minimising and minimisation have the corresponding meaning.”
Interpretation – natural environment	Support in part	The term natural environment is used in the pRPS but it is not defined.	Insert definition of “ Natural Environment ”, as follows: Means (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; and (b) ecosystems and their constituent parts.
Interpretation – resilient or resilience	Support in part	No need for “quick” recovery	Means the capacity and ability to withstand or recover from adverse conditions.
LF-WAI-O1 – Te Mana o te Wai	Support in part	The term “maintained” would accord with policy LF-FW-P7.	LF-WAI-O1 – Te Mana o te Wai The mauri of Otago’s <i>water bodies</i> and their health and well-being is maintained, and restored where it is <i>degraded</i> , and the management of <i>land</i> and <i>water</i> recognises and reflects that..
All FMU vision statements, in particular LF-VM-O2 – Clutha Mata-au FMU vision	Oppose	A new clause should be inserted into the vision seeking direction to provide for human wellbeing through thriving outdoor recreation opportunities, including access to waterbodies and use of water for outdoor recreation activities.	LF-VM-O2 – Clutha Mata-au FMU vision In the Clutha Mata-au <i>FMU</i> . (1) <i>water bodies</i> support human wellbeing through thriving outdoor recreation opportunities, including access to waterbodies and use of water for outdoor recreation activities

Provision	Position	Specific Reason(s) if any	Decision or Amendment Sought
LF-FW-08 <i>Fresh water</i>	- Oppose	Clause 5 should be amended to clarify that the significant and outstanding values of Otago's outstanding water bodies are identified and protected from inappropriate subdivision, use and development. It is not appropriate to have blanket unqualified protection.	LF-FW-08 – Fresh water In Otago's <i>water bodies</i> and their catchments: (1) the health of the wai supports the health of the people and thriving mahika kai, (2) <i>water</i> flow is continuous throughout the whole system, (3) the interconnection of <i>fresh water</i> (including <i>groundwater</i>) and <i>coastal waters</i> is recognised, (4) native fish can migrate easily and as naturally as possible and taoka species and their habitats are protected, and (5) the significant and outstanding values of Otago's <i>outstanding water bodies</i> are identified and protected from inappropriate subdivision, use and development.
LF-FW-09 <i>Natural wetlands</i>	- Oppose	Some (small) reduction in ecosystem health and amenity values could be appropriate, for example as provided for in the NESFM. Wetlands do not need to be protected for their amenity values as this gives rise to too much uncertainty about what is to be protected, especially if utility / recreation structures are proposed.	LF-FW-09 – Natural wetlands Otago's <i>natural wetlands</i> are protected or restored so that: (1) mahika kai and other <i>mana whenua</i> values are sustained and enhanced now and for future generations, (2) there is no decrease in the range and diversity of indigenous ecosystem types and habitats in <i>natural wetlands</i> , (3) there is no discernible reduction in their ecosystem health, hydrological functioning, extent or <i>water</i> quality, and if degraded they are improved, and (4) their flood attenuation capacity is maintained.

Provision	Position	Specific Reason(s) if any	Decision or Amendment Sought
LF-FW-P9 Protecting <i>natural</i> <i>wetlands</i>	- Oppose	<p>The construction of specified infrastructure or other infrastructure should be provided for, not just maintenance.</p> <p>The matters of assessment should be “tightened” to restrict the matters of assessment to the natural values of the wetland, not any possible adverse effects associated with the proposal.</p>	<p>LF-FW-P9 – Protecting <i>natural wetlands</i></p> <p>Protect <i>natural wetlands</i> by:</p> <p>(1) avoiding a reduction in their values or extent unless:</p> <p>(a) the <i>loss of values</i> or extent arises from:</p> <p>(i) the customary harvest of food or resources undertaken in accordance with tikaka Māori,</p> <p>(ii) restoration activities,</p> <p>(iii) scientific research,</p> <p>(iv) the sustainable harvest of sphagnum moss,</p> <p>(v) the construction or maintenance of <i>wetland utility structures</i>,</p> <p>(vi) the construction, maintenance or operation of <i>specified infrastructure, or other infrastructure</i>,</p> <p>(vii) <i>natural hazard works</i>, or</p> <p>(b) the Regional Council is satisfied that:</p> <p>(i) the activity is necessary for the construction or upgrade of <i>specified infrastructure</i>,</p> <p>(ii) the <i>specified infrastructure</i> will provide significant national or regional benefits,</p> <p>(iii) there is a <i>functional need</i> for the <i>specified infrastructure</i> in that location,</p> <p>(iv) the <i>effects</i> of the activity on indigenous <i>biodiversity</i> are managed by applying either ECO-P3 or ECO-P6 (whichever is applicable), and</p> <p>(v) other <i>effects</i> of the activity on the loss of values or extent of the natural wetland (excluding those managed under (1)(b)(iv)) are managed by applying the <i>effects management hierarchy</i>, and</p> <p>(2) not granting resource consents for activities under (1)(b) unless the Regional Council is satisfied that:</p> <p>(a) the application demonstrates how each step of the <i>effects management hierarchies</i> in (1)(b)(iv) and (1)(b)(v) will be applied to the <i>loss of values</i> or extent of the <i>natural wetland</i>, and</p> <p>(b) any consent is granted subject to conditions that apply the <i>effects management hierarchies</i> in (1)(b)(iv) and (1)(b)(v) in respect of any loss of values or extent of the natural wetland.</p>

Provision	Position	Specific Reason(s) if any	Decision or Amendment Sought
Entire LF-LW Section - New Policy	Support in part	The land and freshwater provisions (or the RPS as a whole) fails to recognise and provide policy support activities that result in benefits to wetlands (including restoration, enhancement and construction of new wetlands), as well as improving people's awareness of and access to natural wetlands.	<p>LF-FW-NEW POLICY – Promoting awareness of and access to <i>natural wetlands</i></p> <p>Support activities which result in either of 1-4 of LF-FW-P10 above, or improve people's awareness of, and access to, natural wetlands for customary, or scientific, or education, or recreational uses.</p>
LF-FW-P15 – Stormwater and wastewater discharges	Support in part	It is not always desirable for sewage, industrial or trade waste to be discharged to a reticulated system, especially if alternative regimes have better environmental (ecological, social, cultural and economic) outcomes.	<p>LF-FW-P15 – Stormwater and wastewater discharges</p> <p>Minimise the adverse <i>effects</i> of direct and indirect <i>discharges</i> of <i>stormwater</i> and <i>wastewater</i> to <i>freshwater</i> by:</p> <p>(1) except as required by LF-VM-O2 and LF-VM-O4, preferring <i>discharges</i> of <i>wastewater</i> to <i>land</i> over <i>discharges</i> to <i>water</i>, unless adverse <i>effects</i> associated with a <i>discharge</i> to <i>land</i> are greater than a <i>discharge</i> to <i>water</i>, and</p> <p>(2) requiring:</p> <p>(a) all sewage, industrial or trade waste to be <i>discharged</i> into a reticulated <i>wastewater</i> system, where one is available, unless alternative treatment and disposal methods will result in improved environmental outcomes.</p> <p>(3) ...</p>
LF-FW-M6 – Regional plans	Support in part	Environmental flow and level regimes for water bodies should include provision for human wellbeing through protecting and enhancing people's ability to access waterbodies and use water to support outdoor recreation activities.	<p>LF-FW-M6 – Regional plans</p> <p>Otago Regional Council must publicly notify a Land and Water <i>Regional Plan</i> no later than 31 December 2023 and, after it is made operative, maintain that <i>regional plan</i> to:</p> <p>(1) include environmental flow and level regimes for <i>water bodies</i> (including <i>groundwater</i>) that give effect to <i>Te Mana o te Wai</i> and provide for:</p> <p>(a) ...</p> <p>(b) human wellbeing through protecting and enhancing people's ability to access waterbodies and use water to support outdoor recreation activities, and</p>

Provision	Position	Specific Reason(s) if any	Decision or Amendment Sought
LF-FW-M7 – District plans	Support in part	<p>It is not appropriate, practical or reasonable to avoid adverse effects of activities on the significant and outstanding values of outstanding water bodies.</p> <p>It is not appropriate or necessary to adopt water sensitive urban design techniques to all land development outside the urban environment.</p>	<p>LF-FW-M7 – District plans</p> <p><i>Territorial authorities</i> must prepare or amend and maintain their <i>district plans</i> no later than 31 December 2026 to:</p> <ol style="list-style-type: none"> (1) map <i>outstanding water bodies</i> and identify their outstanding and significant values using the information gathered by Otago Regional Council in LF-FW-M5, and (2) include provisions to avoid, remedy or mitigate the adverse <i>effects</i> of activities on the significant and outstanding values of <i>outstanding water bodies</i>, (3) require, wherever practicable, the adoption of water sensitive urban design techniques when managing the <i>subdivision</i>, use or development of <i>urban</i>, and
ECO-P3 – Protecting significant natural areas and taoka	Support in part	<p>This policy effectively says that no vegetation within an SNA can be removed. This does not accord with the concept of sustainable management, as some removal of vegetation within an identified SNA can have indiscernible or an appropriate extent of adverse effects, or can be offset or compensated.</p>	<p>ECO-P3 – Protecting significant natural areas and taoka</p> <p>Except as provided for by ECO-P4 and ECO-P5, protect <i>significant natural areas</i> and indigenous species and ecosystems that are taoka by:</p> <ol style="list-style-type: none"> (1) avoiding adverse <i>effects</i> that result in: <ol style="list-style-type: none"> (a) any discernible reduction of the area or values (even if those values are not themselves significant) identified under ECO-P2(1), or (b) any loss of Kāi Tahu values, and (2) after (1), applying the <i>biodiversity effects management hierarchy</i> in ECO-P6, and (3) prior to <i>significant natural areas</i> 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.

Provision	Position	Comment	Decision / amendment sought
SRMR – entire section	Support in part	The SRMR section fails to identify or discuss, in a positive frame, the benefits to people and the environment from subdivision, use and development of natural and physical resources. Trojan is particularly concerned that the SRMR section does not discuss the wellbeing benefits (and need) of ensuring people can access and use the rural and natural environment.	<p>Insert new section to identify and discuss, in a positive frame, the benefits to people and the environment from subdivision, use and development of natural and physical resources.</p> <p>This section should also identify and discuss the wellbeing benefits (and need) of ensuring people can access and use the rural and natural environment.</p>
SRMR – entire section	Support in part	The SRMR section is written too negatively, with limited reference to any positive or beneficial resource management issues. If the focus is to remain on adverse effects (or negative significant resource management issues then the headings of each “Impact Snapshot” section should be amended to say “Adverse Impact Snapshot”.	Amend each “Impact Snapshot” to say “Adverse Impact Snapshot”.
SRMR-11 Context	Support in part	Natural hazard events occur all the time without any discernible impact.	The Otago region is exposed to a wide variety of <i>natural hazards</i> that impact on people, property, <i>infrastructure</i> , historic heritage and the wider <i>environment</i> . When a major <i>natural hazard</i> event occurs, it is usually difficult and costly for a community to recover. ..
SRMR 15 – Impact Snapshot Economic	Support in part		<i>Freshwater</i> in the Otago region is a factor of production that directly contributes to human needs (urban <i>water</i> supply), agriculture (including irrigation), hydro-electric power supply, tourism (for example water supply for visitor destinations and snowmaking), and mineral extraction. <i>Freshwater</i> also indirectly contributes to the tourism industry through maintenance of <i>freshwater</i> assets for aesthetic and commercial recreational purposes. Lack of <i>freshwater</i> can negatively impact economic output of those industries that rely on <i>water</i> in the production process. To varying degrees these impacts can be mitigated through <i>water</i> efficiency measures and innovation. At the same time other industries, such as tourism activities that rely on the aesthetic characteristic of <i>rivers</i> and <i>lakes</i> , do not have such opportunities available to them and instead rely on management regimes that sustain flows and <i>water</i> levels suitable for their activities.

Provision	Position	Comment	Decision / amendment sought
SRMR 15 – Impact Snapshot Social	Support in part		Ensuring appropriate <i>freshwater</i> supply for human <i>use</i> is available is essential, including as part of planned urban growth. It is possible this may require consideration of additional <i>freshwater</i> storage in the future. The region's <i>freshwater</i> assets also support a range of recreation uses, for example camping, fishing, <i>watersports</i> , and swimming. These values are strongly linked to environmental values and as such, reduced environmental flows have a corresponding negative impact on social and cultural values (including people's wellbeing).
SRMR 16 – heading	Support in part		Declining <i>water</i> quality has adverse <i>effects</i> on the natural <i>environment</i>, our communities, and the economy
SRMR 16 – statement	Support in part		While the pristine areas of Otago generally maintain very good <i>water</i> quality, some areas of Otago demonstrate poorer quality and declining trends in <i>water</i> quality which can be attributed to <i>discharges</i> from <i>land use</i> intensification (both rural and urban) and <i>land</i> management practices. Erosion, run-off and soil loss can lead to sediment and nutrients being deposited into <i>freshwater</i> bodies resulting in declining <i>water</i> quality.
SRMR 17	Oppose		Insert statement/discussion in this section about the need to restore biodiversity, not just maintain or protect what's left.
SRMR-19 – SNAPSHOT – environmental	Support in part	What evidence is this statement based on? What type of tourism demand, as opposed to urban growth, results in degradation of water quality?	<p>...However, <i>water</i> quality is being adversely impacted by increased population and urban development which is straining existing waste management infrastructure. In addition, localised degradation of some areas is occurring due to overuse and unregulated use (e.g. freedom camping). The amenity of these areas is being compromised in some places by over-crowding.</p> <p>Recreation <i>use</i> impacts on the <i>environment</i> can be a <i>risk</i>, for example the distribution of pest species can be accelerated as has occurred for lake snow and <i>Lagarosiphon</i> weeds being spread by recreation boating movements. Natural features and landscape values can also be adversely impacted by tourism development, urban growth, and energy production.</p>

Provision	Position	Comment	Decision / amendment sought
SRMR-19 SNAPSHOT economic	- - Support in part	<p>These statements are unfounded. Firstly, there is no evidence that international visitors think there is an overcrowding issue in the district (or NZ). Secondly, there is no evidence to suggest tourism income will be adversely affected by NZs reputation. Thirdly, the tourism industry does not have a social license to operate (or at least there is no evidence to say this and there is no such thing in RMA language).</p> <p>How has or can tourism negatively impact agriculture? In fact it is the opposite, e.g. some (probably many) farming activities rely on tourism as an additional source of income.</p>	<p>The economic benefits of urban development, tourism, agriculture, energy production and <i>water</i> supply can be positive for the Otago-Lakes' communities and visitors. It also impacts on the region's natural assets with a growing cost to the region that puts at <i>risk</i> the <i>environment</i> highly prized by residents and visitors. There are also impacts between industry sectors.</p> <p>For example, the clean green image of New Zealand, of which the Otago Lakes area is symbolic, is at <i>risk</i> of being compromised if the quality of lakes becomes degraded or visitor numbers exceed the servicing capacity of the district. .</p> <p>Urban development brings economic development and improved opportunities and standards of living to the Otago lakes area but can adversely impact on both the <i>environment</i> and how agriculture can operate.</p>
SRMR-19 SNAPSHOT social	- - Support in part		<p>Poorly managed activities and over-crowding impacts can adversely affect recreation experiences of both tourists and residents, particularly outdoor recreation, . <i>Infrastructure</i> capacity limits can, for example, result in an increased number of wastewater overflows into the environment when demand on the network exceeds capacity. These can have significant adverse impacts on human health including recreation opportunities as well as recreational amenity.</p>