

Submission # 1

6/10/19



001

Gwyneth Elsum

General Manager Strategy, Policy and Science

Otago Regional Council

70 Stafford Street

Dunedin.

Dear Madam,

Your ref:A1279459 – Plan Change 6AA

Thank you for your notification of a proposed change to the Regional Water Change.

I do not agree to the planned change to come into force in 2026. That date should be brought forward at least three years which should give reasonable farmers ample time.

001 / 1

In the meantime there will always be those who take the opportunity to strengthen their case by making their herds bigger which will only add to the problems of finding meaningful solutions.

Right now would be a better time for all concerned.

0011

Polution is like a cancer. The longer it is left the more difficult it becomes to treat effectively.

Yours faithfully

Mrs Joy Green

Joy Green

Submission # 2

Sylvie Leduc

From: Lucy Summers
Sent: Tuesday, 15 October 2019 2:11 p.m.
To: Sylvie Leduc
Subject: FW: Anonymous User completed Submission Form - Proposed Plan Change 6AA to the Regional Plan: Water for Otago

Follow Up Flag: Follow up
Flag Status: Completed

From: Otago Regional Council <notifications@engagementhq.com>
Sent: Monday, 7 October 2019 8:58 p.m.
To: Blaise Cahill-Lane <Blaise.Cahill-Lane@orc.govt.nz>; Lucy Summers <Lucy.Summers@orc.govt.nz>
Subject: Anonymous User completed Submission Form - Proposed Plan Change 6AA to the Regional Plan: Water for Otago

Anonymous User just submitted the survey 'Submission Form - Proposed Plan Change 6AA to the Regional Plan: Water for Otago' with the responses below.

Full name of submitter

Craig Werner

Name of organisation (if applicable)

None

Email

craigwerner.ww@gmail.com

Postal Address (or alternative method of contact)

30 Howard, Macandrew Bay, Dunedin 9014

Phone number

034761333

Do you wish to be heard in support of your submission?

No

Could you gain an advantage in trade competition from this submission?

No

Are you directly affected by an effect of the plan change that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition

I am not

State what your submission relates to and if you support, oppose, or want it amended:

(e.g. support rule 'x', or amend policy 'y')

Support 6AA.

State what decision you want the Otago Regional Council to make:

(e.g. amend policy 'y' to say....)

Approve 6AA.

Give reasons for the decision you want made:

(e.g. I want policy 'y' changed because...)

I want the change approved as I am especially supportive of the farm Oversee-er program. Guidelines for farm operation need to be set by ORC. Cattle solid waste stored outdoors needs to be at a high elevation high point of the farm to lessen leaching into water ways.....a common European practice. If a farm is flat and not high above waterways, cattle should be prohibited.

Submission # 3

Sylvie Leduc

From: Lucy Summers
Sent: Tuesday, 15 October 2019 2:11 p.m.
To: Sylvie Leduc
Subject: FW: Anonymous User completed Submission Form - Proposed Plan Change 6AA to the Regional Plan: Water for Otago

Follow Up Flag: Follow up
Flag Status: Completed

From: Otago Regional Council <notifications@engagementhq.com>
Sent: Tuesday, 8 October 2019 10:51 a.m.
To: Blaise Cahill-Lane <Blaise.Cahill-Lane@orc.govt.nz>; Lucy Summers <Lucy.Summers@orc.govt.nz>
Subject: Anonymous User completed Submission Form - Proposed Plan Change 6AA to the Regional Plan: Water for Otago

Anonymous User just submitted the survey 'Submission Form - Proposed Plan Change 6AA to the Regional Plan: Water for Otago' with the responses below.

Full name of submitter

Mel Hollis

Name of organisation (if applicable)

N/A

Email

mel.hollis@xtra.co.nz

Postal Address (or alternative method of contact)

63 Stirling Crescent

Phone number

+6434895452

Do you wish to be heard in support of your submission?

No

Could you gain an advantage in trade competition from this submission?

No

Are you directly affected by an effect of the plan change that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition

I am

State what your submission relates to and if you support, oppose, or want it amended:

(e.g. support rule 'x', or amend policy 'y')

I am strongly against the six years of extra time required in this suggested plan change.

State what decision you want the Otago Regional Council to make:

(e.g. amend policy 'y' to say....)

The regional council has been sitting around the table and talking about our fresh water decline for decades and it is high time to draw a line in the sand. A one year delay would in my opinion be acceptable if it actually has to be delayed and should allow everyone enough time to get to grips with the reality of pollution of our waterways.

Give reasons for the decision you want made:

(e.g. I want policy 'y' changed because...)

A further six year delay is simply putting off the inevitable and we are all going to be left with an even worse pollution problem six year from now. Now is not the time to delay cleaning up our environment! We as a generation have one true responsibility, that is to look after our environment to the absolute best extent possible, for the next generation. Yet sadly, we are not meeting our responsibilities and we should not be even thinking about delaying actions for a further six years! Thank you.

Submission # 4

Sylvie Leduc

From: Lucy Summers
Sent: Tuesday, 15 October 2019 3:24 p.m.
To: Sylvie Leduc
Subject: FW: Anonymous User completed Submission Form - Proposed Plan Change 6AA to the Regional Plan: Water for Otago

Follow Up Flag: Follow up
Flag Status: Completed

From: Otago Regional Council <notifications@engagementhq.com>
Sent: Tuesday, 15 October 2019 2:31 p.m.
To: Blaise Cahill-Lane <Blaise.Cahill-Lane@orc.govt.nz>; Lucy Summers <Lucy.Summers@orc.govt.nz>
Subject: Anonymous User completed Submission Form - Proposed Plan Change 6AA to the Regional Plan: Water for Otago

Anonymous User just submitted the survey 'Submission Form - Proposed Plan Change 6AA to the Regional Plan: Water for Otago' with the responses below.

Full name of submitter

Peter Andrew George

Name of organisation (if applicable)

Personal

Email

pternz@gmail.com

Postal Address (or alternative method of contact)

36 Panmure Avenue, Dunedin

Phone number

6434878161

Do you wish to be heard in support of your submission?

No

Could you gain an advantage in trade competition from this submission?

No

Are you directly affected by an effect of the plan change that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition

I am not

State what your submission relates to and if you support, oppose, or want it amended:

(e.g. support rule 'x', or amend policy 'y')

Proposed change 6AA to plan change 6A to Regional Plan: Water for Otago.

State what decision you want the Otago Regional Council to make:

(e.g. amend policy 'y' to say....)

That the proposed delay to implementation not be passed and dropped from the plan.

Give reasons for the decision you want made:

(e.g. I want policy 'y' changed because...)

Enforcement of existing breaches under the current rules have not been the strictest. Those affected by the impending restrictions have had plenty of time to consider the impact and start to work towards it. Any new restrictions will take years to have an impact as those affected continue to avoid implementation, and further delays only push that further into the future.

Submission # 5

Sylvie Leduc

From: Blaise Cahill-Lane
Sent: Wednesday, 23 October 2019 9:51 a.m.
To: Sylvie Leduc
Subject: FW: Anonymous User completed Submission Form - Proposed Plan Change 6AA to the Regional Plan: Water for Otago

From: Otago Regional Council <notifications@engagementhq.com>
Sent: Friday, 11 October 2019 12:10 p.m.
To: Blaise Cahill-Lane <Blaise.Cahill-Lane@orc.govt.nz>; Lucy Summers <Lucy.Summers@orc.govt.nz>
Subject: Anonymous User completed Submission Form - Proposed Plan Change 6AA to the Regional Plan: Water for Otago

Anonymous User just submitted the survey 'Submission Form - Proposed Plan Change 6AA to the Regional Plan: Water for Otago' with the responses below.

Full name of submitter

Carl Cleaver

Name of organisation (if applicable)

none

Email

carlcleaver@gmail.com

Postal Address (or alternative method of contact)

carlcleaver@gmail.com

Phone number

0275162782

Do you wish to be heard in support of your submission?

No

Could you gain an advantage in trade competition from this submission?

No

Are you directly affected by an effect of the plan change that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition

I am

State what your submission relates to and if you support, oppose, or want it amended:

(e.g. support rule 'x', or amend policy 'y')

Oppose - This should not be Permitted 12.C.1.1 The discharge of water or any contaminant to water, or onto or into land in circumstances which may result in a contaminant entering water, is a permitted activity, providing: Oppose - discharge applicants have had sufficient time to comply 12.C.1.3 The discharge of nitrogen² onto or into land in circumstances which may result in nitrogen entering groundwater, is a permitted activity, providing: (a) From 1 April 2026 01 April 2020, the nitrogen leaching rate does not exceed:

State what decision you want the Otago Regional Council to make:

(e.g. amend policy 'y' to say....)

for 12.C.1.1 - change Permitted to Prohibited for 12.C.1.3 - change From 1 April 2026 back to 01 April 2020

Give reasons for the decision you want made:

(e.g. I want policy 'y' changed because...)

12.C.1.1 The ability to discharge ANY contaminant to water or the ability of that contaminant to enter water can only increase pollution from its already high levels and degrade the water system even more. Certainly NOT a solution. 12.C.1.3 Leaching and contamination of nitrates is a huge problem - the ability to continue this practise for a further 6 years from this previous comply date is a green flag to continue without any penalty. There should be NO Resource consent allowing discharge.

Submission # 6



Federated Farmers of New Zealand

Submission on the Proposed Plan Change 6AA by the Otago Regional Council

29 October 2019

SUBMISSION ON THE ORC PROPOSED PLAN CHANGE 6AA

Form 5

Submission on a publicly notified proposal for policy Clause 6 of First Schedule, Resource Management Act 1991

To: Otago Regional Council
policy@orc.govt.nz

Name of submitter: Federated Farmers of New Zealand

Date: 25 October 2019

CONTACT DETAILS:

Simon Davies	Federated Farmers, Otago Provincial President	03 976 5599	tokofarms@gmail.com	C/- PO Box 5242 Dunedin 9016
Address for service: Darryl Sycamore	Senior Policy Advisor	021 242 0177	dyscamore@fedfarm.org.nz	PO Box 5242 Dunedin 9016

SUBMISSION ON THE ORC PROPOSED PLAN CHANGE 6AA

1 INTRODUCTION

- 1.1 Federated Farmers of New Zealand Incorporated (Federated Farmers) welcomes the opportunity to submit on the Proposed Plan Change 6AA (the proposal)
- 1.2 Federated Farmers has sought feedback with a number of its members to gauge their opinion on the three options set out in the s32A report including an extension to the timetable for Plan implementation.

2 BACKGROUND & GENERAL COMMENTS

- 2.1 Federated Farmers recognise the current freshwater regulatory environment is dynamic and that the Government continues to advance reform initiatives. We are hopeful the outcomes of this proposal will be lawful, fit for purpose and align with the Government's Essential Freshwater Programme.
- 2.2 Federated Farmers recognises the unfortunate position the Otago Regional Council has now found itself in. Whilst the consequence of PC6A reflect a previous Executive management approach to policy planning and consultation, these concerns should not have been a surprise and were thoroughly raised by submitters and appellants during the Environment Court mediation process, and were dismissed by Council. It is clear now that those concerns of submitters were well founded, with resulting costs falling on the ratepayer and stakeholders.
- 2.3 It is our understanding the implementation and success of PC6A was reliant on an innovative channel lysimeter known as "*the crucial tool*" designed Landcare Research in conjunction with the Council. When the precision of the lysimeter could not be demonstrated beyond the testing phase the project was dropped and PC6A was amended from a focus on diffuse discharges to point source discharges. In retrospect, that appears to have been a mistake.
- 2.4 We are also mindful the Executive Summary of the s32A reports that PC6A introduced "a new set of rules managing discharges from land uses (predominantly rural land uses)". This implies that urban discharges are also managed under PC6A, which is unfortunately not the case. The sole focus of PC6A rested on rural land use. We understand PC6A set objectives for all water quality, but included no amended rule framework for urban discharges. This was always intended to follow, but has been consistently deferred over the years. Federated Farmers considers the resulting solely rural focus to be inequitable given urban water quality is typically amongst the worst within a catchment, and encourage the Council to advance a Plan Change for urban, industrial and other discharges as suggested several years ago as required under the proposed NPS-FM framework.
- 2.5 Despite our significant concerns, Federated Farmers welcomes, and looks forward to working with the new suite of Executive Managers to the ORC. We are hopeful that moving forward Council will adopt a mindset of authentic consultation, looking to the future whilst having equal regard to all four well-beings.

3 PLAN CHANGE 6AA PROPOSAL

- 3.1 The s32A report set out three options for Council to consider in terms of addressing the policy failure of PC6A. Some uncertainty remains over the future status of rural discharges under

all three options, and the ability for land users to meet the requirements in April 2026. This will likely restrict farmer access to finance and impact land values in the interim.

- Option 1 retains the current rule framework but forces a significant number of landowners into a consenting process, which will potentially conflict with a full plan review contemplated for the near future. The 2020 implementation date currently set out in the Plan would require many farmers to seek unnecessary resource consents and may undermine the future implementation of the Water Plan (and the NPSFM). We consider the Council presently lacks the resources and expertise to cater for such an influx of consent applications.
- Option 2 seeks to delay the enforceability of some relevant provisions found to be unlawful or unfit for purpose by the Courts until 1 April 2026. Farmers will still be required to collect nutrient input data and provide it to Council during the transitional period. This approach will negate the need for farmers to unnecessarily seek resource consents and lessen the burden on Council staff resources.
- Option 3 seeks to revoke relevant provisions and limits the need to seek further resource consents that are an unnecessary consequence of the PC6A process. This approach removes the onus of landowners to monitor and record nutrient inputs to their farms and removes the policy levers to improve discharge management practices. The s32A report highlighted a concern this option may result in reduced environmental outcomes.

- 3.2 The Council's s32A report acknowledges both Options 2 and 3 will address the issues raised by the Courts regarding the uncertainty of PC6A. Council recently ratified option 2 as the preferred approach as it carried less environmental risk and retains the obligation to monitor and record nutrient inputs and apply improved nutrient practices. Crucially, option 2 provides a delay for implementation to 1 April 2026 to come into effect.
- 3.3 The delay to implementation will allow for a full review of the Water Plan to ensure alignment with all relevant requirements, and give full effect to the NPSFM, and any subsequent amendments as a result of proposed changes under the current Essential Freshwater proposal process. The ORC anticipates the full review of the Water Plan will be completed, and new planning provisions will be operative by April 2026, allowing the work programmes to transition after the implementation date.
- 3.4 Given the uncertainty this process imposes on Otago farmers, it is apparent all options set out in the s32A report are problematic to some extent to the rural community. Option one is discounted on the basis it lacks natural justice and reinforces the effects of the regulatory shortfalls of PC6A. Advancing Option 3 would be acceptable, however the feedback from Otago farmers is the reduced obligation to record nutrient inputs and drivers for considered discharge management practices is unhelpful given the Government direction of overarching regulation.
- 3.5 Consequently, Federated Farmers supports the Council's preferred Option 2 on the basis the ORC completes the full plan review in the interim that provides a balanced analysis against all four well-beings, including an authentic consultation process.
- 3.6 Our support for option two is also predicated on the basis that it removes the requirement for unnecessary resource consents; and encourages land owners to manage/record nutrient inputs and discharges within their farming system.

Submission # 7

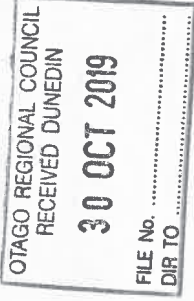


Otago
Regional
Council

SUBMISSION FORM (Print clearly on both sides)
Proposed Plan Change 6AA to the Regional Plan: Water for Otago
Form 5, Clause 6 of Schedule 1, Resource Management Act 1991

007

Office use only



Name of submitter: SYDNEY MANN

Name of organisation (if applicable):

Email:

Postal address: 25 TURNBULL ST

BROCKVILLE

DUNEDIN

Postcode:

Telephone:

I wish / do not wish (circle preference) to be heard in support of my submission.

If others made a similar ~~submission~~, I ~~will~~ consider presenting a joint ~~ease~~ with them at a hearing. (Delete if you would not consider presenting a joint case)

Trade competitor's declaration (if applicable)

I could / could not (circle one) gain an advantage in trade competition from this submission

I am / am not (circle one) directly affected by an effect of the plan change that

(a) Adversely affects the environment; and

(b) Does not relate to trade competition or the effects of trade competition.

Signature of submitter: Sydney Mann

Date: October 26th 2019

(Or person authorised to sign on behalf of person making submission.
Signature not required if you make your submission by electronic means)

Please note that all submissions are made available for public inspection.



Send to:
Freeport ORC 497
Otago Regional
Council
Private Bag 1954
Dunedin 9054

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM ON MONDAY 4 NOVEMBER 2019

State what your submission relates to and if you support, oppose, or want it amended:

(e.g. support rule 'x', or amend policy 'y')

Opposing Proposed Plan Change 6AA

State what decision you want the Otago Regional Council to make:

(e.g. amend policy 'y' to say....)

I want O.R.C. to withdraw
Proposed Plan Change 6AA

Give reasons for the decision you want made:

(e.g. I want policy 'y' changed because...)

We must move forward now
with processes that divert and minimize
effluent from the rivers
We must minimize use of chemicals
in food production

Please attach any additional information.

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM ON MONDAY 4
NOVEMBER 2019

Post to: Otago Regional Council

Private Bag 1954

Dunedin 9054

Email to: policy@orc.govt.nz

Deliver to: Otago Regional Council offices at:

70 Stafford Street, Dunedin

William Fraser Building, Dunorling Street, Alexandra

Terrace Junction, 1092 Frankton Road, Queenstown

Online at: yoursay.orc.govt.nz/6AA

Please note:

Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

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Submission # 8

Sylvie Leduc

From: Otago Regional Council <notifications@engagementhq.com>
Sent: Thursday, 31 October 2019 2:38 p.m.
To: Blaise Cahill-Lane; Lucy Summers; Sylvie Leduc
Subject: Anonymous User completed Submission Form - Proposed Plan Change 6AA to the Regional Plan: Water for Otago

Follow Up Flag: Follow up
Flag Status: Completed

Anonymous User just submitted the survey 'Submission Form - Proposed Plan Change 6AA to the Regional Plan: Water for Otago' with the responses below.

Full name of submitter

Don Robertson

Name of organisation (if applicable)

Guardians of Lake Wanaka & Guardians of Lake Hawea

Email

donandgaye@xtra.co.nz

Postal Address (or alternative method of contact)

Department of Conservation Wanaka Office PO Box 93, Wanaka 9343 Wanaka 9305

Phone number

0276544150

Do you wish to be heard in support of your submission?

Yes

If others have made a similar submission, would you consider presenting a joint case with them at a hearing?

Yes

Could you gain an advantage in trade competition from this submission?

No

Are you directly affected by an effect of the plan change that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition

I am

State what your submission relates to and if you support, oppose, or want it amended:

(e.g. support rule 'x', or amend policy 'y')

See attached submission. We oppose the very long time frame for introduction of Plan Change 6AA

State what decision you want the Otago Regional Council to make:

(e.g. amend policy 'y' to say....)

See attached submission. Reduce the delay in introducing Plan Change 6AA

Give reasons for the decision you want made:

(e.g. I want policy 'y' changed because...)

See attached submission.

Please attach any additional information.

Submission on proposed ORC Plan Change 6AA

Jointly submitted by the Guardians of Lake Wanaka and Guardians of Lake Hawea. (31 October 2019)

To: Otago Regional Council

Name of submitters: Don Robertson for Guardians of Lake Wanaka and Guardians of Lake Hawea.

We are not trade competitors for the purposes of section 308B of the Resource Management Act 1991.

Our Submission relates to all of the application and to the supporting information included in the Otago Regional Council's Section 32 Evaluation Report.

1. Background:

1.1 Two local groups with concerns for water quality and its evidence-based management have jointly prepared this submission – the Guardians of Lake Wanaka, the Guardians of Lake Hawea.

1.2 The Guardians of Lake Wanaka are appointed by the Minister of Conservation under the Lake Wanaka Preservation Act (1973) which includes a responsibility to maintain or improve quality of water in the lake and to consult the Otago Regional Council on those functions which may affect the lake.

1.3 The Guardians of Lake Hawea are a sub-committee of the Hawea Community Association Inc. The Guardians of Lake Hawea aim to ensure that Lake Hawea, its surrounds, its water quality and its biodiversity and ecosystems are maintained, and managed sustainably and safely for the benefit of all.

1. Plan Change 6AA

2.1 The core recommendation of Otago Regional Council's (ORC's) Plan Change 6AA is to delay the implementation of a set of rules managing discharges to water from land use (see para 4.1 below). These rules were introduced in 2014 and include conditions on discharge contaminant concentration and nitrogen leaching. These rules were intended to come into force on 1 April 2020. ORC now seeks to introduce a 6 year delay by changing the implementation date to 1 April 2026. We believe that since the announcement of Plan Change 6A, 5 years ago, it is not unreasonable to expect that landowners would have been preparing for those rules introduced in 2014 to be implemented in 2020. We acknowledge however that the policy and standards baseline have been shifted by the recent release of four new national consultation documents on freshwater management by the Ministry for the Environment. This adds complexity to an already complex situation and will add

delay to an already slow process. We note also, and strongly agree with ORC when they state in their submission to the Ministry for the Environment (MfE) on 25 October 2019 on “Action for healthy waterways – A discussion document on national direction for our essential freshwater,” para 36 that “***Swift action is needed to avoid further degradation of fresh water and delays by regional councils to respond to this risk will result in further uncertainty for land users. Therefore, the process for developing new regional plans and policy statements and introducing new national environmental standards and other regulations must be carried out in a timely manner.***”

2.2 In the meantime, ORC intends to prepare a revised rule framework soon to be developed as part of a full review of the Regional Plan: Water for Otago (Water Plan) – the most recent version (v2) of which was made operative from July 2018. We need to be assured that this review will incorporate (following community consultation) the Ministry for the Environment’s Action for healthy waterways – A discussion document on national direction for our essential freshwater, their new Draft National Policy Statement for Freshwater Management, their new Proposed National Environmental Standards for Freshwater, and results of consultation on the Draft Stock Exclusion Section 360 Regulations.

2.3 Assuming these are all to be included as a part of the review, then we fully support the ORC’s review intentions, and believe that the successful completion of the full review of the Regional Plan: Water for Otago v2 (Water Plan) is a vital first step before proceeding with implementing Plan Change 6AA.

2.4 However, we do not agree with the intention to delay the implementation for 6 years out to 1 April 2026. Many of Otago’s waterways have already experienced decades of minimal or absent evidence-based management during periods of rapid population growth, large scale changes in land use and growing concern about climate change impacts. This is particularly true for the Otago deepwater lakes and their catchments. For this reason **our recommendations, apply only to the ORC Upper Lakes Rohe of the Clutha/Mata-Au Freshwater Management Unit.** More rapid progress towards evidence-based water management in the Upper Lakes Rohe is urgent. We recommend that the implementation date for Plan Change 6AA be brought forward to 1 April 2022 or sooner if at all possible. The case proposed by ORC for the 6 year delay is not well explained or justified and seems to be requiring far more time than would logically be required. Even 2 years should be more than ample time to complete the required steps, given the emerging documents mentioned in 2.2 above.

3. Section 32 Evaluation Report

3.1 In its Section 32 Evaluation Report supporting the proposed changes in Plan Change 6AA, ORC states in its Executive Summary that in 2014, it “*introduced a new set of rules managing discharges from land uses (predominately rural land uses). Those rules which come into force on 1 April 2020 include conditions on the*

contaminant concentration of discharges and nitrogen leaching. ORC now considers that the rules are ambiguous, unenforceable and uncertain and may result in a large number of land users having to apply for discharge consents". We agree with parts of this statement referring to ambiguous, unenforceable and uncertain rules but want to see evidence and/or clear reasons for the expected upsurge in applications for discharge consents. This needs to be provided. Is the expected upsurge in applications inevitable or can some creative process be invoked to avoid it?

3.2 ORC also states that because it is "*in the process of reviewing the Regional Plan: Water for Otago (Water Plan) to give effect to the National Policy Statement for Freshwater Management 2014 (amended 2017) (NPS-FM), issuing a large number of consents under an uncertain and now 'temporary' framework is not considered appropriate, nor effective in making environmental gains. Consenting will likely undermine the effectiveness of the revised rule framework to be developed as part of the full review of the Water Plan and could limit the ORC's ability to give effect to the objectives of the NPS-FM*". We presume that the reference to NPS-FM would refer to the 2019 revised version now out for consultation. There is frequent reference in the Section 32 Report to the "undermining" of the revised rule framework. There is not an explanation of what the undermining includes, nor an explanation why a large number of consent(s) (applications?) might result. This is not a good reason to propose a 6 year delay in moving towards better freshwater management in Otago.

3.3 ORC now seeks to introduce a proposed plan change (Plan Change 6AA) that will result in the commencement date of relevant discharge and nitrogen leaching rules being extended to 1 April 2026, to allow time to develop a more robust water management framework that implements and gives full effect to the NPS-FM. It is expected that as a part of ORC's Progressive Implementation Plan, the full review of the Water Plan will be completed, and new planning provisions will be operative, before 1 April 2026. We (the submitters) reiterate that we are strongly opposed to a 6 year delay. We cannot see compelling reasons for such a delay and suggest instead a maximum of 2 years with implementation no later than 1 April 2022.

3.4 Section 32 Report, page 2 states: "*ORC now considers that the rules are ambiguous, unenforceable and uncertain and may result in a large number of land users having to apply for discharge consents.*" Some examples expanding on reasons for this and the likelihood of this happening would be useful. Such a statement is an admission that ORC has developed an inadequate set of rules. Again, the Section 32 report does not indicate why not proceeding with 6AA would give rise to the large number of land users applying for consent. Is it ORC oversight in rule making? To have already developed a set of rules that are "ambiguous, unenforceable and uncertain" does not bode well for the ORC's ability to undertake the new exercise, but could mean that ORC, having realised these flaws is now well placed to proceed with an effective review of the Water Plan. Or as suggested in our para 3.1 above, can some process be invoked to avoid a flood of discharge consent applications?

3.5 Section 32 Report page 2 states: “*ORC now proposes to introduce a proposed plan change (Plan Change 6AA) that will result in the commencement date of relevant discharge and nitrogen leaching rules being extended to 1 April 2026, to allow time to develop a more robust water management framework that implements and gives full effect to the NPS-FM.*” Given the substantial work at both national and local levels over the last decade on moving towards improved policies and rules for freshwater management, there is no need for a further 6 year delay. Two years should be more than ample time to *develop a more robust water management framework that implements and gives full effect to the NPS-FM.*

3.6 Section 32 Report page 3 states: “*The proposed RPS provisions mostly focus on the values and objectives for water quality, and provide little direction on the rule framework, besides:*

- *The Partially Operative Regional Policy Statement’s (PORPS) Policy 5.4.1 of on the management of “objectionable discharges”,*
- *The Proposed RPS – Decision version’s (PRPS) proposed policies on the protection of the values of outstanding water bodies (Policies 3.2.13 and 3.2.14)."*

This statement is confusing, lacks clarity and reflects slowness in meeting responsibilities for managing water quality.

3.7 Section 32 Report page 3 states: “*A full review of the Water Plan will ensure alignment with all relevant requirements, and give full effect to the NPS-FM, and any subsequent amendments as a result of proposed changes to the NPS-FM, and proposed RPS. It is anticipated that the full review of the Water Plan will be completed, and new planning provisions will be operative, by April 2026. The NPS-FM and the RPS and PRPS do not set directions over what discharge controls regional councils should put in place to achieve objectives.*” We expect that the Section 32 report should include here specific mention of the review including all of the important MfE consultation documents we list in para 2.2.

3.8 Section 32 Report page 4 states: “*As specified in Policy 7.B.1, Schedule 15 of the Water Plan sets contaminant concentration objectives and targets for Otago’s rivers and lakes, which are based on standards for ecosystem health and primary contact recreation. It provides measurable water quality indicators that can inform consent decisions over nutrient allocation, when compared with water quality information.*” These contaminant concentration objectives may change as a result of the review including all of the important consultation documents we list in para 2.2. However, despite this, new rules could be implemented within a year or so and reviewed to meet any new standards and discharge thresholds.

3.9 Section 32 Report page 5 states: “*....ORC now proposes to extend the commencement date of relevant discharge and nitrogen leaching rules in the notified plan change from 1 April 2023 to 1 April 2026. It is expected that the full review of the Water Plan will be completed, and new planning provisions will be operative, before 1 April 2026.*” There are a number of statements in the Regional Plan: Water for Otago (Water Plan) v2 2018 to the effect that the commencement date referred to here as 1 April 2023 is in fact 1 April 2020. Which is correct?

3.10 Section 32 Report page 5 states under the heading: *“Current issues with the Water Plan and purpose of the Plan Change 6AA. As they currently stand, Policy 7.D.2, Rules 12.C.1.1(g), 12.C.1.1A (Schedule 16) and 12.C.1.3 (Overseer) are uncertain, unenforceable and ambiguous. In particular:*

- ☐ *Land users cannot, in practice, ensure that the discharge contaminant thresholds set out in Schedule 16 are met everywhere on their property, at all times when the flow at the relevant flow sites is below median flow.*
- ☐ *There are practical difficulties in locating where diffuse discharges should be sampled to check compliance with Rule 12.C.1.1A (Schedule 16);*
- ☐ *Rule 12.C.1.3 (Overseer) does not specify a time scale when nitrogen leaching rates should be calculated.*
- ☐ *The nitrogen leaching rate must be estimated using Overseer version 6. That version of Overseer no longer exists. The rule does not address Overseer version changes, and land users cannot foresee (or calculate) whether their operations would remain permitted should a version change occur.”* We agree with these concerns and support them being addressed – and rapidly, by ORC.

3.11 Section 32 Report pages 8-9: *“The Water Plan Objectives that are relevant to Plan Change 6AA are Objectives 7.A.1, 7.A.2, 7.A.3.:*

7.A.1 To maintain water quality in Otago lakes, rivers, wetlands, and groundwater, but enhance water quality where it is degraded.

7.A.2 To enable the discharge of water or contaminants to water or land, in a way that maintains water quality and supports natural and human use values, including Kāi Tahu values.

7.A.3 To have individuals and communities manage their discharges to reduce adverse effects, including cumulative effects, on water quality.”

We have concerns that the statement regarding objective 7.A.1 in relation to water quality on Otago lakes, rivers, wetlands, and groundwater especially in the ORC Upper Lakes Rohe of the Clutha/Mata-Au Freshwater Management Unit where there may well be insufficient baseline measurements of water quality attributes to provide evidence to base any decision on whether or not the quality of a particular water body is “degraded”. We would like to see this reality reflected in the revised Water Plan Objectives. We also have concerns about objective 7.A.2 and 7.A.3 where the requirement to maintain values and/or manage discharge effects on water quality will require a level of expertise, measurement and/or analysis beyond the capability of “individuals and communities”. We encourage individuals and communities to be engaged with management of adverse effects, (including cumulative) on water quality, but believe that this should be in partnership with ORC, District Councils, water stakeholders (e.g. Upper Clutha Lakes Trust, Kai Tahu) and water experts, (e.g. NIWA, Cawthron Institute, and other water specialist consultants).

3.12 Section 32 Report page 8 states: *“Plan Change 6AA will enable this rule framework to be developed effectively by not allowing the existing discharge provisions to undermine the process”.* As mentioned, there is a lack of clarity as to what is intended by the reference to undermining the process. There should be more explicit information enabling better understanding of how this risk is defined or perceived and why it is considered to be a sufficiently large effect to interfere with the planned new rule framework implementation. Because no such evidence is provided we recommend that the new set of rules, standards, and thresholds should proceed with a 2022 implementation date.

3.13 Section 32 Report pages 9-12: The section on options assessment includes some interesting pros and cons for the 3 scenarios presented, several of which we can agree with however, our conclusion is that the approach is subjective, the risks/costs and benefits of the asserted differences are not sufficiently compelling to justify concluding that the implementation date should be pushed out to 2026. For this conclusion to be supported there needs to be less subjective reasons and more tangible assessment.

3.14 Section 32 Report page 13 refers to consultation and states: “*Consultation under Clause 3 of the First Schedule of the RMA was undertaken with the statutory stakeholders from 22 to 30 August 2019. As part of this consultation stage, a draft of the proposed Plan Change and draft Section 32 evaluation report were sent to:*

- *Ministry for the Environment;*
- *Ministry for Primary Industries, Department of Conservation;*
- *Te Rūnanga o Ōtākou, Kāti Huirapa ki Puketeraki, Te Rūnanga o Moeraki and Hokonui Rūnanga (through Aukaha and Te Ao Marama); and*
- *The five Territorial Authorities in the Region, being Dunedin City Council, Clutha District Council, Waitaki District Council, Central Otago District Council, and Queenstown-Lakes District Council).*” It is unsatisfactory that the Guardians of Lake Wanaka were not consulted by ORC. Guardians of Lake Wanaka are appointed by the Minister of Conservation under the Lake Wanaka Preservation Act (1973) which includes a responsibility to maintain or improve quality of water in the lake and to “consult the Otago Regional Council from time to time on those functions of the Otago Regional Council which may affect the lake”.

3.15 Section 32 Report, Appendix 1, pages 13 and 14: Concerning ORC’s consultation on Plan Change 6AA, we note that Department of Conservation and Kai Tahu are both concerned by and disagree with the ORC intent to push the implementation date out 6 years to 2026 and both groups would like to see the date be kept at 1 April 2023. We fully support both DOC’s and Kai Tahu’s preference for an earlier date, but note that in the absence of compelling reasons to delay this long, there is a stronger case for an implementation date of 1 April 2022.

4 ORC’s Proposed Plan Change 6AA and their Regional Plan: Water for Otago v2 (known as the Water Plan).

4.1 An important point to note is that for this plan change the only changes being proposed are the dates for the following Policy, Rules and Schedule.

The proposed change affects:

Policy 7.D.2 - Date change

Rule 12.C.1.1 (g) - Date change

Rule 12.C.1.1A - Date change

Rule 12.C.1.3 - Date changes

Schedule 16A (Discharge thresholds for water quality - Tables) - Date changes.

And, these dates in the proposed Plan Change 6AA are all changed to 1 April 2026.

4.2 This means that there appears to be no opportunity at this stage of the process to discuss the actual Policies, Rules and Schedules in the Regional Plan: Water for Otago v2, and the issues outlined in the ORC Section 32 Report prior to a decision to delay their implementation for 6 years, or to discuss other issues such as water body attributes to be measured, discharge thresholds or limits (e.g. approved nutrient levels, E.coli limits, sediment) to be managed.

5 ORC's Submission to MfE on *Action for healthy waterways – A discussion document on national direction for our essential freshwater*. 25 October 2019

5.1 In addition to our comment in our para 2.1 we note here that in developing a new set of rules, standards, and thresholds, the ORC emphasises the importance of “swift action” with respect to freshwater management. We agree with this. We do not think a 6 year delay is “swift action”.

5.2 We agree also with statements in the ORC submission to MfE “fostering community connections” (para 39); “engaging with industry groups, community groups and individuals” (para 42); and “ORC considers that a key step towards implementing the proposed regulations in a cost-efficient and effective way involves the creation of stakeholder partnerships” (para 47); also that “the proposal (in Action for healthy waterways...) should encourage the formation of these relationships” and (para 54) “we want to work together with iwi partners, communities and stakeholders”. We see these statements on partnerships with stakeholder groups as encouraging and very important as a critical part of progressing the consultation and eventual water management decisions which will follow the implementation of Plan Change 6AA.

Recommendation:

We, the submitters, recommend that the ORC does not continue to delay progress towards enhanced evidence-based management by delaying the implementation date for Plan Change 6AA by 6 years until 1 April 2026, and recommend that ORC agree to have an implementation date for a new set of rules, standards, and thresholds no later than 1 April 2022. Our concerns and recommendation relates in particular to the ORC Upper Lakes Rohe of the Clutha/Mata-Au Freshwater Management Unit.

Signature on behalf of submitters



Date: 31 October 2019

Electronic address for service of submitter: donandgay@xtra.co.nz
Telephone: 027 444 6640

Postal address: Department of Conservation
Wanaka Office
PO Box 93, Wanaka 9343
Wanaka 9305

Contact person:

Dr Don Robertson

Chair, Guardians of Lake Wanaka

Member, Guardians of Lake Hawea

Submission # 9

SUBMISSION ON
PROPOSED PLAN CHANGE 6AA TO THE REGIONAL PLAN: WATER FOR OTAGO

TO: Otago Regional Council (**Council**)
Private Bag 1954
DUNEDIN 9054
Via email: policy@orc.govt.nz

SUBMITTER: Ravensdown Limited (**Ravensdown**)
292 Main South Road
PO Box 1059
CHRISTCHURCH 8140
Contact: Anna Wilkes
Environmental Policy Specialist
Mobile: 021 229 0439
Email: anna.wilkes@ravensdown.co.nz

ADDRESS FOR SERVICE: Planz Consultants Limited (**Planz**)
PO Box 1845
CHRISTCHURCH 8140
Contact: Carmen Taylor
Consultant Planner
Mobile: 021 312 781
Email: carmen@planzconsultants.co.nz

1. INTRODUCTION

Ravensdown Limited – Overview and Interests in the Otago Region

- 1.1 Ravensdown Limited (**Ravensdown**) is a farmer owned co-operative. Ravensdown's goal is to enable smarter farming for a better New Zealand. Given this goal, Ravensdown provides products, namely fertiliser and agrochemicals (agrichemicals), expertise and technology to help farmers reduce environmental impacts and to optimise value, or outputs, from their land.
- 1.2 Ravensdown, in deciding whether to participate in regional planning processes, considers whether the plan, or proposed plan change, will achieve the purpose of the Resource Management Act 1991 (**RMA**) while also evaluating whether the planning provisions will unduly constrain its own activities (i.e., manufacturing, store sites and quarries) and/or the users of their products (i.e., its farming shareholders).
- 1.3 In this context, the nature of Ravensdown's interests in the Otago region includes the Dunedin (Ravensbourne) manufacturing works, which is one of Ravensdown's three manufacturing sites, as well as various bulk stores located throughout the region. In addition, through Ravensdown Environmental, Ravensdown assists its shareholders and others to meet regional planning requirements through the provision of farm environment services, which include nutrient loss and mitigation modelling (including Overseer Nutrient Budgeting), Farm Environment Plan (**FEP**) development and associated resource consent planning services.
- 1.4 Given the nature of Ravensdown's activities in the region, Ravensdown seeks to ensure that the Proposed Plan Change 6AA (**PPC6AA**) to the Regional Plan: Water for Otago (**Water Plan**) will promote the sustainable management of natural and physical resources, in this instance, the region's land and water resources. This includes the ability to continue to use and develop resources, including the rural land resource.
- 1.5 Given the above context, the provisions of PPC6AA are of interest to Ravensdown given its activities in the region and the nature of farming activities undertaken by its farming shareholders in the region, as outlined in **paragraph 1.3** above. Therefore, in preparing this submission, Ravensdown has focussed on the implications that the proposed amendments will have for the region's farming activities.

Overview of Submission

- 1.6 Ravensdown's submission, given its interests in the Otago, supports PPC6AA as a means of addressing 'ambiguous, unenforceable and uncertain' rules that would have come into force on 1 April 2020 and that affect the region's farming community. Ravensdown supports the proposed amendments to specific Water Plan provisions, where the 1 April 2020 commencement date for relevant discharge and nutrient leaching rules are extended to 1 April 2026.
- 1.7 Given Ravensdown's support of PPC6AA, no amendments to PPC6A are being sought. However, for the purpose of clarity, general and specific submission points on PPC6AA provisions are provided in **Section 2** of this submission. Also, a conclusion, including the overarching reasons for the submission, is provided in **Section 3** of this submission.

2. SUBMISSION POINTS

Purpose and intent of PPC6AA

- 2.1 The section 32 Report for PPC6AA identifies that Council is in the process of reviewing the Water Plan to give effect to the National Policy Statement for Freshwater Management 2014 (amended 2017) (**NPSFM**). It is likely that a revised rule framework will be developed through the Water Plan review. Council anticipates that new planning provisions arising from the Water Plan review will be operative before 1 April 2026.
- 2.2 The section 32 Report also identifies that Plan Change 6A (**PC6A**) provisions for managing contaminant concentration and nitrogen leaching (predominantly from rural land uses), which became operative in May 2014, are ‘ambiguous, unenforceable and uncertain’. These provisions of the Water Plan are due to commence on 1 April 2020. Given this issue and given the Water Plan review that is underway, the section 32 Report identifies that it is not appropriate to issue a potentially large number of resource consents under an uncertain and temporary framework. Ravensdown agrees with this assessment. Ravensdown also notes that it will be the region’s farming community that will be required to seek resource consents under the operative PC6A provisions of the Water Plan.
- 2.3 Council’s solution to the issue associated with the PC6A provisions of the Water Plan, is to extend the commencement date for the relevant discharge and nitrogen leaching rules, through PPC6AA, from 1 April 2020 to 1 April 2026. As PPC6AA has legal effect from the time of public notification, compliance with the 1 April 2020 timeframe is no longer required.
- 2.4 The 2026 timeframe extension recognises that Council anticipates that any new planning provisions arising out of the Water Plan review will be operative by this time, thus avoiding the need for parties to seek resource consents under PC6A rules.
- 2.5 Ravensdown considers that Council’s proposed solution to the issue outlined above is pragmatic, logical and appropriate. For this reason, Ravensdown supports the purpose and intent of PPC6AA.

Proposed PPC6AA amendments

- 2.6 PPC6AA seeks to amend the commencement date, from 1 April 2020, to 1 April 2026, in Water Plan provisions as follows:
 - (a) **Policy 7.D.2**, which identifies that for the discharge of water and contaminants (excluding those provided for by the policies in Section 7.C), the Schedule 16 discharge thresholds are to apply to permitted activities from 1 April 2026 (previously 1 April 2020).
 - (b) Section 12.C rules which provide for other discharges not provided for by other sections of the Water Plan. PPC6AA seeks to amend specific date provisions in the following rules:
 - a. **Condition (g) of Rule 12.C.1.1.** Rule 12.C.1.1 provides for the discharge of water or contaminants to water, subject to a number of conditions, including Condition (g) which identifies that the discharge must also comply with Rule 12.C.1.1A from 1 April 2026 (previously 1 April 2020).
 - b. **Rule 12.C.1.1A** identifies that, in addition to Rule 12.C.1.1, from 1 April 2026 (previously 1 April 2020) discharges provided for under Section 12.C of the Water

Plan are to comply with the permitted activity water quality thresholds in Schedule 16A at the various locations shown in Figures 8 to 13.

- c. **Rule 12.C.1.3** permits the discharge of nitrogen onto or into land. **Condition (a)** of this rule requires various nitrogen leaching rates calculated using Overseer version 6 to be complied with from 1 April 2026 (previously 1 April 2020). **Condition (b)** also requires outdoor pork, fruit (excluding grapes), berry and rotational vegetable production to keep various records until 31 March 2026 (previously 31 March 2020) and from 1 April 2026 (previously 1 April 2020) to use Overseer (version 6), and to provide records to Council upon request.
 - (c) **Schedule 16A – Permitted activity discharge thresholds for water quality by discharge threshold area.** The timeframe for compliance with these thresholds is now 1 April 2026 (previously 1 April 2020).
- 2.7 Ravensdown supports the proposed PPC6AA commencement date amendments to Water Plan provisions (as identified in **paragraph 2.6** above) and requests retention of the amendments as notified.
- 2.8 Ravensdown also supports the fact that the PPC6AA provisions have legal effect from the date of notification (i.e., 5 October 2019) in accordance with section 86B(3) of the RMA.

Going Forward - Review of the Regional Plan: Water for Otago

- 2.9 As outlined above under ‘Purpose and intent of PPC6AA’, Council’s upcoming Water Plan review is inherently linked to the amendments proposed within PPC6A. Ravensdown recognises this fact.
- 2.10 Ravensdown, through its participation in RMA plan development processes, where the plan is connected to its areas of interest, seeks to ensure that plan provisions promote the sustainable management of a region's resources. This includes providing for the continued use and development of resources while ensuring that adverse effects of activities are avoided, remedied or mitigated.
- 2.11 Therefore, given that the Water Plan is being reviewed and the fact that Water Plan provisions aligns with Ravensdown's interests within the Otago region (refer to **paragraph 1.3** above), Ravensdown, through this submission, requests an opportunity to be involved in the Water Plan review process (preferably prior to the public notification of any plan change or new regional plan arising from the review).

3. CONCLUSION

- 3.1 Ravensdown supports PPC6AA’s proposed amendments to the Water Plan that will result in the commencement date of relevant discharge and nitrogen rules being extended from 1 April 2020 to 1 April 2026. Ravensdown considers, given the associated upcoming full review of the Water Plan where new water management planning provisions are expected to be operative by April 2026, that PPC6AA:

- (a) will promote the sustainable management of resources and will achieve the purpose of the RMA;

- (b) is not contrary to Part 2 and other provisions of the RMA;
- (c) will enable the social and economic well-being of the community of the Otago region;
- (d) will meet the reasonably foreseeable needs of future generations;
- (e) will achieve integrated management of the effects of the use, development or protection of the region's land and water resources;
- (f) will enable the efficient use and development of those resources which are dependent on, or benefit from, Ravensdown's assets and operations; and
- (g) does represent the most appropriate means of exercising Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

3.2 Ravensdown recognises that the Water Plan review is linked to the amendments proposed within PPC6A. Ravensdown, through its participation in plan development processes, seeks to ensure that regional plan provisions developed under the RMA promote the sustainable management of a region's resources, which includes providing for the continued use and development of resources while ensuring that adverse effects of activities are avoided, remedied or mitigated. Given Ravensdown's interests within the Otago region, Ravensdown, through this PPC6AA submission, requests an opportunity to be involved in the Water Plan review, preferably prior to the commencement of the Schedule 1 process.

3.3 Ravensdown could not gain an advantage in trade competition through this submission.

3.4 Ravensdown **does not** wish to be heard in support of this submission.

Date: 1 November 2019



.....
Carmen Taylor

Consultant Planner (Associate)

Authorised to sign this submission on behalf of Ravensdown Limited

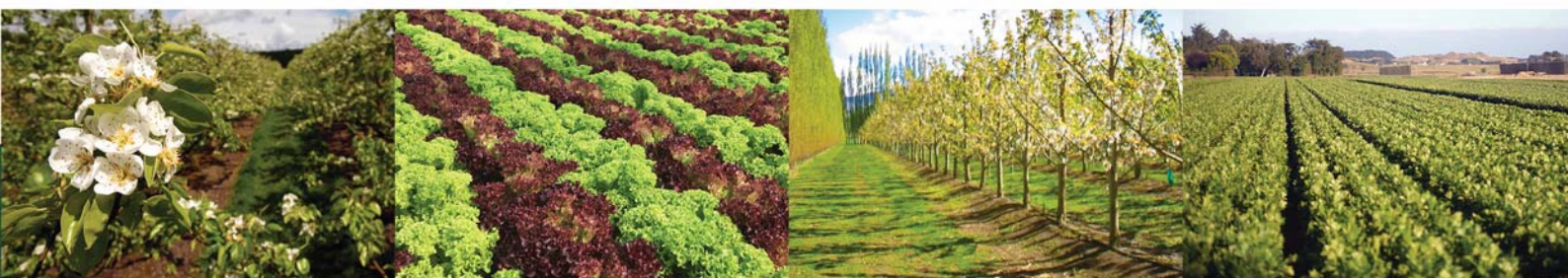
Submission # 10

SUBMISSION ON PC6AA to the Regional Plan: Water for Otago

4th November, 2019

TO: Otago Regional Council

NAME OF SUBMITTER: Horticulture New Zealand



CONTACT FOR SERVICE:

Rachel McClung
Environmental Policy Advisor – South Island
Horticulture New Zealand
PO Box 10-232 WELLINGTON
Ph: 027 582 7474
Email: Rachel.mcclung@hortnz.com

Introduction

Horticulture New Zealand (HortNZ) thanks the Otago Regional Council (ORC) for the opportunity to submit on the proposed plan change and welcomes any opportunity to work with Otago Regional Council and to discuss our submission.

HortNZ could not gain an advantage in trade competition through this submission.

HortNZ wishes to be heard in support of our submission and would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearing.

The details of HortNZ's submission and decisions we are seeking from Council are set out below.

Background to HortNZ

HortNZ was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers' and New Zealand Fruitgrowers' and New Zealand Berryfruit Growers Federations.

HortNZ advocates for and represents the interests of 5000 commercial fruit and vegetable growers in New Zealand, who grow around 100 different crop types and employ over 60,000 workers. Land under horticultural crop cultivation in New Zealand is calculated to be approximately 120,000 hectares.

The horticulture industry value is \$5.7 billion and is broken down as follows:

Industry value	\$5.7bn
Fruit exports	\$2.82bn
Vegetable exports	\$0.62bn
Total exports	\$3.44bn
Fruit domestic	\$0.97bn
Vegetable domestic	\$1.27bn
Total domestic	\$2.24bn

For the first time New Zealand's total horticultural produce exports in 2017

exceeded \$3.44bn Free On Board value, 83% higher than a decade before.

It should also be acknowledged that it is not just the economic benefits associated with horticultural production that are important. The rural economy supports rural communities and rural production defines much of the rural landscape. Food production values provide a platform for long term sustainability of communities, through the provision of food security.

HortNZ's mission is to create an enduring environment where growers prosper. This is done through enabling, promoting and advocating for growers in New Zealand to achieve the industry goal (a \$10 billion industry by 2020).

HortNZ's Resource Management Act 1991 Involvement

On behalf of its grower members HortNZ takes a detailed involvement in resource management planning processes around New Zealand. HortNZ works to raise growers' awareness of the Resource Management Act 1991 (RMA) to ensure effective grower involvement under the Act.

The principles that HortNZ considers in assessing the implementation of the RMA include:

- The effects based purpose of the RMA;
- Non-regulatory methods should be employed by councils;
- Regulation should impact fairly on the whole community, make sense in practice, and be developed in full consultation with those affected by it;
- Early consultation of land users in plan preparation;
- Ensuring that RMA plans work in the growers interests both in an environmental and sustainable economic production sense.

Horticulture in the Otago Region

There are approximately 191 growing operations in the Otago Region. These include a wide variety of both fruit and vegetable crops. Currently the highest concentrations of growers are in the Central Otago and Waitaki Districts. There are growers located outside these areas however.

The combination of soil and climate means that Central Otago is especially suited to growing high quality crops. Stone fruit such as; cherry, apricots, peaches and nectarines, and pipfruits (predominantly apples) are the dominant crops.

Whereas, in the Waitaki District area, a wide variety of fruit and vegetable crops are grown. These include: yams, carrots, courgettes, leeks, cabbage, pumpkin, potatoes, lettuce, broccoli, cauliflower, silverbeet, spring onions, celery, leafy greens, salad greens, brussel sprouts, tomatoes, asparagus, cucumber, apples, pears, nectarines, peaches, plums, blackcurrants, raspberries, strawberries and cherries.

SUBMISSION

HortNZ understands that proposed PC6AA is the first of two plan changes that will address significant issues with the Regional Water Plan and strengthen the Plan's existing policy framework. This will be done in advance of developing a comprehensive plan review. ORC anticipated that the full review of the Regional Water Plan will be completed, and new planning provisions will be operative, before 1 April 2026.

HortNZ also understands, that as the proposed plan change relates to water and specifically seeks amendments to Policy 7.D.2, Rule 12.C.1.1, Rule 12.C.1.1A, Rule 12.C.1.3 and Schedule 16A. The changes sought in proposed PC6AA took immediate legal effect from the date of notification, pursuant to section 86B(1)(a) and (3) of the Resource Management Act 1991.

The proposed change effectively alters the date in the policy, rules and schedule from 1 April 2020 to 1 April 2026.

HortNZ supports the plan change in its entirety for the following reasons:

- The current rules are ambiguous, unenforceable and uncertain.
- The rules need to be updated to give effect to the NPSFM (2017) (which may be replaced with the NPSFM 2019), and the new Regional Policy Statement.
- Issuing a large number of consents under uncertain and now temporary rules is not appropriate or effective in making environmental gains.
- The proposal avoids burdening the community with unnecessary consenting costs.

HortNZ and local growers would like to work collaboratively with Council on the Regional Water Plan review.

Please do not hesitate to contact us if you have any queries.

HortNZ's Submissions on proposed PC6AA

Sub pt	Plan provision	Support/Oppose	Reason	Decision Sought
1	Policy 7.D.2	Support	<ul style="list-style-type: none"> The current rules are ambiguous, unenforceable and uncertain. The rules need to be updated to give effect to the NPSFM (2017) (which may be replaced with the NPSFM 2019), and the new Regional Policy Statement. 	Retain as notified.
2	Rule 12.C.1.1	Support		Retain as notified.
3	Rule 12.C.1.1A	Support		Retain as notified.
4	Rule 12.C.1.3	Support		Retain as notified.
5	Schedule 16A	Support	<ul style="list-style-type: none"> Issuing a large number of consents under uncertain and now temporary rules is not appropriate or effective in making environmental gains. The proposal avoids burdening the community with unnecessary consenting costs. 	Retain as notified.

Submission # 11



SUBMISSION FORM (Print clearly on both sides)
Proposed Plan Change 6AA to the Regional Plan: Water for Otago
Form 5, Clause 6 of Schedule 1, Resource Management Act 1991

Office use only

Name of submitter: Dominic Adams

Name of organisation (if applicable): Ballance Agri-Nutrients

Email: dominic.adams@ballance.co.nz

Postal address: Private Bag 12 503, Tauranga, 3143

Postcode: 3143

Telephone: 0278019320 / 07 572 7900

I wish / do not wish (circle preference) to be heard in support of my submission.

If others made a similar submission, I **will** consider presenting a joint case with them at a hearing. *(Delete if you would not consider presenting a joint case)*

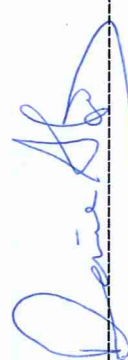
Trade competitor's declaration (if applicable)

I could / could not (circle one) gain an advantage in trade competition from this submission

I am / am not (circle one) directly affected by an effect of the plan change that

(a) Adversely affects the environment; and

(b) Does not relate to trade competition or the effects of trade competition.

Signature of submitter: 

Date: 4 October 2019

(Or person authorised to sign on behalf of person making submission. Signature not required if you make your submission by electronic means)

Please note that all submissions are made available for public inspection.



Send to:
Freepost ORC 497
Otago Regional
Council
Private Bag 1954
Dunedin 9054

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM ON MONDAY 4 NOVEMBER 2019

State what your submission relates to and if you support, oppose, or want it amended:

(e.g. support rule 'x', or amend policy 'y')

We support postponing the date for conditions on discharge

contaminant concentrations and nitrogen leaching to come into force.

However, we are concerned that focus must remain on ensuring that

momentum for completing nutrient budgets to determine nitrogen loss

and inform farm plans is maintained so that this postponement does

not negatively impact the drive to improve freshwater quality and

freshwater ecosystem health.

State what decision you want the Otago Regional Council to make:

(e.g. amend policy 'y' to say....)

Mechanisms must be put in place to drive and support the ongoing

development and completion of nutrient budgets and farm plans in a

timely manner and without delaying this work in relation to the April 2026

timeframe.

Give reasons for the decision you want made:

(e.g. I want policy 'y' changed because...)

It is vitally important for the region to maintain the drive to determine

nutrient loss on-farm and develop plans to address and improve this.

Farmers will need support and guidance from the Regional Council to

develop nutrient budgets and identify appropriate nutrient loss reduction

measures on farm. This would be in line with the recent national

freshwater management reform proposals.

Please attach any additional information.

**SUBMISSIONS MUST BE RECEIVED BY 5.00 PM ON MONDAY 4
NOVEMBER 2019**

Post to: Otago Regional Council

Private Bag 1954

Dunedin 9054

Email to: policy@orc.govt.nz

Deliver to: Otago Regional Council offices at:

70 Stafford Street, Dunedin

William Fraser Building, Dunorling Street, Alexandra

Terrace Junction, 1092 Frankton Road, Queenstown

Online at: yoursay.orc.govt.nz/6AA

Please note:

Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission # 12

Sylvie Leduc

From: Otago Regional Council <notifications@engagementhq.com>
Sent: Monday, 4 November 2019 2:05 p.m.
To: Blaise Cahill-Lane; Lucy Summers; Sylvie Leduc
Subject: Anonymous User completed Submission Form - Proposed Plan Change 6AA to the Regional Plan: Water for Otago

Anonymous User just submitted the survey 'Submission Form - Proposed Plan Change 6AA to the Regional Plan: Water for Otago' with the responses below.

Full name of submitter

Dunedin City Council

Name of organisation (if applicable)

Dunedin City Council

Email

scott.campbell@dcc.govt.nz

Postal Address (or alternative method of contact)

PO Box 5045, Dunedin 9054

Phone number

034746803

Do you wish to be heard in support of your submission?

No

Could you gain an advantage in trade competition from this submission?

No

Are you directly affected by an effect of the plan change that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition

I am not

State what your submission relates to and if you support, oppose, or want it amended:

(e.g. support rule 'x', or amend policy 'y')

Please see attached submission

State what decision you want the Otago Regional Council to make:

(e.g. amend policy 'y' to say....)

Please see attached submission

Give reasons for the decision you want made:

(e.g. I want policy 'y' changed because...)

Please see attached submission

Please attach any additional information.


4 November 2019

Otago Regional Council
Private Bag 1954
Dunedin 9054
policy@orc.govt.nz

PROPOSED PLAN CHANGE 6AA TO THE REGIONAL PLAN: WATER FOR OTAGO

1. The Dunedin City Council (DCC) thanks the Otago Regional Council (ORC) for the opportunity to submit on proposed Plan Change 6AA to the Regional Plan: Water for Otago (Water Plan).
2. Proposed Plan Change 6AA is unlikely to have any direct impacts on the DCC's own activities. As such, the DCC does not seek any amendments to proposed Plan Change 6AA.
3. The DCC recognises there have been significant changes to the freshwater planning context since Plan Change 6A came into effect in 2014 and that the Government is continuing to progress reform initiatives designed to improve freshwater quality management across New Zealand. The DCC considers extending, through proposed Plan Change 6AA, the date at which the Water Plan's conditions on discharge contaminant concentration and nitrogen leaching come into effect provides an opportunity to ensure revisions to the Water Plan align with reforms to freshwater quality management currently being advanced through the Government's Essential Freshwater Programme. The Government's proposed freshwater planning process would require regional councils to make final decisions on regional policy statements and regional plans to implement a revised National Policy Statement for Freshwater Management by 31 December 2025.
4. Addressing water quality is an important issue for Otago. The DCC encourages the ORC to move as quickly as possible to ensure its Regional Policy Statement and Water Plan enable good water quality outcomes. The DCC supports a collaborative approach to addressing water quality issues and looks forward to working with the ORC to ensure further changes to the Water Plan, including revisions to rules for wastewater and stormwater discharges and sediment run-off from earthworks, align with national-level water reform initiatives and promote good outcomes for communities.

Yours sincerely,


Aaron Hawkins
Mayor of Dunedin

Submission # 13

Sylvie Leduc

From: Otago Regional Council <notifications@engagementhq.com>
Sent: Monday, 4 November 2019 4:17 p.m.
To: Blaise Cahill-Lane; Lucy Summers; Sylvie Leduc
Subject: Anonymous User completed Submission Form - Proposed Plan Change 6AA to the Regional Plan: Water for Otago

Follow Up Flag: Follow up
Flag Status: Completed

Anonymous User just submitted the survey 'Submission Form - Proposed Plan Change 6AA to the Regional Plan: Water for Otago' with the responses below.

Full name of submitter

Marc Schallenberg

Name of organisation (if applicable)

University of Otago, but submitting as an individual

Email

marc.schallenberg@otago.ac.nz

Postal Address (or alternative method of contact)

58 Gladstone Rd, Dalmore, Dunedin 9010

Phone number

0277124400

Do you wish to be heard in support of your submission?

Yes

If others have made a similar submission, would you consider presenting a joint case with them at a hearing?

Yes

Could you gain an advantage in trade competition from this submission?

No

Are you directly affected by an effect of the plan change that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition

I am not

State what your submission relates to and if you support, oppose, or want it amended:

(e.g. support rule 'x', or amend policy 'y')

My submission relates to the policy vacuum that will occur as a result of the delays sought. I disagree with the rationales for the proposed change and I disagree with the cost-benefit analysis because no indication was given of the likely number of temporary consents that would be required, nor of the costs that that would incur.

State what decision you want the Otago Regional Council to make:

(e.g. amend policy 'y' to say....)

Given the above shortcomings in the proposed plan change, I prefer Option 1.

Give reasons for the decision you want made:

(e.g. I want policy 'y' changed because...)

I prefer Option 1 because it provides more certainty. In the absence of revised policies around discharges and OVERSEER, it is better to adhere to the Water Plan Change 6A than to leave a policy and management vacuum until 2026 with respect to these issues.

Please attach any additional information.

Submission on ORC Proposed Plan Change 6AA

By Dr. Marc Schallenberg

58 Gladstone Rd
Dalmore
Dunedin 9010
0277124400
marc.schallenberg@otago.ac.nz

Background

The Otago Regional Council (ORC) implemented a water plan change (WPC6A) on 1 May 2014. WPC6A Section 12 sets out the implementation framework by which sewage, industrial and rural discharge limits set in Schedule 16 were to come into effect on 1 April 2020.

The ORC seeks to delay the date of implementation of the discharge rules (12.C.1.1(g)), the framework for application of the discharge rules (12.C.1.1A) and the use of the OVERSEER model to set diffuse nitrogen discharge limits (12.C.1.3). These changes impact the Schedule of permitted activity discharge thresholds for water quality known as Schedule 16.

After assessing three options, the ORC disregarded the feedback from the Department of Conservation and Iwi and decided to opt for:

“OPTION 2: DELAYING ENFORCEABILITY OF RELEVANT PROVISIONS

In this option, the date at which Policy 7.D.2, Rules 12.C.1.1(g), 12.C.1.1A (Schedule 16) and 12.C.1.3 (Overseer) come into force is delayed by 6 years, until 1 April 2026. The requirement for farmers to collect nutrient input data and make it available to ORC is retained (Rule 12.C.1.3).”

The reasons given for seeking this change are:

- 1. to avoid costs involved in issuing temporary discharge consents while the water plan framework is reviewed and updated.**
- 2. to avoid undermining the review of the Water Plan by providing temporary consents to discharge, in accordance with WPC6A**

Feedback on proposed changes

I don't support the proposed plan change 6AA. While it does respond to a fundamentally flawed WPC6A, it responds merely by creating a regulatory vacuum for 6 years without divulging any new discharge rules, or an alternative to OVERSEER, to fill that vacuum. Thus, this proposed plan change (6AA) provides no confidence that Otago's waterways will be managed to achieve the statutory goals and values outlined in the RMA, NPSFM and ORC Water Plan Change 6A that need to be safeguarded. These are: to safeguard the life supporting capacity of waters (RMA), to maintain or improve water quality and aquatic ecosystem health (NPSFM), and to maintain or enhance water quality in Otago (WPC6A).

I understand that the WPC6A has some problematic aspects in terms of implementation - I and others submitted on the numerous shortcomings of the WPC6A back in 2013 and very few of the suggestions were adopted into the WPC6A. It's now clear that some of the problematic aspects of WPC6A, which included: the reliance on OVERSEER budgets, the ORCs insistence on the use of a non-

regulatory effects-based management framework, and the substantial but unsupported monitoring requirements necessary to give effect to WPC6A, have proven to be worrisome to the ORC. I understand that the ORC doesn't wish to be in a position where it needs to issue short-term consents while it revises the flawed Water Plan. **The cost of these consents is presented as one of two main rationales for the need for WPC6AA.** However, in the Section 32 report, the ORC doesn't provide an estimate for the number of short-term consents that it would have to issue. **The report states that there will be "a large number of consent applications". How many? Without a robust estimate of this number, how can a decision on WPC6AA be made?**

The Section 32 report states that "Plan Change 6AA will mean that the existing provisions of the Water Plan will not undermine the effectiveness of the new rule framework that will be developed as part of the full Plan review." **This is presented as a second main rationale for the need for WPC6AA. However, I don't see how this statement is relevant or correct, in the context of issuing temporary consents. I don't agree with this rationale.**

The discharge regulations in WPC6A were set in place because they were deemed necessary to help achieve the goals of WPC6A. If the discharge regulations are delayed from 2020 to 2026, and no other safeguards are put in place to protect freshwaters from pollution from discharges until 2026, then the delay produces a regulatory vacuum for 6 years with regard to discharges into Otago waterways. The ORC has committed to notifying a plan change to strengthen the Water Plan's discharge rules by 2020, "supported by a non-regulatory framework". However, without seeing the new discharge rules and how they will be implemented, it isn't possible to say that the new discharge rules will adequately meet the needs of the freshwater values and goals that must be protected. The extension requested by the ORC in the form of WPC6AA needs to be made in conjunction with the presentation of the new rules, not prior to the new rules being formulated. **By asking for the time extension first, without indicating what the new rules will look like, the ORC is at risk of allowing degradation of Otago waters. For this reason, I disagree with the ORCs proposed extension of the timeline to 2026.**

The ORC's WPC6A dealt with non-point source nitrogen pollution through a reliance on OVERSEER budgets. These budgets were not developed for this purpose and many submitters advised against using OVERSEER in this way. Now, by proposing to delay the OVERSEER budgets from the water quality management framework until 2026, the ORC may end up with no tool at all to address the vexing problem of diffuse pollution. **For this reason, I disagree with the extension sought, at least until an alternative appropriate mechanism is in place to safeguard Otago's waterways from excessive diffuse nitrogen pollution.**

In its Section 32 report, the ORC presents a cost-benefit analysis of three proposed options to deal with the issues in WPC6A that the ORC sees as problematic. Option 1 is to strengthen the policy framework, Option 2 is to delay the enforceability of the problematic aspects of WPC6A, and Option 3 is to revoke the problematic aspects of WPC6A. Based on the cost-benefit analysis, the ORC has decided to propose Option 2. **However, without providing an indication of the number of temporary consents that would be required under Option 1, it's not possible to carry out a sensible cost-benefit analysis. For this reason, I reject the cost-benefit analysis that underpins the proposed WPC6AA.**

To sum up, I don't support the proposed plan change 6AA. While it does respond to a fundamentally flawed WPC6A, it responds merely by creating a regulatory vacuum for 6 years without divulging any new discharge rules, or an alternative to OVERSEER, to fill that vacuum. Thus, this proposed plan change (6AA) provides no confidence that Otago's waterways will be

managed to achieve the statutory goals and values that need to be safeguarded. To deal with these problems in WPC6A, I prefer Option 1:

OPTION 1: STRONGER POLICY FRAMEWORK

In this option, the Water Plan's rules remain unchanged, while its policies are strengthened and provide more guidance over:

- The information that should be provided in resource consent applications;
- The circumstances in which consents should be granted and;
- The consent conditions that should be considered.

In order to ensure that granting consents does not undermine the effectiveness of the coming full plan review, the consenting regime will have to rely on short-term consents.



Marc Schallenberg
Nov. 4, 2019

Submission # 14

SUBMISSION FORM (Print clearly on both sides)
Proposed Plan Change 6AA to the Regional Plan: Water for Otago
Form 5, Clause 6 of Schedule 1, Resource Management Act 1991

Office use only

Name of submitter:

Fraser McKenzie

Name of organisation (if applicable):

Waitaki Irrigators Collective Limited

Email:

admin@waitakiirrigators.co.nz

Postal address:

PO Box 159

Oamaru

New Zealand

Postcode:

9444

Telephone:

03 434 7944

I wish **do not wish** (circle preference) to be heard in support of my submission.

If others made a similar submission, **I will** consider presenting a joint case with them at a hearing. *(Delete if you would not consider presenting a joint case)*

Trade competitor's declaration (if applicable) **Not applicable**

I could / could not (circle one) gain an advantage in trade competition from this submission

I am / am not (circle one) directly affected by an effect of the plan change that

(a) Adversely affects the environment; and

(b) Does not relate to trade competition or the effects of trade competition.

Signature of submitter:



F McKenzie - Independent Chair

Date: 04 November 2019

*(Or person authorised to sign on behalf of person making submission.
Signature not required if you make your submission by electronic means)*

Please note that all submissions are made available for public inspection.

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM ON MONDAY 4 NOVEMBER 2019



Send to:
Freepost ORC 497
Otago Regional
Council
Private Bag 1954
Dunedin 9054

State what your submission relates to and if you support, oppose, or want it amended:

(e.g. support rule 'x', or amend policy 'y')

Waitaki Irrigators Collective Limited is in support of proposed Plan Change 6AA
to postpone the date that the conditions come into force from 1 April 2020 to 1
April 2026.

We understand that this change affects: Policy 7.D.2; Rule 12.C.1.1; Rule 12.C.1.1.A;
Rule 12.C.1.3 and Schedule 16A. We also note that no other change to the Regional
Plan: Water for Otago is proposed as part of this plan change.

State what decision you want the Otago Regional Council to make:

(e.g. amend policy 'y' to say....)

Waitaki Irrigators Collective Limited would like the Otago Regional Council
to approve the proposed Plan Change 6AA with the comments on the attached
letter to be taken into consideration.

PLEASE SEE ATTACHED LETTER FOR FURTHER COMMENTS

Give reasons for the decision you want made:

(e.g. I want policy 'y' changed because...)

Please attach any additional information.

**SUBMISSIONS MUST BE RECEIVED BY 5.00 PM ON MONDAY 4
NOVEMBER 2019**

Post to: Otago Regional Council

Private Bag 1954

Dunedin 9054

Email to: policy@orc.govt.nz

Deliver to: Otago Regional Council offices at:

70 Stafford Street, Dunedin

William Fraser Building, Dunorling Street, Alexandra

Terrace Junction, 1092 Frankton Road, Queenstown

Online at: **yoursay.orc.govt.nz/6AA**

Please note:

Your submission (or part of your submission) may be struck out
if the authority is satisfied that at least 1 of the following applies
to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the
submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be
independent expert evidence, but has been prepared by a
person who is not independent or who does not have sufficient
specialised knowledge or skill to give expert advice on the
matter.

Submission to Proposed Plan Change 6AA to the Regional Plan: Water for Otago

From : Waitaki Irrigators Collective (WIC)
Chairperson : Fraser McKenzie
Address : Level 1, 72 Thames Street, Oamaru 9400, PO Box 159, Oamaru 9444, New Zealand
Phone : 03 434 6721
Email : admin@waitakiirrigators.co.nz

Waitaki Irrigators Collective (WIC)

WIC is a not-for-profit entity made up of shareholders comprising six irrigation schemes and a society of individual irrigators, which take water from Lake Waitaki, the Waitaki River, or its tributaries and connected groundwater and use that water to irrigate land downstream of the Waitaki Dam. The company represents an irrigated area of around 85,000 hectares across North Otago and South Canterbury.

WIC's mission is:

To act as the collective social conscience of the WIC membership to encourage, promote, facilitate and communicate those actions that will benefit the members, the River and the community so that the uniqueness of what the River is and means to the Waitaki district is understood and maintained.

The shareholders are:

- the Kurow-Duntroon Irrigation Company Limited
- the North Otago Irrigation Company Limited
- the Morven, Glenavy, Ikawai Irrigation Company Limited
- the Maerewhenua District Water Resource Company Limited
- the Lower Waitaki Irrigation Company Limited
- the Waitaki Independent Irrigators Incorporated Society (which includes Haka Valley Irrigation Limited).

A unique aspect represented by WIC is that although its membership sits across two regions (Canterbury and Otago) they have elected to voluntarily take a Catchment approach to its activities as WIC has long had the value of the Waitaki River being the lifeblood of our area.

This submission relates directly to those of our membership that take and use water under the Otago Regional Council rules and consents.

Signature 
Fraser McKenzie – Chair

Date 04/11/2019

WIC is submitting on the proposed Plan Change 6AA as described below:

Plan Change 6AA proposes to postpone the date at which conditions on discharge contaminant concentration and on nitrogen leaching come into force, from 1 April 2020 to 1 April 2026. It is expected that the full review of the Water Plan will be completed, and a new Plan in place, before 1 April 2026.

This change affects:

- Policy 7.D.2
- Rule 12.C.1.1
- Rule 12.C.1.1A
- Rule 12.C.1.3 and
- Schedule 16A

No other change to the Regional Plan: Water for Otago is proposed as part of this plan change.

WIC is in **support** of the proposed change to the date that the conditions come into force, from 1 April 2020 to 1 April 2026 with the following comments to be taken into consideration:

- Ø We note that our membership has diligently worked to comply with Plan Change 6 deadlines and conditions ever since it became operative.
- Ø We note that our membership has requested on multiple occasions for direction on what we considered ambiguous and unenforceable rules.
- Ø We note that we will continue to encourage and promote Good Management Practices and innovative projects amongst our membership despite the extension of the date for compliance.
- Ø We note that our membership fully supports the desired outcomes of maintaining and improving water quality across the region.
- Ø We agree that having rules in place that create a situation where the Water Plan's rules result in unnecessary consenting costs and distraction for staff and farmers on achieving actions should be avoided.
- Ø We highly endorse the use of catchment groups to facilitate the management of discharges at a catchment scale.
- Ø We are keen to be involved as a key stakeholder, along with iwi and others, in discussion of strategic matters and note the two MOU's that were negotiated between ORC and WIC during the mediation for Plan Change 6A.
- Ø Finally, we direct ORC to the Building Trust project that we are developing in association with Irrigation NZ, ECan and hopefully ORC that has a goal of creating a visual interface for the presentation of water quality data at a farm and catchment level that indicates our intent to continue to collect data even with the extension of date proposed by Plan Change 6AA.

Submission # 15

Submission to the proposed Plan Change 6AA

4 November 2019

To: Proposed Plan Change 6AA – Regional Plan: Water for Otago
By email to Policy@orc.govt.nz

From: Royal Forest and Bird Protection Society NZ (Forest & Bird)
Box 6230
Dunedin
Attention: Sue Maturin

Email: s.maturin@forestandbird.org.nz
Telephone: 021 222 5092

1. Forest & Bird could not gain an advantage in trade competition through this submission.
2. Forest & Bird wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.

Introduction

3. The Royal Forest & Bird Protection Society of New Zealand has been Aotearoa New Zealand's independent voice for nature since 1923. Forest & Bird's constitutional purpose is:

To take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and the natural features of New Zealand.

4. Forest & Bird is actively involved in national and regional planning processes relating to freshwater, coastal environments and biodiversity across Aotearoa New Zealand. In addition, we have over 100,000 members and supporters who are passionate about freshwater protection.

Back ground and Context

5. Forest and Bird made submissions, further submissions, lodged appeals and was involved in the mediation process for 6A. Despite our normal preference for a stronger regulatory framework, we decided to support the alternative approach of

achieving specified environmental outcomes without prescribing what landowners had to do but what they had to achieve. At that time the ORC made a deliberate decision to take a different approach to that taken in Horizons One and put effort into driving behavioural change, and as then Chairman Stephen Woodhead noted give rural landholders the freedom to skilfully manage the contaminant discharges from their land to ensure good water quality in Otago waterways.¹

6. The permitted activity status was to make landholders responsible for excess contamination caused by their land use and they were given a 6 year transition period (8 years from time of notification) to allow time to change management practices that would be needed to comply with the discharge thresholds. Forest and Bird opposed the lengthy time frame in our submissions and the existing time frame was agreed at mediation.
7. Following adoption of the Plan Council set out a comprehensive Guide to the Water Quality Rules, and how to take samples to test whether they were meeting the future threshold standards².
8. At the time Forest and Bird understood that Council would undertake a comprehensive program of engagement with landholders to work through land use changes and management practices that might be needed to ensure compliance with the thresholds by 2020. It is extremely disappointing that the planned effort has not taken place since PC6A was adopted, and has fallen behind. We note that the 2018 planned engagement with catchment groups was not delivered, and the Council also undelivered on the science work needed to support regional planning and implementation.³ This undermines our faith in the Regional Council to implement its planning instruments.

General Submission

9. The proposal to amend the date for compliance with Schedule 16 effectively means that there will be no controls on discharges of Nitrate-nitrite nitrogen, Dissolved reactive phosphorous, Ammoniacal nitrogen and *Escherichia coli*, or leaching rates until either the rules are strengthened through a plan change expected to be notified early in 2020 or the full review of the Water Plan is completed and new planning provisions are operative December 2025 - or thereabouts. This creates a significant void, leaving the Council with no ability to ensure their water management provisions can give effect to Part II RMA, all the various planning instruments and ensure that Otago's good water quality is maintained and enhanced where degraded. Further it potentially undermines the future ability to meet the good water targets and risks increasing the extent of water bodies with degraded water qualities and exacerbating the level of degradation of the currently degraded water bodies.

¹ <https://orcwebadmin.azurewebsites.net/media/4432/summary-guide-to-orc-water-quality-rules.pdf>

² <https://www.orc.govt.nz/media/4420/sampling-water-on-your-farm.pdf>

³ <https://www.orc.govt.nz/media/7106/council-meeting-agenda-20190814.pdf>

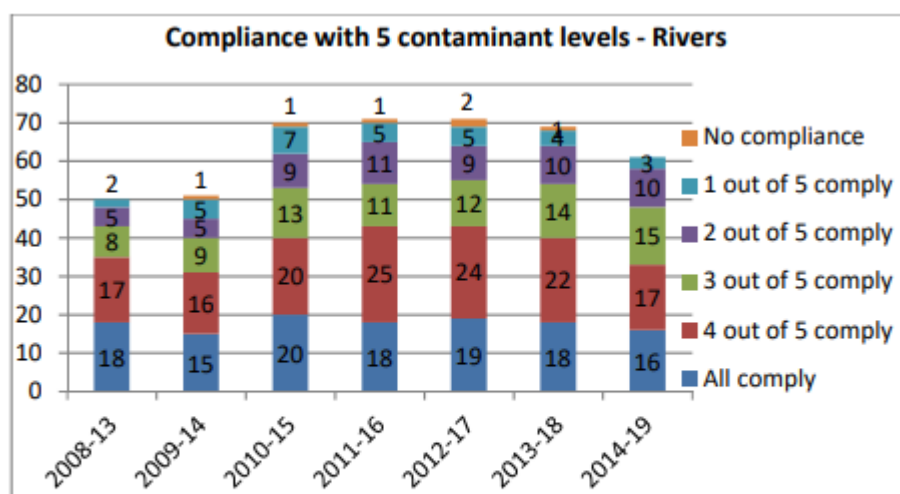
10. Plan Change 6AA has to be read on its merits and as proposed it will not help fix Otago's freshwater crisis. We are concerned that PC6AA allows for freshwater ecosystem health to be further compromised by continuing to allow uncontrolled discharges of contaminants, leaving an opportunity for ongoing significant and possibly increasing discharges of contaminants so delaying and constraining the necessary environmental system shift. New activities will have no requirements or no incentives to comply with Schedule 16 limits.
11. The Council has had 5 years to sort out the issues that have lead to PC 6AA. It is unacceptable that Council has not issued a plan change to tighten the rules and address any policy deficiencies, and has instead opted to effectively remove controls on discharges of contaminants on the promise that there will be a plan change in 2020 to strengthen the discharge rules. This option creates significant uncertainty in terms of achieving water quality objectives for Otago
12. Forest and Bird understands that many landholders have gone to considerable effort to understand their contaminant levels in their discharges and have undertaken significant and often expensive changes to their land management practices to ensure they will be compliant with the 2020 contaminant thresholds.
13. PC 6AA sustains the status quo and favours the high polluters and continues to threaten "NZ's Clean Green' marketing advantage. It rewards those landholders who may have not done enough to prepare for compliance with Water Plan Change 6A, and effectively undermines the improvements that have been made by the progressive farmers who are wanting to enhance the environmental performance of their industry and to potentially benefit from improved access to higher premium markets. Plan Change 6 AA is a backwards step, and further it removes incentives to improve management.
14. A second plan change to strengthen and align water quality regulation by ORC with central Government expectations and policy was to be notified in March but this may be delayed. This proposed change may we understand include requirements for Farm Environment Plan, stock exclusion and dairy effluent pond storage specifications. However there is no certainty as to what this future plan change may look like, nor when it might be operational. Forest and Bird would likely endorse a stronger regulatory process with good water quality thresholds and stronger policies but not necessarily through farm plans. However in the absence of any proposals Plan Change 6AA must be evaluated on its merits alone.

Otago's Water Quality

15. The table below indicates that there has been some improvement in some of the contaminant levels in some areas over the duration of Plan Change 6A⁴. However a much more detailed examination of comparative sites is needed and it is possible

⁴ <https://www.orc.govt.nz/media/7106/council-meeting-agenda-20190814.pdf>

that there is insufficient data and time to be able to determine trends since the adoption of the plan.



Measure: Assessments are carried out to determine if water quality is meeting the limits set out in the Regional Plan: Water.

The y axis is number of monitoring sites and the 5 compliance levels are the Schedule 15 thresholds for Nitrate-nitrite nitrogen, Dissolved reactive phosphorous, Ammoniacal nitrogen, and E coli.

16. The most recent SOE report shows that there is still a long way to go for many of Otago's rivers. For example that for Group 1 monitoring sites 17/23 sites exceeded PC 6A standards for E coli, 9/23 sites exceeded PC6A standards for DRP and 11/17 for NNN.
17. Water quality is variable across Otago with some areas having excellent water quality and other areas such as Dunedin's urban streams, and intensified catchments in North Otago and some tributaries of the Pomahaka having poor water quality.⁵ The Manuherikia also has poor water quality and exceeds some of the NOF bands as shown in the table below.
18. The table below shows how the catchments across Otago compare with the NOF bands. This table is extracted from the presentation ORC staff gave to Council on how different areas within our region measure up against particular contaminants.⁶

⁵ Report prepared for Extraordinary Policy Committee Meeting August 2019; <https://www.orc.govt.nz/news-and-events/events/2019/august/extraordinary-policy-committee-meeting-14-august>

⁶ <https://www.orc.govt.nz/news-and-events/news-and-media-releases/2019/october/q-a-s-from-our-facebook-live-stream>

Parameter	General location of exceedences	A grade %	B grade %	C grade %	D (E) grade % Below national bottom line
Dissolved inorganic nitrogen (DIN)	None	67	12	11	9
Swimmability (E. coli)	Lower Clutha, N Otago, Manuherikia	44	19	2	35
Dissolved reactive phosphorus (DRP)	Lower Clutha, N Otago, Manuherikia	68	10	9	13
Nitrate toxicity	None	84	14	2	0
Ammonia toxicity	None	73	27	0	0
Invertebrate scores from a subset of 43 sites					
Macroinvertebrate community index (MCI)	N Otago, L Clutha	0	23	58	19

Table: **NOF grading for 96 monitored SoE sites. (95 percentile or max value only)**

The Planning Hierarchy

19. The recently announced Coalition Government's Action for Healthy Waterways discussion document reinforces the need to consider how the intent of NPS-FM2017 resonates throughout the Otago Water Plan and how PC 6AA accurately reflects that intent. Forest & Bird are concerned that PC6AA does not put the needs of the waterways at the core of the policies and the rules, and so fundamentally fails to give effect to the NPS-FM2017.
20. Plan Change 6AA must give effect to the Operative Water Plan, the operative RPS with consideration of the Procedural Decision

National Policy Statement Freshwater (NPSFW) as amended 2017

21. Plan Change 6AA must give effect to national policy statements and national planning standards and give consideration to the proposed NPSFW. Councils should only be doing plan changes that give effect to the NPSFW and not undertaking plan changes that risks delaying the ability for Otago Communities to benefit from maintaining existing good water quality and enhancing degraded waters, and ending up with more water bodies that may not meet the NOF standards within the proposed time frames.
22. The proposed Plan change will not give effect to the NPSFW, particularly:
Section AA. Te Mana o te Wai, and Section A Water Quality as the Council will have limited to no ability to control discharges of contaminants to the regions lakes, rivers, wetlands and coastal marine areas for an uncertain time frame, maybe until 2026 or thereabouts.
23. This makes it nigh on impossible for the Council to give effect to the whole concept of Te Mana o te Wai. When Te Mana o te Wai is given effect, the water body will sustain the full range of environmental, social, cultural and economic values held by iwi and the community. The concept is expressed in te reo Maori, but applies to freshwater management for and on behalf of the whole community.⁷
24. Without controls on discharges of contaminants Council cannot give effect to Objective A1 as it will not be able to bring to bear sufficient measures to sustainably manage discharges and have confidence that the life supporting capacity of ecosystems and species of freshwater will be safe guarded Similarly Objectives A2-4 cannot be given effect to.
25. Plan Change 6AA does not improve the integrated management of freshwater as set out in Objective C.1 and policies C 1 and C2, nor will the potential outcomes contribute to attaining the Appendix 1 National Values and Appendix 2 Attribute tables.

Otago Regional Policy Statement

- 8 In preparing the plan change Council is required to give effect to/implement regional policy statements.
- 9 The Regional Policy Statement (RPS) for Otago 1998 is currently under review and has been made partially operative. Some provisions are still subject to legal processes. The most relevant provisions of the proposed RPS (RPS-DV) are set out in Chapter 3: Otago has high quality natural resources and ecosystems. This Chapter, along with other parts of the proposed RPS, has not been made operative, however the Council is required to have regard to this document, as set out in the Decisions Version of the RPS when preparing this plan change. There are also a number of changes to the RPS-DV that were agreed as a result of mediation, and approved by the Environment Court by consent order,(RPS-ECO) but which

⁷ <https://www.mfe.govt.nz/sites/default/files/media/Te%20Mana%20o%20te%20Wai.pdf>

the Regional Council has not made operative. The provisions of the RPS-ECO that have been appealed to the High Court are not relevant to Plan Change 6AA. The agreed provisions of the RPS-ECO that are now effectively beyond challenge have not been made operative by the Regional Council, and so do not yet form part of the regional policy statement. Forest and Bird submits that they are relevant, and should have greater weight than the equivalent provisions in the Decisions Version of the RPS because Forest and Bird understands that the RPS-ECO version of the provisions will likely become operative.

- 10 The proposed Plan Change 6AA will not give effect to the likely final RPS, as the effective removal of the discharge limits until 2026 means that the Council cannot give effect to RPS-ECO Objective 3.1.

The values (including intrinsic values) of ecosystems and natural resources are recognised and maintained ~~and~~ or enhanced where degraded.

- 11 Neither will Council be able to meet the requirements of Policy 3.1.1 to safe guard the life supporting capacity of fresh water to maintain good quality water and enhance water quality where it is degraded, and maintain or enhance ecosystem health, indigenous habitats
- 12 PC 6AA cannot give effect to the operative RPS Water Quality Objectives and Policies which are to maintain and enhance the quality of Otago's water resources and safe guard the life supporting capacity of Otago's water resources through protecting the quality of those water resources as set out in Objective 6.4.2, 6.4.3, 6.4.4 and to avoid, remedy or mitigate degradation of water resources in Objective 6.4.5. PC 644 is also contrary to policies in Section 6.5, including Policies 6.5.1, 6.5.5

The Water Plan

26. As noted above the proposal to amend the date for compliance with Schedule 16 effectively means that there will be no controls on `discharges of Nitrate-nitrite nitrogen, Dissolved reactive phosphorous, Ammoniacal nitrogen and *Escherichia coli*, or leaching rates until either the rules are strengthened through a plan change expected to be notified early in 2020 or the full review of the Water Plan is completed and new planning provisions are operative December 2025 - or thereabouts. This leaves the Council with no ability to ensure the following objectives and policies of the water plan can or will be met.

7. A Objectives

7.A.1 To maintain water quality in Otago lakes, rivers, wetlands, and groundwater, but enhance water quality where it is degraded.

7.A.2 To enable the discharge of water or contaminants to water or land, in a way that maintains water quality and supports natural and human use values, including Kāi Tahu

values.

7.A.3 To have individuals and communities manage their discharges to reduce adverse effects, including cumulative effects, on water quality.'

7.B Policies General

7.b.1

(c) Maintaining, from the dates specified in Schedule 15, good quality water; and
(d) Enhancing water quality where it does not meet Schedule 15 limits, to meet those limits by the date specified in the Schedule;

7.B.2 Avoid objectionable discharges of water or contaminants to maintain the natural and human use values, including Kāi Tahu values, of Otago lakes, rivers, wetlands, groundwater and open drains and water races that join them

Section 32 Evaluation Report

27. The S32 Evaluation Report (the Report) sets the context for PC 6AA and notes that the change is needed as the existing rules are uncertain, ambiguous and un-enforceable. The report does not adequately explain what parts of the rule are supposedly ambiguous, un-enforceable and uncertain nor does it evaluate how many resource consents may be required or discuss how consents can be issued for short term situations.
28. The practicalities of the rules were well canvassed during mediation and Forest and Bird understands there are a significant number of farmers who have been actively ensuring they will be compliant, including farmers grouping together to hire their own scientists to ensure they were compliant, so it seems that a good number of farmers have been able to make it work. The report does not evaluate how guidelines could be re written to enhance the interpretation and implementation of the rules.
29. The Report considers that due to the level of uncertainty with the rules there may be a large number of land users applying for consents. There is no evaluation of what large number means and where they are likely to come from. During mediation it was clear that most farmers wish to avoid applying for consents, and so would be more likely to undertake the necessary work and change their farming practices to ensure they could avoid applying for consents. It would appear that it is most likely that consent applications would be limited to the land-users in water ways where the water quality parameters are below Schedule 15, and that they would be restricted to those land-users who may not have changed their farming practices adequately. The Plan provides for those users in the Rules and for the issuing of short term consents where work is underway.
30. As stated in the Frequently Asked Questions about Proposed Plan Change 6A land users were advised that should their discharges not be meeting limits they could apply for a resource consent for extra time to complete work required to ensure their property meets

discharge limits. The expectation is that land users need to be demonstrating that they are undertaking land management improvements and have plans in place to do so.⁸

31. The Report states that the discharge policies are vague and do not provide much guidance over when consents should be granted and under what conditions. . Guidance for decision makers considering consents is set out in Policy 7.D.1 which indicates landholder responsibilities. Policy 7D 5 sets out the matters to be taken into consideration which include giving direction over when and under what conditions consents could be granted. The conditions include a staged time frame and any plan to achieve compliance with Schedule 16, the extent to which the risk of potentially significant adverse effects can be managed through review conditions, taking into account among other matters the trends in the receiving water relative to Schedule 15, the effects on water quality, natural and human use values, including Kai Tahu values. Further Guidance is provided through the objectives and policies in Chapter 5. Policy 7.D.4 sets out conditions for some short term discharges and rule 12.C.2.4 Restricted Discretionary activities which may apply for some consents sets out detailed conditions to be considered and provides strong guidance for decision makers.
32. The National Policy Statement on Freshwater Policy A4 also gives guidance for decision makes on matters to consider when making decisions on resource consents.
33. The Report fails to consider options of addressing the perceived problems through other means, e.g. through better guidelines, including for the interpretation and implementation of the rules.
34. The report states that ORC is committed to notifying a plan change to strengthen the discharge rules in early 2020. This should be done before dismantling the existing rules as it is not possible to evaluate the effectiveness, or the extent of consistency with the RMA and National and Regional Policy Requirements or the date of implementation of any future plan change. This commitment may be reversed, or be subject to unforeseen time delays.
35. There is some suggestion that future management may place high levels of reliance on farm plans in place of robust regulatory oversight. This in Forests and Bird's view is inappropriate, particularly where water is over allocated and changes to the way that land is used must be made. While Forest & Bird sees merit in farm plans as a useful tool to support farm and land managers in managing their activities, they are not an effective mechanism for setting regional standards and monitoring for compliance – which is the responsibility of the regional councils. We will support a clear and explicit rules-based system for managing polluting activities that meet good water quality bottom lines.

⁸ <https://www.orc.govt.nz/plans-policies-reports/regional-plans-and-policies/water/changes-made-operative-and-archives/plan-change-6a-archive>

Relief Sought

36. Forest and Bird seeks that the original compliance dates as per PC 6A remain.

Title of Provision	Support /Amend	Reason	Relief Sought
Policy 7.D.2	Oppose	<p>Delaying implementation of Schedule 16 discharge thresholds is contrary to the RMA, The NPS FW, the ORPS consent order and existing ORPS, the Water Plan as discussed above.</p> <p>It effectively removes the discharge that are required to maintain good water quality and enhance water quality where it is degraded.</p> <p>For all the reasons discussed above.</p>	Retain existing 1 April 2020 compliance date
12.C. 1.1 Other discharges – Permitted activities	Oppose	As above	Retain existing 1 April 2020 compliance date
12.C. 1.1A Other discharges – Permitted activities	Oppose	As above	Retain existing 1 April 2020 compliance date
12.C. 1.3a Other discharges – Permitted activities	Oppose	As above	Retain existing 1 April 2020 compliance date
12.C. 1.3b (i) Other discharges – Permitted activities	Oppose	As above	Retain existing 31 March 2020 and 1 April 2020 compliance dates.
Schedule 16A Permitted activity discharge thresholds for water quality by discharge threshold area. – Time frame	Oppose	As above	Retain existing 1 April 2020 compliance date.

Submission # 16

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR
PLAN, CHANGE OR VARIATION**

Clause 6 of Schedule 1, Resource Management Act 1991

To Otago Regional Council

Name of submitter: Dairy Holdings Limited (*DHL*)

- 1 This is a submission on:
 - 1.1 Proposed Plan 6AA (*PC6AA*) to the Regional Plan: Water for Otago (the *Water Plan*).
- 2 DHL has a number of farming properties located in the south and north Otago areas.
- 3 DHL supports *PC6AA* and seeks that all provisions be adopted as notified, on the basis that:
 - 3.1 the existing plan limits and targets are not reasonable (or achievable) in light of now known issues with *OVESEER* version control and water quality information;
 - 3.2 in the case of (for example) the Waitaki area, a number of farmers including DHL are making considerable investment in improved irrigation infrastructure and need certainty as to the planning position to justify that expenditure. Although *PC6AA* does not provide that certainty at this point in time, it is a step in the right direction - at least in the medium to long-term; and
 - 3.3 DHL supports a properly considered approach to water quality in the Otago Region (particularly in light of the freshwater quality reforms occurring at a national level).
- 4 DHL reserves its position with regard to being heard in support of this submission.

Signed for and on behalf of Dairy Holdings Limited by its solicitors and authorised agents
Chapman Tripp



Ben Williams
Partner
4 November 2019

Address for service of submitter:

Dairy Holdings Limited
c/- Ben Williams
Chapman Tripp
PO Box 2510
Christchurch 8053
Email address:
ben.williams@chapmantripp.com

Submission # 17



1 November 2019

Otago Regional Council
Private Bag 1954
Dunedin, 9054
policy@orc.govt.nz

Submission on Plan Change 6AA

This feedback is provided on behalf of the Otago Fish and Game Council and the Central South Island Fish and Game Council. Collectively, they are referred to in this submission as **Fish and Game**. For additional information please contact Nigel Paragreen and Angela Christensen using the details below.

Submitter Details

Otago Fish and Game Council
Contact person: Nigel Paragreen, Environmental Officer
Email: nparagreen@fishandgame.org.nz
Office phone: 03 477 9076
Postal address: PO Box 76, Dunedin 9016

Central South Island Fish and Game Council
Contact person: Angela Christensen, Resource Officer
Email: achristensen@csifgc.org.nz
Office phone: 03 615 8400
Postal address: PO Box 150 Temuka 7948

General

- [1] Fish and Game is the statutory manager of sports fish and game bird resources within the Otago and the Central South Island Regions. It holds functions and responsibilities set out in the Conservation Act (1987). Part of the organisation's function is to represent the interests and aspirations of anglers and hunters in the statutory planning process and to advocate the interests of the Council, including its interests in habitats. This submission is provided in accordance with this function.
- [2] As required by the Conservation Act (1987), Fish and Game has prepared a Sports Fish and Game Management Plan for Otago and Central South Island, which has guided the development of this submission. This document describes the sports fish and game bird resources in the region and outlines issues, objectives and policies for management over the period.
- [3] Fish and Game submits in respect to the whole notified plan change, to which it is **neutral** and no specific amendments are sought. This is because Fish and Game seeks and expects stronger discharge rules in the future; however, there are serious flaws with Plan Change 6AA (**PC6AA**) which must be considered.

Statutory managers of freshwater sports fish, game birds and their habitat

Otago Fish & Game Council
Central South Island Fish & Game Council

www.fishandgame.org.nz

- [4] Fish and Game **does not** wish to be heard in support of its submission. As a result, it is not applicable if Fish and Game would consider presenting a joint case at a hearing.
- [5] Fish and Game **could not** gain an advantage in trade competition from this submission.
- [6] Fish and Game **does** wish to be involved in any pre-hearing meeting that may be held for this application.

Background on Plan Change 6A

- [7] Fish and Game submitted on Plan Change 6A (**PC6A**) in 2012 and lodged an appeal in 2013 after the decision was released. Fish and Game's appeal, among others, was resolved in mediation by 2014 and the plan change became operational. This process incorporated at least 3 years of work and significant staff time and resources.
- [8] When the plan change became operational, Fish and Game staff were satisfied that the ORC would undertake significant implementation and liaise with a stakeholder group (to be formed soon afterwards) to share information and issues, manage risk, and identify issues ahead of time.¹ Only one meeting of such a group was held and repeated subsequent attempts to engage with the ORC on the implementation of PC6A was largely unsuccessful.
- [9] An example of one such attempt is attached in Appendix 1. While a pleasant response was received, no stakeholder group meeting was organised by the ORC as a result.
- [10] It is in the context of this systemic failure of implementation for PC6A that the ORC announced Plan Change 6AA (**PC6AA**). Had it genuinely engaged with stakeholders and landholders between 2014 and 2019, the risks and challenges identified in the s32 Evaluation Report may have been identified and addressed.

Delays and lack of immediate action

- [11] Instead of resolving the identified issues, PC6AA seeks to delay the commencement date of relevant discharge and nitrogen leaching rules by a further 6 years. The s32 Evaluation Report notes that:

"It is expected that the full review of the Water Plan will be completed, and new planning provisions [relating to water quality] will be operative, before 1 April 2026".

(our explanatory note in square brackets)

- [12] This passage refers to the significant future work required to give effect to the National Policy Statement for Freshwater Management 2014 (updated 2017) (**NPS-FM**). In late 2018, the ORC staff recommended that a Progressive Implementation Programme (**PIP**) be adopted as they advised the Regional Plan: Water for Otago (**RPW**) did not give effect to the NPS-FM.² The PIP would see a full RPW review, with plan changes notified in 2025. The ORC website currently

¹ Pers. comm., Peter Wilson 31 October 2019

² Hawkins, L., & Dawe, A. (2018). *Progressive Implementation Program (PIP) for the NPSFM*. Dunedin: The Otago Regional Council. Retrieved from <https://www.orc.govt.nz/media/6263/council-agenda-31-october-2018.pdf>

gives notice that NPS-FM Policies AA1, A1, A2, A3, A4, A5, A6, A7, B1, B2, B3, B4, B5, B6, B7, B8, C1, C2, CA1, CA2, CA3 and CA4 are to be implemented in future.³

- [13] Therefore, the intention of the delay in PC6AA is primarily to push the commencement date so far out that the discharge standards will never be implemented. The 6A standards will effectively become obsolete.
- [14] An associated issue with PC6AA is that it does not provide guidance as to what will replace the discharge standards. Fish and Game understands that this may be addressed by future plan changes in 2020; however, very little is known about what those may contain. The Draft NPS-FM released in 2019 certainly suggests that policy framework relating to water quality may be strengthened but it is not guaranteed at this stage.
- [15] Because of this, supporting PC6AA requires a leap of faith, as the ORC is effectively removing the PC6A discharge limits and the public does not know what they will be replaced with.

The Policy Framework

- [16] Decision makers will need to consider a full range of policy documents, which are described in the s32 Evaluation Report. In Otago, the regional policy framework is fragmented and incomplete, with the RPW and Regional Policy Statement 1998 being written well in advance of the NPS-FM. Fish and Game submits that these documents do not give effect to the NPS-FM. The Partially Operational Regional Policy Statement 2019 (**PORPS**) has been subject to commentary in the Environment Court, which stated that “... *determined that the pORPS is not consistent with the direction of King Salmon, in that it is seeking to allow an overall subjective judgement*”.⁴ It is unclear what the implications of this are yet for the plan but it seems likely changes will need to be made in the near future. Nonetheless, the provisions and explanatory material in Chapter 3 of the PORPS are not yet operational and are most relevant to this plan change.
- [17] Fish and Game also submits that management plans and strategies prepared under other Acts must be given regard to, this may include the Otago Sports Fish and Game Management Plan 2015-2025, the Otago Conservation Management Strategy 2016, and the Central South Island Sports Fish and Game Management Plan 2012-2022.
- [18] Because PC6AA significantly delays discharge standards without providing alternatives, Fish and Game considers that it is not consistent with the policy framework. To demonstrate the inconsistency, a selection of relevant NPS-FM Objectives are discussed below. This is not intended to be a full policy analysis and is cut short for brevity sake. To avoid doubt, the scope of this submission includes all of the policy documents referred to above.

Objective AA1: *To consider and recognise Te Mana o te Wai in the management of fresh water*

³ The Otago Regional Council. (2019, January 29). *Progressive Implementation Programme*. Retrieved October 17, 2019, from Otago Regional Council: <https://www.orc.govt.nz/managing-our-environment/water/water-quality-targets/progressive-implementation-programme>

⁴ Dawe, A. (2019). *General Manager's Report on Progress*. Dunedin: The Otago Regional Council. Retrieved from <https://www.orc.govt.nz/media/7239/policy-20190911.pdf>

- [19] The NPS-FM preamble discusses the concept of Te Mana o te Wai, summarising the concept as “... *the integrated and holistic well-being of a freshwater body*”, and stating that upholding the concept “...*acknowledges and protects the mauri of the water*”. It is broken down into the health of the environment, the health of the waterbody and the health of the people. The draft NPS-FM 2019 provide some additional context (but is not yet operational) and refers to a hierarchical priority with the wellbeing of freshwater bodies and freshwater ecosystems being the first priority; the essential health of people second; and economic; social and cultural wellbeing third.
- [20] This plan change will effectively remove discharge standards intended to protect the health of Otago’s waterbodies from diffuse pollution, without providing alternatives. In the context of the failure to undertake implementation since the PC6A became operational, it is difficult to see how effectively removing discharge standards is recognising the holistic well-being of the water body or protecting the mauri of the water.
- [21] If details of future policy provisions to replace PC6A were known to the public, it would be easier for PC6AA to be consistent with this objective.

Objective A1: To safeguard:

- a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and*
- b) the health of people and communities, as affected by contact with fresh water;*

in sustainably managing the use and development of land, and of discharges of contaminants.

Objective A2: The overall quality of fresh water within a freshwater management unit is maintained or improved while:

- a) protecting the significant values of outstanding freshwater bodies;*
- b) protecting the significant values of wetlands; and*
- c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.*

- [22] These objectives refer to the protection of ecosystems, processes and the animals (including humans) who use them. However, maintaining the overall quality of freshwater (Objective A2) is a very different test to safeguarding (Objective A1). While Objective A2 ensures water quality does not get worse, Objective A1 looks to the full potential of ecosystem processes, the ability to support life and the health of people, and asks this to be safeguarded. One objective sets a bottom line below which water quality should not fall, the other provides a water quality target to aim for.
- [23] Both objectives have scope to consider the discharge of contaminants. However, under PC6AA, it is likely that quantitative discharge standards will be in place until 2026, or a new plan change is notified. In practice this neither sets a bottom line nor a target for the quality of diffuse discharges.
- [24] Again, if certainty could be provided as to how ecosystems will be protected in the interim, these objectives would be more readily met. This theme is repeated throughout provisions in

the policy framework, for example in PORPS provisions 5.4 and 5.4.1; and RPW provisions 5.3.1, 5.3.3, 5.3.4, 5.3.6, 7.A.1, 7.A.2 and 7.A.3.

- [25]** The s32 Evaluation Report overcomes this issue implicitly by considering that a delay is consistent with policy provisions as discharge standards (likely not the PC6A standards) will come into effect in the future.⁵ Fish and Game submits that this is not a correct assessment. In the delay period environmental damage can, and is very likely to, occur. Therefore, the length of the delay period is a relevant consideration.

Closing comments

- [26]** Fish and Game is disappointed with the ORC's implementation of PC6A and believes the ORC has let down the public, who faithfully engaged in a lengthy RMA process and who committed time and resources to protect Otago's waterways and ecosystems.
- [27]** Fish and Game seeks assurance going forward that water quality and aquatic ecosystems do not deteriorate as a result of PC6AA. If water quality does deteriorate, future plan changes referring to the maintenance of water quality should not be based upon that future degraded state.
- [28]** Fish and Game seeks that any plan change notified in 2020 (as indicated) holds the line or improves current water quality and ecosystems where it is degraded.

⁵ s32 Evaluation Report, first and second paragraph of page 9

Appendix 1 – Joint request for PC6A stakeholder meeting (attached with approval from Federated Farmers)

From: Kim Reilly <KReilly@fedfarm.org.nz>

Sent: Friday, 8 June 2018 2:33 p.m.

To: 'Tanya Winter' <Tanya.Winter@orc.govt.nz>

Cc: Ian Hadland <ihadland@fishandgame.org.nz>; Simon Davies (Forwarding) <tokofarms@gmail.com>; David Cooper <DCooper@fedfarm.org.nz>

Subject: Otago Plan Change 6A (Water Plan)

Hi Tanya

We've just had a catch up with Ian around all things Otago, and one of the topics that came up was the implementation of PC6A.

It's been a while since we've had a PC6A Stakeholder meeting, so can Federated Farmers and Fish & Game please put in a joint request to chase one up? Also, so that we don't have to harass you for such requests in future, do you have a new contact person we should contact in Suzanne's absence?

Thanks heaps

Regards
Kim

KIM REILLY
REGIONAL POLICY MANAGER, SOUTH ISLAND

Federated Farmers of New Zealand
PO Box 5242, Dunedin, New Zealand

P 03 477 7356

M 021 887 537

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Statutory managers of freshwater sports fish, game birds and their habitat

Otago Fish & Game Council

Central South Island Fish & Game Council

www.fishandgame.org.nz

Submission # 18

SUBMISSION FORM (Print clearly on both sides)
Proposed Plan Change 6AA to the Regional Plan: Water for Otago
Form 5, Clause 6 of Schedule 1, Resource Management Act 1991

Office use only

OTAGO REGIONAL COUNCIL RECEIVED DUNEDIN - 4 NOV 2019 FILE No. DIR TO

Name of submitter:

Randall Aspinall

Name of organisation (if applicable):

Mt Aspiring Station

Email:

aspiringstation@gmail.com

Postal address:

Box 94, Wanaka

Postcode:

9343

Telephone:

03) 443 7155

Please note that all submissions are made available for public inspection.

I wish do not wish (circle preference) to be heard in support of my submission.

If others made a similar submission, will consider presenting a joint case with them at a hearing. (Delete if you would not consider presenting a joint case)

Trade competitor's declaration (if applicable)

I could / could not (circle one) gain an advantage in trade competition from this submission

I am / am not (circle one) directly affected by an effect of the plan change that

(a) Adversely affects the environment; and

(b) Does not relate to trade competition or the effects of trade competition.

Signature of submitter:



Date: 22/10/19.

(Or person authorised to sign on behalf of person making submission.
Signature not required if you make your submission by electronic means)

Send to:

Freepost ORC 497
Otago Regional
Council
Private Bag 1954
Dunedin 9054



SUBMISSIONS MUST BE RECEIVED BY 5.00 PM ON MONDAY 4 NOVEMBER 2019

State what your submission relates to and if you support, oppose, or want it amended:

(e.g. support rule 'x', or amend policy 'y')

I support all the suggested changes in Plan Change 6AA.

* Policy 7.D.2

* Rules 12.C.1.1 \$12.C.1.1A \$12.C.1.3

* Schedule 16A

State what decision you want the Otago Regional Council to make:

(e.g. amend policy 'y' to say...)

Given the current regional and national situation I support postponing the date at which discharge and leaching conditions come into force. However I urge that policy development going forward retains the workable elements of these to help preserve an effects based nature in the Water Plan.

Give reasons for the decision you want made:

(e.g. I want policy 'y' changed because...)

The level of uncertainty around water policy make this a sensible move. However it needs to be recognised that the downfall of these rules was not because they are ^{entirely} unworkable. It is due to the rushed nature of 6A and too much change within ORC meaning the rules were not planned and implemented with a clear + simple strategy/direction that landholders and regulators could understand. Lets not make that same mistake again please.

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM ON MONDAY 4 NOVEMBER 2019

Post to: Otago Regional Council

Private Bag 1954

Dunedin 9054

Email to: policy@orc.govt.nz

Deliver to: Otago Regional Council offices at:

70 Stafford Street, Dunedin

William Fraser Building, Dunrobing Street, Alexandra

Terrace Junction, 1092 Frankton Road, Queenstown

Online at: yoursay.orc.govt.nz/6AA

Please note:

Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission # 19

Proposed Plan Change 6AA

Wise Response Society Submission to the Otago Regional Council

Contact:

Sir Alan Mark,
205 Wakari Rd.,
Helensburgh,
Dunedin. 9010.

Ph: 3-476-3229; fax: 3-479-7583; email: alan.mark@otago.ac.nz

- Thank you for the opportunity to submit.
- The Society wishes to be heard on this issue if the opportunity is provided.
- Trade competitors declaration: Wise Response will not gain any trade advantage from this submission

The Society opposes this proposed Plan Change primarily because of deficiencies in the s32 evaluation report.

The Society therefore proposes one alternative Option (Option 4) for dealing with the issues identified by the ORC that provide the purpose for the Plan Change

While we accept that there is now a serious timeframe issue for Resource Consent applications, we feel it is important that there is further engagement over the best way to address the Purpose of this proposed Plan Change.

1. Background

In May 2012, Proposed Plan Change 6A attracted 334 submitters and 77 further submitters. There was a Council Hearing where a significant number were heard. Then 21 parties appealed the Council Decision to the Environment Court. They included the following list of organisations and individuals

Dunedin City Council

Central Otago District Council

Clutha District Council

Dunedin International Airport Ltd

Robert Borst

MC Holland Farming Ltd

Lakes Landcare Group

Trustpower Limited

Lower Waitaki Irrigation Company Ltd

North Otago Irrigation Company Ltd

Environmental Defence Society Inc.

Otago Forestry Group

The Cow Farm Ltd

Royal Forest and Bird Protection Society
of NZ

Otago Fish and Game Council

Federated Farmers of NZ

Dugald MacTavish

Horticulture NZ

Fonterra Co-operative Group Limited

Te Runanga o Ngai Tahu and Others

Cadrona Land Care Group

Parties elected for Court assisted mediation which was conducted 5-9 August and 2-3 September of 2013 but discussions continued between parties after completion of the mediation and a pre-hearing conference

The Consent Memorandum Resolving All Appeals summarised the key changes agreed under Plan Change 6A (Table 1).

Table 1: Extract from Consent Memorandum to the Environment Court at the Conclusion of mediation for Plan Change 6A (13 Feb 2013)

15. The purpose of Plan Change 6A is to maintain good water quality and improve water quality where it is degraded

16. The key features of Plan Change 6A are:

16.1 The introduction of new water quality objectives and polices.

16.2 The definition in Schedule 15.1 of the characteristics of good water quality water.

16.3. The setting in Schedule 15.2 of numerical limits and targets for achieving good quality water.

16.4 The introduction of prohibited activity rules for objectionable discharges which have never been consented.

16.5 A permitted activity rule from 1 April 2020, for discharges to water which meet numerical thresholds in Schedule 16 for Nitrogen, Phosphorus and E-Coli; the thresholds being set at levels which will have no more than minor effect on the receiving water and will be consistent with good quality water.

16.6 A permitted activity rule to control sediment discharges

16.7 From 1 April 2020 setting limits on nitrogen leaching rates

16.8 Changes to the permitted activity rules for activities in, on or over the beds of lakes and regionally significant wetlands to improve water quality.

19.9 A consenting framework for discharges which do not comply with the permitted activity rules

17. The plan change is intended to align with and give effect to the National Policy Statement on Freshwater Management

We have described the process involved for Plan Change 6A and the key outcomes in some detail as we feel it illustrates several important points:

- The Plan Change 6A process was a robust one involving hundreds of submitters, most of the major interest groups, most public institutions with responsibilities in water quality, a number of commercial organisations and environmental lobby groups and many experts
- Given this range of interests, it was remarkable that it was possible to achieve a mediated solution (At the first mediation there were 19 legal counsels sitting in the same room!)
- One of the reasons this was possible was that time was given for adaption, a date was specified when compliance would be required and with the inclusion of resource consents with limited timeframes, there was still some flexibility to accommodate any few that were not complying by that time.
- That 1 April 2020 was the key date around which several of the key provisions in the plan hinged. (notably 16.5, 16.7 and 16.9 in Table 1 above)
- Thus allowing this timeframe to shift profoundly undermines not only the integrity of the plan but also the trust that all those parties invested in the ORC, the other stakeholders and the Environment Court to see the agreement effectively implemented.

Such an outcome therefore feels like an abrogation of responsibility by Council and deeply demoralizing. Accordingly, the Society considers it is simply not acceptable to propose allowing this process to slide another 5 years without exhausting every possible opportunity there may be to avoid it.

2. Time to break the cycle

Another reason for objecting to this Plan Change is that increasingly, we seem to be caught in an endless cycle of planning to comprehensively address issues such as water quality and climate change, but never actually getting there! Each time some hard calls are approaching, some issue emerges with the process or there is a proposal to change the plan often due to a leadership change. That new plan always comes with the promise that it will be better next time.

Wise Response considers this cycle needs to stop, lines that are drawn in the sand need to be held, promises need to be kept and real action is needed on the ground that is in our common interest.

3. Why is this plan change being proposed at this 11th hour when there is very little room to move?

We are not privy to ORC outreach efforts since 2014, but if Council had been working with landowners effectively since then it seems any issues with the policies would have been evident well before now. One can only surmise therefore that little attention has been given by both the Council and landholders to giving effect to these provisions.

If this is the case, why should those who wish to see good water quality achieved in Otago be sympathetic toward this proposed plan change and what faith should they have that a new plan brought in in 2026 would be any more successful? Thus, far from being a time to relinquish motivation by all stakeholders to meet water quality standards according to the timeframe agreed in Plan Change 6A, we see this as an opportunity to dispassionately discover what has gone wrong with the process so far and double down on ensuring its fundamental objectives are achieved.

4. Issues identified by the ORC in the current Plan

The Section 32 evaluation is inadequate and fails to assess all "reasonably practical" options that might effectively address the issues identified with a plan change. The key issues identified by the ORC are:

- *Land users cannot, in practice, ensure that the discharge contaminant thresholds set out in Schedule 16 are met everywhere on their property, at all times when the flow at the relevant flow sites is below median flow.*
- *There are practical difficulties in locating where diffuse discharges should be sampled to check compliance with Rule 12.C.1.1A (Schedule 16);*
- *Rule 12.C.1.3 (Overseer) does not specify a time scale when nitrogen leaching rates should be calculated.*
- *The nitrogen leaching rate must be estimated using Overseer version 6. That version of Overseer no longer exists. The rule does not address Overseer version changes, and land users cannot foresee (or calculate) whether their operations would remain permitted should a version change occur.*

(Ex S32 Evaluation pp 5)

5. Provisions proposed by the ORC for addressing these Plan issues

Three options were considered for addressing the above issues. These are set out in Table 2 below linked to some key issues we see for that option

Table 2: Alternative Provisions considered by the ORC for the Plan Change

	Option	Some key Issues identified for this option
1	Strengthening the policy framework to ensure the cumulative effects of consented discharges are well managed	<ul style="list-style-type: none"> • Does not solve bottle neck issue for ORC prior to April 1 2020 • Does not solve cost to farmers and ORC and unnecessary consents • Will potentially complicate a clean introduction of the new Water Plan in 2026 • Does not promote catchment-wide collective solutions • Iwi not so readily involved at strategic level

2	Delay enforcement of date to meeting WQ Standards	<ul style="list-style-type: none"> • Delays achieving the good water quality standards for at least another 5 years • Does not maintain incentive to improve WQ with good practice and record data for ORC or landholders • Does not keep faith with general public • Does not comply with Policy Objectives and plans to maintain WQ
3	Revoking conflicting polices	<ul style="list-style-type: none"> • Delays achieving the good water quality standards for at least another 5 years • Does not maintain incentive to improve WQ with good practice and record data for ORC or landholders • Does not keep faith with general public • May upset coherence of water plan

So we consider that the options considered have serious flaws, including the ORC preferred Option 2.

We also consider that given the potentially huge implications for achieving water quality in Otago, that the level of detail in the s32 evaluation is inadequate.

Perhaps most notably it describes the current policy as "ambiguous, unenforceable and uncertain" but does not explain why. It was always understood that estimating nutrient impacts from individual properties would be difficult, but that there were methodologies under development which would help resolve these issues. What has happened to them? Where did the Plan Change 6A go so badly wrong? Was there a legal opinion to support these assertions?

6. Alternative "Option 4" Proposed by the Society

- Update Overseer, remove requirement for Resource Consent, shift the compliance test from measured discharge concentrations to assessed nutrient input budget and modelled leaching values, require full calculated compliance by 2025 and ORC to actively facilitate catchment groups in achieving compliance.

More specifically we see Option 4 including the elements listed in Table 3 below :

Table 3: Key elements of and alternative Option 4 proposed by Wise Response for addressing the Plan issues

Proposed "Option 4" Plan Change	Effect/benefits
1. Cancel the current requirement of a resource consent to discharge by April 2020 if required outcomes have not been achieved	Solves the immediate ORC capacity and cost issues as well as the cost and uncertainty issues faced by landusers

Proposed "Option 4" Plan Change	Effect/benefits
2. Change the rule regarding Overseer 6 , to require the latest government-approved version of Overseer (or such other approved model) to be used by the Certified Nutrient Management Advisor employed by the Regional Authority (or appointed) to estimate farm nutrient leaching impacts.	Solves out of date Overseer issue. More generally, we are aware that work is ongoing to improve the calibration of several nutrient models and so it may be appropriate to consider another decision making tool that is more suited to the proposed purpose.
3. Introduce a new provision that requires each property to be shown to be compliant with current numerical limits and targets (Schedule 15) and permitted activity discharge thresholds for water quality (Schedule 16) and time-frames in terms of a nutrient input budget and modelled discharge values using the approved version of Overseer.	Resolves primary dependence on measurement for determining compliance. Scores helps identify when and where corrective action is required
4. Retain an approved discharge monitoring programme at an approved site to support modelled assessment of compliance or trends.	This is to build up a record of current discharge quality that can be used to help ground-truth the budgetary and modelling estimates
5. Failure to demonstrate compliance with Schedules 15 and 16 by 2025 with nutrient input budgets and modelled discharge values, backed up by monitoring data, will be a prohibited activity.	Draws a line in the sand to give the polices some teeth. Does not let slide the requirement to comply by no later than 2025 (maximum resource consent timeframe of 5 years in current plan)
6. Anticipating the direction of the NPS-FM currently under review, Otago Regional Council and landholders fully comply with their current obligations under Objective 7.A.3 and policies 7.B.7, 7.B.8, 7.D.1 to work together to achieve the agreed water quality outcomes for Otago by helping to manage cumulative effects. For this purpose it may be helpful to identify cumulative nutrient loads that are expected to remain below the water quality thresholds for individual catchments.	Adequately resources and discharges current ORC and landholder legal obligations and those that can be reasonably anticipated from the new draft NPS-FM, with its #1 compulsory value of preserving and enhancing "ecosystem health". Moreover the FMU/Rohe framework in the draft NPS-FM suggests establishing comprehensive regional coverage by catchment groups to provide a mechanism with which to start formal facilitation of the integrated, holistic approach to

Proposed "Option 4" Plan Change	Effect/benefits
	achieving national freshwater outcomes. (See Appendix A below)
7. Review any other Provisions that are inconsistent with the above policy framework (e.g. 12.B.1.5, 12.C.1.3 i.e. any time scale issues with Overseer)	Avoid conflict within the plan as a consequence of the above changes and cover off any legal ambiguity

7. Overall benefits of alternative approach

- While using input and overseer estimates instead of actual discharge measures is not ideal, it at least maintains the incentive and any momentum there is for both the ORC and landusers to achieve water quality targets and limits in Otago
- Does not preclude or interfere with new provisions being made operative in the new plan anticipated around 2026
- Keeps faith with all sectors of the community that the protracted mediated agreement and subsequent approval by the Environment Court will be achieved
- Maximises the chance of maintaining or enhancing water quality in Otago over the next 5 years and still allows the introduction of the new Regional Plan Water
- Maintains a firm time limit on achieving the agreed water quality outcomes for the region in the current plan (2025)
- Will place landusers in better position to achieve the aspirational water quality standards for that have been signalled in the draft NPS-FW and that if approved, will be required the new water plan to give effect.

8. How well does the Option 4 proposal stack up against existing legal provisions and is it the most appropriate way to achieve purpose of Plan Change 6AA?

Regional Plan Water

The three Water Plan Objectives that are most directly relevant to Plan Change 6AA are Objectives 7.A.1, 7.A.2, 7.A.3.

7.A.1 To maintain water quality in Otago lakes, rivers, wetlands, and groundwater, but enhance water quality where it is degraded.

7.A.2 To enable the discharge of water or contaminants to water or land, in a way that maintains water quality and supports natural and human use values, including Kāi Tahu values.

7.A.3 To have individuals and communities manage their discharges to reduce adverse effects, including cumulative effects, on water quality.

In seeking to maintain incentives to implement the WQ provisions of the current plan, Option 4 gives effect to 7.A.1 and 7.A.2. and a more robust water management regime may still be introduced later if required and its effectiveness will not be undermined.

There has been opportunity to instigate non-regulatory measures over the past 5 years and indications are that this has not been effective. Without retaining a strong legal incentive, why would it be any more so over the next 5 years in a hiatus before a new plan is implemented? Option 4 retains such an incentive.

In requiring nutrient input budget and modelled discharge values to be assessed for compliance, Option 4 strengthens current incentives for community-based catchment groups to work together to achieve the water quality objectives and thus gives effect to Objective 7.A.3.

There are other objectives and policies in the NPS-FW and versions of the Regional Policy Statement that the proposed Option 4 gives better effect to than the other options considered in the s32 Evaluation.

Appendix A

Notes on the scope for Regenerative/Integrated Landscape farming model to help Catchment Groups achieve good quality water

1. Over the last 2 years, our Society has been promoting to Council an Integrated Landscape Management (ILM) approach as a way to more effectively address the raft of sustainability issues now confronting the region - both rural and urban sectors alike. Integrated management of natural and physical resources is a foundation concept in the RMA, the significance of which for planning does not ever appear to have been fully realised.
2. Accordingly, it is most encouraging now that integration and a holistic approach to addressing water quality issues are core themes in the draft NPS-FM currently under consultation. Likewise, the requirement to establish FMUs/Rohe for the entire region offers an ideal vehicle for the concept.
3. So while this plan change concerns water, because it is linked to so many other management factors, we think that the brief for these units/groups needs to be widened to include the likes of climate change, indigenous biodiversity, pest control, land capability, etc., as well and that there is both urban and rural representation in the groups.
4. In this context it seems that the "**landscape function**" approach proposed by leading exponents of "regenerative" land management would provide a useful guide for such groups to use as a way of stepping back sufficiently from their current operations to be able to reassess their suitability at a structural level going forward. They challenge landusers in 5 key areas to come up with sustainable practice, all of which have a direct bearing on freshwater quality:
 - a. Solar-energy cycle - maximising photosynthesis to fix as many plant sugars as possible to build soils and increase productivity
 - b. Water cycle - capturing and recycling in the land as much rainfall as possible
 - c. Soil mineral cycle - mobilising, holding and recycling natural fertility
 - d. Self-organisation in ecosystems and biodiversity at all levels
 - e. Appropriate management/social systems
5. Using these ecosystem functions as a guide, they are devising solutions from the ground-up, where regenerative is beyond just "sustainable". This process has the potential to shift the mindset from focusing on maximum exploitation down to "bottomlines" over to together building a more resilient and "nourishing terrain" that brings common benefit.

Water yield from landscape

6. Further on the theme of building resilience, a key concept in regenerative land management is the potential to **increase effective rainfall** (i.e., the proportion of rainfall that infiltrates the land surface - landscape function "b" above). One estimate from Australia is that a 1% increase in soil organic matter in the top 30cm of soil increased the water holding capacity by 14.4 l/m²¹. That additional storage

¹ Glen Morris, Soil Scientist, Page 140 in Charles Massy, Call of the Reed Wabler, 2017

exists each time it rains so has the potential to hugely increase recharge to the subsurface (including aquifers) and prolong base flows in rivers if scaled up.

7. To add to this, it has been clearly demonstrated that **ground cover/cover type** also strongly influences catchment yield. For example the role of upland tussock in capturing fog/mist² or the capacity of *Pinus radiata* to reduce yield.

8. Therefore, the extent to which these factors (soil infiltration and holding capacity and vegetation cover) can be optimised across our agricultural landscapes has the potential to significantly change the freshwater balance directly in terms of water quantity (including aquifer recharge) and indirectly in terms of quality (as a result of enhanced natural filtering and dilution).

Our Society considers that these are the sort of concepts that the ORC should be taking out to challenge catchment groups into a holistic response to achieving the good water quality flagged in the draft NPS-FM and for all Councils to anticipate the need to include such strategy in their Action Plans.

² Mark, AF, Dickinson, KJM. 2008. Maximising water yield with indigenous non-forest vegetation: a New Zealand example. *Frontiers in Ecology and the Environment* 6: 25-31.

Submission # 20



**SUBMISSION ON PROPOSED PLAN CHANGE 6AA TO THE
REGIONAL PLAN: WATER FOR OTAGO**

Name of submitter:

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Contact: Charlotte Wright
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Trade competition statement:

- 1 DairyNZ could not gain an advantage in trade competition through this submission.

Proposal this submission relates to is:

- 2 This is a submission on proposed Plan Change 6AA (PC6AA) to the operative Regional Plan: Water for Otago (the Otago Regional Plan).

Submission

- 3 This submission is structured as follows:
 - 3.1 Background to DairyNZ, including an overview of DairyNZ's commitment to working with dairy farmers to identify good management practices and to support the implementation of these practices on-farm to minimise impacts on the environment;
 - 3.2 DairyNZ's overall position on PC6AA;
 - 3.3 The specific relief sought by DairyNZ, contained within **Attachment 1**.

Introduction

- 4 DairyNZ welcomes the opportunity to submit on the Proposed Plan Change 6AA to the Otago Regional Plan. We acknowledge the efforts of the Otago Regional Council in developing a pragmatic, efficient and effective solution to address the current deficiencies in the Otago regional Plan.
- 5 DairyNZ is the industry good organisation representing New Zealand's dairy farmers. Funded by a levy on milk solids and through government investment, our vision is for New Zealand dairy farming to have the world's most competitive and responsible dairy farming. DairyNZ's work includes research and development to create practical on-farm tools, leading on-farm adoption of farming within limits, promoting careers in dairying, and advocating for farmers with central and regional government.
- 6 The Dairy Tomorrow Strategy: The Future of New Zealand Dairying makes a firm commitment to the communities that dairy farmers are part of, and to the environment that communities value. These commitments focus on achieving swimmable waterways, strategies to offset or reduce greenhouse gases and, by 2025, all farms implementing and reporting under farm sustainability plans.
- 7 DairyNZ supports the development of a resource management framework that achieves the sustainable management of natural and physical resources in an efficient and equitable way, whilst enabling social, cultural and economic wellbeing of people and communities.

- 8 This submission has been developed on behalf of dairy farmers, and in consultation with farmers and other primary sector groups.

Submission summary

- 9 DairyNZ supports the overall purpose of the Plan Change to

'to ensure that Policy 7.D.2, Rules 12.C.1.1(g), 12.C.1.1A (Schedule 16) and 12.C.1.3 (Overseer) do not undermine the effectiveness of the rule framework to be developed as part of the full review of the Water Plan; and do not result in unnecessary consenting costs.'

- 10 DairyNZ agrees that the current rules are ambiguous, unenforceable and uncertain. Additionally, they are likely to result in consenting inefficiencies, whereby the cost of applying for and processing consents is unlikely to be justified by the associated economic costs to consent applicants and the council, or by environmental benefits. Instead, the rules are likely to result in perverse outcomes whereby the outcomes sought under the NPSFM will be stymied by rights granted under consents. This also amounts to a missed opportunity to bring farmers into the limit-setting conversation and the opportunity for farmer buy-in this provides.

Decision sought

- 42 DairyNZ seeks the following decision on its submission on the Plan Change:

- That the Otago Regional Council (ORC) retains the Plan Change in its entirety.

- 44 DairyNZ wishes to be heard in support of its submission.

Yours Sincerely



Charlotte Wright

Senior Policy Advisor

Attachment 1

Page number	Section of Plan Change	Provision	Support Or Oppose	Decision Sought	Reason for submission
Chapter 7: Water quality					
p.4	7.D Policies for discharges of water and contaminants, excluding those discharges provided for in 7.C	7.D.2 Schedule 16 discharge thresholds apply to permitted activities, from <u>1 April 2026</u> 1 April 2020 , at or below the reference flows set in Schedule 16B based on median flows.	Support	Retain amendment	<p>This rule is ambiguous, unenforceable and uncertain.</p> <p>Land users cannot, in practice, ensure that the discharge contaminant thresholds set out in Schedule 16 are met everywhere on their property, at all times when the flow at the relevant flow sites is below median flow.</p>
Chapter 12: Rules: Water Take, Use & Management					
p.6	12.C Other discharges	12.C.1.1 The discharge of water or any contaminant to water, or onto or into land in circumstances which may result in a contaminant entering water, is a permitted activity, providing: (a) to (f) [Unchanged] (g) From <u>1 April 2026</u> 1 April 2020 , the discharge also complies with 12.C.1.1A.	Support	Retain amendment	<p>This rule is ambiguous, unenforceable and uncertain.</p> <p>There are practical difficulties in locating where diffuse discharges should be sampled to check compliance with Rule 12.C.1.1A (Schedule 16);</p>
		12.C.1.1A From <u>1 April 2026</u> 1 April 2020 , in addition to Rule 12.C.1.1, when the water	Support	Retain amendment	This rule is ambiguous, unenforceable and uncertain.

Page number	Section of Plan Change	Provision	Support Or Oppose	Decision Sought	Reason for submission
		flow at the relevant representative flow monitoring site is at or below the reference flow in Schedule 16B, the following conditions apply:			There are practical difficulties in locating where diffuse discharges should be sampled to check compliance with Rule 12.C.1.1A (Schedule 16);
		12.C.1.3 The discharge of nitrogen onto or into land in circumstances which may result in nitrogen entering groundwater, is a permitted activity, providing: (a) From <u>1 April 2026</u> 01 April 2020 , the nitrogen leaching rate does not exceed: (i) to (iii) [Unchanged] (b) (i) From 1 May 2014 to <u>31 March 2026</u> 31 March 2020 , the landholder for outdoor pork, fruit (excluding grapes), berry and rotational vegetable production will keep a record of all inputs into the farm system and evidence that practices complied with the relevant industry good management practices and provide Council upon request with that information. From <u>1 April 2026</u> 1 April 2020 , 12.C.1.3(b)(ii) will apply; and (ii) [Unchanged]	Support	Retain amendment	<p>This rule is ambiguous, unenforceable and uncertain.</p> <p>Rule 12.C.1.3 does not specify a time scale when nitrogen leaching rates should be calculated.</p> <p>The nitrogen leaching rate must be estimated using Overseer version 6. That version of Overseer no longer exists. The rule does not address Overseer version changes, and land users cannot foresee (or calculate) whether their operations would remain permitted should a version change occur.</p> <p>As a result, these provisions will not be able to deliver the expected water quality outcomes, nor will they necessarily drive good farm management practices.</p>

Page number	Section of Plan Change	Provision	Support Or Oppose	Decision Sought	Reason for submission
p.9	20 Schedules	16A Permitted activity discharge thresholds for water quality by discharge threshold area. Discharge Threshold Area 1 Catchments. Timeframe: 1 April <u>2026</u> 2020	Support	Retain amendment	<p>This rule is ambiguous, unenforceable and uncertain.</p> <p>There are practical difficulties in locating where diffuse discharges should be sampled to check compliance with Rule 12.C.1.1A (Schedule 16);</p>
		16A Permitted activity discharge thresholds for water quality by discharge threshold area. Discharge Threshold Area 2 Catchments. Timeframe: 1 April <u>2026</u> 2020	Support	Retain amendment	<p>This rule is ambiguous, unenforceable and uncertain.</p> <p>There are practical difficulties in locating where diffuse discharges should be sampled to check compliance with Rule 12.C.1.1A (Schedule 16);</p>