

**BEFORE COMMISSIONERS APPOINTED
BY THE OTAGO REGIONAL COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Otago Regional Policy Statement 2021 (Non-freshwater parts)

AND

IN THE MATTER of the First Schedule to the Act

AND

IN THE MATTER of a submission under clause 6 of the First Schedule

BY **BEEF + LAMB NEW ZEALAND LIMITED and DEER
INDUSTRY NEW ZEALAND**
Submitters

LEGAL SUBMISSIONS

8 February 2023

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MAY IT PLEASE THE PANEL

Topic for hearing

1. The IM-Integrated Management chapter of the Proposed Otago Regional Policy Statement (PORPS) is central to meeting the statutory instrument's purpose.
2. Section 59 of the Resource Management Act 1991 (RMA) states:

Purpose of regional policy statements

The purpose of a regional policy statement is to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region. (Emphasis added).

3. This hearing is one of the first to address the provisions of a proposed regional policy statement and the legal implications of the provisions of the National Policy Statement for Fresh Water Management 2020, as amended in December 2022 (NPSFM), and the National Policy Statement for Highly Productive Land 2022 (NPSHPL). The outcome of this hearing could have an important influence on the development of regional policy statements, regional plans, and district plans, beyond the Otago region.

Principal legal submissions

4. We submit as follows:
 - (a) That the current policies in the IM-Integrated management chapter do not give effect to many of the very prescriptive implementation provisions contained in the NPSFM addressing integrated management processes.¹
 - (b) That the changes to the PORPS sought by Beef + Lamb New Zealand Limited (B+LNZ) and Deer Industry New Zealand

¹ Our submissions on the IM-Integrated management chapter and the NPSFM, are not matters that can be left to the freshwater panel.

(DINZ) would provide for more effective, and directive integrated management process policies. They would implement the imperatives of the NPSFM by (a) requiring the Otago Regional Council (ORC) to engage actively with local farming communities in the development of land and freshwater plans and in decision-making processes; and (b) provide for more effective adaptive management processes at catchment and sub-catchment levels.² Several methods included in the chapter need to be reframed as directive process policies.

- (c) That because the NPSHPL has recently become operative, there need to be some changes to the LF-LS-Land and soil chapter of the PORPS. We will address these at the April hearing.
- (d) That the changes to the PORPS sought by our clients comply with sections 59, 61, and 62 of the RMA.
- (e) That to facilitate uniformity in the region's integrated resource management regulatory framework, the panel should adjourn its final hearings to ensure there is contextual and practicable convergence and alignment of the Freshwater Planning Instrument (FWPI) provisions in the PORPS.

Introduction

- 5. B+LNZ is an industry-good body funded under the Commodity Levies Act 1990. DINZ is a levy funded industry-body established by the Deer Industry New Zealand Regulations 2004 under the Primary Products Marketing Act 1953.
- 6. B+LNZ and DINZ are working closely with farmers and engaging with central and local government on resource management issues. They are also heavily involved in land and freshwater plan hearings throughout the country.³

² B+LNZ and DINZ's principal submission (0237) dated 3 September 2021 at [27(vi) & (vii)].

³ See paragraphs 4 and 9 of B+LNZ and DINZ's principal submission (0237) dated 3 September 2021.

7. The use of land and freshwater to produce food and fibre from farming is a significant resource management issue for the Otago region. Beef, lamb, and deer farming occurs over a large land area in Otago. Rural farming communities identify with land and freshwater resources at a local level involving a catchment or sub-catchment of a lake, river or wetland.
8. The farming community, as an important steward of the natural resources that sustain the production of food and fibre, should be actively engaged in developing a long-term vision over at least a 30-year planning period for its local catchment or sub-catchment's land and freshwater resources.
9. The policies and methods in the PORPS need to enable sustainable integrated farming practices and innovation in food and fibre production systems, for the farming sector to continue to make a crucial contribution to the health, and the economic, social, and cultural well-being of people and communities in the region.

Integrated Management

Do the Policies and Methods in the PORPS addressing integrated management give effect to NPSFM? (Section 62(3) RMA)

10. The NPSFM is a high order resource management instrument that focuses on restoring and preserving the balance between freshwater and the wider environment and community. It contains very directive language, and the frequent use of the imperative 'must'.⁴
11. We submit that the strong directions to regional councils contained in the implementation provisions of the NPSFM should be given effect to in the PORPS in explicit and directive process policies.

⁴ 175 times.

12. We will particularly address the NPSFM provisions that refer to:
- (a) Community engagement processes in integrated management of land and freshwater, and
 - (b) Adaptive integrated management of land and freshwater in catchments and sub-catchments.
13. The Supreme Court held in *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited*⁵ that a requirement to give effect to a policy which is framed in a specific and unqualified way may, in a practical sense, be more prescriptive than a requirement to give effect to a policy which has a higher level of abstraction. It also held that a policy cannot be a rule as defined in the RMA, but it may nevertheless have the effect of what in ordinary speech would be a rule. In this respect the court referred to and applied a regional policy statement case, *Auckland Regional Council v North Shore City Council*.⁶ It considered that a policy may be expressed in such directive terms that a decision-maker has no option but to implement it.
14. When interpreting the provisions in the NPSFM, the relevant statutory interpretation principles are set out in Sections 10 and 11 of the **Legislation Act 2019**.
- Section 10
- (1) The meaning of legislation must be ascertained from its text and in the light of its purpose and its context.
 - (2) Subsection (1) applies whether or not the legislation's purpose is stated in the legislation.
15. Section 11 Legislation Act applies to circumstances as they arise.

⁵ [2014] NZSC 38, [112-116] [129].

⁶ [1995] 3 NZLR 18 (CA).

16. The High Court has applied section 10(1) when considering definitions in the RMA and statutory freshwater instruments.⁷

The relevant provisions of the NPSFM

Part 2: Objective and Policies

2.1 Objective

- (1) The objective of this national policy statement is to ensure that natural and physical resources are managed in a way that prioritises:
- (a) first, the health and well-being of water bodies and freshwater ecosystems
 - (b) second, the health needs of people (such as drinking water)
 - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

2.2 Policies

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.

...

Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

...

Policy 15: Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement. (Emphasis added).

⁷ *Minister of Conservation v Royal Forest and Bird Protection Society of New Zealand Incorporated* [2021] NZHC 3113 [53].

Te Mana o te Wai

1.4 Interpretation

(1) in this National Policy Statement:

Act means the Resource Management Act 1991.

...

Te Mana o te Wai has the meaning set out in clause 1.3.

...

(2) Terms defined in the Act and used in this National Policy Statement have the meanings in the Act, except as otherwise specified.

17. In *Re Otago Regional Council*⁸ the Environment Court considered the concept of Te Mana o te Wai:

[31] The NPS-FM 2014 (amended 2017) was closely considered by the Environment Court in *Aratiatia Livestock Ltd v Southland Regional Council* on appeal from decisions on the proposed Southland Land and Water Plan.

The court's observations in *Aratiatia Livestock Ltd* remain relevant and bear repeating here:

(a) Te Mana o te Wai is not a Māori centric but a water centric approach;

(b) While expressed in te reo Māori, Te Mana o te Wai benefits all New Zealanders;

(c) Te Mana o te Wai is a concept that requires natural and physical resources be managed in a way that recognises that by protecting the health of freshwater, the health and well-being of the wider environment is also protected. This concept entails a fundamental shift in societal perspectives on sustainable management.'

⁸ [2021] NZEnvC 164.

1.3 Fundamental concept – Te Mana o te Wai

Concept

- (1) Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.
- (2) Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management referred to in this National Policy Statement.

Framework

- (3) Te Mana o te Wai encompasses 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform this National Policy Statement and its implementation.
- (4) The 6 principles are:
...
(e) Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations.
- (5) There is a hierarchy of obligations in Te Mana o te Wai that prioritises:
 - (a) first, the health and well-being of water bodies and freshwater ecosystems
 - (b) second, the health needs of people (such as drinking water)
 - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future. (Emphasis added).

Interpretation and application of clauses (1) and (5) of the concept

18. The concept of Te Mana o te Wai in **clause (1)** is about restoring and preserving the balance between the water, the wider environment, and the community. The balancing process should be informed by policies and methods contained in the PORPS that address the integration of all of these constituent parts of the wider environment. There are several relevant definitions in the RMA when considering the matters in clause (1).
19. The 'wider environment' is not defined in the NPSFM. The scope of the wider environment is informed by the definition of 'environment' in section 2 of the RMA.

Environment includes-

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) all natural and physical resources; and
- (c) amenity values; and
- (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters.

Water body means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

20. Ecosystem health is a compulsory value set out in Appendix 1A of the NPSFM.
21. The concept of Te Mana o te Wai applies the priorities in **clause 5** when planning for and making decisions about the use and protection of the waterbodies and freshwater ecosystems of the region.
22. In **clause 5(a)** the thrust of the first priority is to protect and maintain the ecological integrity and capacity of a freshwater body. Biodiversity is intrinsic to the health and well-being of water bodies and freshwater ecosystems. The RMA states that:

Intrinsic values, in relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including-

- (a) their biological and genetic diversity; and
- (b) the essential characteristics that determine an ecosystem's integrity, form, functioning and resilience.

biological diversity means the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems.

23. Freshwater ecosystems are inextricably interconnected with land and soil ecosystems.
24. In **clause 5(b)** the second priority is the health needs of people (such as drinking water). The words 'such as' should be given a contextual and not a literal interpretation. The example of drinking water should not be interpreted as the only example of people's health needs. Food production and food security are crucial for human health in the context of interconnected land and freshwater ecosystems.
25. In **clause (5)(c)** the third priority focuses on how the freshwater ecosystem enables people and communities to provide for their and future generations' social, economic, and cultural well-being.
26. We submit that the PORPS does not provide sufficient policy direction to give effect to the NPSFM in the context of the integrated management of land and freshwater planning and decision-making that focuses on priorities (5) (a), (b), and (c) at a catchment and sub-catchment level.

27. This requires the inclusion of more directive and clearer resource management process policies for addressing the integrated management of land and freshwater and the wider environment at that level. That would better implement the following NPSFM provisions that specifically require that. These provisions should also be given an ambulatory interpretation, consistent with s 11 Legislation Act.

Subpart 1 Approaches to implementing the National Policy Statement

3.2 Te Mana o te Wai

(1) Every regional council must engage with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region.

(2) Every regional council must give effect to Te Mana o te Wai, and in doing so must:

...

(b) engage with communities and tangata whenua to identify long-term visions, environmental outcomes, and other elements of the NOF; and

...

(e) adopt an integrated approach, ki uta ki tai, to the management of freshwater (see clause 3.5) (Emphasis added).

3.3 Long-term visions for freshwater

(1) Every regional council must develop long-term visions for freshwater in its region and include those long-term visions as objectives in its regional policy statement.

(2) Long-term visions:

(a) may be set at FMU, part of an FMU, or catchment level; and

(b) must set goals that are ambitious but reasonable (that is, difficult to achieve but not impossible); and

(c) identify a timeframe to achieve those goals that is both ambitious and reasonable (for example, 30 years after the commencement date).

- (3) Every long-term vision must:
- (a) Be developed through engagement with communities and tangata whenua about their long-term wishes for the water bodies and freshwater ecosystems in the region; and
 - (b) Be informed by an understanding of the history of, and environmental pressures on, the FMU, part of the FMU, or catchment; and
 - (c) Express what communities and tangata whenua want the FMU, part of the FMU, or catchment to be like in the future.
- (4) Every regional council must assess whether each FMU, part of an FMU, or catchment (as relevant) can provide for its long-term vision, or whether improvement to the health and well-being of water bodies and freshwater ecosystems is required to achieve the vision. (Emphasis added).

3.5 Integrated Management

- (1) Adopting an integrated approach, ki uta ki tai, as required by Te Mana o te Wai, requires that local authorities must:
- (a) recognise the interconnectedness of the whole environment, from the mountains and lakes, down the rivers to hāpua (lagoon), wahapū (estuaries) and to the sea; and
 - (b) recognise interactions between freshwater, land, water bodies, ecosystems, and receiving environments; and
 - (c) manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; and
 - (d) encourage the co-ordination and sequencing of regional or urban growth.

- (2) Every regional council must make or change its regional policy statement to the extent needed to provide for the integrated management of the effects of:
 - (a) the use and development of land on freshwater; and
 - (b) the use and development of land and freshwater on receiving environments.
- (3) In order to give effect to this National Policy Statement, local authorities that share jurisdiction over a catchment must co-operate in the integrated management of the effects of land use and development on freshwater.
- (4) Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments. (Emphasis added).

3.6 Transparent decision-making

- (1) This clause applies to all decisions made by regional councils in giving effect to this National Policy Statement, including but not limited to decisions relating to clauses 3.4 and 3.15.
- (2) Every regional council must:
 - (a) record matters considered and all decisions reached; and
 - (b) specify the reasons for each decision reached; and
 - (c) publish the matters considered, decisions reached, and the reasons for each decision, as soon as practicable after the decision is reached, unless publication would be contrary to any other legal obligation.
- (3) In this clause, **decision** includes a decision not to decide on, or to postpone deciding, any substantive issue and, in relation to decisions about mechanisms to involve tangata whenua in freshwater management, includes a decision to use or not use a mechanism.

- (4) The obligation in this clause is in addition to any other requirement under the Act relating to processes for making or changing regional policy statements or regional plans; but where the requirements of this clause are already met by complying with the requirements under the Act (for example, by publishing a report under section 32 of the Act), no additional action is required by this clause. (Emphasis added).

Subpart 2 National Objectives Framework

3.7 NOF process

- (1) At each step of the NOF process, every regional council must:
- (a) engage with communities and tangata whenua; and
 - (b) apply the hierarchy of obligations set out in clause 1.3(5), as required by clause 3.2(2)(c).

...

3.15 Preparing action plans.

- (1) Action plans prepared for the purpose of this National Policy statement may:
- (a) be prepared for whole FMUs, parts of FMUs, or multiple FMUs; and
 - (b) set out a phased approach to achieving environmental outcomes; and
 - (c) be 'prepared' by adding to, amending, or replacing an existing action plan.
- (2) An action plan may describe both regulatory measures (such as proposals to amend regional policy statements and plans, and actions taken under the Biodiversity Act 1993 or other legislation) and non-regulatory measures (such as work plans and partnership arrangements with tangata whenua and community groups).

...

- (4) Action Plans:
- (a) must be published as soon as practicable; and
 - (b) may be published either by appending them to a regional plan or by publishing them separately.

- (5) Before preparing an action plan, or amending an action plan other than in a minor way, the regional council must consult with communities and tangata whenua. (Emphasis added).

Community engagement in planning and decision-making processes

28. We submit that pursuant to the above provisions of the NPSFM very directive process policies addressing community engagement in the development of land and freshwater planning instruments and in decision-making need to be included in the PORPS.
29. It is clear from the Environment Court's decision ***Re Otago Regional Council***⁹ and the evidence proffered to this panel by B+LNZ and DINZ and other submitters, that local farmers and farming communities are very involved in the development of land and freshwater plans and decision-making processes addressing the integrated management of land and freshwater resources in the catchments and sub-catchments where their farms are located.
30. In the context of the NPSFM, the term 'community engagement' is not restricted to mere consultation or facilitation. It should involve a more collaborative and partnership-based approach by the regional council with community groups and mana whenua in the development of land and freshwater planning instruments. It should involve developing co-regulatory and self-regulatory process provisions, promoting positive environmental outcomes, goals, limits and targets, long-term visions, action plans, monitoring programmes, review provisions, and integrated adaptive risk-management approaches, at catchment and sub-catchment levels.¹⁰

⁹ [2021] NZEnvC179.

¹⁰ Farm Environmental Management Plans adopt a risk management process approach. See para 9 *Aratiatia Livestock Limited v Southland Regional Council* [2022] NZEnvC 265.

31. Effective community engagement also involves participating in working parties and mediated decision-making processes when there are conflicts over environmental values and environmental outcomes sought.

Adaptive management processes for addressing biodiversity and climate change risks

32. Significant resource management issues for the region include the loss of biodiversity, and climate change impacts.¹¹ In the notified PORPS, the integrated management objectives, **IM-01-Long term vision**, **IM-02-Ki uta ki tai**, **IM-03-Environmentally sustainable impact**, and **IM-04-Climate change**, and policies, **IM-P1-Integrated approach**, **IM-P4-Setting a strategic approach to ecosystem health**, and **IM-P11-Enhancing environmental resilience to effects of climate change**, raise complex risk management issues that are characterised by uncertainty, complexity and constant change.

Objectives (Section 62(1)(c) RMA)

IM-01-Long term vision

The management of *natural and physical resources* in Otago, by and for the people of Otago, including Kāi Tahu, and as expressed in all resource management plans and decision making, achieves healthy, resilient, and safeguarded natural systems, and the ecosystem services they offer, and supports the well-being of present and future generations, *mō tātou, ā, mō kā uri ā muri ake nei*.

IM-03-Environmentally sustainable impact

Otago's communities carry out their activities in a way that preserves environmental integrity, form, function, and *resilience*, so that the life supporting capacities of *air, water, soil, ecosystems, and indigenous biodiversity* endure for future generations.

¹¹ See SRMR 1-12, 13, and 17.

IM-O4-Climate change

Otago's communities, including Kāi Tahu, understand what *climate change* means for their future, and *climate change* responses in the region, including adaption and mitigation actions, are aligned with national level *climate change* responses and are recognised as integral to achieving the outcomes sought by this RPS.

Policies (Section 62(1)(d) RMA)

IM-P1-Integrated approach

The objectives and policies in this RPS form an integrated package, in which:

- (1) all activities are carried out within the environmental constraints of this RPS,
- (2) all provisions relevant to an issue or decision must be considered,
- (3) if multiple provisions are relevant, they must be considered together and applied according to the terms in which they are expressed, and
- (4) notwithstanding the above, all provisions must be interpreted and applied to achieve the integrated management objectives IM-O1 to IM-O4.

IM-P4 – Setting a strategic approach to ecosystem health.

Healthy ecosystems and ecosystem services are achieved through a planning framework that:

- (1) Protects their *intrinsic values*,
- (2) Takes a long-term strategic approach that recognises changing *environments*,
- (3) Recognises and provides for ecosystem complexity and interconnections, and
- (4) Anticipates, or responds swiftly to, changes in activities, pressures, and trends.

IM-P11-Enhancing environmental *resilience to effects of climate change*.

Enhance environmental *resilience* to the adverse *effects of climate change* by facilitating activities that reduce human impacts on the *environment*. (Emphasis added)

33. There are significant challenges when judging what is an acceptable level of risk from the impacts of existing and future land and freshwater uses on the health of ecosystems, and their resilience to climate change impacts at a catchment and sub-catchment scale. The words 'resilient' or 'resilience' are defined in the PORPS as: '... the capacity and ability to withstand or recover quickly from adverse conditions'.¹²
34. In addition to the above policies there needs to be included in the PORPS a specific process policy for implementing adaptive management approaches for managing risks to the health of land and freshwater ecosystems, and to people and communities from biodiversity loss and climate change impacts at a catchment and sub-catchment level.
35. In the case of maintaining ecosystem resilience, adaptive management is a well-known precautionary risk management approach that should include the participation of the rural community.
36. It is comprehensively addressed in resource management case law. Adaptive management is also the dominant resource management strategy for addressing risks from climate change impacts.¹³

¹² B+LNZ and DINZ's submissions filed in 2021, refer to the importance of the concept of resilience and how it should inform the management regime in the PORPS. See B+LNZ and DINZ's principal submission (0237) dated 3 September 2021 at [27(i)].

¹³ See proposed climate adaptation legislation as part of the RMA law reform package.

37. It is a process and policy response that addresses a lack of information and uncertainty about safeguarding intrinsic environmental values that are unable to be measured and weighed in the same way as instrumental environmental values. It is an approach that factors in an ethical obligation to use natural and physical resources sustainably for the well-being of existing and future generations. When ethical considerations in adaptive management planning and decision-making processes involve local authorities making value judgements, they should consider local community values.¹⁴

Changes to policies and methods in the PORPS

38. The following changes to the **IM-Integrated-management** chapter's policies would help to give effect to (implement) the mandatory process provisions in the NPSFM and would strengthen land and freshwater planning and decision-making at a catchment and sub-catchment level throughout the whole region. The policies sought by B+LNZ and DINZ are expressed in a way that clearly means the ORC has no option but to implement them. These will need to be examined together with suggested changes to be discussed at the April hearing of the land and freshwater chapter's provisions.

Objectives (section 62(1)(c) RMA)

39. We support the following recommendation contained in the brief of supplementary evidence of Felicity Ann Boyd on Integrated Management dated 11 October 2022.

¹⁴ In *Golden Bay Marine Farmers v Tasman District Council* (EnvC W19/2003 [405] [407-408], the Environment Court held that an ecological advisory group with community membership should be included in adaptive management processes. For an endorsement of the methodology of adaptive management, see *Sustain our Sounds Inc v NZ King Salmon Company Ltd* [2014] NZRMA 421).

IM-O3 – ~~Environmentally s~~Sustainable impact

Otago's communities ~~carry out their activities in a way~~ provide for their social, economic, and cultural well-being in ways that support or restore ~~preserves~~ environmental integrity, form, function, and *resilience*, so that the life-supporting capacities of air, *water*, *soil*, and ecosystems are safeguarded, ~~and indigenous biodiversity endure~~ for future generations.

Policies (section 62(1)(d) RMA)

40. We support the retention of IM-P1-Integrated approach below.
41. This overarching policy is important to ensure that the imperatives contained in the objectives stated in the IM chapter addressing the integrated management of the region's natural and physical resources are implemented.

IM-P1 – Integrated approach

The objectives and policies in this RPS form an integrated package, in which:

- (1) all activities are carried out within the environmental constraints of this RPS,
- (2) all provisions relevant to an issue or decision must be considered,
- (3) if multiple provisions are relevant, they must be considered together and applied according to the terms in which they are expressed, and
- (4) notwithstanding the above, all provisions must be interpreted and applied to achieve the integrated management objectives IM-O1 to IM-O4.¹⁵

¹⁵ B+LNZ and DINZ further submission (FS00237) dated 12 November 2021. Refer Dunedin City Council (00139) submission point 026 at page 7.

42. We also support the wording of what will now be re-numbered as IM-P2.

IM-P2 – Integrated approach to decision-making

Giving effect to the integrated package of objectives and policies in this RPS requires decision-makers to consider all provisions relevant to an issue or decision and apply them according to the terms in which they are expressed, and if there is a conflict between provisions that cannot be resolved by the application of higher order documents, prioritise:

- (1) the life-supporting capacity and mauri of the natural environment and the health needs of people, and then
- (2) the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

43. We support the following recommendation contained in the brief of supplementary evidence of Felicity Ann Boyd on Integrated Management dated 11 October 2022.

IM-P4 – Setting a strategic approach to ecosystem health

Healthy and resilient ecosystems and ecosystem services are achieved by developing regional and district plans ~~through a planning framework that:~~

- (1) ~~protects~~ having have particular regard to ~~their~~ the *intrinsic values of ecosystems,*
- (2) ~~takes~~ taking take a long-term strategic approach that recognises ~~changing environments and~~ ongoing environmental change, including the impacts of climate change,
- (3) recognises ~~recognising~~ recognise and ~~provides~~ providing provide for ecosystem complexity and interconnections, and
- (4) anticipates ~~anticipating~~ anticipate, or responds ~~responding~~ respond swiftly to, changes in activities, pressures, and trends.

44. We support the following recommendation contained in the brief of supplementary evidence of Felicity Ann Boyd on Integrated Management dated 11 October 2022, subject to the amendment (shown in blue) to the first line below. This amendment will remove any ambiguity about what the words ‘decision-making’ cover.

IM-P5- Managing environmental interconnections

~~(In resource management decision-making,)~~ Manage the use and development ~~Coordinate the management~~ of interconnected *natural and physical resources* by recognising and providing for:

- (1) situations where the value and function of a *natural or physical resource* extends beyond the immediate, or directly adjacent, area of interest,
- (2) the effects of activities on a *natural or physical resource* as a whole, or on the environment, when that resource is managed as sub-units, ~~and~~
- (3) the impacts of management of one *natural or physical resource* on the values of another, or on the *environment*, and
- (4) the impact of individual and cumulative effects on the form, function, and resilience of Otago’s environment and the opportunities available for future generations.

45. A further policy addressing adaptive management is required.

IM-P16- Adaptive risk approach

Adopt an adaptive management approach, when addressing intrinsic values and resilience of ecosystems and ecosystem services and environmental resilience to the significant adverse effects of climate change when those effects are uncertain, unknown, or little understood.¹⁶

Methods reframed as process policies.

46. The following methods in the PORPS need to be amended and reframed as directive process policies to implement the NPSFM provisions addressing community engagement and adaptive management at a catchment and sub-catchment level.

IM-M2-Relationships, IM-M4-Climate change response, IM-M5-other methods

IM-M2-Relationships

Starting immediately, *local authorities* must:

- (1) Partner with Kāi Tahu to ensure *mana whenua* involvement in resource management,
- (2) Work together and with other agencies to ensure consistent implementation of the objectives, policies, and methods of this RPS, and
- (3) ~~Consult~~ **Actively engage** with Otago's communities to ensure policy frameworks adequately respond to the diverse facets of environmental, social, cultural, and economic well-being.

IM-M4- Climate change response

By January 2027, *local authorities* (led by Otago Regional Council) must together, in partnership with Kāi Tahu ~~and in consultation~~ **actively engage** with Otago's communities, **to** develop *climate change* responses for the region that achieve *climate change* adaptation and mitigation, and that include:

- (1) Identifying natural and built resources vital to environmental and community *resilience* and well-being,
- (2) Identifying vulnerable resources and communities and developing adaptation pathways for them where possible, and
- (3) Developing plans and agreements for implementation.

IM-M5-Other methods

Local authorities should:

- (1) at their next plan review or by December 2030, whichever is sooner, align (to the extent possible) all strategies and management plans prepared under other legislation to contribute to the attainment of the long-term vision for Otago, and
- (2) ~~facilitate community involvement~~ *actively engage the community* in realising the long-term vision for Otago stated in IM-O1 through non-regulatory means,
- (3) encourage changes to business practice that will enable businesses to function in a net-zero carbon economy, and
- (4) advocate for and incentivised activities that reduce, mitigate, or eliminate risk of environmental degradation.

LF-VM-M3-Community involvement

Otago Regional Council must ~~work~~ *actively engage* with communities to achieve the objectives and policies in this chapter, including by:

- (1) engaging with communities to identify *environmental outcomes* for Otago's *FMUs*, *catchments and sub-catchments*, and rohe and the methods to achieve those outcomes,
- (2) encouraging community stewardship of *water* resources and programmes to address *freshwater* issues at a local catchment level,
- (3) supporting community initiatives that contribute to maintaining or improving the health and well-being of *water bodies*, and
- (4) supporting industry-led guidelines, codes of practice and environmental accords where these would contribute to achieving the objectives of this RPS.¹⁷

¹⁷ This provision will be addressed in more detail at the April hearing.

Witness

47. Mr Andrew Burt, an economist employed by B+LNZ, will address the social and economic importance of land in Otago being utilised to produce food and fibre using integrated farming systems. He will also update you on the current work he is engaged in with the ORC on behalf of B+LNZ.

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Dr Royden Somerville KC/ Colleen Luisetti

Counsel for Beef + Lamb New Zealand Ltd and Deer Industry New Zealand