

**BEFORE THE COMMISSIONERS APPOINTED ON BEHALF
OF THE OTAGO REGIONAL COUNCIL**

UNDER	the Resource Management Act 1991 (the Act or RMA)
IN THE MATTER	of an original submission on the Freshwater Planning Instruments Parts of Proposed Regional Policy Statement for Otago 2021 (PRPS)
BETWEEN	OTAGO WATER RESOURCE USER GROUP Submitter FPI043 FEDERATED FARMERS NZ INC Submitter FPI026 and FSFPI033 DAIRY NZ LTD Submitter FPI024 and FSFPI024 BEEF + LAMB NEW ZEALAND LTD and DEER INDUSTRY NEW ZEALAND Submitter FPI025 and FSFPI025
AND	OTAGO REGIONAL COUNCIL Local Authority

SUMMARY OF EVIDENCE OF CLAIRE PERKINS



GALLOWAY COOK ALLAN LAWYERS
Bridget Irving / Phil Page
bridget.irving@gallowaycookallan.co.nz
phil.page@gallowaycookallan.co.nz

P O Box 143
Dunedin 9054
Ph: (03) 477 7312
Fax: (03) 477 5564

SUMMMARY OF EVIDENCE OF CLAIRE PERKINS

1. My full name is Claire Rose Perkins. I am a Senior Planner & Planning Team Lead with 17 years' experience currently employed at Landpro Ltd. My expertise and experience are set out in my primary brief of evidence.
2. My primary brief of evidence covered the following key points:
 - a. The consultation and engagement process;
 - b. Freshwater visions;
 - c. New resource use issue and consideration of this within the provisions;
 - d. Transition framework new provisions; and
 - e. Other minor changes to provisions through my Appendix 2.
3. The most useful things to highlight for the panel are summarised below..

Freshwater visions

4. I maintain my view that the use of a region wide objective in lieu of FMU, part FMU or catchment level visions is not consistent with clause 3.3 of the NPSFM.
5. Ms Boyd agrees (in her para 889 of the s42A report) that a vision cannot be set at a region-wide level but goes on to note that under s62(1)(c) of the RMA, an RPS must include objectives sought to be achieved. She then concludes that for this reason it is not a vision. However, in her opening statement (para 70-71) she notes that achieving this objective is part of the vision for each FMU.
6. As highlighted in my evidence, other experts and farming witnesses, the separation of the visions back out to at least FMU level, even with repetition, will more effectively allow for future changes to the visions as needed at FMU level or below. It will also provide for recognition of the

diversity of catchments and provide guidance for implementation of other regulations such as FWFPs.

Providing for resource use

7. I support the inclusion of a resource use issue as identified through the JWSs from the non-freshwater hearing. To ensure that this is followed through into objectives, I have recommended a new statement be added into the visions with some minor amendments to the policies (my para 48).
8. I note that Ms Boyd has (in Attachment 1 to her opening statement) recommended rejecting my additional vision statement and use of the words “primary production”. She has instead recommended a minor change to LF-FW-O1A(7) to add “food production” into this statement. If this were to be adopted by the panel instead of my recommendation, I would suggest this be changed to “food and fibre production” to cover the full range of primary sector land uses, not just those responsible for food production. This better recognises the resource use issue.
9. I also consider that (b) in my proposed provision should still be included as a key vision statement, which will ensure that the social, economic and cultural wellbeing of communities is enabled. This reflects the feedback from consultation and is supported by the farmer witnesses. I consider this is a critical element to the visions that is missing at present.

New transition & process provisions

10. The need for an iterative process where the visions and timelines can be circled back to is essential, particularly in light of the lack of certain and available information on the degree of change for the visions to be achieved. I have put forward two process provisions that will allow for a transition while also promoting the need to consider concurrent regulations and give priority to non-regulatory methods such as catchment groups where these may be as effective, or more effective than additional rules in the future LWP.

LF-FW-P7B – Support sustainable transition to achieve Freshwater Visions

Recognise that achieving the freshwater visions is likely to result in significant changes in land use activities and/or infrastructure by:

- a. At the time of setting of environmental outcomes, attribute states, environmental flows and levels identify:
 - i. Changes required by resource users;
 - ii. How those changes can be implemented;
 - iii. Costs of implementing those changes;
 - iv. The timeframe required to manage the costs of those changes in a way that can be sustained by the community that is ambitious but reasonable, and whether the dates in the visions need to be extended or brought forward in the Land and Water Plan.

LF-FW-P7C Recognise existing regulatory and non-regulatory measures when managing land and freshwater

When determining what methods to use to manage land and freshwater, give preference to the methods requiring the least additional regulatory intervention in the land and water plan, where this will enable progress towards achieving the visions, by:

- a. Staging the implementation of any new regulatory requirements in recognition of the existing costs associated with addressing regulations that are already in force so that the implementation of new regulation can be managed by resource users;
- b. Relying on implementation of Freshwater Farm Plan Regulations;
- c. Avoiding where possible new rules for matters already managed by:
 - i. National Environmental Standards; and
 - ii. Regulations made under the Resource Management Act
- d. Leveraging existing catchment groups or community collectives;

- e. Not imposing new regulatory requirements where water quality is already at the target attribute state;
 - f. Establishing trigger points where additional regulatory intervention is required to prevent degradation
11. In response to some of the points raised by Ms Boyd in her opening statement regarding LF-FW-P7C, I do not consider that this provision constrains the decision-making process and limits the methods that can be used to only non-regulatory methods. Instead, it attempts to place focus on a preference to considering these methods “where this will enable progress towards achieving the visions”. I also accept that the RPS does not prevent staging from being considered in the LWP process, but by including it in this provision, proper consideration must be given to this in order for the LWP to give effect to the RPS. Similarly for (e) and (f) in this provision, it may be appropriate to recognise that further regulation through rules is not needed when certain attribute states are achieved or declining trends are not being observed. Clauses (e) and (f) are not contradictory as this provision is providing a list of matters that need to be considered and poor water quality may equally be as much of a trigger for a certain regulatory response as good water quality can avoid one.
12. I have also recommended a new process provision to ensure that rural communities are actively engaged in the NOF process and development of the LWP.
13. Since submission of my primary brief of evidence, ORC have advertised for expressions of interest for their first Integrated Catchment Management (ICM) Working Group for the Catlins FMU¹. The group will help deliver on the individual Catchment Action Plan (CAP) for the catchment which will outline the long-term goals, highlight the issues, identify possible causes and detail actions for addressing them.

¹<https://www.orc.govt.nz/news-and-events/news-and-media-releases/2023/july/action-plan-for-catlins-eco-systems>

14. The expression of interest notes that the preference for membership is ideally, mainly local people or those with connections to the catchment.
15. I applaud this process and consider that it emphasises the importance of the engagement policy that I have proposed which focuses on the need for engagement at the rohe or catchment level, and engagement with local communities. It is more than a method of implementation, it is a process of engagement that will also enable establishment of visions at the catchment scale. I have therefore made one further edit to this provision in grey shading below to reflect the refinement of the catchment visions in the RPS that is likely to occur through the CAP process and which is recognised through clause 3.15(2) of the NPSFM.

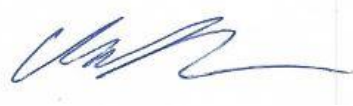
LF-VM-P7C – Local community involvement

When developing and implementing planning instruments to give effect to the objectives and policies in this policy statement through integrated management of land and freshwater, Otago Regional Council must actively engage with local communities, at the rohe and catchment level, to:

- (1) refine visions, identify values and environmental outcomes for Otago's FMUs, rohe and catchments and the methods to achieve those outcomes, including as required by the NOF process; and
 - (2) develop and implement action plans that may be adapted over time with trigger points where additional regulatory and/or non-regulatory intervention is required; and
 - (3) at a local catchment level, including through catchment groups, encourage community initiatives to maintain or improve the health and well-being of waterbodies.
16. Without the provisions I have recommended there is a very real risk of potentially very significant costs to the communities that can't be sustained in the proposed timeframes, and the potential for overlap of regulations that do not result in a better outcome for the health and well-being of waterbodies.

Minor tweaks to other provisions

17. I have recommended other minor tweaks to provisions throughout the FPI part of the RPS in my Appendix 2 of my primary brief of evidence. I have read through, but not yet had time to fully digest the changes recommended by Ms Boyd's opening statement. I am happy to discuss any questions that panel may have on these.

A handwritten signature in blue ink, appearing to read 'Claire Perkins', is positioned above the typed name.

Claire Perkins

29 August 2023