

Form 6

Further submission in support of, or in opposition to, submission on proposed Otago Regional Policy Statement – Freshwater Planning Instrument Parts

Clause 8 of Schedule 1, Resource Management Act 1991

To Otago Regional Council

Name of person making further submission: DairyNZ Limited

This is a further submission in support of (*or* in opposition to) a submission on the following proposed Otago Regional Policy Statement – Freshwater Planning Instrument Parts (the **proposal**):

I am —

- *a person who has an interest in the proposal that is greater than the interest the general public has. In this case, also explain the grounds for saying that you come within this category;*

DairyNZ is making this Further Submission because, as the industry good organisation representing New Zealand's dairy farmers, it has an interest in the proposed plan which is greater than the general public's interest. DairyNZ made an original submission on the proposed Otago RPS Freshwater (FPI024).

This Further Submission is made in support of and in opposition to various original submissions on the Otago RPS Freshwater. The reasons in support/opposition of the original submission, and the decision sought, is set out at Appendix 1.

DairyNZ wish to be heard in support of this further submission and if others make a similar submission, will consider presenting a joint case with them at a hearing.

Carina Ross

3/02/2023

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Appendix 1. Further Submission

I support (or oppose) the submission of: [name and address of original submitter and submission number of original submission if available].	The particular parts of the submission I support (or oppose) are: [clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal].	Support OR oppose	The reasons for my support/opposition are:	I seek that the whole (or part [describe part]) of the submission be allowed (or disallowed):
Fish & Game FPI037.006	SRMR - Significant resource management issues for the region New Provision	Oppose	It is our position that all Significant resource management issues should be underpinned by an objective assessment of issues and the potential impact (negative and positive) it might have on the environment. It is unclear if the new provision proposed is based on such an assessment. We are not in general opposed to including additional issues, and to address both positive and negative aspects of resource management for the region, if backed up by an overall assessment of the most important issues to address.	Disallow
Fonterra Co-operative Group Ltd FPI019.004	LF-WAI-P1 Amend as the policy follows: In all <u>management of decision-making affecting fresh</u> water in Otago, prioritise:	Support	The proposed changes to the wording would clarify that the priorities should be used for decision-making and not all management of water.	Allow
OWRUG FPI043.104	LF-VM - Visions and management the LF-VM- Visions and Management section of the RPS not be adopted without the inclusion of goals that have been subject to a cost/benefit analysis that demonstrates that they are achievable by those who will be tasked to make whatever changes	Support	The RPS lacks an adequate section 32 analysis of the economic consequences for the community of different options. This is needed to be able to decide on the most appropriate long-term visions.	Allow

	are required to implement the visions.			
Fish & Game FPI037.061	LF-VM - Visions and management Fish and Game seeks that all relevant goals within the vision objectives be achieved by at most 2040. For some catchments, achievement of the visions may still need to occur sooner.	Oppose	The setting of timeframes should be informed by an assessment of what is ambitious and reasonable i.e. difficult to achieve but not impossible, in accordance with the NPS-FM 2020. DairyNZ oppose setting timeframes without an assessment of the implications on the community.	Disallow
Te Rūnanga o Ngāi Tahu FPI032.018	LF-VM - Visions and management In partnership with mana whenua, prepare a new overarching region-wide vision and consequential amendments to the visions to only highlight differences from that region-wide vision. Amend visions to require practices to change within 10 years and visions to be achieved within 20 years	Oppose	DairyNZ considers that the long-term visions should be informed by the engagement with the wider community. To include a new, region-wide vision, without the proper consultation with the community, would not be appropriate or full-fill the requirements set out in the NPS-FM 2020. However, we are in general supportive of simplifying the existing visions, without significant changes to its content. The setting of timeframes should be informed by an assessment of what is ambitious and reasonable i.e. difficult to achieve but not impossible, in accordance with the NPS-FM 2020.	Disallow
Kāi Tahu ki Otago FPI030.019	LF-VM - Visions and management Restructure the LF-VM and LF-FW objectives to set out an overarching vision for freshwater in Otago incorporating the outcomes below, with specific visions for each FMU where this is needed to set priority outcomes for the FMU or recognise unique characteristics OR	Oppose	DairyNZ considers that the long-term visions should be informed by the engagement with the wider community. To include a new, region-wide vision, or new content, without the proper consultation with the community, would not be appropriate or full-fill the requirements set out in the NPS-FM 2020. However, we are in general supportive of simplifying the existing vision by removing inconsistencies.	Disallow

	<p>Amend the objectives to remove unnecessary inconsistencies and to ensure that the vision for each FMU addresses the outcomes below:</p> <ul style="list-style-type: none"> • Kāi Tahu relationship with wāhi tūpuna • Kāi Tahu ability to access and use water bodies to maintain their connection with the wai • The health and abundance of mahika kai • The health of ecosystems and indigenous species • The health of wetlands, estuaries and lagoons, and downstream coastal waters • The ability for indigenous species to migrate easily • Sustaining the natural form and function of the water bodies • Sustainable land and water management practices • Ceasing direct discharges of wastewater to water bodies. 			
Minister For the Environment FPI012.005	<p>LF-VM-O2 Amend LF-VM-O2 – Clutha Mata-au FMU vision (timeframes) to include interim steps in a manner similar to the consultation version of the pRPS, although 2040 for quality and flows may still be longer than reasonable.</p>	Oppose	<p>The setting of timeframes should be informed by an assessment of what is ambitious and reasonable i.e. difficult to achieve but not impossible, in accordance with the NPS-FM 2020. DairyNZ do not support setting a general timeframe without an assessment of the implication on the community.</p> <p>We also consider it more appropriate to identify interim steps in the regional Land and Water plan, rather than in the RPS, if needed at all.</p>	Disallow
Fish & Game FPI037.014	LF-VM - Visions and management	Oppose	DairyNZ considers that the long-term visions should be informed by the engagement with the wider	Disallow

	New provision		community. To include a new, region-wide vision, without the proper consultation with the community, would not be appropriate or fulfil the requirements set out in the NPS-FM 2020.	
Forest & Bird FPI045.008	LF-VM - Visions and management New provision	Oppose	DairyNZ considers that the long-term visions should be informed by the engagement with the wider community. To include a new, region-wide vision, without the proper consultation with the community, would not be appropriate or full-fill the requirements set out in the NPS-FM 2020.	Disallow
Otago Regional Council FPI029.001	LF-VM - Visions and management The freshwater visions for the Catlins FMU and Upper Lakes rohe are anticipated to be achieved by 2030. Current modelling for periphyton show that meeting the draft target attribute states by 2030 is unlikely. If on ground mitigations, in addition to those included in the GMP and GMP + scenarios, are included in the pLWRP, then the visions are potentially still appropriate. Mitigations could be identified though other activities such as community consultation. As modelling inputs are refined, future modelling results may show the visions are still appropriate	Support	If the freshwater visions for the Catlins FMU and Upper Lakes rohe are not achievable by 2030, the timeframes should be amended to a date at which the visions are achievable.	Allow
OWRUG FPI043.003	LF-FW – Freshwater The Land and Freshwater section of the pRPS should set out a framework for setting timeframes to achieve long-term visions over a transition period, for the Regional	Support	The new RPS and giving effect to Te Mana o TE Wai, is a paradigm shift in freshwater management and as such, will require a lot of changes for farmers. ORC will need to support the food and fibre sector to adjust to these new requirements and a transition framework can enable this to happen.	Allow

	Council to use when developing regional plan provisions to achieve long-term visions for freshwater across the Otago region. This framework should allow the food and fibre sector time to adjust at a rate that accounts for the potentially significant impacts on their social, economic, and cultural well-being.			
Fish & Game FPI037.016, 017, 018	LF-FW-O9, LF-FW-P9 and LF-FW-P10 Relief that will protect and restore, or provide for the promotion of restoration, of wetlands that are not considered 'natural'.	Oppose	It is not clear which type of wetlands that are not "natural" would be included, or the extent of those. DairyNZ agrees that constructed wetlands should be promoted in the plan provisions, but it is not suitable to introduce a general requirement to restore areas that might fall outside of the definition of natural wetlands as defined in the NPS-FM 2020.	Disallow
Director General of Conservation FPI044.015	LF-FW-O8 AND insert the following new clauses or words to like effect: "(x) fresh water sustains indigenous vegetation, fauna and ecosystems", AND "(x) non-diadromous galaxiid and Canterbury mudfish populations and their habitats are protected and restored" AND "(x) habitats that are essential for specific components of the life cycle of indigenous species, including breeding and spawning grounds, juvenile nursery areas, important feeding areas and	Oppose	The proposed new clauses are very detailed and as such, not suitable to include in an objective. It would be more appropriate to consider this for the new regional Land and Water plan based on what is needed in each FMU.	Disallow

	<p>migratory and dispersal pathways, are protected and restored” AND “(x) changes to flows, fish passage or fish barriers only occur where doing so would not enable the passage of undesirable fish species where it is considered necessary to prevent their passage in order to protect desired fish species, their life stages, or their habitats</p>			
<p>Forest & Bird FPI045.017</p>	<p>LF-FW-P9 Amend the introductory words as follows: Protect <u>natural</u> inland wetlands by...</p> <p>Include a definition of “natural inland wetlands” reflecting that contained in the NPSFM 2020.</p>	<p>Support</p>	<p>We support alignment of the wording and definition with the NPS-FM 2020. It would improve understanding for plan users.</p>	<p>Allow</p>
<p>Kāi Tahu ki Otago FPI030.033</p>	<p>LF-FW-P15</p> <p>Replace with two policies as follows: <u>LF-FW-P15 – Discharges containing animal effluent, sewage and other human wastes, and industrial and trade waste</u> <u>Avoid the adverse effects of direct and indirect discharges containing animal effluent, sewage and other human wastes (including cremated ashes), and industrial and trade waste to fresh water by:</u></p>	<p>Oppose</p>	<p>We don’t support including animal effluent in this policy without further consideration of which conditions might be relevant for animal effluent in comparison to other discharges (human, industrial and trade waste). The meaning of “indirect discharges” also needs to be clarified.</p>	<p>Disallow</p>

Ravensdown Ltd FPI017.003	LF-FW-P15 <u>Policy LF-FW-P15A –Discharges containing animal effluent, sewage and other human wastes, and industrial and trade waste. Avoid the adverse effects of direct and indirect discharges containing animal effluent, sewage and other human wastes (including cremated ashes), and industrial and trade waste to fresh water by:</u>	Oppose	We don't support including animal effluent in this policy without further consideration of which conditions might be relevant for animal effluent in comparison to other discharges (human, industrial and trade waste). The meaning of "indirect discharges" also needs to be clarified.	Disallow
Director General of Conservation FPI044.022	LF-LS-P21 Amend as follows or words to like effect: "Achieve the improvement or maintenance of freshwater quantity, or quality , and ecosystem values to meet environmental outcomes set for Freshwater Management Units and/or rohe by:	Oppose	DairyNZ opposes the introduction of new wording to this policy: "ecosystem values" rather than water quality. This is a terminology not used in the NPS-FM 2020 and as far as we know, there is no common understanding of its meaning.	Disallow
Fish & Game FPI037.002	DEF - Definitions <u>Natural environment means:</u> <u>(a) land, water, air, soil, minerals, energy, and all forms of plants, animals and other living organisms, whether native to New Zealand or introduced, and their habitats,</u> <u>(b) ecosystems, their constituent parts and the natural processes that sustain these,</u> <u>(c) the natural landscape and landforms that are formed by the</u>	Oppose	The term "natural environment" doesn't seem to be used in the freshwater planning instruments (FPI). If that is the case, a definition shouldn't be included as part of the freshwater planning process.	Disallow

	interactions between (a) and (b), and <u>(d) excludes pests and domestic and farmed animals.</u>			
Fish & Game FPI037.003	DEF – Definitions <u>Minimise</u> means to reduce to the smallest amount reasonably practicable. Minimised, minimising and minimisation have the corresponding meaning.	Oppose	The proposed definition of “minimise” was introduced in the Southland Environment Court appeal and was specific to the context of the proposed Southland Water and Land plan. DairyNZ supported the definition in that context but considers that a further discussion is needed to assess if “minimise” is used in the same way in the RPS context, and if it is appropriate to adopt the same definition.	Disallow
Fish & Game FPI037.004	DEF – Definitions <u>Precautionary approach</u> means an approach that: <u>(a) avoids not acting due to uncertainty about the quality of quantity of the information available, and</u> <u>b) interprets uncertain information in a way that best supports the health, well-being and resilience of the natural environment</u>	Oppose	The term “precautionary approach” doesn’t seem to be used in the freshwater planning instruments (FPI). If that is the case, a definition shouldn’t be included as part of the freshwater planning process.	Disallow