Written Submission on Freshwater Planning Instrument Parts of

Proposed Otago Regional Policy Statement 2021

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

To: Otago Regional Council

1. **Name of submitter** *(full name of person/persons or organisation making the submission. Note: The submissions will be referred to by the name of the submitter)*

Wise Response Society Inc

2. This is a submission on the **Proposed Otago Regional Policy Statement 2021**.
3. We **could not** gain an advantage in trade competition through this submission. (*See notes to person making submission)*
4. We are directly affected by an effect of the subject matter of the submission that
    a. adversely affects the environment; and
    b. does not relate to trade competition or the effects of trade competition (See notes to person making submission)
5. We **wish** to be heard in support of my submission
6. If others make a similar submission**, we will** consider presenting a joint case with them at a hearing
7. **Submitter Details**
    a. **Signature of submitter** *(or person authorised to sign on behalf of submitter)*

    b. **Signatory name, position, and organisation** *(if signatory is acting on behalf of a submitter organisation or group referred to at Point 1 above)*

Name: Thomas Neitzert Position: Secretary

Organisation: Wise Response Society Inc

c. Date

29 November 2022

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

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8. Our submission is:

a) Concepts that underly the freshwater part of this submission in the context of the full pRPS

To the extent that national instruments permit:

1. It is clear that human behaviour is the cause of the environmental degradation that now threatens social and economic stability, and indeed, by by undermining the integrity of the biosphere and transgressing planetary boundaries, life on earth itself. Thus, in developing policy, give priority to **requiring us humans to better manage ourselves, rather than better management the environment.** A swing from managing effects, to controlling inputs falls in this category.
2. Throughout the pRPS use the national **net zero-carbon target as the consistent "touchstone"** for gauging what policies are necessary, realistic, a priority and sustainable in the medium and longer term. We therefore need to anticipate the requirement to take the effect of activities on climate change by decisions that promote a shift to renewable energy.
3. Identify and **adopt a common set of ecologically-sound natural resource and environmental standards** across the region consistent with the RPS vision that needs to be met by any FMU visions. More localized standards would always be stronger and never weaker than these. For example, stronger standards for significant or outstanding areas or elements.
4. **Require FWU and Rohe visions to be consistent with these standards**, over-arching vision for integrated management Te Mana o Te Wai and Te Oranga o te Taiao. We include reference to Te Oranga o te Taiao due to its inclusion in the Natural and Built Environment Bill tabled to Parliament November 2022, and anticipating its influence on local planning in future.
5. In order to meet Te Mana o Te Wai, **improve (i.e., potentially better than national policy) all water bodies rather than just the significant** and focus on rebuilding biophysical capacity and ecosystem function rather than "outstanding" water bodies and the "values" that we decide are important
6. **Use biomimicry as a way of identifying what ar likely to be the most efficient and sustainable** ways to manage and use resources as natural ecosystems which are in the steady state under renewable energy with no waste, being the hall marks of a sustainable system.
7. The **formal adoption of an Integrated Landscape Management approach** (ie whole-of-catchment in the NPSFM) that includes treating catchments as water retention vessels, (whose nutrient and water holding capacity can be enhanced) rather than a drainage areas with largely fixed hydrological characteristics.
8. The tone of **provisions often lacks the urgency and firmness** that is required. For example, using the risk assessment process in the RPS itself in APP6a combination of the "likelihood" of climate change (likely-almost certain category) and the health and safety "consequences" has us already in the "catastrophic" risk category. The RPS seems strangely disconnected form that status. Our suggestions for policy changes are intended to reflect these concepts.

b) Specific changes requested

Specific provisions	Support/oppose /amend	Reasons	Decision requested
Land and Freshwater			
Te Mana o te Wai			
LF–WAI–O1 –	Support provision and reasons given	Provides excellent basis for guiding policy	No change
LF–WAI–P1 – Prioritisation	Support provision and reasons given	Provides excellent basis for guiding policy	No change
Vision			
LF-VM – Visions and management	Amend We have concerns over the inconsistencies between the FMU and Rohe which are going to make compliance for the region extremely difficult	For the avoidance of doubt and to improve consistency.	Immediately after the heading Objectives insert <u>These FMU and Rohe visions are in addition to meeting all other provisions in this statement and cannot be weaker than a national standard or provision</u> If the Commissioners have the authority ensure that the wording of the different FMU and Rohe are as consistent in scope and target attribute state as possible. Essentially these must all be consistent with achieving emission reduction, life-supporting, integration and resilience objectives elsewhere in the RPS. This needs to be reflected in the explanation LF-VM-E2
LF-VM – O2 Clutha Mata-au	Amend	Improving clarity, removing loopholes and controlling	(7) in addition to (1) to (6) above:

		nutrient input as a more certain method. Timeframes too long with uncertainty of climate emergency and fossil energy supply. Also, timelines here are meant to reflect IM-P6 –"Avoid undue delays in decision-making processes".	(a) in the Upper Lakes rohe, the high-quality waters of the lakes and their tributaries are protected and restored, recognising the significance of the purity of these waters to Kāi Tahu and to the wider community, (b) in the Dunstan, Manuherekia and Roxburgh rohe: (i) environmental flow regimes ~~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 in accordance with Te Mana o te Wai, and …. (c) in the Lower Clutha rohe: (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,~~ (ii) the ecosystem connections between freshwater, wetlands and the coastal environment are preserved and, ~~wherever possible,~~ restored, (iii) land management practices reduce inputs and discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and (iv) there are no direct discharges of wastewater to water bodies, and ….. (8) the outcomes sought in (7) are to be achieved within the following timeframes: (a) by 2030 in the Upper Lakes rohe, (b) by ~~2045~~ 2035 in the Dunstan, Roxburgh and Lower Clutha rohe, and (c) by ~~2050~~ 2035 in the Manuherekia rohe and to all incorporate and report on 5 yearly milestones.

LF-VM – O3 North Otago FMU vision	Amend	Timeframes too long with uncertainty of climate emergency and fossil energy supply.	By 2050 2035 in the North Otago FMU: New provision (7) there are no direct discharges of wastewater to water bodies
LF-VM – O4 Taieri FMU vision	Amend	Timeframes too long with uncertainty of climate emergency and fossil energy supply.	By ~~2050~~ 2035 in the Taieri FMU:
LF-VM – O5 Dunedin & Coast FMU vision	Amend	Timeframes too long with uncertainty of climate emergency and fossil energy supply.	By ~~2040~~ 2035 in the Dunedin & Coast FMU:
LF-VM – O6 Catlins FMU	Support	Timeframe appropriate and realistic	By 2030 in the Catlins FMU:
LF–VM–P6 – Relationship between FMUs and Rohe	Amend	It is essential that all FMU plans are developed with an understanding of environmental and resource risks facing landuse and associated communities.	Where rohe have been defined within FMUs: (1) environmental outcomes must be developed for the FMU within which the rohe is located, based on a thorough review of local, national and international risks, limits and trends with the potential to significantly affect the environment and resources.
Objectives			
LF–FW – Fresh water Objectives LF–FW–O8 – Fresh water	Amend	To clarify and extend Objectives to other important processes	In Otago's water bodies and their catchments: (1) the health of the wai supports the health of the people and thriving mahika kai, with water quality in all degraded water bodies in the region improved to a minimum of amenity and contact recreation standard by 2035. (2) water flow is continuous throughout the whole system with fundamental hydrological process functioning normally, (3) the interconnection of fresh water (including groundwater) and coastal waters 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 outstanding water bodies are identified, <u>restored where degraded</u> and protected. <u>(6) the soils and cover are being managed to maximise the natural capture, retention and infiltration of rainfall within the land and minimising the need for artificial fertilizer.</u> <u>(7) management is as "whole systems" that maximise resilience, biophysical capacity and community wellbeing</u>
LF–FW – Fresh water Objectives LF–FW–O9 – Natural wetlands	Amend	To clarify and extend Objectives to other important processes. Points (6) and (7) above in the freshwater objectives will improve flood retention capacity. Likewise, a steady recovery of the range and extent of wetlands.	Otago's natural wetlands are protected or restored so that: (1) mahika kai and other mana whenua values are sustained and enhanced now and for future generations, (2) there is ~~no decrease~~ <u>a steady recovery</u> in the range and diversity of indigenous ecosystem types and habitats in natural wetlands, (3) there is no reduction in their ecosystem health, hydrological functioning, amenity values, extent or water quality, and if degraded they are improved, and (4) their flood attenuation capacity is <u>steadily improved</u> ~~maintained~~
Policies			
LF–FW–P7 – Fresh water	Amend	More clarity and introducing the concept of "effective efficiency" which takes into account groundwater augmentation opportunity and other factors at a catchment level.	Environmental outcomes, attribute states (including target attribute states) and limits ensure that: (1) the health and well-being of water bodies is maintained or, if degraded, improved, (2) the habitats of indigenous species associated with water bodies are protected, including by providing for fish passage,

		Timelines that are not so distant they become irrelevant or they will be not start t change behaviour. These need to be supported by milestones for the same reason.	(3) the entire length of specified rivers and lakes, and all those in the Upper Lakes Rohe are suitable for primary contact and eutrophication-free within the following timeframes: (a) by 2030, 90% of rivers and 98% of lakes, and (b) by 2040, 95% of rivers and 100% of lakes, and (4) mahika kai and drinking water are safe for human consumption, (5) existing over-allocation of both nutrients and water are ~~is~~ phased out by 2035 with milestones of 10%/an and future over-allocation is avoided, and (6) fresh water is allocated within environmental limits and its use and hydrological efficiency is optimised within each catchment by 2040.
LF–FW–P9 – Protecting natural wetlands	Amend	All activities must be legitimate and consistent with the relevant national planning objectives.	Notwithstanding policy LF-FW- P7 ~~P~~protect natural wetlands by: (1) avoiding a reduction in their values or extent unless: (a) the loss of values or extent arises from permitted: (i) ~~the~~ customary harvest of food or resources undertaken in accordance with tikaka Māori, (ii) restoration activities, (iii) scientific research, (iv) ~~the~~ sustainable harvest of sphagnum moss, (v) ~~the~~ construction or maintenance of wetland utility structures, (vi) ~~the~~ maintenance of operation of specific infrastructure, or other infrastructure, (vii) natural hazard works, or (b) the Regional Council is satisfied that: (i) the activity is necessary for the construction or upgrade of specified infrastructure,

			(ii) the specified infrastructure will provide significant national or regional benefits that are consistent with national emission reduction goals, (iii) there is a functional need for the specified infrastructure in that location rather than primarily economic, (iv) the effects of the activity on indigenous biodiversity are managed by applying either ECO–P3 or ECO–P6 (whichever is applicable), and (v) the other effects of the activity (excluding those managed under (1)(b)(iv)) are managed by applying the effects management hierarchy, and
LF–FW–P10 – Restoring natural wetlands	Amend	Only 10% of NZs wetlands remain yet they are important for both ecological and hydrological reasons. With climate change this will become more so, so it is imperative that the wetland area is significantly increased again. Such repair can therefore be justified on economic grounds alone. Wording needs to be quantifiable.	Improve the ecosystem health, hydrological functioning, water quality and extent of natural wetlands that have been degraded or lost by requiring, where technically possible: (1) an increase in the extent and quality of former wetland habitat for indigenous species by 10%/an, (2) the restoration of hydrological and ecological processes, including the steady re-establishment of the original ground and surface water levels.
LF–FW–P15 –Stormwater and wastewater discharges	Amend	Stormwater from urban areas is usually artificial diversion to waste. The recommendations are to rethink this attitude and consider how to reintegrate that water with the natural cycle or to store for reuse or release more slowly.	LF–FW–P15 –Stormwater and wastewater discharges: Minimise the adverse effects of direct and indirect discharges of stormwater and wastewater to fresh water by: (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

		This process will reduce or postpone the need for major reticulation upgrades as climate change brings us increasingly extreme events. We consider proposing improved reticulation services is the role of the district councils. The role of the regional council is more appropriately ensuring that the proposals met the polices and are fit for purpose as the effects of climate change intensify. And again, we consider that the ORC have a role in promoting alternatives to hazardous substances of any kind to reduce the stress on the environment. Some effects of certain substances are still only being discovered after years of use. There is evidence that bee die-back is due to chemical poisoning from herbicides and is a good example of where integrated management has failed. The precautionary principle applies.	a discharge to land are greater than a discharge to water, and (2) requiring: (a) all sewage, industrial or trade waste to be discharged into a reticulated wastewater system, where one is available, (b) <u>where technically possible,</u> all stormwater to be <u>reintegrated with the natural hydrological process (including groundwater recharge) and if this is not possible,</u> discharged into a reticulated system, where one is available, (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,~~ ensure that <u>reticulated stormwater systems have the capacity to manage new weather extremes by introducing appropriate buffering systems and encouraging private rainwater collection within properties for emergency use.</u> (d) on-site wastewater systems to be designed and operated in accordance with best practice standards, (e) stormwater and wastewater discharges to meet <u>or better</u> any applicable water quality standards set for FMUs and/or rohe, and (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 <u>(3)</u> ~~promoting the reticulation of stormwater and wastewater in urban areas.~~ <u>ORC is to identify urban centres which might benefit from improved stormwater and wastewater facility and for communities wishing to explore feasibility, ensure that the wider sustainable</u>

		Some of these more detailed proposals for assessing stormwater and wastewater needs may be better placed as methods.	management and social implications are assessed, including: i) public health issues and potential gains ii) any potential to avoid or contain sprawl that preserves productive land, contains infrastructure costs or preserves pedestrian and cyclist options iii) minimising adverse environmental impact considering the implications of climate change and National emissions reduction policy iv) the potential for better management of the existing arrangement iv) alternative collection, management and disposal systems and the potential to deliver useful resource. v) the cost-of-living and demographic impacts on the current residents vi) the operation and maintenance costs and technical support requirements (4) Where the use of environmentally hazardous substances cannot be entirely avoided, ensure use is essential and actively promote a shift to more benign and biodegradable alternatives
Freshwater Methods			
LF–FW–M6 – Regional plans	Amend	Needs more emphasis on shifting landuse practice to low carbon practice and more resilient enterprise aimed at promoting fastest possible reduction in emissions.	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: … (4) include environmental flow and level regimes for water bodies (including groundwater) that give effect to Te Mana o te Wai by the specified timeframes and provide for: (a) a variable presumptive flow regime above a minimum flow or level for each water body ~~the behaviours of the~~

			~~water body, including a base flow or level that provides for variability~~, (b) healthy and resilient mahika kai, (c) the needs of <u>all</u> indigenous fauna, including taoka species, and aquatic species associated with the water body, (d) the <u>essential need for</u> hydrological connection with other water bodies, estuaries and coastal margins <u>for sustainable resource management</u>, (e) the traditional and contemporary relationship of Kāi Tahu to the water body, and (f) community drinking water supplies, and (5) include limits on resource use that: (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, (b) for water bodies that have been identified as over-allocated, provide methods and timeframes for phasing out that over-allocation, (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, (d) <u>avoid or minimise</u> ~~manage~~ the adverse effects on water bodies that can arise from the use and development of land, and …. (7) identify and manage natural wetlands in accordance with LF–FW–P7, LF–FW–P8, ~~and~~ LF–FW–P9, <u>and LF-FW P10</u> while recognising that some activities in and around natural wetlands are managed under the NESF, and <u>(9) actively promote low impact regenerative landuse practice that maximises carbon sequestration, maximises</u>

			water harvest in soils, aquifers and hence baseflow to rivers, minimises the need for supplementary nutrient and promotes catchment level planning to maximise community resilience.
LF–FW–M7 – District plans	Amend	Needs more emphasis on shifting landuse practice to low carbon practice and more resilient enterprise aimed at promoting fastest possible reduction in emissions. LF-FW-E3 and PR3 need to reflect these changes in provisions.	Territorial authorities must prepare or amend and maintain their district plans no later than 31 December 2026 to: (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 (2) include provisions to avoid the adverse effects of activities on the significant and outstanding ~~values of outstanding~~ water bodies and associated values, (3) require, wherever practicable, the adoption of ~~water~~ hydrologically and ecologically sensitive urban design techniques when managing the subdivision, use or development of land, and (4) reduce the adverse effects of stormwater discharges by managing the subdivision, use and development of land to: (a) minimise the peak volume of stormwater needing off-site disposal and the load of contaminants carried by it, (b) minimise adverse effects on fresh water and coastal water as the ultimate receiving environments, and the capacity of the stormwater network, (c) promote ~~encourage~~ on-site storage of rainfall in soil, wetlands and reservoirs to detain peak stormwater flows, and (d) promote the use of permeable surfaces. (5) actively promote low impact regenerative landuse practice that maximises carbon sequestration, maximises water harvest in soils, aquifers and hence baseflow to rivers, minimises the need for supplementary nutrient and

			promotes catchment level planning to maximise community resilience. (6) Give practical effect to all the relevant freshwater policies
LF- FW-M15 New Policy	New Policy to use management practices that avoid the polluting side effects of potentially hazardous substances.	People in the region need to avoid pollution of land, water and air. It must be demonstrated to the ORCs satisfaction that there are no other effective alternatives available that would minimise or avoid the need to use hazardous chemical substances.	Insert new Policy Regional and district plans are to require the use of potentially harmful chemical substances to be fully justified and if use is approved, any polluting side effects will be monitored and reported on.
Anticipated environmental results	Support with amendment		LF–FW–AER4 Fresh water is allocated within limits that contribute to achieving specified environmental outcomes for water bodies within timeframes set out in regional plans that are no less stringent than the timeframes in the LF–VM section of this chapter and meet all RPS and National policies and standards. LF–FW–AER5 Specified rivers and lakes are suitable for primary contact within the timeframes set out in LF–FW–P7. LF–FW–AER6 Degraded water quality is improved so that it meets specified environmental outcomes within timeframes set out in regional plans that are no less stringent than the timeframes in the LF–VM section of this chapter. LF–FW–AER7 Water in Otago's aquifers is suitable for human consumption, unless that water is naturally unsuitable for consumption. LF–FW–AER8 Where water is not degraded, there is no reduction in water quality.

			LF–FW–AER9 The frequency of wastewater overflows is reduced. LF–FW–AER10 The quality of stormwater discharges from existing urban areas is improved. LF–FW–AER11 There is a steady gain ~~no reduction~~ in the extent or quality of Otago's natural wetlands.
Land and Soil			
LF–LS – Land and soil Objectives			
LF–LS–P18 – Soil erosion	Support with amendment	Improving soil structure with increased organic matter will reduce erosion.	Minimise soil erosion, and the associated risk of sedimentation in water bodies, resulting from land use activities by: (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, (2) maintaining vegetative cover on erosion-prone land, and (3) promoting activities that enhance soil retention and soil structure
LF–LS–P21 – Land use and fresh water	Amend	Ensuring FMUs objectives and policies are consistent or better than other regional or national policy. Making the link between landuse and water quality clearer.	Achieve the improvement or maintenance of fresh water quantity or quality to meet environmental outcomes set for Freshwater Management Units and/or rohe and consistent with other regional and national policy by: (1) ~~reducing~~ enforcing direct and indirect discharge standards of contaminants to water from the use and development of land, and (2) actively promoting ~~managing~~ land uses and land use management that may have beneficial ~~adverse~~ effects on

			the flow of water in surface water bodies or the recharge of groundwater.
Methods LF–LS–M11 – Regional plans	Amend	Better control over supplementary nutrient required and linking systems with national zero carbon goals.	Otago Regional Council must publicly notify a Land and Water Regional Plan no later than 31 December 2023 and then, when it is made operative, maintain that regional plan to: (1) manage land uses that may affect the ability of environmental outcomes for water quality to be achieved by requiring: (a) the development and implementation of certified freshwater farm plans as required by the RMA and any regulations, (b) the adoption of practices that reduce the risk of sediment and nutrient loss to water, including by minimising the use of synthetic fertilizer and area and duration of exposed soil, using buffers, and actively managing critical source areas, (c) effective management of effluent storage and applications systems, and (d) earthworks activities to implement effective sediment and erosion control practices and setbacks from water bodies to reduce the risk of sediment loss to water, and (2) Actively promote ~~provide for~~ changes in land use and landuse management that improve the sustainable and efficient allocation and use of fresh water, for systems compatible with national emissions reduction policy and (3) implementation of policies LF–LS–P16 to LF–LF–P22.
LF–LS–M12 – District plans	Amend	Active promotion of land management that reduces the need for artificial inputs and are	Territorial authorities must prepare or amend and maintain their district plans no later than 31 December 2026 to: (1) manage land use change by:

		consistent with national zero carbon goals.	(a) controlling the establishment of new or any spatial extension of existing plantation forestry activities where necessary to give effect to an objective developed under the NPSFM, and (b) prohibiting ~~minimising~~ the removal of tall tussock grasslands, and (2) provide for and promote ~~encourage~~ the creation and enhancement of vegetated riparian margins and constructed wetlands, and maintain these where they already exist, and (3) facilitate public access to lakes and rivers by: (a) requiring the establishment of esplanade reserves and esplanade strips, and (b) promoting the use of legal roads, including paper roads, that connect with esplanade reserves and esplanade strips. (4) Actively promote changes in land use that improve the sustainable and effective use of fresh water, reduce the need for chemical inputs and thagt are consistent with national net zero carbon goals and (5) implementation of policies LF–LS–P16 to LF–LF–P22.
Anticipated environmental results			
LF–LS–AER12	Amend	The baseline should be an effort to be using methods that recognise and steadily improve the life supporting capacity of soils	The life-supporting capacity of all soil is being managed for ~~maintained or~~ improvement ~~ed~~ throughout Otago.
LF–LS–AER13	Support		The availability and capability of Otago's highly productive land is maintained or improved.
LF–LS–AER14	Amend		The use of land supports the achievement of environmental outcomes that achieve sustainable management and

			objectives in Otago’s FMUs and rohe.