

FORM 6

**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO,
SUBMISSION ON NOTIFIED PROPOSED POLICY STATEMENT
OR PLAN, CHANGE OR VARIATION**

Clause 8 of Schedule 1, Resource Management Act 1991

To Otago Regional Council
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Email: fpisubmission@orc.govt.nz

Name **Silver Fern Farms Limited**

1. **Further submitter details**

Name of further submitter: Silver Fern Farms Limited (“**Silver Fern Farms**”)

Silver Fern Farms made a submission on the Proposed Otago Regional Policy Statement Freshwater Planning Instrument Parts (“**RPSFPI**”), being submission number **FPI020**.

2. **Only certain people can make a further submission**

Silver Fern Farms has an interest in the RPSFPI that is greater than the interest that the general public has on the following grounds:

- a. As outlined in its submission, Silver Fern Farms has significant assets and operational interests in the Otago Region. Silver Fern Farms’ Finegand Processing Plant (the “**Site**”), and the underlying 48 ha property are located at 72 Yorston Road, approximately 3.5 km south of Balclutha, in the Clutha District.
- b. For reasons highlighted in Silver Fern Farms’ submission, the Site is an important economic asset to the Clutha District and Otago Region. Silver Fern Farms holds 15 long-term regional resource consents for discharges to air, land and water, and water abstractions associated with the Site’s operation. Consequently, Silver Fern Farms wishes to ensure that the RPSFPI recognises and provides for the Site’s continued operation and associated effects.

3. **Hearing options**

Silver Fern Farms **does** wish to be heard in support of its further submission.

If others are making a similar submission, Silver Fern Farms would consider presenting a joint case with them at the Hearing.

Signature:

SILVER FERN FARMS LIMITED

by its authorised agents Mitchell Daysh Ltd



Date:

3 February 2023

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4. Further submission details

Submitter	Submission Point	Specific provision	Position on submission point	Reasons for support or opposition	Decision sought from Council
Beef + Lamb New Zealand Ltd and Deer Industry New Zealand	FPI025.011	SRMR-I6 Declining water quality has adverse effects on the environment, our communities, and the economy	Support	Silver Fern Farms agrees with the deletion of reference in SRMR-I6 to the NPSFM 2020 and NESF 2020 requiring water quality improvements within 5 years. There is no such requirement specified in those instruments.	Delete the reference in SRMR-I6 to the NPSFM and NESF requiring actions “to improve water quality, within five years” as sought by Beef + Lamb New Zealand Ltd and Deer Industry New Zealand.
Meridian Energy Ltd	FPI016.015	LF-FW-P7 – Fresh water	Support	<p>Silver Fern Farms agrees with Meridian Energy’s recommended amendments to sub-clause (2) of this policy, which would ensure that “protection” is not ascribed to all habitats in an unqualified fashion.</p> <p>Silver Fern Farms considers this amendment to better align with RMA s6(c) - which ascribes national importance to the protection to ‘significant’ habitats of indigenous fauna – not to <i>all</i> habitats.</p> <p>Providing unqualified protection to all habitats would prohibit otherwise appropriate activities that cannot meet the high threshold of “protection”, regardless of:</p> <ul style="list-style-type: none"> ➤ The significance/otherwise of the habitat that is affected; ➤ The scale / severity of the adverse effect being caused; ➤ Any wider positive effects of the activity; and ➤ Any net environmental gains that might be proposed in conjunction with, or that may accrue as a result of, the activity being authorised. 	<p>Amend LF-FW-P7 as recommended by Meridian Energy Ltd, as follows:</p> <p>LF-FW-P7 – Fresh water</p> <p>Environmental outcomes, attribute states (including target attribute states) and limits ensure that:</p> <p>[...]</p> <p>(2) the habitats of <u>significant</u> indigenous species associated with water bodies are protected, including by providing for fish passage,</p> <p>[Entire provision not shown here].</p>
Dairy NZ Limited	FPI024.030	LF-FW-P10 – Restoring natural wetlands	Support in part	<p>Silver Fern Farms agrees with the recommendation of Dairy NZ to delete the reference in this policy to improving characteristics of wetlands that have been “lost”. The notified drafting:</p> <ul style="list-style-type: none"> ➤ Would appear to place an obligation on current landowners to “improve” wetlands that have been “lost” (presumably, “lost” refers to non-existent historic wetlands) irrespective of the owners’ involvement (or not) in draining the wetland(s). ➤ Disregards the contemporary land use and development context, which may make any improvements impossible to achieve. ➤ Does not provide or foreshadow a clear mechanism to assess the costs, benefits and efficiency and effectiveness of efforts at wetland improvement or restoration. <p>In many places, historic wetlands were drained and have been highly modified, including by the development of significant infrastructure and business assets. The disestablishment of such modifications in order to regenerate historic wetlands may not be an efficient or effective method to restore natural wetland values. Improving the values of existing degraded (as distinct from “lost”) natural wetlands may be significantly more efficient and effective.</p>	<p>Delete the words “or lost” from this policy as recommended by Dairy NZ Limited, as follows:</p> <p>LF-FW-P10 – Restoring natural wetlands</p> <p>Improve the ecosystem health, hydrological functioning, water quality and extent of natural wetlands that have been degraded or lost by requiring [Entire provision not shown here].</p>

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Dairy NZ Limited	FPIO24.032	LF-FW-E3 Explanation (paragraph 2)	Support in part	<p>Silver Fern Farms agrees with Dairy NZ that the reference in this provision to improving characteristics of wetlands that have been “lost” should be deleted as a consequential amendment arising from the concerns about policy LF-FW-P10 - that a requirement to restore historic wetlands that are “lost” (i.e., no longer extant) will be problematic for numerous reasons.</p> <p>While it may be possible to regenerate historic wetlands in some cases, Silver Fern Farms does not agree that this should be an action that is mandated by policy as there will be numerous complexities in each case.</p> <p>Silver Fern Farms would not oppose retention of the words “<i>and in recognition of the historic loss of wetlands in Otago</i>” in this provision, as this can be read with regard to the commentary about the improvement of extant degraded wetlands.</p>	<p>Delete the words “<i>or lost</i>” from this explanation as recommended by Dairy NZ Limited, as follows:</p> <p>LF-FW-E3 Explanation <i>[Entire provision not shown here]</i></p> <p>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 because of the importance of restoration to Kāi Tahu and in recognition of the historic loss of wetlands in Otago.</p>
Ballance Agri-Nutrients Ltd	FPIO21.004	LF-VM-P6 Relationship between FMUs and rohe	Support	Silver Fern Farms agrees that the development of additional rohe-specific environmental outcomes within FMUs should be subject to consultation with Kāi Tahu and the community.	As requested by Ballance Agri-Nutrients Ltd, amend LF-VM-P6 to include reference to consultation when setting rohe-specific environmental outcomes.
Meridian Energy Ltd	FPIO16.018	LF-FW – Freshwater New Provision	Support	Silver Fern Farms would support provision for development of water storage infrastructure in the RPS, given recognition of this as ‘specified infrastructure’ in the NPSFM and the likely need for such infrastructure development to ensure water use is optimised.	<p>Insert a new LF-FW policy as recommended by Meridian NZ Ltd, as follows:</p> <p><i>Provide for the off-stream storage of surface water where storage will give effect to the objectives and policies of this RPS</i></p>
Federated Farmers of New Zealand	FPIO26.028	LF-FW-O8 Fresh water	Support	<p>The notified drafting of this objective reflects the first and second limbs of the objective of the NPSFM, but recognition of the third limb of the objective (“<i>the ability of people and communities to provide for their social, economic, and cultural well-being</i>”) appears to be limited to water quality. There is no clear policy recognition that water allocation and use is a key aspect of the second and third limbs of the NPSFM objective.</p> <p>Silver Fern Farms agrees that the objective should more clearly recognise the importance of water allocation and use. This would more clearly align the objective with the second and third limbs of the NPSFM objective, as distinct from the somewhat vague reference in sub-clause (1) of LF-FW-O8, which seems confined to water quality only.</p>	<p>Amend LF-FW-O8 as recommended by Federated Farmers of New Zealand, as follows:</p> <p><i>In Otago’s water bodies and their catchments:</i></p> <p><i>(1) the health of the wai supports the health of the people, and thriving mahika kāi, and the ability of people and communities to provide for their social, economic and cultural wellbeing, now and in the future,</i></p> <p><i>(2) water flow is continuous throughout the whole system</i></p> <p><i>(2)(3) the interconnection of fresh water (including groundwater) and coastal waters is recognised,</i></p> <p><i>(3)(4) native fish can migrate easily and as naturally as possible and taoka species and their habitats are protected, and</i></p> <p><i>(4)(5) the significant and outstanding values of Otago’s outstanding water bodies are identified and protected.,</i></p>

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					<i>(5) sustainable and integrated water allocation and abstraction supports primary production and rural communities</i>
OceanaGold Ltd	FPI031.012	LF-FW-P15 Stormwater and wastewater discharges	Support	Silver Fern Farms agrees with OceanaGold's comments that the policy framework would benefit from amendments to recognise that there may be functional or locational constraints or other reasons of practicability as to why industrial discharges may be made to water,	As recommended by OceanaGold Ltd, ensure the policy framework for discharges provides a management pathway for situations where industrial discharges to water are unavoidable.
Manawa Energy Ltd	FPI022.009	LF-FW-M6 Regional Plans	Support	Silver Fern Farms agrees with the recommendation of Manawa Energy to revise clause (5)(c) of this method to a formulation that enables development subject to the application of the effects management hierarchy.	Amend sub-clause (5)(c) as recommended by Manawa Energy Ltd, as follows: LF-FW-M6 Regional Plans <i>[Entire provision not shown here]</i> (5) include limits on resource use that: [...] (c) control the effects of <u>enable</u> existing and potential future development <u>where the effects of this</u> on the ability of the water body to meet, or continue to meet, environmental outcomes <u>are managed in accordance with the effects management hierarchy</u>
Horticulture New Zealand	FPI047.025	LF-FW-M6 Regional Plans	Support	Silver Fern Farms would support amendment of this method to recognise the need for water takes and discharges associated with food production and (consequentially) food security.	Amend sub-clauses (4) and (5) as recommended by Horticulture New Zealand, as follows: LF-FW-M6 Regional Plans <i>[Entire provision not shown here]</i> (4) include environmental flow and level regimes for water bodies (including groundwater) that give effect to Te Mana o te Wai and provide for: [...] <u>g. abstraction and discharges to support domestic food security, and</u> (5) include limits on resource use that: a. differentiate between types of uses, including <u>human health needs (such as drinking water and food security)</u> , and social, cultural and economic uses, in order to provide long-term certainty in relation to those uses of available water,