

FORM 5

**SUBMISSION ON NOTIFIED PROPOSAL FOR POLICY STATEMENT**

Clause 6 of Schedule 1, Resource Management Act 1991

To: Otago Regional Council

Name: Silver Fern Farms Limited ("**Silver Fern Farms**")

1. This is a submission on the Freshwater Planning Instrument Parts of the Proposed Otago Regional Policy Statement ("**PORPS**").
2. Silver Fern Farms could **not** gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that Silver Fern Farms' submission relates to are summarised below. The specific relief Silver Fern Farms seeks is detailed in **Appendix A**.
4. Background matters that inform Silver Fern Farms' position on the PORPS are as follows:
  - a. Silver Fern Farms operates the Finegand processing plant at Yorston Road, Balclutha ("**Site**"). The Site is one of New Zealand's busiest meat processing plants. It operates in accordance with resource consents, including Regional Council consents authorising discharges of treated wastewater to the Clutha River and discharges of leachate to land in circumstances where it may enter water.
  - b. Key operational features of the Site are shown in Figure 1 below and include:
    - i. Stockyards.
    - ii. Meat processing (slaughtering) facilities.
    - iii. A wastewater treatment plant.
    - iv. A composting plant.
    - v. A closed landfill site.

- vi. Boiler operations.
- c. Meat processing activities have been established at the Site for over 100 years. The Site is a key component of the agriculture sector in Balclutha and the Otago region. The Site's workforce during the peak of the meat processing season is approximately 1,200 – 1,300 people, including approximately 10% of Balclutha's population of 4,170 people.



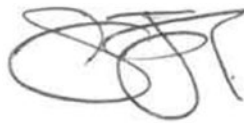
**Figure 1: Silver Fern Farms' Finegand Site.**

- d. Silver Fern Farms' investment at the Site is in the range of \$300 million. It invested significant sums into comprehensive wastewater system upgrades at the Site between 2006 and 2009. Those upgrades ensured that the quality of the Site's wastewater discharges would meet tightening environmental limits imposed by the Otago Regional Council's *Regional Plan: Water for Otago*. The upgrades were successful in treating key contaminants and improving the quality of wastewater discharges from the Site.

- e. Silver Fern Farms has applied to the Otago Regional Council for replacement resource consents for various activities, including discharges, at the Site. Those resource consent applications were still being processed at the time of this submission.
  - f. Silver Fern Farms opposes provisions of the PORPS which it considers to be:
    - i. Inconsistent with the requirements of the Resource Management Act 1991 for regional policy statements to give effect to, and accord with, national policy statements.
    - ii. Unduly restrictive insofar as it requires (in some provisions) the unqualified avoidance of all adverse effects, regardless of the scale or significance of the adverse effect and without regard to any positive effects that would accrue from activities.
    - iii. Insufficiently supported by an analysis (as required by s32 of the Resource Management Act 1991) of the appropriateness and efficiency and effectiveness of the proposed provisions, and of practicable alternatives to the proposed provisions.
    - iv. Ambiguous and/or impractical to implement at the level of project consenting.
  - g. Silver Fern Farms considers that without amendments to address and give effect to the above issues, and the specific relief set out in **Appendix A**, the PORPS:
    - i. Does not promote the sustainable management or efficient use and development of natural and physical resources.
    - ii. Is not the most appropriate way to achieve the purpose of the Resource Management Act 1991, especially given the limited s32 analysis of the “appropriateness” of the proposed objectives and policies of the PORPS.
    - iii. Does not represent sound resource management practice, particularly with respect to planning for significant business activities in Otago.
5. Silver Fern Farms seeks the following decision from the local authority:
- a. Where specific wording has been proposed in **Appendix A**, words or provisions to similar effect.
  - b. All necessary and consequential amendments, including any amendments to the PORPS provisions themselves or to other provisions linked to those provisions submitted on, and including any cross-references in other chapters.

- c. All further relief that is necessary to give effect to the concerns described above and in **Appendix A**.
6. Silver Fern Farms **does** wish to be heard in support of its submission. If others make a similar submission, Silver Fern Farms **will** consider presenting a joint case with them at any hearing.

**Signature:**



Steve Tuck (Mitchell Daysh Limited) on behalf of Silver Fern Farms Limited.

**Date:** 29 November 2022.

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**Contact person:** Steve Tuck (Associate)

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Provision	Position	Reason	Relief Sought
<b>Interpretation</b>			
<p><b>Drinking water</b> has the same meaning as in Standard 14 of the National Planning Standards 2019 (as set out in the box below)</p> <p><i>means water intended to be used for human consumption; and includes water intended to be used for food preparation, utensil washing, and oral or other personal hygiene.</i></p>	Support	Agree with the use of a definition that is consistent with the definition specified in the National Planning Standards 2019.	Retain this definition as notified.
<p><b>National Objectives Framework</b> has the same meaning as in clause 1.4 of the National Policy Statement for Freshwater Management 2020 (as set out in the box below)</p> <p><i>means the framework for managing freshwater as described in subpart 2 of Part 3.</i></p>	Support	Agree with the use of a definition that is consistent with the definition in the National Policy Statement for Freshwater Management 2020.	Retain this definition as notified.
<p><b>Natural hazard works</b> has the same meaning as in regulation 51(1) of the National Environmental Standard for Freshwater 2020 (as set out in the box below)</p> <p><i>means works for the purpose of removing material, such as trees, debris, and sediment, that—</i></p> <p><i>(a) is deposited as the result of a natural hazard,</i> <i>and</i></p>	Support	Agree with the use of a definition that is consistent with the definition in the National Environmental Standard for Freshwater 2020.	Retain this definition as notified.

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<p><i>(b) is causing, or is likely to cause, an immediate hazard to people or property</i></p>			
<p><b>Other infrastructure</b> has the same meaning as in regulation 3 of the National Environmental Standard for Freshwater 2020 (as set out in the box below)</p> <p><i>means infrastructure, other than specified infrastructure, that was lawfully established before, and in place at, the close of 2 September 2020</i></p>	Support	Agree with the use of a definition that is consistent with the definition in the National Environmental Standard for Freshwater 2020.	Retain this definition as notified.
<p><b>Over-allocation</b> has the same meaning as in clause 1.4 of the National Policy Statement for Freshwater Management 2020 (as set out in the box below)</p> <p><i>in relation to both the quantity and quality of freshwater, is the situation where:</i></p> <p><i>(a) resource use exceeds a limit; or</i></p> <p><i>(b) if limits have not been set, an FMU or part of an FMU is degraded or degrading</i></p>	Support	Agree with the use of a definition that is consistent with the definition in the National Policy Statement for Freshwater Management 2020.	Retain this definition as notified.
<p><b>Specified infrastructure</b> has the same meaning as in clause 3.21 of the National Policy Statement for Freshwater Management 2020 (as set out in the box below)</p> <p><i>means any of the following:</i></p> <p><i>(a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002),</i></p>	Support	Agree with the use of a definition that is consistent with the definition in the National Policy Statement for Freshwater Management 2020.	Retain this definition as notified.

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<p>(b) <i>regionally significant infrastructure identified as such in a regional policy statement or regional plan,</i></p> <p>(c) <i>any public flood control, flood protection, or drainage works carried out:</i></p> <p style="padding-left: 20px;">(i) <i>by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1951, or</i></p> <p style="padding-left: 20px;">(ii) <i>for the purpose of drainage by drainage districts under the Land Drainage Act 1908</i></p>			
<p><b>Specified rivers and lakes</b> has the same meaning as in Appendix 3 of the National Policy Statement for Freshwater Management 2020 (as set out in the box below)</p> <p><i>means:</i></p> <p>(a) <i>rivers that are fourth order or greater, using the methods outlined in the River Environment Classification System, National Institute of Water and Atmospheric Research, Version 1, and</i></p> <p>(b) <i>lakes with a perimeter of 1.5km or more.</i></p>	Support	Agree with the use of a definition that is consistent with the definition in the National Policy Statement for Freshwater Management 2020.	Retain this definition as notified.
<b>SRMR Significant resource management issues for the region</b>			
<p><b>SRMR-15 – Freshwater demand exceeds capacity in some places</b></p> <p><b>Statement</b> In water-short catchments, freshwater availability may not be able to meet competing</p>	Oppose in part.	The “Economic” sub-section of this issue statement refers to freshwater as a key input into production. However, the text only expressly refers to hydro-	Amend the text under the “Economic” sub-heading to read:  <b>Economic</b> Freshwater in the Otago region is a factor of production that

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<p>demands from the health and well-being needs of the environment, the health and well-being needs of people, and the ability of people and communities to provide for their social, economic and cultural well-being. Many of these catchments are also experiencing urban growth, changes in rural land uses, and increased demand for hydro-electric generation. Individually and cumulatively these can alter demand including further increases in demand on freshwater supply. Some catchments are complex, making it challenging to identify or mitigate these effects.</p> <p><b>Context</b> Freshwater, including rivers and streams, lakes, groundwater systems, and wetlands, is a finite resource, critical to the environment, society and the economy. In Otago, access to, allocation, and use of freshwater reflects current demands and historical development associated with “deemed permits” (water permits under the RMA 1991) and a permissive water resource management regime. The deemed permits originated from mining licences issued under historic mining legislation and which enable water to continue to be used for a range of uses until October 2021. Population growth and land-use intensification in urban and rural environments can create increased demand for freshwater for human consumption, irrigation and other economic uses. Freshwater resources in some places are reaching, or are beyond, their sustainable abstraction limits. However, there continues to be debate in the community about how historical freshwater allocations can be adjusted to achieve a balance of economic, environmental, social and cultural needs.</p>		<p>electricity generation, mineral extraction, agriculture and tourism.</p> <p>It is not necessary to list out every sub-sector that relies on fresh water as an input, but Silver Fern Farms considers that it would be appropriate to recognise “industry” in this sub-section of the issue statement and “rural industry”, given the importance of the industrial sector to Otago’s economic prosperity and the reliance of “rural industry” (in particular) on the take and use of water from non-reticulated sources.</p> <p>Furthermore, the “Social” sub-section of this issue statement highlights a future need for freshwater supply and storage as an issue of note, as below.</p> <p><i>“Ensuring appropriate freshwater supply for human use is available as part of planned urban growth is essential. It is possible this may require consideration of additional freshwater storage in the future”.</i></p> <p>Silver Fern Farms notes that the benefits of water storage are not limited to secure supply for human use and urban growth.</p> <p>The development of water storage can provide efficient, secure supply for</p>	<p>directly contributes to human needs (urban water supply), agriculture, <u>industry, including rural industry</u>, hydroelectric power supply, and mineral extraction.</p> <p>Freshwater also indirectly contributes to the tourism industry through maintenance of freshwater assets for aesthetic and commercial recreational purposes. Lack of freshwater can negatively impact economic output of those industries that rely on water in the production process. To varying degrees these impacts can be mitigated through water efficiency measures, <u>development of water storage</u> and innovation. At the same time other industries, such as tourism that rely on the aesthetic characteristic of rivers and lakes, do not have such opportunities available to them and instead rely on management regimes that sustain flows and water levels suitable for their activities.</p> <p><i>[Remainder of provision not shown here].</i></p>



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<p>On 3 September 2020, new National Environmental Standards for Freshwater (NESF) and a new National Policy Statement for Freshwater Management (NPSFM) came into force. They have a goal of improving freshwater quality within five years, reversing past damage and bringing New Zealand’s freshwater resources, waterways and ecosystems to a healthy state within a generation. The NPS-FM also clarified the need to provide first for the health and well-being of water bodies and freshwater ecosystems; then health and needs of people (such as drinking water); and finally, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</p> <p><b>Impact snapshot</b></p> <p><b>Environmental</b> Freshwater abstraction can reduce water level or flow and connections between different water bodies. This can negatively impact ecosystems by affecting freshwater habitat size and the shape and condition of the water body, including bed, banks, margin, riparian vegetation, connections to groundwater, water chemistry (for example by increasing concentrations of pollutants), and interaction between species and their habitat. How much an ecosystem is affected by taking freshwater is determined by departure from natural flow regimes, taking into account magnitude, frequency, timing, duration and rate of change, and ecosystem capacity to recover.</p> <p><b>Economic</b> Freshwater in the Otago region is a factor of production that directly contributes to human</p>		<p>industry while reducing environmental impacts.</p> <p>For example, the availability of water storage can enable water to be taken during periods of high availability and stored for use during periods when supply is constrained. This can reduce effects on the water resource and on other water users, while providing opportunities for habitat development or enhancement around constructed water storages.</p> <p>Given the water supply problems and impacts described in this Issue Statement, Silver Fern Farms considers that it would be appropriate for the PORPS to recognise the benefits of water storage in the “Economic” sub-section of the text, to inform the future work required in accordance with LF–FW–M6(6) (Regional plans), which seeks to “provide for the off-stream storage of surface water”.</p>	

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<p>needs (urban water supply), agriculture (including irrigation), hydro-electric power supply, and mineral extraction. Freshwater also indirectly contributes to the tourism industry through maintenance of freshwater assets for aesthetic and commercial recreational purposes. Lack of freshwater can negatively impact economic output of those industries that rely on water in the production process. To varying degrees these impacts can be mitigated through water efficiency measures and innovation. At the same time other industries, such as tourism that rely on the aesthetic characteristic of rivers and lakes, do not have such opportunities available to them and instead rely on management regimes that sustain flows and water levels suitable for their activities.</p> <p><b>Social</b> Ensuring appropriate freshwater supply for human use is available as part of planned urban growth is essential. It is possible this may require consideration of additional freshwater storage in the future. The region’s freshwater assets also support a range of recreation uses, for example camping, fishing, water sports, 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.</p>			
<p><b>SRMR–16 - Declining water quality has adverse effects on the environment, our communities, and the economy</b></p>	<p>Oppose in part</p>	<p>This Issue Statement helpfully describes the importance of water quality for a range of environmental,</p>	<p>Amend as follows. <b>Statement</b></p>

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<p><b>Statement</b></p> <p>While the pristine areas of Otago generally maintain good water quality, some areas of Otago demonstrate poorer quality and declining trends in water quality which can be attributed to discharges from land use intensification (both rural and urban) and land management practices. Erosion, run-off and soil loss can lead to sediment and nutrients being deposited into freshwater bodies resulting in declining water quality.</p> <p><b>Context</b></p> <p>The health of water is vital for the health of the environment, people and the economy. It is at the heart of culture and identity. Nationally, and in parts of Otago, freshwater is facing significant pressure. Population growth and land-use intensification in urban and rural environments has impacted the quality of water, increasing contamination from nutrients and sediment. Water quality affects a wide range of environmental health factors, human survival needs, and cultural, social, recreational, and economic uses. Some of the biggest impacts on water quality in Otago are considered to come from agriculture and urbanisation, through diffuse discharges and point source discharges. On 3 September 2020, new National Environmental Standards (NESF) and a new National Policy Statement (NPSFM) came into force to improve water quality within five years; and reverse past damage and bring New Zealand’s freshwater resources,</p>		<p>socio-cultural and economic outcomes.</p> <p>However, it is largely negative and fails to recognise that activities that affect water quality (like discharges) are often critical aspects of activities that have wider societal benefits, like food production.</p> <p>In Silver Fern Farms’ view, improved water quality does not equate to a no-effects management regime. It would be appropriate for the Issue Statement to recognise that a balance is required to manage freshwater within an acceptable envelope of effects, in order to enables beneficial activities.</p>	<p>While the pristine areas of Otago generally maintain good water quality, some areas of Otago demonstrate poorer quality and declining trends in water quality which can be attributed to discharges from land use intensification (both rural and urban) and land management practices. Erosion, run-off and soil loss can lead to sediment and nutrients being deposited into freshwater bodies resulting in declining water quality. <u>As such, there is a need to manage activities that affect water quality to achieve appropriate environmental, social, cultural and economic outcomes.</u></p> <p><b>Context</b></p> <p>The health of water is vital for the health of the environment, people and the economy. It is at the heart of culture and identity. Nationally, and in parts of Otago, freshwater is facing significant pressure. Population growth and land-use intensification in urban and rural environments has impacted the quality of water, increasing contamination from nutrients and sediment. Water quality affects a wide range of environmental health factors, human survival needs (<u>such as drinking water supply and food</u></p>

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<p>waterways and ecosystems to a healthy state within a generation.</p> <p><b>Impact snapshot</b></p> <p><b>Environmental</b> Despite the region's lakes and rivers being highly valued by Otago communities, reports indicate there are reasons for concern about water quality and its trends with consequent potential impact on ecosystems and people. Water quality across Otago is variable. River water quality is best at river and stream reaches located at high or mountainous elevations under predominantly native vegetation cover, and mostly good in the upper areas of large river catchment and outlets from large lakes. Water quality is generally poorer in smaller low-elevation streams and coastal shallow lakes where they receive water from upstream pastoral areas or urban catchments. For example, catchments such as the Waiareka Creek, Kaikorai Stream, and the lower Clutha catchment, have some of the worst water quality in the region; Otago's central lakes are impacted by increased population, urban development and tourism demand; other areas, such as urban streams in Dunedin, intensified catchments in North Otago and some tributaries, also have poor water quality.</p> <p>Between 2006 and 2017, trends in a number of water quality parameters were worsening. For E. coli, for example, 30% of sites had a probable or significant worsening trend compared to 7% of sites that had either stable or improving trends. In urban streams in Dunedin, intensified catchments in North Otago and some tributaries of the Pomahaka, E. coli</p>			<p>production), and cultural, social, recreational, and economic uses. Some of the biggest impacts on water quality in Otago are considered to come from agriculture and urbanisation, through diffuse discharges and point source discharges. On 3 September 2020, new National Environmental Standards (NESF) and a new National Policy Statement (NPSFM) came into force to improve water quality within five years; and reverse past damage and bring New Zealand's freshwater resources, waterways and ecosystems to a healthy state within a generation.</p> <p><i>[Remainder of provision not shown here].</i></p>

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<p>was the worst performing variable. In many cases, the specific source of contamination is unknown. There are many different types and sizes of lakes in Otago. ORC monitors water quality in lakes, of which eight have generally shown good water quality. There have been concerns within the community about the quality of water in Lakes Wānaka, Wakatipu and Hayes.</p> <p>Groundwater quality also varies across the region, with some areas having elevated E. coli and nitrate concentrations above the NZ Drinking Water Standards. The main areas with elevated nitrate concentrations are North Otago and the Lower Clutha. Some bores across the region have exceeded the drinking water standards for E. coli; highlighting localized problems, likely due to inadequate bore head security. In addition to human sources of poorer groundwater quality, low groundwater quality from natural or geologic sources may also affect the potability of bore water throughout Otago (e.g. naturally occurring arsenic or boron concentrations found in bores associated with particularly geologies). Stock entering water bodies can lead to pugging and destruction of riparian soils and beds that play an important role in filtering contaminants, as well as excreting directly in waterways. The growing practice of wintering cattle in Otago can exacerbate leaching effects, which may not connect to surface water until spring, creating spikes in nutrient loads. Sediment is a key issue for freshwater quality throughout Otago, including coastal estuaries where it can significantly impact the life supporting capacity of waterways. Urban</p>			

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<p>development is a key generator of sediment input to lakes and rivers in Central Otago, from building platforms and from stormwater contamination. Activities such as agricultural intensification, mining, and forestry also contribute. Agricultural intensification also contributes to nutrients (nitrogen and phosphorus) leaching into underlying groundwater or running off into surface water bodies, and can also increase the risk of E.coli contamination from animal waste. Urban environmental contaminants include hydrocarbons, and metals from roads and structures. They often wash into urban stormwater systems and pass unfiltered into water bodies, or the coastal marine area. Stormwater effects, particularly in urban areas, are poorly understood. Wastewater and stormwater systems may not be adequate in some places due to aging infrastructure, rapid growth pressure, or insufficient investment in replacement or upgrades. Overflows of wastewater (sewage and waste products) create significant risks for water quality. These can enter the environment either directly or through stormwater systems, particularly in flood events. Economic Water pollution (from nutrients, chemicals, pathogens and sediment) can have far-reaching effects potentially impacting tourism, property values, commercial fishing, recreational businesses, and many other sectors that depend on clean water. These impacts can be direct (varying the quality of primary production outputs such as fish); increasing costs of production through mitigation or remediation costs (drinking water treatment cost, riparian restoration); loss of</p>			

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<p>enjoyment and benefit from tourism uses, and indirect such as cost to human health and associated medical costs, or reduction in brand value (e.g. Brand New Zealand).</p> <p><b>Social</b> For the wider community, water is a source of kai and of recreation, including swimming, fishing and water sports. Otago’s rivers, lakes, estuaries and bays are important destinations for recreational use including swimming, fishing and water sports. Eighty-two per cent of Otago’s rivers and lakes are swimmable. Where water quality cannot support these activities, the lifestyle of those living in Otago is impacted. Degraded water quality reduces the mauri of the water and the habitats and species it supports, therefore also negatively affecting mahika kai and taoka species and places. This constitutes a loss of Kāi Tahu culture, affecting the intergenerational transfer of knowledge handed down from tūpuna over hundreds of years; and it culminates in a loss of rakatirataka and mana.</p>			
<b>LF – Land and Freshwater</b>			
<b>LF–WAI – Te Mana o te Wai</b>			
<p><b>LF–WAI–01 – Te Mana o te Wai</b></p> <p>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:</p>	Oppose in part	Silver Fern Farms notes that “restoration” of degraded water may not always be practicable during the term of the PORPS. Therefore, it would be appropriate to “promote” restoration, similarly to the approach of the National Policy Statement for	<p>Amend as follows:</p> <p><b>LF–WAI–01 – Te Mana o te Wai</b></p> <p>The mauri of Otago’s water bodies and their health and well-being is protected, and restoration is <u>promoted</u> where it is degraded, and the</p>

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<p>(1) water is the foundation and source of all life – na te wai ko te hauora o ngā mea katoa,</p> <p>(2) there is an integral kinship relationship between water and Kāi Tahu whānui, and this relationship endures through time, connecting past, present and future,</p> <p>(3) each water body has a unique whakapapa and characteristics,</p> <p>(4) water and land have a connectedness that supports and perpetuates life, and</p> <p>(5) Kāi Tahu exercise rakatirataka, manaakitaka and their kaitiakitaka duty of care and attention over wai and all the life it supports.</p>		<p>Freshwater 2020 towards natural wetlands e.g., at clause 3.22(4). This would also align more closely to policy LF-FW-P7(1) which requires waterbodies with degraded quality to be “improved” rather than “restored”.</p>	<p>management of land and water recognises and reflects that:</p> <p><i>[Remainder of provision not shown here].</i></p>
<p><b>LF-WAI-P1 – Prioritisation</b></p> <p>In all management of fresh water in Otago, prioritise:</p> <p>(1) first, the health and well-being of water bodies and freshwater ecosystems, te hauora o te wai and te hauora o te taiao, and the exercise of mana whenua to uphold these,</p> <p>(2) second, the health and well-being needs of people, te hauora o te tangata; interacting with water through ingestion (such as drinking water and consuming harvested resources) and immersive activities (such as harvesting resources and bathing), and</p>	<p>Support.</p>	<p>The management hierarchy expressed in this policy aligns with clauses 1.3(5), 3.2(2) and 3.7(1) of the National Policy Statement for Freshwater 2020.</p>	<p>Retain as notified.</p>



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(3) third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.			
<b>LF-WAI-AER2</b>			
The mauri of Otago's water bodies and their health and well-being is protected.			
<b>LF-VM – Visions and management</b>			
<p><b>LF-VM-O2 – Clutha Mata-au FMU vision</b></p> <p>In the Clutha Mata-au FMU:</p> <p>(1) management of the FMU recognises that:</p> <p>(a) the Clutha Mata-au is a single connected system ki uta ki tai, and</p> <p>(b) the source of the wai is pure, coming directly from Tawhirimatea to the top of the mauka and into the awa,</p> <p>(2) fresh water is managed in accordance with the LF-WAI objectives and policies,</p> <p>(3) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,</p> <p>(4) water bodies support thriving mahika kai and Kāi Tahu whānui have access to mahika kai,</p> <p>(5) indigenous species migrate easily and as naturally as possible along and within the river system,</p>	Oppose in part.	<p>Page 33 of the s32 report notes in relation to this objective that a key theme raised during public consultation was:</p> <p>“In the Dunstan, Manuherekiā, Roxburgh, and <b>Lower Clutha</b> rohe, recognising the importance of those catchments to communities for their food production opportunities and the need for irrigation water to support those activities” (emphasis added).</p> <p>Despite this community feedback the Lower Clutha catchment-specific clause (7)(c) does not recognise food production similarly to clause 7(b)(ii) does for the Dunstan, Manuherekiā and Roxburgh rohe.</p> <p>No analysis of this discrepancy (in terms of achieving the purpose of the RMA) is evident in the s32 report. As</p>	<p>Amend as follows:</p> <p><b>LF-VM-O2 – Clutha Mata-au FMU vision</b></p> <p>[...]</p> <p>(7) in addition to (1) to (6) above:</p> <p>[...]</p> <p>(c) in the Lower Clutha rohe:</p> <p>(i) there is no further modification of the shape and behaviour of the water bodies and opportunities to restore the natural form and function of water bodies are promoted wherever possible,</p> <p>(ii) the ecosystem connections between freshwater, wetlands and the coastal</p>

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Provision	Position	Reason	Relief Sought
<p>(6) the national significance of the Clutha hydro-electricity generation scheme is recognised,</p> <p>(7) in addition to (1) to (6) above:</p> <p>(a) In the Upper Lakes rohe, the high quality waters of the lakes and their tributaries are protected, recognising the significance of the purity of these waters to Kāi Tahu and to the wider community,</p> <p>(b) in the Dunstan, Manuherekia and Roxburgh rohe:</p> <p>(i) flows in water bodies sustain and, wherever possible, restore the natural form and function of main stems and tributaries to support Kāi Tahu values and practices, and</p> <p>(ii) innovative and sustainable land and water management practices support food production in the area and reduce discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and</p> <p>(iii) sustainable abstraction occurs from main stems or groundwater in preference to tributaries,</p> <p>(c) in the Lower Clutha rohe:</p> <p>(i) there is no further modification of the shape and behaviour of the water bodies and opportunities to restore the natural</p>		<p>noted with respect to SRMR-16 earlier in this table, there are considerable benefits of water use (within an appropriate management regime) for human health, including by way of food production.</p> <p>Silver Fern Farms seeks amendment of this objective to include recognition of the food production/supply values in the Lower Clutha rohe, consistent with the relevant sub-clause relating to the Dunstan, Manuherekia and Roxburgh rohe.</p> <p>Also, Silver Fern Farms notes that the effects of discharge could be managed by a range of treatment methods, not just reduction of the discharge volume, which seems to be inferred by the notified drafting of sub-clause (7)(c)(iii). It recommends replacing the reference to reducing discharges with a reference to managing discharges.</p> <p>Lastly it is noted that the term “wastewater” has a broad definition in the PORPS, including industrial, trade waste and grey water along with sewage. Sub-clause (7)(c)(iv) would prohibit currently consented discharges of these contaminants, even if treated to an appropriate</p>	<p>environment are preserved and, wherever possible, restored,</p> <p>(iii) <u>innovative and sustainable land and water management practices support food production and land management practices reduce discharges of nutrients and other contaminants to water bodies are managed so that water bodies are safe for human contact, and</u></p> <p>(iv) there are no direct discharges of <u>sewage wastewater</u> to water bodies, and</p> <p>(v) <u>there are no direct discharges of untreated greywater, industrial waste or trade waste to water.</u></p> <p><i>[Remainder of provision not shown here].</i></p>

## APPENDIX A: TABLE OF RECOMMENDATIONS

Provision	Position	Reason	Relief Sought
<p>form and function of water bodies are promoted wherever possible,</p> <p>(ii) the ecosystem connections between freshwater, wetlands and the coastal environment are preserved and, wherever possible, restored,</p> <p>(iii) land management practices reduce discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and</p> <p>(iv) there are no direct discharges of wastewater to water bodies, and</p> <p>(8) the outcomes sought in (7) are to be achieved within the following timeframes:</p> <p>(a) by 2030 in the Upper Lakes rohe,</p> <p>(b) by 2045 in the Dunstan, Roxburgh and Lower Clutha rohe, and</p> <p>(c) by 2050 in the Manuherekia rohe.</p>		<p>standard in accordance with a resource consent or rule in a plan.</p> <p>Silver Fern Farms considers that the objective needs refinement to:</p> <ul style="list-style-type: none"> <li>➤ Distinguish the requirement to avoid sewage discharges from grey water, industrial or trade waste discharges; and</li> <li>➤ Ensure that appropriately treated and authorised discharges of non-sewage wastewater are not inadvertently prohibited by this policy direction.</li> </ul>	
<b>LF-FW – Fresh water</b>			
<p><b>LF-FW-O8 – Fresh water</b></p> <p>In Otago’s water bodies and their catchments:</p> <p>(1) the health of the wai supports the health of the people and thriving mahika kai,</p> <p>(2) water flow is continuous throughout the whole system,</p>	Oppose in part.	<p>Silver Fern Farms questions whether clause (2), requiring “continuous flow throughout the whole system” is reflective of natural or current hydrological conditions across all of the region’s catchments and waterways. If not, this aspect of the objective is unrealistic to achieve.</p>	Delete LF-FW-O8(2).

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Provision	Position	Reason	Relief Sought
<p>(3) the interconnection of fresh water (including groundwater) and coastal waters is recognised,</p> <p>(4) native fish can migrate easily and as naturally as possible and taoka species and their habitats are protected, and</p> <p>(5) the significant and outstanding values of Otago’s outstanding water bodies are identified and protected.</p>			
<p><b>LF–FW–O9 – Natural wetlands</b></p> <p>Otago’s natural wetlands are protected or restored so that:</p> <p>(1) mahika kai 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>	Oppose in part.	<p>The required “no decrease” and “no reduction” to natural wetland values (LF-FW-O9(2) and (3)) are unqualified and may be impractical to implement at a project consenting level, because the requirements are tantamount to a direction to avoid all adverse effects. This approach is inconsistent with the higher order statutory provisions.</p> <p>These proposed requirements are misaligned with the framework provided for activities in and around natural wetlands at cl. 3.22 of the National Policy Statement for Freshwater Management 2020 (“NPSFM”) and Regulations 52 and 54 (Non-complying activities) of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (“NESF”).</p>	Delete LF–FW–O9(2) and (3) or amend to ensure that the objective contemplates the grant of resource consents as provided for by the NPSFM and NESF.

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Provision	Position	Reason	Relief Sought
		<p>NPSFM cl. 3.22(1)(a)(i) to (vii) exempts a few nominated activities<sup>1</sup> from having to avoid all adverse effects. The nominated activities must be assessed against the effects management hierarchy (NPSFM cl. 3.21). The NESF provides permitted, restricted discretionary and discretionary consenting pathways those excepted activities when proposed in/around natural wetlands.</p>	
		<p>Importantly, ‘other’ activities that are not nominated at NPSFM cl. 3.22(1)(a)(i) to (vii) have a non-complying consenting pathway (NESF regulations 52 and 54) or prohibited status (Regulation 53).</p>	
		<p>‘Other’ activities under NESF regulations 52 or 54 would, in the first instance, have to navigate the ‘gateway’ tests of RMA s104D and, secondly, the effects management hierarchy. The upshot would be reduction of adverse effects to a less than minor extent. Otherwise, the imperative at cl. (f) of the effects</p>	

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<sup>1</sup> Customary harvesting, restoration activities, scientific research, sphagnum moss harvesting, wetland utility structures, specified infrastructure or other infrastructure, and, natural hazard works.

**APPENDIX A: TABLE OF RECOMMENDATIONS**

Provision	Position	Reason	Relief Sought
		<p>management hierarchy to avoid the activity would apply.</p> <p>Therefore, 'other' activities may be consented where firstly, they demonstrate under s104D that adverse effects are less than minor or the proposal is not contrary to the objectives and policies of the relevant Plan; and secondly, where the proposal is managed through applying the effects management hierarchy'</p> <p>The NPSFM and the NESF strongly encourage, but do not require, all effects to be avoided. I.e., they do not require “no reduction” or “no decrease” in wetland values.</p> <p>In Silver Fern Farms’ view, the unqualified “no reduction” and “no decrease” requirements of proposed LF-FW-O9(2) and (3) are more onerous than the NPSFM and NESF. The requirements do not appear to contemplate the grant of a non-complying resource consent for an activity that navigates RMA s104D and the effects management hierarchy.</p> <p>As such, Silver Fern Farms questions whether proposed LF-FW-O9(2) and (3) are inconsistent with the NPSFM. If so, the objective would not adhere to:</p>	

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Provision	Position	Reason	Relief Sought
		<ul style="list-style-type: none"> <li>➤ RMA s61(1)(da) which requires regional policy statements to be prepared and changed <i>inter alia</i> “in accordance with... a national policy statement” and</li> <li>➤ RMA s62(3) which requires that a regional policy statement “...must give effect to a national policy statement”.</li> </ul>	
<p><b>LF-FW-P7 – Fresh water</b></p> <p>Environmental outcomes, attribute states (including target attribute states) and limits ensure that:</p> <ol style="list-style-type: none"> <li>(1) the health and well-being of water bodies is maintained or, if degraded, improved,</li> <li>(2) the habitats of indigenous species associated with water bodies are protected, including by providing for fish passage,</li> <li>(3) specified rivers and lakes are suitable for primary contact within the following timeframes: <ol style="list-style-type: none"> <li>(a) by 2030, 90% of rivers and 98% of lakes, and</li> <li>(b) by 2040, 95% of rivers and 100% of lakes, and</li> </ol> </li> <li>(4) mahika kai and drinking water are safe for human consumption,</li> <li>(5) existing over-allocation is phased out and future over-allocation is avoided, and</li> </ol>	Oppose in part.	<p>The target attribute states for specified rivers and lakes stated at sub-clause (3) of this policy are inconsistent with the targets specified at Appendix 3 of the National Policy Statement for Freshwater Management 2020.</p> <p>Paragraph 385 of the s32 report says: “Policy LF-FW-P7 requires environmental outcomes, attribute states (including target attribute states) and limits set in regional plans ensure that specific outcomes are met, <b>which largely reflect requirements from the NPSFM</b>. This will contribute to achieving LF-FW-O8, as well as the objectives in LF-WAI and LF-VM” (emphasis added).</p> <p>Table 69 (Assessment of NPSFM) of the s32 report indicates that Policy LF-FW-P7 implements NPSFM Policy 12</p>	<p>Amend as follows.</p> <p><b>LF-FW-P7 – Fresh water</b></p> <p>Environmental outcomes, attribute states (including target attribute states) and limits ensure that:</p> <ol style="list-style-type: none"> <li>(1) the health and well-being of water bodies is maintained or, if degraded, improved,</li> <li>(2) the habitats of indigenous species associated with water bodies are protected, including by providing for fish passage,</li> <li>(3) specified rivers and lakes are suitable for primary contact within the following timeframes: <ol style="list-style-type: none"> <li>(a) by 2030, <del>98</del>0% of rivers and <del>98</del>0% of lakes, and</li> </ol> </li> </ol>

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Provision	Position	Reason	Relief Sought
(6) fresh water is allocated within environmental limits and used efficiently.		<p><i>“Policy 12 requires the national target for water quality improvement to be achieved. This is implemented by LF-FW-P7 which includes Otago’s regional targets that were developed to achieve the national target”.</i></p> <p>The s32 report does not expand on how the targets in LF-FW-P7(3) correspond to the less onerous targets for primary contact in the NPSFM and how the policy overall, is the <b>most appropriate</b> method to achieve relevant objectives of the PORPS. As shown above, the assessment simply says the policy “will contribute to achieving” the relevant objectives.</p> <p>As such it is unclear if the proposal is the most appropriate method to achieve the RMA’s purpose, what reasonably practical alternative options were assessed, and it is not possible to ascertain the efficiency and effectiveness of the proposal compared to alternatives – such as for example, the alternative of setting targets that are consistent with the NPSFM.</p>	<p>(b) by 2040, <del>100%</del> 90% of rivers and lakes, and</p> <p><i>[Remainder of provision not shown here].</i></p>
<p><b>LF-FW-P9 – Protecting natural wetlands</b></p> <p>Protect natural wetlands by:</p>	Oppose in part.	This policy is proposed in accordance with, and is largely consistent with, NPSFM cl. 3.22(1).	Delete sub-clause LF-FW-P9 (1)(b)(iv).



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Provision	Position	Reason	Relief Sought
<p>(1) avoiding a reduction in their values or extent unless:</p> <p>(a) the loss of values or extent arises from:</p> <ul style="list-style-type: none"> <li>(i) the customary harvest of food or resources undertaken in accordance with tikaka Māori,</li> <li>(ii) restoration activities,</li> <li>(iii) scientific research,</li> <li>(iv) the sustainable harvest of sphagnum moss,</li> <li>(v) the construction or maintenance of wetland utility structures,</li> <li>(vi) the maintenance of operation of specific infrastructure, or other infrastructure,</li> <li>(vii) natural hazard works, or</li> </ul> <p>(b) the Regional Council is satisfied that:</p> <ul style="list-style-type: none"> <li>(i) the activity is necessary for the construction or upgrade of specified infrastructure,</li> <li>(ii) the specified infrastructure will provide significant national or regional benefits,</li> <li>(iii) there is a functional need for the specified infrastructure in that location,</li> <li>(iv) the effects of the activity on indigenous biodiversity are managed by applying</li> </ul>		<p>However, the requirement of sub-clause (1)(b)(iv) to manage effects on indigenous biodiversity by applying ECO-P3 or ECO-P6 does not accord with NPSFM cl. 3.22(1)(b), insofar as it substitutes ECO-P3 or ECO-P6 for the NPSFM effects management hierarchy.</p> <p>Silver Fern Farms’ submission on the non-freshwater parts of the PORPS, and the associated statement of evidence of Steve Tuck lodged on behalf of Silver Fern Farms, explained why ECO-P3, ECO-P6 and the associated appendices APP2 and APP3 are problematic.</p> <p>In summary, ECO-P3 and APP2 would apply highly restrictive controls to land defined as a Significant Natural Area (“SNA”) while ECO-P6 and APP3 would unduly limit the offsetting of adverse effects on indigenous biodiversity outside SNAs, contrary to RMA s104(1)(ab).</p> <p>The appropriateness, efficiency and effectiveness of ECO-P3, ECO-P6, APP2 and APP3 do not appear to have been rigorously assessed in a RMA s32(1)(B) sense, which requires examination of the provisions to determine whether they are the “most</p>	

## APPENDIX A: TABLE OF RECOMMENDATIONS

Provision	Position	Reason	Relief Sought
<p>either ECO-P3 or ECO-P6 (whichever is applicable), and</p> <p>(v) the other effects of the activity (excluding those managed under (1)(b)(iv)) are managed by applying the effects management hierarchy, 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 effects management hierarchies in (1)(b)(iv) and (1)(b)(v) will be applied to the loss of values or extent of the natural wetland, and</p> <p>(b) any consent is granted subject to conditions that apply the effects management hierarchies in (1)(b)(iv) and (1)(b)(v).</p>		<p>appropriate way to achieve the objectives”, including via”</p> <ul style="list-style-type: none"> <li>➤ Consideration of other reasonably practicable options; and</li> <li>➤ An efficiency and effectiveness assessment regarding how the policies will achieve the PORPS’ objectives.</li> </ul> <p>Therefore, Silver Fern Farms opposes sub-clause LF-FW-P9 (1)(b)(iv) insofar as it would implement those problematic PORPS provisions with respect to natural wetlands.</p> <p>That is, LF-FW-P9 (1)(b)(iv) would either apply ECO-P3 to wetlands identified as SNAs under APP2<sup>2</sup> or, would apply ECO-P6 to wetlands that are not in a SNA.</p> <p>ECO-P3 requires the avoidance of “<b>any</b> reduction of the area or values (even if those values are not themselves significant)” of a SNA (emphasis added). ECO-P6 (in conjunction with APP3) strictly limits when offsetting can be used to mitigate adverse effects.</p>	

<sup>2</sup> APP2 is a set of broadly framed ecological significance criteria. The potential for broadly framed ecological significance criteria to apply SNA status over very extensive areas was observed in the Far North district in 2021. This was discussed in the evidence of Steve Tuck on behalf of Silver Fern Farms in relation to the non-freshwater parts of the PORPS.

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Provision	Position	Reason	Relief Sought
		Those provisions go beyond, and do not “give effect to”, the NPSFM.	
<p><b>LF–FW–P10 – Restoring natural wetlands</b></p> <p>Improve the ecosystem health, hydrological functioning, water quality and extent of natural wetlands that have been degraded or lost by requiring, where possible:</p> <ul style="list-style-type: none"> <li>(1) an increase in the extent and quality of habitat for indigenous species,</li> <li>(2) the restoration of hydrological processes,</li> <li>(3) control of pest species and vegetation clearance, and</li> <li>(4) the exclusion of stock.</li> </ul>	Oppose in part.	<p>A wide range of circumstances is likely to apply to natural wetland restoration efforts across Otago. Therefore, “requiring, where possible” improvements is potentially problematic. The term ‘practicable’ would provide useful flexibility for cases where restoration is possible but not practicable.</p> <p>For example, restoring hydrological processes might be “possible” if an asset is decommissioned/removed. However, asset decommissioning or removal might have wider adverse effects that mean this is not appropriate (e.g., in the case of infrastructure, or assets that are key to a site’s operation).</p> <p>The formulation of LF–FW–P10 also overlooks situations where an overall net gain in wetland extent and/or quality could be achieved by the further degradation or removal of an existing wetland.</p> <p>For example, it is foreseeable that a project might reduce or completely remove an existing wetland but</p>	<p>Amend as follows.</p> <p><b>LF–FW–P10 – Restoring natural wetlands</b></p> <p>Improve the ecosystem health, hydrological functioning, water quality and extent of natural wetlands that have been degraded or lost by requiring <u>(within an existing wetland or a separate location)</u>, where <u>practicable possible</u>:</p> <ul style="list-style-type: none"> <li>(1) an increase in the extent and quality of habitat for indigenous species,</li> <li>(2) the restoration of hydrological processes,</li> <li>(3) control of pest species and vegetation clearance, and</li> <li>(4) the exclusion of stock.</li> </ul>

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Provision	Position	Reason	Relief Sought
		<p>propose mitigation measures that produce a net gain in wetland values.</p> <p>Insofar as LF–FW–P10 strictly requires existing wetlands to be restored, it appears to preclude the potential to realise net environmental benefits that would achieve the RMAs purpose.</p> <p>An example is development of water storage reservoirs, which might locate over, and remove, an existing degraded wetland, but ultimately increase wetland extent and habitat.</p>	
<p><b>LF–FW–P15 – Stormwater and wastewater discharges</b></p> <p>Minimise the adverse effects of direct and indirect discharges of stormwater and wastewater to fresh water by:</p> <p>(1) except as required by LF–VM–O2 and LF–VM–O4, preferring discharges of wastewater to land over discharges to water, unless adverse effects associated with a discharge to land are greater than a discharge to water, and</p> <p>(2) requiring:</p> <p>(a) all sewage, industrial or trade waste to be discharged into a reticulated wastewater system, where one is available,</p> <p>(b) all stormwater to be discharged into a reticulated system, where one is available,</p>	<p>Oppose in part.</p>	<p>LF–FW–P15(2) fails to recognise that even if a reticulated system is available, it may not be appropriate for sewage, industrial or trade waste to be discharged into it – e.g., due to limits in the system capacity or for other reasons.</p> <p>Furthermore, RMA s105(1) (Matters relevant to certain applications) expressly requires consent authorities to consider alternatives in the case of applications for discharge permits. Some industrial sites have onsite land-based effluent discharge management systems that are self-contained and entirely appropriate to be used in lieu of adding more loading to reticulated systems. LF-FW-P15(2) appears to be</p>	<p>Amend to:</p> <ul style="list-style-type: none"> <li>➤ Enable discharges to be managed outside of the reticulated network if an alternative management method is environmentally neutral or positive compared to reliance on the reticulated network.</li> <li>➤ Clarify the reference to “water quality standards” for discharges in LF–FW–P15(2)(e).</li> </ul>

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Provision	Position	Reason	Relief Sought
<p>(c) implementation of methods to progressively reduce the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring for reticulated stormwater and wastewater systems,</p> <p>(d) on-site wastewater systems to be designed and operated in accordance with best practice standards,</p> <p>(e) stormwater and wastewater discharges to meet any applicable water quality standards set for FMUs and/or rohe, and</p> <p>(f) the use of water sensitive urban design techniques to avoid or mitigate the potential adverse effects of contaminants on receiving water bodies from the subdivision, use or development of land, wherever practicable, and</p> <p>(3) promoting the reticulation of stormwater and wastewater in urban areas.</p>		<p>incompatible with the s105(1) obligation to assess the best practicable option.</p> <p>LF-FW-P15(2)(b) appears to require “all” stormwater to be discharged via a reticulated system, regardless of the size of the storm that generates the runoff. This is not possible because reticulated systems are not built to accommodate all storm events and overland flows are inevitable.</p> <p>LF-FW-P15(2)(e) does not expressly provide for reasonable mixing of contaminants with receiving waters, as is provided for by RMA s107(1).</p> <p>It also refers to “any applicable water quality standards set for FMUs and/or rohe”, but the standards referred to are unclear. LF-LS-P21 refers to the matter differently, referencing “...<b>environmental outcomes</b> set for Freshwater Management Units and/or rohe” (emphasis added).</p>	
<p><b>LF-LS-P21 – Land use and fresh water</b></p> <p>Achieve the improvement or maintenance of fresh water quantity or quality to meet environmental outcomes set for Freshwater Management Units and/or rohe by:</p>	Oppose in part.	<p>The unqualified requirement in sub-clause (1) to reduce discharge volumes fails to recognise that other methods may also “<i>Achieve the improvement or maintenance of fresh water quantity or quality</i>” as required by the policy chapeau and as contemplated by RMA</p>	<p>Amend as follows.</p> <p><b>LF-LS-P21 – Land use and fresh water</b></p> <p><del>Achieve the improvement or maintenance of</del> <u>Improve or maintain</u> fresh water quantity or quality to meet environmental outcomes set for</p>

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Provision	Position	Reason	Relief Sought
<p>(1) reducing direct and indirect discharges of contaminants to water from the use and development of land, and</p> <p>(2) managing land uses that may have adverse effects on the flow of water in surface water bodies or the recharge of groundwater.</p>		<p>s105(1) (Matters relevant to certain applications).</p> <p>The chapeau itself is unnecessarily verbose and as noted earlier with respect to LF-FW-P15, there is inconsistent reference between in-policy references to “environmental outcomes” or “water quality standards”.</p>	<p>Freshwater Management Units and/or rohe by:</p> <p>(1) <u>managing the adverse effects of</u> <del>reducing</del> direct and indirect discharges of contaminants to water from the use and development of land, and</p> <p><i>[Remainder of provision not shown here].</i></p>
<p><b>LF-FW-M6 – Regional plans</b></p> <p>Otago Regional Council must publicly notify a Land and Water Regional Plan no later than 31 December 2023 and, after it is made operative, maintain that regional plan to:</p> <p>(1) identify the compulsory and, if relevant, other values for each Freshwater Management Unit,</p> <p>(2) state environmental outcomes as objectives in accordance with clause 3.9 of the NPSFM,</p> <p>(3) identify water bodies that are over-allocated in terms of either their water quality or quantity,</p> <p>(4) include environmental flow and level regimes for water bodies (including groundwater) that give effect to Te Mana o te Wai and provide for:</p> <p>(a) the behaviours of the water body including a base flow or level that provides for variability,</p> <p>(b) healthy and resilient mahika kai,</p>	Support in part.	<p>It is appropriate for LF-FW-M6(6) to anticipate future regional plan provisions that provide for off-stream water storage.</p> <p>Silver Fern Farms opposes sub-clauses 6(b), (7) and (8) to the extent that it has submitted in opposition to the PORPS provisions referenced in those sub-clauses and listed below:</p> <ul style="list-style-type: none"> <li>➤ LF-FW-M6(6)(b) refers to “the objectives and policies of the LF chapter of this RPS”.</li> <li>➤ LF-FW-M6(7) refers to LF-FW-P7 and LF-FW-P9.</li> <li>➤ LF-FW-M6(8) refers to LF-FW-P15.</li> </ul>	<p>Retain LF-FW-M6(6).</p> <p>Make consequential amendments to the references in LF-FW-M6(6)(b), LF-FW-M6(7) and LF-FW-M6(8) to other LF-FW provisions in accordance with this submission.</p>

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Provision	Position	Reason	Relief Sought
<ul style="list-style-type: none"> <li>(c) the needs of indigenous fauna, including taoka species, and aquatic species associated with the water body,</li> <li>(d) the hydrological connection with other water bodies, estuaries and coastal margins,</li> <li>(e) the traditional and contemporary relationship of Kāi Tahu to the water body, and</li> <li>(f) community drinking water supplies, and</li> </ul>			
(5) include limits on resource use that:			
<ul style="list-style-type: none"> <li>(a) differentiate between types of uses, including drinking water, and social, cultural and economic uses, in order to provide long-term certainty in relation to those uses of available water,</li> <li>(b) for water bodies that have been identified as over-allocated, provide methods and timeframes for phasing out that over-allocation,</li> <li>(c) control the effects of existing and potential future development on the ability of the water body to meet, or continue to meet, environmental outcomes,</li> <li>(d) manage the adverse effects on water bodies that can arise from the use and development of land, and</li> </ul>			
(6) provide for the off-stream storage of surface water where storage will:			
<ul style="list-style-type: none"> <li>(a) support Te Mana o te Wai,</li> </ul>			

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Provision	Position	Reason	Relief Sought
<p>(b) give effect to the objectives and policies of the LF chapter of this RPS, and</p> <p>(c) not prevent a surface water body from achieving identified environmental outcomes and remaining within any limits on resource use, and</p> <p>(7) identify and manage natural wetlands in accordance with LF–FW–P7, LF–FW–P8 and LF–FW–P9 while recognising that some activities in and around natural wetlands are managed under the NESF, and</p> <p>(8) manage the adverse effects of stormwater and wastewater in accordance with LF–FW–P15.</p>			
<p><b>LF–FW–M7 – District plans</b></p> <p>Territorial authorities must prepare or amend and maintain their district plans no later than 31 December 2026 to:</p> <p>(1) map outstanding water bodies and identify their outstanding and significant values using the information gathered by Otago Regional Council in LF–FW–M5, and</p> <p>(2) include provisions to avoid the adverse effects of activities on the significant and outstanding values of outstanding water bodies,</p> <p>(3) require, wherever practicable, the adoption of water sensitive urban design techniques when managing the subdivision, use or development of land, and</p>	Oppose in part.	The requirement at LF-FW-M7(2) to avoid all adverse effects on “the significant and outstanding values of outstanding water bodies” appears to go beyond the requirement at RMA s6b for “the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development”.	<p>Amend as follows:</p> <p><b>LF–FW–M7 – District plans</b></p> <p>Territorial authorities must prepare or amend and maintain their district plans no later than 31 December 2026 to:</p> <p>(1) map outstanding water bodies and identify their outstanding and significant values using the information gathered by Otago Regional Council in LF–FW–M5, and</p> <p>(2) include provisions to <u>protect the values of outstanding water bodies from the adverse effects of inappropriate</u> <del>avoid</del> activities on</p>



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Provision	Position	Reason	Relief Sought
<p>(4) reduce the adverse effects of stormwater discharges by managing the subdivision, use and development of land to:</p> <p>(a) minimise the peak volume of stormwater needing off-site disposal and the load of contaminants carried by it,</p> <p>(b) minimise adverse effects on fresh water and coastal water as the ultimate receiving environments, and the capacity of the stormwater network,</p> <p>(c) encourage on-site storage of rainfall to detain peak stormwater flows, and</p> <p>(d) promote the use of permeable surfaces.</p>			<p>the significant and outstanding values of outstanding water bodies,</p> <p><i>[Remainder of provision not shown here].</i></p>
<p><b>LF-FW-E3 – Explanation</b> (<i>paragraph 2</i>)</p> <p>The outcomes sought for natural wetlands are implemented by requiring identification, protection and restoration. The first two policies reflect the requirements of the NPSFM for identification and protection but apply that direction to all natural wetlands, rather than only inland natural wetlands (those outside the coastal marine area) as the NPSFM directs. This reflects the views of takata whenua and the community that fresh and coastal water, including wetlands, should be managed holistically and in a consistent way. While the NPSFM requires promotion of the restoration of natural inland wetlands, the policies in this section take a stronger stance, requiring improvement where natural wetlands have been degraded or lost. This is</p>	Oppose in part.	<p>LF-FW-E3 clearly identifies that the PORPS goes beyond the requirements of the NPSFM.</p> <p>As explained in relation to LF-FW-O9 – Natural wetlands (for example), PORPS provisions that are more onerous than the already highly-restrictive NPSFM will likely prove highly problematic for many projects with adverse consequences for activities that would promote economic, social, cultural and/or environmental benefits.</p>	Amend the explanation along with other provisions, to ensure the PORPS gives effect to and accords with, the higher-order NPSFM - as required by RMA s61(1)(da) and s62(3).

## APPENDIX A: TABLE OF RECOMMENDATIONS

Provision	Position	Reason	Relief Sought
because of the importance of restoration to Kāi Tahu and in recognition of the historic loss of wetlands in Otago.			
<b>LF-FW-AER7</b> Water in Otago’s aquifers is suitable for human consumption, unless that water is naturally unsuitable for consumption.	Oppose in part.	AER7 assumes that all aquifers are used for human drinking water supply. It would appear to require improved water quality in aquifers that are not used for drinking water supply. It is unclear what opportunity costs to the community might arise from restoring aquifer quality for the sake of it, rather than to resolve a pressing resource management issue.	Delete AER7.
<b>LF-FW-AER8</b> Where water is not degraded, there is no reduction in water quality.	Oppose in part.	AER8 does not contemplate reductions in water quality that remain within an appropriate quality band/range. It also overlooks that reduced water quality might arise as a result of natural processes like floods or landslides.	Amend as follows: <b>LF-FW-AER8</b> Where water is not degraded, there is no reduction ( <u>as a result of consented activities</u> ) in water quality <u>below any specified environmental outcomes or limits relevant to the waterbody.</u>
<b>LF-FW-AER9</b> The frequency of wastewater overflows is reduced.	Support.	It is appropriate for the PORPS to seek to reduce the frequency of wastewater overflows.	Retain as notified.
<b>LF-FW-AER10</b> The quality of stormwater discharges from existing urban areas is improved.	Support.	It is appropriate for PORPS to seek improved stormwater discharge quality.	Retain as notified.

## APPENDIX A: TABLE OF RECOMMENDATIONS

Provision	Position	Reason	Relief Sought
<b>LF–FW–AER11</b> There is no reduction in the extent or quality of Otago’s natural wetlands.		The phrase “no reduction” implies no scope for adverse effects. This does not reflect the direction of the NPSFM, the consenting pathways for activities in/near natural wetlands in the NESF, nor allow for activities that would produce a net gain in natural wetland extent or values.	Delete this AER.
<b>LF-LS – Land and soil</b>			
<p><b>LF–LS–P18 – Soil erosion</b></p> <p>Minimise soil erosion, and the associated risk of sedimentation in water bodies, resulting from land use activities by:</p> <p>(1) implementing effective management practices to retain topsoil in-situ and minimise the potential for soil to be discharged to water bodies, including by controlling the timing, duration, scale and location of soil exposure,</p> <p>(2) maintaining vegetative cover on erosion-prone land, and</p> <p>(3) promoting activities that enhance soil retention.</p>	Support in part.	<p>This policy provides flexibility and an outcome-focussed approach towards soil erosion.</p> <p>A minor amendment is recommended to reflect that works on erosion-prone land may necessitate vegetation clearance that is subsequently to be established.</p>	<p>Amend as follows:</p> <p><b>LF–LS–P18 – Soil erosion</b></p> <p>Minimise soil erosion, and the associated risk of sedimentation in water bodies, resulting from land use activities by:</p> <p>[...]</p> <p>(2) <u>maintaining, or re-establishing,</u> vegetative cover on erosion-prone land, and</p> <p><i>[Remainder of provision not shown here].</i></p>
<p><b>LF–LS–P21 – Land use and fresh water</b></p> <p>Achieve the improvement or maintenance of fresh water quantity or quality to meet environmental outcomes set for Freshwater Management Units and/or rohe by:</p>	Support in part.	The chapeau is unnecessarily verbose and the sole focus of sub-clause (1) on “reducing” discharges overlooks the range of methods aside from reduced	<p>Amend as follows:</p> <p><b>LF–LS–P21 – Land use and fresh water</b></p> <p>Achieve the improvement or maintenance of <u>Improve or maintain</u></p>

**APPENDIX A: TABLE OF RECOMMENDATIONS**

Provision	Position	Reason	Relief Sought
<p>(1) reducing direct and indirect discharges of contaminants to water from the use and development of land, and</p> <p>(2) managing land uses that may have adverse effects on the flow of water in surface water bodies or the recharge of groundwater.</p>		<p>volumes, to control the effects of discharges on water quality.</p>	<p>fresh water quantity or quality to meet environmental outcomes set for Freshwater Management Units and/or rohe by:</p> <p>(1) <del>reducing</del> <u>managing</u> direct and indirect discharges of contaminants to water from the use and development of land, and</p>