

Before the Freshwater Hearing Panel

Under the Resource Management Act 1991 (**RMA**)

In the matter of submissions on the Proposed Otago Regional Policy Statement 2021

Legal Submissions on behalf of Otago and Central South Island Fish and Game Councils (#0321)

30 August 2023

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**anderson
lloyd.**

May it please the Panel

Introduction

- 1 These legal submissions are presented on behalf of the Otago and Central South Island Fish and Game Councils (**Fish and Game**) in relation to the freshwater planning parts of the proposed Otago Regional Policy Statement (**pORPS**).
- 2 Fish and Game has previously appeared twice before the non-Freshwater Hearing Panel. The key themes of Fish and Game's case in respect of the non-Freshwater pORPS, that are relevant to and integrated with the FPI relief are:
 - (a) The pORPS must prioritise the health of the natural environment;
 - (b) The National Policy Statement for Freshwater Management 2020 (**NPSFM**) and Te Mana o te Wai (**TMOTW**) require that there be no degradation of water quality, restoration of degraded water quality and over-allocation phased out;
 - (c) Prioritising the natural environment includes the importance of recreational use and enjoyment in the natural environment/outdoors to peoples' health and wellbeing;
 - (d) Included in the above, and in the concept of ecosystem health, is the importance of protecting the habitat of trout and salmon, subject to the requirement that this is consistent with the protection of the habitats of indigenous species;
 - (e) At the pORPS level, there needs to be clear direction that environmental limits should be set that will protect, or restore ecosystem health, and that all resource use is subject to those limits.
 - (f) Fish and Game are seeking explicit acknowledgement in LF-WAI-P3 (11) that the appropriate and relevant baseline to be used when considering effects of activities, and when determining to what state a degraded water body could be restored, is the state of the environment minus the effects of any of the permits that have finite terms. This is not a pre-human state – it is that baseline state that has been confirmed by the Courts as the relevant baseline against which to assess effects as per *Ngati Rangī Trust v Manawatu-Whanganui Regional Council*.¹².

¹ *Ngati Rangī Trust v Manawatu-Whanganui Regional Council* [2016] NZHC 2948 per Collins J.

² Fish and Game Legal Submissions, 5 May 2023, para 39 onwards.

- (g) Requiring in a positive sense that cumulative effects be captured by ensuring that all activities are consistent with attaining the primary health and restoration objectives.³

3 The key issues for Fish and Game in this FPI hearing are:

- (a) The state of numerous water bodies in Otago is materially degraded. A clearer directive is required in the provisions that water bodies are to be restored to a state of good health and well-being.
- (b) The provisions as recommended by the s42A report writer are therefore not yet sufficient to give effect to the NPS-FM directive to give effect to Te Mana o te Wai, and protect the habitat of trout and salmon.
- (c) In terms of Te Mana o te Wai and the three priorities set out in the NPS-FM Objective 2.1, a live issue is whether activities that do not involve direct human contact with water, such as producing food or electricity, should be included in the second or third priority.
- (d) Protecting people's ability to access water bodies that are in a state of good health and wellbeing for recreation is an important element of providing for people's health and wellbeing.⁴
- (e) In terms of the Visions, while Fish and Game generally supports ORC's approach to the Visions the concerns are primarily two-fold. Firstly, the Visions do not currently provide any outcome that seeks to protect or restore the habitats of trout and salmon, and other obvious matters such as restoring water bodies to a state of good health and providing for abundant recreation opportunities accessing water bodies. Secondly, the timeframes identified in the Visions are very important and need to give effect to the NPSFM objectives in a timely fashion, while at the same time providing for a meaningful transition period to allow for the necessary change and adaptation. To this end, Fish and Game seek a new provision LF-VM-OA2 that both references LF-FW-O1A as a region wide and comprehensive vision, and proposes a timeframe.
- (f) The framework for the species interaction between trout and salmon and indigenous species, to give effect to the interplay between NPS-FM policies 9 and 10, at both the policy and method level is largely resolved between the active statutory parties – addressing protection of trout and salmon habitat, fish passage and species interaction.⁵

³ SRMRI5, LF-WAI-O1, LF-FW-O1A, LF-FW-P11

⁴ SRMR-I5, SRMR-I6, SRMR-I9, new SRMR-I12, LF-WAI-O1, LF-FW-O1A, LF-FW-O9 LF-FW-P7, LF-FW-P10.

⁵ LF-FW-P7, new method LF-FW-Mx.

This specifically gives effect to the qualification in Policy 10 of the NPS-FM that the protection of the habitat of trout and salmon must be consistent with the protection of the habitats of indigenous freshwater species.

- (g) A broader level of protection is required for all wetlands, not just those that fit the narrower definition of 'natural inland wetland'.⁶
- 4 Key terms in the drafting of provisions relevant to the above that are at issue for Fish and Game are:
- (a) 'Restore' - In order to give effect to the NPS-FM requirements to give effect to Te Mana o te Wai, and protect the habitat of trout and salmon, Fish and Game specifically seeks that one way or another there be a clear directive that water bodies are restored to, and then protected in, a state of good state of health and wellbeing.⁷ In the drafting appended to Mr Farrell's 28 June 2023 evidence the 'restoration to good health...' direction is either implicit in the requested primary directive that the water is 'protected in a state of good health', or referenced directly. If a water body is not currently in a state of good health, it is implicit and explicit that it must be restored to that state, and thereafter protected in that state.⁸
- (b) Related to the above point, use of the word 'sustain' is not supported in the context of degraded water bodies in particular, and is inconsistent with the NPS-FM.⁹ 'Sustain' is not a term used in any of the relevant Part II provisions. While it is an old case, the statements by the Planning Tribunal in *Marlborough District v Southern Ocean Seafoods Ltd* capture the essence of why Fish and Game do not consider the use of the word 'sustain' in the context of giving effect to the NPS-FM and degraded water bodies, to be appropriate, because it merely allows whatever the status quo is to endure, no matter what its state.¹⁰

One of the relevant meanings of "sustain" is "to endure without failing or giving way" (Shorter Oxford English Dictionary Vol. 11 1980). That places the emphasis on ensuring that resources are not used up at a rate greater than their recuperative properties allow. The overriding intention of the legislation is to ensure that successive generations husband the available resources and pass them onto the next in

⁶ LF-FW-O9, LF-FW-P9, LF-FW-P10.

⁷ SRMR-I5, SRMR-I6, SRMR-I9, new SRMR-I12, LF-FW-O1A, LF-FW-O9 LF-FW-P7, LF-FW-P10.

⁸ LF-WAI-PR1, LF-FW-O1A (1A) and (12), LF-VM-O2, LF-FW-P7, LF-FW-M8A.

⁹ As above LF-WAI-PR1, LF-FW-O1A, LF-FW-O9, LF-FW-P7.

¹⁰ *Marlborough District v Southern Ocean Seafoods Ltd* [1995] NZRMA 220 at [11].

no lesser state than was available to the donor generation. If the resource consent sought will result in the resource not enduring, or failing or giving way then the proposed activity is contrary to s 5. The onus of showing that it is not is on the applicant.

- 5 In summary, as implementing the NPS-FM and Te Mana o te Wai is a radical paradigm shift compared to the status quo, the pORPS provisions that will be part of the driver for behavioural change, need to be as explicit, clear and directive as possible. The requirement to pivot and manage the natural and human environment in a way that puts the environment first is a fundamental shift. For the pORPS to play its role effectively in driving this change, Fish and Game have focused on where provisions need improvement, to avoid ambiguity. The Supreme Court in *Port Otago Ltd v EDS* recently made it very clear that the pORPS drafting should be carefully expressed and keep areas of conflict as narrow as possible. Fish and Game relies on the Supreme Court's direction in support of its proposed directive drafting that water bodies be restored to a state of good health and wellbeing, as it is considered that provides greater clarity:¹¹

[63] Conflict between policies are likely to be rare if those policies are properly construed, even when they appear to be pulling in different directions. Any apparent conflict between policies may dissolve if "close attention is paid to the way in which the policies are expressed". Those policies expressed in more directive terms will have greater weight than those allowing more flexibility. Where conflict between policies does exist the area of conflict should be kept as narrow as possible.

...

[72] We accept Port Otago's submission that reconciliation of any conflict between the NZCPS avoidance policies and the ports policy should be dealt with at the regional policy statement and plan level as far as possible...

[73] Leaving resolution of all possible conflicts to the consent stage would be unsatisfactory, given the large degree of uncertainty (and possible inconsistencies of methodology and results) that would ensue. Having said that, the extent to which a plan can anticipate conflicts and the means of resolving them may be limited by the amount of information available to the drafters of a regional planning instrument. It might not be possible or desirable for a regional planning instrument to do more than identify, where it can, the location and activities that may generate conflicts in the region and set out general principles for addressing the

¹¹ *Port Otago Ltd v Environmental Defence Society Inc* [2023] NZSC 112 at [63] – [73].

conflict, leaving particular cases to be dealt with at resource consent level.

State of the environment

- 6 Mr Couper's evidence from both the non FPI and the FPI hearings provides an overview of the general state of Otago's aquatic ecosystems, looking at four components – water quality, water quantity, species present and their interactions, and the physical alteration of water bodies.
- 7 In terms of water quality, Mr Couper found strong evidence of degradation in multiple waterways.¹² He also cited the Environment Court's findings in PC7 that the 20 year trends across the region are predominantly degrading, and that the "negatives are more numerous than the positives".¹³
- 8 In terms of the state of allocation, Mr Couper drew attention to the Court on PC7 when it observed.

“... the levels of allocation for some freshwater bodies in the region are high in comparison with the current primary allocation limits...”¹⁴;

“... both water demand and water availability would be impacted by climate change...”¹⁵; and

“... there are a range of issues affecting the current coverage and continuity of flow recording in the region”.¹⁶

- 9 I also note that ORC has on its website a general record and depiction in map form of the state of allocation in each of the catchments. The **attached** maps show the allocation status of the catchments and abstraction points in Otago. The data has been sourced from an ORC mapping portal.^{17,18} The dataset is described by the ORC as “*Otago region water allocation by catchment and/or aquifer*” and it states that the data is updated nightly from consent information. However, there is no specific indication as to when it was last updated.

¹² Evidence of Jayde Couper, 28 November 2022, para 32 onwards.

¹³ *Re Otago Regional Council* [2021] NZEnvC 164 at [48].

¹⁴ At [6].

¹⁵ At [8].

¹⁶ At [9].

¹⁷ For dataset information: <https://maps.orc.govt.nz/arcgis/rest/services/WaterAllocation/MapServer>

¹⁸ For a user friendly view of the data:
<https://www.arcgis.com/home/webmap/viewer.html?url=https%3A%2F%2Fmaps.orc.govt.nz%2Farcgis%2Frest%2Fservices%2FWaterAllocation%2FMapServer&source=sd>

- 10 Two maps have been extracted from this online portal, one showing information for surface water and the other for groundwater:
- (a) The surface water mapping shows blue dots for points of abstraction, scaled to size in litres per second. The red and green denote fully allocated catchments and catchments where allocation is still available.
 - (b) The groundwater mapping shows purple dots for groundwater abstraction, with non-transparent green and red showing groundwater allocation status. This has been overlaid with surface water allocation status in transparent green and red.
- 11 Currently in Otago a surface water catchment is defined as fully allocated if the allocation for abstraction is at or above either the primary allocation limits set in Schedule 2A of the Regional Plan: Water for Otago or half of the 7-day mean annual low flow, whichever is greater¹⁹. Whichever method is used, the current allocation limits have not been tested against TMotW. Therefore, what this map shows is that large swaths of Otago are at or above current allocation limits, which were set without consideration of TMotW.
- 12 After the evidence in chief for the FPI hearing was prepared, parties were indirectly made aware of updated state of the environment information held by ORC, provided in the appendices of Mr Dyer's evidence. It is understood however that Mr Dyer is not scheduled to appear at all, therefore if the Commission have questions about the level of understanding on the state of water quality and quantity, Mr Dyer may be able to assist. In the meantime in the time available Mr Couper will provide a high level summary of what he has gleaned to date from Mr Dyer's appendices.
- 13 The nature and scale of degradation at least in general terms of the health and wellbeing of many of Otago's water bodies is not disputed by experts. Therefore, from Fish and Game's perspective it is important that there not only be a consistent reference to "protection", but that there also be a consistent reference to the requirement to "restore". Given the state of Otago's water bodies, there needs to be a very clear positive obligation to provide for their restoration to a state of good health.

Te Mana o te Wai

- 14 The NPSFM requires regional authorities to give effect to the fundamental concept of TMotW.²⁰ In doing so, ORC must take the actions described in

¹⁹ Regional Plan: Water for Otago, Policy 6.4.2.

²⁰ Clause 3.2 (2).

cl 3.2(2) including applying the hierarchy of obligations in TMotW.²¹ The hierarchy of obligations prioritises:²²

- (a) first, the health and well-being of water bodies and freshwater ecosystems;
- (b) second, the health needs of people (such as contact with water and drinking water); and
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

15 The Rebuttal Evidence of Ben Farrell dated 17 July 2023 refers to varying opinions amongst planners as to which activities should be afforded tier 2 and 3 priority status, often as sought to be expressed in the Visions. In particular, Mr Farrell questions some planners' understanding that human health benefits derived from indirect uses with water (e.g. food production and energy generation) should be included within the second priority obligation.

16 It is submitted that such activities that do not involve direct human contact with water, are captured in the third priority of TMotW relating to the provision for social, economic and cultural well-being. This is consistent with the section 42A report writer's drafting of LF-WAI-P1.

17 The below commentary from the Courts is of assistance, although it is understood that this specific point has not been directly tested yet:

(a) *Minister of Conservation v Northland Regional Council* is authority for the position that "there is a balance to be struck between the natural values and the human values of these areas" but that "NPS-FM 2014 emphasises natural values and this is made explicit in the 2020 NPS-FM in terms of its hierarchy".²³

(b) *Te Whanau A Kai Trust v Gisborne District Council* provides "The later versions have placed an increasing emphasis on the fundamental concept of Te Mana o te Wai which, in a hierarchy of considerations, turns first to the health and well-being of water and water bodies, then to the health needs of the people and lastly to the provision of water for social, economic and cultural well-being."²⁴

²¹ *Muaūpoko Tribal Authority Inc v Minister for Environment* [2022] NZHC 883 at [57].

²² Clause 1.3(5).

²³ *Minister of Conservation v Northland Regional Council* [2021] NZEnvC 1 at [136].

²⁴ *Te Whanau A Kai Trust v Gisborne District Council* [2021] NZEnvC 115 at [29].

Protection of habitats of trout and salmon

- 18 In both Part II of the RMA, and the NPSFM, there is a clear legal requirement as to the protection of the habitats of trout and salmon.
- 19 An overarching theme and objective of Fish and Game is that the pORPS should provide clear and unambiguous direction that the health of water bodies and freshwater ecosystems should be protected, and if degraded, restored.
- 20 Section 7(h) of the RMA directs decision-makers to have particular regard to the protection of the habitat of trout and salmon in achieving the purpose of the RMA. Particular regard "goes further than the need to merely be on enquiry".²⁵ It requires the decision-maker to recognise the matter "as something important to the particular decision and therefore to be considered and carefully weighed in coming to a conclusion".²⁶
- 21 Policies 9 and 10 of the NPS-FM require the habitats trout and salmon be protected, insofar as doing so is consistent with the protection of the habitats of indigenous freshwater species.
- 22 In Fish and Game's view, the pORPS as promoted in the section 42A evidence still does not fully give effect to these directives to protect habitats. In doing so, it places too much weight on an assumption that protection of trout and salmon habitats in Otago is not consistent with the protection of significant habitats of indigenous fauna. That assumption has not been informed by the evidence of Fish and Game, Ms Coughlan in particular, who provides comprehensive expert evidence including the risk assessment matrix of Otago's rivers, illustrates in many rivers in Otago, there would not likely be an increased risk to indigenous fish habitat through detrimental population impacts if trout and salmon habitat was restored. To the contrary Ms Coughlan concludes it would more likely improve habitat for all species and reduce the impacts of species interaction in these locations. And for the comparatively small (in size and number) locations where the protection of trout and salmon habitat will put at risk ecosystem health, through detrimental population impacts, Fish and Game is very open that it is actively working with relevant parties such as Ngai Tahu and DoC, to ensure the appropriate pathway to address those issues is identified and implemented.

²⁵ *Marlborough District v Southern Ocean Seafoods Ltd* Pt Decision W6/95, 7 February 1995 at 12.

²⁶ *Ibid.*

- 23 “Protection” has been defined in caselaw as an active duty. In *Royal Forest and Bird Protection Society Inc v New Plymouth District Council* the Environment Court held that protection (in a s 6(c) sense) meant:²⁷

The word protection is not defined in the RMA. We use it in the sense identified in *Environmental Defence Society v Mangonui County Council* as meaning to keep safe from harm, injury or damage. The only gloss we would put on that is that it is **implicit in the concept of protection that adequate protection is required.**

- 24 The Court went on to state that 'protection' (in a section 6 (c) context) means *to keep safe from harm, injury or damage, using such means as are adequate to achieve the protection including a 'palette of measures' identified in the preparation of the district plan*.²⁸
- 25 Taking the above guidance into account, and then applying the directives in the NPS-FM to protect the habitats of trout and salmon,²⁹ phase out over allocation,³⁰ improve water quality,³¹ reverse deteriorating trends of degraded freshwater³² and maintain or improve fish passage³³, Fish and Game submit that in order to give effect to the NPS-FM, there has to be more than just a basic reference to protecting the habitat of trout and salmon in its current state— there needs to be a clear directive that where degraded, the habitat of trout and salmon is restored to, and protected in, a state of good health and well-being.³⁴ There is an unnecessary and unjustified inconsistency in the current drafting with LF-WAI-O1 generally requiring restoration, but LF-FW-O1A, in the 42A version, only requiring restoration of habitat specifically for indigenous species.
- 26 Also relevant when considering how this regional policy statement should address the protection of trout and salmon habitat, is the status of trout and salmon under the Conservation Act 1987, and the Otago Sports Fish and Game Management Plan.³⁵

²⁷ *Royal Forest and Bird Protection Society Inc v New Plymouth District Council* [2015] NZEnvC 219 at [63].

²⁸ Ibid.

²⁹ Policy 10 NPSFM.

³⁰ Policy 11.

³¹ Policy 12.

³² Policy 13.

³³ Clause 3.26.

³⁴ SRMR-I5, SRMR-I6, SRMR-I9, new SRMR-I12, LF-FW-O1A, LF-FW-P7.

³⁵ Commissioners are required to have regard to management plans and strategies prepared under other Acts s 61(2)(a)(i) RMA.

- 27 One of the statutory functions under the Conservation Act is *to preserve so far as is practicable all indigenous freshwater fisheries, and protect recreational freshwater fisheries and freshwater fish habitats*.³⁶
- 28 Notably, the Conservation Act section 2 definition of “*protection*” in terms of the active duty on both the Department of Conservation and Fish and Game “*to protect*” freshwater fisheries, sports fish (and their habitat) (and more broadly under the Conservation Act 1967) is defined as:
- ‘protection**, in relation to a resource, means its maintenance, so far as is practicable, in its current state; **but includes— (a) its restoration to some former state; and (b) its augmentation, enhancement, or expansion.**
- 29 The Conservation Act 1987 then sets out a special management regime for “*sports fish*” under Part 5A, requiring that sports fish are to be “*managed, maintained and enhanced*” as a recreational resource for New Zealanders, and authorising Fish and Game to take steps to “*protect, enhance and manage the habitat*” of trout by requiring it to assess and monitor sports fish populations and habitat, maintaining and improving the sports fish resource, to make management plans and issue licenses to take sports fish.³⁷
- 30 Mr Paragreen's 28 November 2022 evidence details the Otago Sports Fish and Game Management Plan from paragraph [44] onwards. The requirement on this Commission to have regard to that Management Plan³⁸ provides a further evidential and legal justification for accepting Fish and Game's drafting, to require restoration of water bodies, and trout and salmon habitat, to a state of good health and well-being.

Long term vision

- 31 In terms of the Visions, Fish and Game is primarily concerned that the content is still not representative of what it is important to the Community, informed not just through early consultation but also this process. Some very basic points seemed to be missing – like an overall vision that water bodies are in a state of good health and well-being. Fish and Game's drafting tries to plug these seemingly obvious gaps.

Health

- 32 The evidence of Nigel Paragreen and Jayde Couper describes the measurable and quantifiable health and social, economic, and cultural

³⁶ Section 6(ab) Conservation Act 1987.

³⁷ Section 26Q Conservation Act 1987.

³⁸ Section 61(2)(a)(i) RMA.

wellbeing benefits derived from recreation in and around water bodies, including angling, in Otago. These benefits cannot be realised without the prioritisation of the health of the natural environment, the preservation of the natural character of lakes and rivers and their margins and the maintenance and enhancement of public access to and along lakes and rivers, which in turn protect significant habitats of indigenous fauna.

- 33 There seems to be no fundamental disagreement as to the importance of people's ability to access water bodies that are in a state of good health and well-being, for recreation. For the same reasons as set out above at [5], the preference is for the plan provisions to be carefully drafted and clear in order to avoid conflict in the future. Fish and Game have provided its clear drafting on this important point.³⁹

Wetlands

- 34 In ecological terms, it does not seem to be contested that natural wetlands can also support important values and have an important place in freshwater and terrestrial ecosystems. Therefore it is appropriate there be provision at the pORPS level for natural wetlands as well as the smaller subset of 'natural inland wetlands' as defined.
- 35 The drafting of LF-FW-P9 should therefore be amended, and should use clear and unambiguous terms consistent with the rest of the pORPS.

Dated this 30th day of August 2023

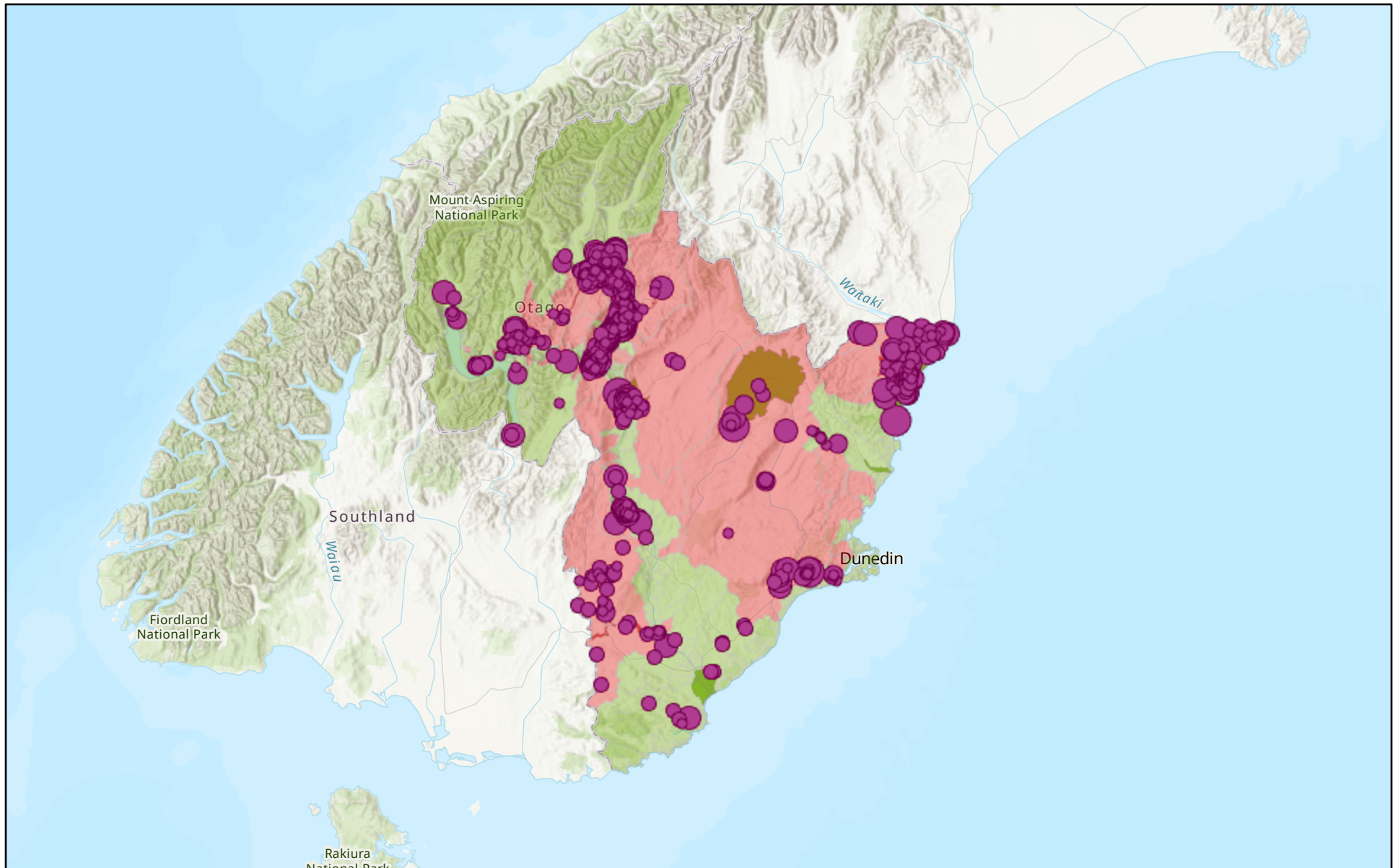


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³⁹ SRMR-I5, SRMR-I6, SRMR-I9, new SRMR-I12, LF-FW-O1A, LF-FW-O9 LF-FW-P7, LF-FW-P10.

Appendix 1 - ORC Groundwater and Surface Water Allocation Maps

ORC Groundwater Water Allocation Map, with Surface Water Allocation Status Overlaid



8/29/2023

Groundwater Allocation Volume (m3/year)

- < 10,000
- 10,001 - 50,000

• 50,001 - 100,000

• 100,001 - 1,000,000

• > 1,000,000

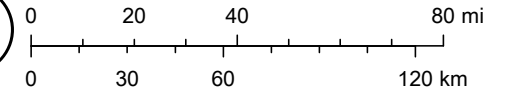
Surface Water Allocation Catchments

■ Allocation available

■ Fully allocated

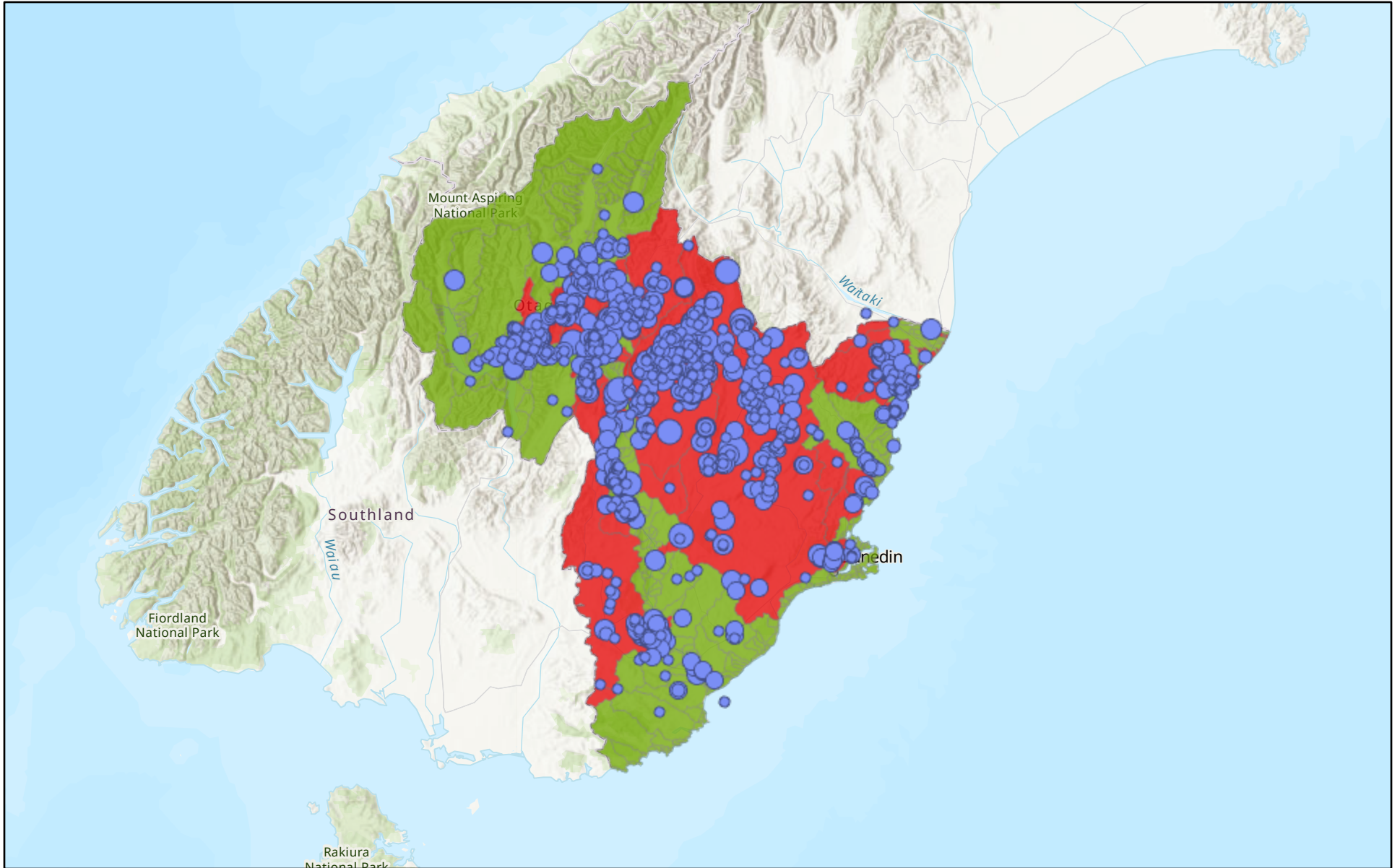


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Otago Regional Council, Esri, HERE, Garmin, FAO, NOAA, USGS, Esri, USGS

ORC Surface Water Allocation Map



8/29/2023

Surface Water Allocation Rate (L/s)

- < 5
- 5 - 20

● 21 - 100

- 101 - 1,000
- 1,001 - 5,000

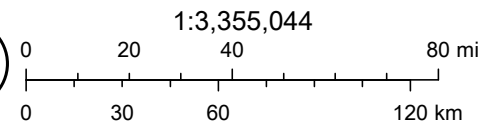
● > 5,000

Surface Water Allocation Catchments

■ Allocation available

■ Fully allocated

World Hillshade



Otago Regional Council, Esri, HERE, Garmin, FAO, NOAA, USGS, Esri, USGS

Appendix 2 - Amendments recommended by Ben Farrell, 30 August 2023

Appendix 2 to Fish and Game Legal Submissions 30 August 2023

**Otago Proposed RPS (Freshwater Provisions)
Amendments recommended by Ben Farrell, 30 August 2023**

Key to track changes:

Black underlined or ~~struck through~~ is from s42A report

Red underlined or ~~struck through~~ is from subsequent s42A Report writer's evidence

Green underlined or ~~struck through~~ is from s42A Report (NPSIB consequences)

Blue underlined or ~~struck through~~ is Ben Farrell's opinion

Interpretation

Definitions

Term	Definition
Certified freshwater farm plan	<p>has the same meaning as section 217B of the Resource Management Act 1991 (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>means a <i>freshwater</i> farm plan certified under section 217G, as amended from time to time in accordance with section 217E(2) or (3)</p> </div>
Drinking water	<p>has the same meaning as in Standard 14 of the National Planning Standards 2019 (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>means <i>water</i> intended to be used for human consumption; and includes <i>water</i> intended to be used for food preparation, utensil washing, and oral or other personal hygiene</p> </div>
National Objectives Framework	<p>has the same meaning as in clause 1.4 of the National Policy Statement for Freshwater Management 2020 (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>means the framework for managing <i>freshwater</i> as described in subpart 2 of Part 3</p> </div>
Natural hazard works	<p>has the same meaning as in regulation 51(1) of the National Environmental Standard for Freshwater 2020 (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>means works for the purpose of removing material, such as trees, debris, and sediment, that—</p> <ul style="list-style-type: none"> (a) is deposited as the result of a <i>natural hazard</i>, and (b) is causing, or is likely to cause, an immediate hazard to people or property </div>
<u>Natural inland wetland</u>¹	<p><u>has the same meaning as in clause 3.21 of the National Policy Statement for Freshwater Management 2020 (as set out in the box below)</u></p>

¹ FPI045.017 Forest and Bird

Term	Definition
	<p><u>means a wetland (as defined in the Act) that is not:</u></p> <p><u>(a) in the coastal marine area; or</u></p> <p><u>(b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or</u></p> <p><u>(c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or</u></p> <p><u>(d) a geothermal wetland; or</u></p> <p><u>(e) a wetland that:</u></p> <p><u>(i) is within an area of pasture used for grazing; and</u></p> <p><u>(ii) has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8)); unless</u></p> <p><u>(iii) the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement,</u></p>
<p>Other infrastructure²</p>	<p>has the same meaning as in regulation 3 of the National Environmental Standard for Freshwater 2020 (as set out in the box below)³</p> <div data-bbox="336 981 916 1081" style="border: 1px solid black; padding: 5px;"> <p>means infrastructure, other than specified infrastructure, that was lawfully established before, and in place at, the close of 2 September 2020</p> </div>
<p>Over-allocation, or over-allocated⁴</p>	<p>has the same meaning as in clause 1.4 of the National Policy Statement for Freshwater Management 2020 (as set out in the box below)⁵</p> <div data-bbox="336 1149 916 1361" style="border: 1px solid black; padding: 5px;"> <p>in relation to both the quantity and quality of freshwater, is means the situation where:</p> <p>(a) resource use exceeds a limit; or</p> <p>(b) if limits have not been set, an FMU or part of an FMU is degraded or degrading; or</p> <p>(c) an FMU or part of an FMU is not achieving an environmental flow or level set for it under clause 3.16.</p> </div>
<p>Specified infrastructure⁶</p>	<p>has the same meaning as in clause 3.21 of the National Policy Statement for Freshwater Management 2020 (as set out in the box below)⁷</p>

² Clause 10(2)(b)(i) – consequential amendment arising from FPI001.019 DCC, FPI026.031 Federated Farmers, FPI027.027 Contact

³ Clause 10(2)(b)(i) – consequential amendment arising from FPI001.019 DCC, FPI026.031 Federated Farmers, FPI027.027 Contact

⁴ Clause 16(2), Schedule 1, RMA

⁵ Clause 16(2), Schedule 1, RMA

⁶ Clause 10(2)(b)(i) – consequential amendment arising from FPI001.019 DCC, FPI026.031 Federated Farmers, FPI027.027 Contact

⁷ Clause 10(2)(b)(i) – consequential amendment arising from FPI001.019 DCC, FPI026.031 Federated Farmers, FPI027.027 Contact

Term	Definition
	<p><u>means any of the following:</u></p> <p><u>(a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002);</u></p> <p><u>(b) regionally significant infrastructure identified as such in a regional policy statement or regional plan;</u></p> <p><u>(c) any public flood control, flood protection, or drainage works carried out:</u></p> <p><u>(i) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1951, or</u></p> <p><u>(ii) for the purpose of drainage by drainage districts under the Land Drainage Act 1908</u></p>
Minimise	<p><u>Means to reduce to the smallest amount reasonably practicable. Minimised, minimising and minimisation have the correspondence meaning.</u></p>
Specified rivers and lakes	<p>has the same meaning as in Appendix 3 of the National Policy Statement for Freshwater Management 2020 (as set out in the box below)</p> <div data-bbox="336 1025 916 1216" style="border: 1px solid black; padding: 5px;"> <p>means:</p> <p>(a) <i>rivers</i> that are fourth order or greater, using the methods outlined in the River Environment Classification System, National Institute of Water and Atmospheric Research, Version 1, and</p> <p>(b) <i>lakes</i> with a perimeter of 1.5km or more</p> </div>

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SRMR–I5 – Freshwater demand exceeds capacity in some places

Statement

In *water*-short catchments, *freshwater* availability may not be able to meet competing demands from the health and well-being needs of the *environment*, the health and well-being needs of people, and the ability of people and communities to provide for their social, economic and cultural well-being. Many of these catchments are also experiencing urban growth, changes in rural *land* uses, and increased demand for hydro-electric generation. Individually and cumulatively these can alter demand including further increases in demand on *freshwater* supply. Some catchments are complex, making it challenging to identify or mitigate these *effects*.

Context

Freshwater, including *rivers* and streams, *lakes*, *groundwater* systems, and *wetlands*, is a finite resource, critical to the *environment*, society and the economy. In Otago, access to, allocation, and *use of freshwater* reflects current demands and historical development associated with “deemed permits” (water permits under the RMA 1991) and a permissive water resource management regime. The deemed permits originated from mining licences issued under historic mining legislation and which enable water to continue to be used for a range of uses until October 2021.

Population growth and land-use intensification in urban and rural environments can create increased demand for *freshwater* for human consumption, irrigation, *renewable electricity generation*⁷ and other economic uses. *Freshwater* resources in some places are reaching, or are beyond, their sustainable abstraction limits. However, there continues to be debate in the community about how historical *freshwater* allocations can be adjusted to ~~achieve a balance of~~ prioritise protection of the mauri of water bodies, meet the health needs of people, and provide for economic, ~~environmental~~, social and cultural ~~needs~~ well-being.⁸

On 3 September 2020, new National Environmental Standards for Freshwater (NESF) and a new National Policy Statement for Freshwater Management (NPSFM)⁹ came into force. They have a goal of making immediate improvements so that ~~improving~~¹⁰ *freshwater* quality is materially improving¹¹ within five years, reversing past ~~damage degradation~~¹² and bringing New Zealand’s *freshwater* resources, waterways and ecosystems to a healthy state within a generation. The NPS-FM also clarified the need to provide first for the health and well-being of *water bodies* and *freshwater* ecosystems; then health and needs of people (such as *drinking water*); and finally the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Impact snapshot

Environmental

Freshwater abstraction can reduce *water* level or flow and connections between different *water bodies*. This can negatively impact ecosystems by affecting¹³ *freshwater* habitat size and the shape and condition of the *water body*, including *bed*, banks, margin, riparian vegetation, connections to *groundwater*, *water* chemistry (for example by increasing concentrations of pollutants), and interaction between species and their habitat. The sum of these impacts affects the overall health, well-being and resilience of the water body. How much an ecosystem is affected by taking *freshwater* is determined by departure from natural flow regimes, taking into account magnitude, frequency, timing, duration and rate of change, and ecosystem capacity to recover.

Economic

Freshwater in the Otago region is a factor of production that directly contributes to human needs (~~urban~~¹⁴ *water* supply) ~~agriculture~~ *primary production*,¹⁵ *industry*,¹⁶ and hydro-electric power supply, ~~and mineral extraction~~.¹⁷ *Freshwater* also indirectly contributes to the tourism industry through maintenance of *freshwater* assets for aesthetic and commercial recreational purposes. Lack of *freshwater* can negatively impact economic output of those industries that rely on *water* in the production process. To varying degrees these impacts can be mitigated through *water* efficiency measures and innovation. At the same time other industries, such as tourism that rely on the aesthetic characteristic of *rivers* and *lakes*, do not

Commented [BF2]: Ms Todd hasn't commented on amendments I recommend. Unsure why. They are helpful additions that support the scene setting for the provisions that follow, without creating any costs or frustrations to any party (as far as I'm aware).

have such opportunities available to them and instead rely on management regimes that sustain flows and *water* levels suitable for their activities.

Social

Ensuring appropriate *freshwater* supply for human use ~~is available~~ is essential, including¹⁸ as part of planned urban growth and to support rural communities¹⁹ ~~is essential~~.²⁰ It is possible this may require consideration of additional *freshwater* storage in the future.

The region's *freshwater* assets also support a range of recreation uses, for example camping, fishing, *water* sports, and swimming. These values are strongly linked to environmental, health, landscape and amenity aesthetic²¹ values and as such, reduced environmental flows have a corresponding negative impact on social and cultural values, including people's wellbeing.²² The way in which people interact with water is one aspect of why a waterbody may be considered a highly valued natural feature.

SRMR-I6 – Declining *water* quality has adverse effects on the environment, our communities, and the economy

Statement

While the pristine areas of Otago generally maintain very²³ good *water* quality, some areas of Otago demonstrate poorer quality and declining trends in *water* quality which can often²⁴ be attributed to *discharges* from *land use* intensification (both rural and urban) and *land* management practices. Erosion, run-off and soil loss can lead to sediment and nutrients being deposited into *freshwater* bodies resulting in declining *water* quality.

Context

The health of *water* is vital for the health of the *environment*, people and the economy. It is at the heart of culture and identity. Nationally, and in parts of Otago, *freshwater* is facing significant pressure. Population growth and land-use intensification in urban and rural *environments* has impacted the quality of *water*, increasing contamination from nutrients and sediment.

Water quality affects a wide range of environmental health factors, human health and²⁵ survival needs, and cultural, social, recreational, and economic uses. Some of the biggest impacts on *water* quality in Otago are considered to come from agriculture and urbanisation, through diffuse *discharges* and point source *discharges*.

On 3 September 2020, new National Environmental Standards (NESF) and a new National Policy Statement (NPSFM)²⁶ came into force to make immediate improvements to improve²⁷ *water* quality within five years; and reverse past damage degradation²⁸ and bring New Zealand's *freshwater* resources, waterways and ecosystems to a healthy state within a generation.

Impact snapshot

Environmental

Despite the region's *lakes* and *rivers* being highly valued by Otago communities, reports indicate that in many areas²⁹ there are reasons for concern about *water* quality and its trends with consequent potential impact on ecosystems and people.

Water quality across Otago is variable. *River water* quality is best at *river* and stream reaches located at high or mountainous elevations under predominantly native vegetation cover, and mostly good in the upper areas of large *river* catchment and outlets from large *lakes*. *Water* quality is generally poorer in smaller low-elevation streams and coastal shallow lakes where they receive *water* from upstream pastoral areas or urban catchments. For example, catchments such as the Waiareka Creek, Kaikorai Stream, and the lower Clutha catchment, have some of the worst *water* quality in the region; Otago's central lakes are impacted by increased population, urban development and tourism demand; other areas, such as urban streams in Dunedin, intensified catchments in North Otago and some tributaries, also have poor *water* quality.³⁰ Between 2006 and 2017, trends in a number of *water* quality parameters were worsening.³¹

For *E. coli*, for example, 30% of sites had a probable or significant worsening trend compared to 7% of sites that had either stable or improving trends. In urban streams in Dunedin, intensified catchments in

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North Otago and some tributaries of the ~~Pomahaka~~ Poumāhaka,³² *E. coli* was the worst performing variable³³. In many cases, the specific source of contamination is unknown.

There are many different types and sizes of *lakes* in Otago. ORC monitors *water* quality in *lakes*, of which eight have generally shown good *water* quality. There have been concerns within the community about the quality of *water* in Lakes Wānaka, Whakatipu Waimāori/Lake Wakatipu³⁴ and Lake³⁵ Hayes.

Groundwater quality also varies across the region, with some areas having elevated *E. coli* and nitrate concentrations above the NZ Drinking Water Standards. The main areas with elevated nitrate concentrations are North Otago and the Lower Clutha. Some bores across the region have exceeded the drinking *water* standards for *E. coli*; highlighting localized problems, likely due to inadequate bore head security. In addition to human sources of poorer *groundwater* quality, low *groundwater* quality from natural or geologic sources may also affect the potability of bore *water* throughout Otago (e.g. naturally occurring arsenic or boron concentrations found in bores associated with particularly geologies).

Stock entering *water bodies* can lead to pugging and destruction of riparian soils and *beds* that play an important role in filtering *contaminants*, as well as excreting directly in waterways. The growing practice of wintering cattle in Otago can exacerbate leaching *effects*, which may not connect to surface *water* until spring, creating spikes in nutrient loads.³⁶

Sediment is a key issue for *freshwater* quality throughout Otago, including coastal estuaries where it can significantly impact the life supporting capacity of waterways. Urban development is a key generator of sediment input to *lakes* and *rivers* in Central Otago, from *building* platforms and from *stormwater* contamination. Activities such as agricultural ~~intensification~~ land use,³⁷ mining, and forestry also contribute.

Agricultural ~~intensification~~ land use³⁸ also contributes to nutrients (nitrogen and phosphorus) leaching into underlying *groundwater* or running off into surface *water bodies*, and can also increase the risk of *E.coli* contamination from animal waste.

Urban environmental contaminants include hydrocarbons, and metals from *roads* and *structures*. They often wash into urban *stormwater* systems and pass unfiltered into *water bodies*, or the *coastal marine area*. *Stormwater effects*, particularly in *urban areas*, are poorly understood. *Wastewater* and *stormwater* systems may not be adequate in some places due to aging *infrastructure*, rapid growth pressure, or insufficient investment in replacement or upgrades. Overflows of *wastewater* (*sewage* and *waste products*) create significant *risks* for *water* quality. These can enter the *environment* either directly or through *stormwater* systems, particularly in flood events.

Economic

Water pollution (from nutrients, chemicals, pathogens, ~~and sediment and other contaminants~~)³⁹ can have far-reaching effects potentially impacting tourism, property values, commercial fishing, recreational businesses, and many other sectors that depend on clean *water*.⁴⁰

These impacts can be direct (varying the quality of *primary production* outputs such as fish); increasing costs of production through mitigation or remediation costs (*drinking water* treatment cost, riparian restoration); loss of enjoyment and benefit from tourism uses, and indirect such as cost to human health and associated medical costs, or reduction in brand value (e.g. Brand New Zealand).

Social

For the wider community, *water* is a source of kai ~~and~~ for harvesting and food production. *Water* is also a source⁴¹ of recreation, including swimming, fishing and *water* sports. There are multiple dimensions to the way *water* quality impacts on peoples' interaction with *water bodies*, including environmental, health, landscape, and aesthetic factors.⁴² Otago's *rivers*, *lakes*, estuaries and bays are important destinations for recreational use including swimming, fishing and *water* sports. The way in which people interact with *water* is one aspect of why a waterbody may be considered a highly valued natural feature. Eighty-two per cent of Otago's *rivers* and *lakes* are swimmable.⁴³ Where *water* quality cannot support these recreation activities, the lifestyle of those living in Otago is impacted.

Degraded *water* quality reduces the mauri of the *water* and the habitats and species it supports, therefore also negatively affecting *mahika kai* and taoka species and places. This constitutes a loss of Kāi Tahu

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culture, affecting the intergenerational transfer of knowledge handed down from tūpuna over hundreds of years; and it culminates in a loss of rakatirataka and mana.

SRMR–I9 – Otago lakes are subject to pressures from tourism and population growth

Statement

The beauty, recreational opportunities and regional climate of Lakes ~~Wanaka~~ Wānaka,⁴⁴ Whakatipu Waimāori/Lake Wakatipu, Lake⁴⁵ Hāwea and Te Wairere/Lake⁴⁶ Dunstan and their environs provides significant recreational benefits to people and attract visitors and residents from around the region, the country and the world. This ~~influx~~ supports human health and well-being and⁴⁷ brings economic opportunity, but the activities and services created to take advantage of it can degrade the *environment* and undermine the experience that underpins their attractiveness.

Context

Healthy *lakes* are one of Otago's most valued natural resources and for the most part *water* quality is good. The values assigned to *lakes* include the natural features and landscapes, the quality and quantity of *water* accessible to the Otago communities, the accessibility of these resources for recreation, the health of native flora and fauna associated with Otago's *rivers* and *lakes*, and renewable ~~energy production~~ electricity generation.⁴⁸

Urban growth is adversely affecting the natural features and landscapes around the lakes. The amount of growth is demonstrated in the Queenstown Lakes District, including Queenstown and ~~Wanaka~~ Wānaka,⁴⁹ where the population tripled in the last 20 years from 16,750 in 1999 to 47,400 in 2020.⁵⁰ Continued growth is projected over the 30 years from 2020 to 2050 (by 63%).⁵¹

This desire ~~of New Zealanders and international visitors~~⁵² to enjoy the outstanding natural environments of the Otago *lakes* has placed significant pressures on the *environment*, transport, energy and other *infrastructure*, health services and social structures. Individual and community benefits associated with using the lakes are significant, including from recreation which supports human health and wellbeing. At the same time the economy of the Otago lakes area is heavily dependent on tourism. For example in 2020, tourism employment accounted for an estimated 56% (or 17,758) of the jobs in the Queenstown-Lakes district; tourism GDP accounted for 43.7% (or NZ \$1.7 billion) of the district's GDP and international tourism contributed 64% (or NZ \$1.89 billion).⁵³ The Otago-Lakes area also supplies significant renewable ~~energy~~ electricity⁵⁴ for use in Otago and beyond.

Impact snapshot

Environmental

Population pressures arising from urban development, and tourism population pressures are impacting on the *environment*. Lake ~~Wanaka~~ Wānaka,⁵⁵ Lake Hāwea, and Whakatipu Waimāori/Lake Wakatipu,⁵⁶ as well as the Kawarau River and upper reaches of the Clutha Mata-au and ~~Taieri~~ Taieri⁵⁷ Rivers all have good *water* quality which equates to the "A" band (being top/best level) for the *National Objectives Framework*.⁵⁸

However, *water* quality is being adversely impacted by increased population, urban development and tourism demand which is straining existing waste management infrastructure. In addition, localised degradation of some areas is occurring due to overuse and unregulated use (e.g. freedom camping). The amenity of these areas is being compromised in some places by over-crowding.

Recreation *use* impacts on the *environment* can be a *risk*, for example the distribution of pest species can be accelerated as has occurred for lake snow and *Lagarosiphon* weeds being spread by recreation boating movements. Natural features and landscape values ~~are also~~ can be adversely impacted by tourism and urban growth, and ~~energy production~~ electricity generation.⁵⁹

Economic

The economic benefits of urban development, tourism, ~~agriculture~~ primary production,⁶⁰ ~~energy production~~ renewable electricity generation⁶¹ and *water* supply can be positive for the Otago-Lakes' communities and visitors. It also impacts on the region's natural assets with a growing cost to the region

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Commented [BF6]: Ms Todd hasn't commented on amendments I recommend. Unsure why. They are helpful additions that support the scene setting for the provisions that follow, without creating any costs or frustrations to any party (as far as I'm aware).

that puts at risk the *environment* highly prized by residents and visitors. There are also impacts between industry sectors.

For example, the clean green image of New Zealand, of which the Otago Lakes area is symbolic, is at risk of being compromised ~~because of over-crowding in peak tourism seasons~~ if the quality of lakes becomes degraded or visitor numbers exceed the servicing capacity of the district.⁶² This has the potential to adversely affect the existing regional economy and future economic development; and the tourism industry's social licence to operate. At the same time tourism can negatively impact on how ~~agriculture~~ *primary production*⁶³ can operate, potentially limiting its contribution to the regional economy.

Urban development brings economic development and improved opportunities and standards of living to the Otago lakes area but can adversely impact on both the *environment* and how ~~agriculture~~ *primary production*⁶⁴ can operate.

Social

Over-crowding impacts can adversely affect *urban amenity* and recreation experiences of both tourists and residents, ~~particularly outdoor recreation such as fishing and water sports, and urban amenity.~~⁶⁵

SRMR–I12 – Social, cultural and economic wellbeing of Otago’s communities depends on use and development of natural and physical resources

Statement

The social, cultural and economic health and wellbeing of Otago’s people and communities relies on the ability of people being able to access, use and develop the region’s natural and physical resources.

Context

The social, cultural and economic wellbeing of Otago’s communities depends on use and development of natural and physical resources. Loss or degradation of resources can diminish their intrinsic values and constrains opportunities for use and development now and into the future. Some of Otago’s resources are nationally or regionally important for their natural values and economic potential and so warrant careful management.

Sustainable management under the RMA includes enabling social, economic and cultural wellbeing for present and future generations. Resource management decisions need to recognise that individual and community wellbeing depends on use, development and protection of natural and physical resources.

Impact snapshot

Environmental

Subdivision, use and development of natural resources can result in appropriate environmental effects including net environmental benefits, particularly where that subdivision, use or development results in enhancement and restoration of degraded parts of the natural environment.

Human use (associative) benefits of from human use of accessing and using natural resources contributes to the significant values of highly valued natural features and natural landscapes, and outstanding waterbodies.

Enabling people to access and use natural resources results in significantly positive human health and well-being benefits.

Social and economic

Enabling people to access and use natural resources is required to support a prosperous regional economy. Limiting people’s ability to access and use resources use can limit productive economic opportunities and adversely impact the health and well-being of Otago’s people and communities.

Commented [BF7]: As per EIC, provided for completeness

LF – Land and freshwater

LF-WAI – Te Mana o te Wai

Objectives

LF-WAI-O1 – Te Mana o te Wai

The mauri of Otago's *water bodies* and their health and well-being is protected, and restored where it is *degraded*, and the management of *land* and *water* recognises and reflects that:

- (1) *water* is the foundation and source of all life – na te wai ko te hauora o ngā mea katoa,
- (2) there is an integral kinship relationship between *water* and Kāi Tahu whānui, and this relationship *endures through time, connecting connects* past, present and future,
- (3) each *water body* has a unique whakapapa and characteristics,
- (4) *fresh water, and land, and coastal water*⁸ have a connectedness that supports and perpetuates life, ~~and~~
- (4A) ~~protecting the health and well-being of *water* protects the wider *environment* and the mauri of *water*.~~⁹
- (5) Kāi Tahu exercise rakatirataka, manaakitaka and their *kaitiakitaka* duty of care and attention over wai and all the life it supports, ~~and~~
- (6) *People are enabled to use, enjoy and connect meaningfully with waterbodies to further their health and well-being, including through recreation and harvesting food, and*
- (7) ~~all people and communities have a responsibility to exercise stewardship, care, and respect in the management of *fresh water*.~~¹⁰

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Policies

LF-WAI-P1 – Prioritisation

In all ~~decision-making affecting management of~~¹¹ *fresh water* in Otago, prioritise:

⁸ FPI019.003 Fonterra, FPI032.014 Te Rūnanga o Ngāi Tahu, FPI030.015 Kāi Tahu ki Otago, FPI044.005 DOC, FPI042.08 Ngāi Tahu ki Murihiku

⁹ FPI043.051 OWRUG, FPI019.003 Fonterra

¹⁰ FPI019.003 Fonterra, FPI037.012 Fish and Game, FPI032.014 Te Rūnanga o Ngāi Tahu, FPI030.015 Kāi Tahu ki Otago, FPI044.005 DOC

¹¹ FPI024.016 DairyNZ, FPI027.016 Contact, FPI019.004 Fonterra, FPI012.003 Minister for the Environment, FPI017.004 Ravensdown, FPI021.002 Ballance

(1) first, the health and well-being of *water bodies* and *freshwater* ecosystems, (te hauora o te wai) and the contribution of this to¹² the health and well-being of the *environment* (te hauora o te taiao), and together with¹³ the exercise of *mana whenua* to uphold these,¹⁴

(2) second, health and well-being¹⁵ needs of people, (te hauora o te tangata);¹⁶ interacting with *water* through ingestion (such as *drinking water* and consuming ~~harvested~~ resources harvested from the *water body*¹⁷ and immersive activities (such as harvesting resources and ~~bathing~~ primary contact),¹⁸ and

(3) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future. **LF-WAI-P2 – Mana whakahaere**

Recognise and give practical effect to Kāi Tahu rakatirataka in respect of *fresh water* by:

(1) facilitating partnership with, and the active involvement of, *mana whenua* in *freshwater* management and decision-making processes,

(2) sustaining the environmental, social, cultural and economic relationships of Kāi Tahu with *water bodies*,

(3) providing for a range of customary uses, including ~~mahika kai~~ *mahika kai*,¹⁹ specific to each *water body*, and

(4) incorporating mātauraka into decision making, management and monitoring processes, and

(5) managing wai and its connections with whenua in a holistic and interconnected way – ki uta ki tai.²⁰

LF-WAI-P3 – Integrated management/ki uta ki tai

Manage the use of *freshwater* and *land*, ~~in accordance with tikanga and kawa~~, using an integrated approach that is consistent with tikaka and kawa,²¹ that:

(1) sustains and, to the greatest extent practicable, restores or improves:²²

(a) ~~recognises and sustains~~²³ the natural²⁴ connections and interactions between *water bodies* (large and small, surface and ground, fresh and coastal, permanently flowing, intermittent and ephemeral),

¹² FPI030.016 Kāi Tahu ki Otago

¹³ FPI017.004 Ravensdown, FPI021.002 Ballance

¹⁴ In matters of mana, the associated spiritual and cultural responsibilities connect natural resources and *mana whenua* in a kinship relationship that is reciprocal and stems from the time of creation.

¹⁵ FPI016.011 Meridian

¹⁶ FPI017.004 Ravensdown

¹⁷ FPI030.016 Kāi Tahu ki Otago, FPI017.004 Ravensdown, FPI045.006 Forest and Bird

¹⁸ FPI017.004 Ravensdown

¹⁹ Clause 10(2)(b)(i) – consequential amendment arising from 00226.038 Kāi Tahu ki Otago

²⁰ 00234.026 Te Rūnanga o Ngāi Tahu

²¹ 00235.080 OWRUG, FS00226.362 Kāi Tahu ki Otago, FS00234.164 Te Rūnanga o Ngāi Tahu

²² 00306.032 Meridian

²³ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00306.032 Meridian

²⁴ 00026.161 Moutere Station

- (2b) ~~sustains and, wherever possible, restores~~²⁵ the natural²⁶ connections and interactions between *land* and *water*, from the mountains to the sea,
- (3c) ~~sustains and, wherever possible, restores~~²⁷ the habitats of ~~māhika kai~~ *māhika kai*²⁸ and indigenous species, including taoka species associated with the ~~water body~~ *bodies*,²⁹
- (4) manages the *effects* of the use and development of *land* to maintain or enhance the health and well-being of *freshwater*, ~~and coastal water~~ and associated ecosystems,³⁰
- (5) encourages the coordination and sequencing of regional or urban growth to ensure it is sustainable,
- (6) has regard to foreseeable *climate change risks* and the potential effects of *climate change on water bodies, including on their natural functioning*,³¹ ~~and~~
- (7) has regard to cumulative *effects*, and
- (8)³² ~~the need to apply~~ applies³³ a precautionary approach where there is limited available information or uncertainty about potential adverse *effects*,³⁴ in accordance with IM-P6.³⁵

LF-WAI-P4 – Giving effect to *Te Mana o te Wai*

All persons exercising functions and powers under this regional policy statement and all persons who use, develop or protect resources to which this regional policy statement applies must recognise that LF-WAI-O1, LF-WAI-P1, LF-WAI-P2 and LF-WAI-P3 are fundamental to upholding *Te Mana o te Wai*, and must be given effect to when making decisions affecting *freshwater*, including when interpreting and applying the provisions of the LF chapter.

Methods

LF-WAI-M1 – *Mana whenua* involvement Kāi Tahu rakatirataka³⁶

Otago Regional Council must partner with Kāi Tahu in *freshwater* management by:

- (1) implementing the actions in MW-M3 and MW-M4,
- (2) actively identifying and pursuing opportunities for *mana whenua* to be involved in *freshwater* governance, including through use of available mechanisms such as transfers of functions (under section 33 of the RMA ~~1991~~)³⁷ and supporting the establishment of *freshwater* mātaītai,

²⁵ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00306.032 Meridian

²⁶ 00026.161 Moutere Station

²⁷ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00306.032 Meridian

²⁸ Clause 10(2)(b)(i) – consequential amendment arising from 00226.038 Kāi Tahu ki Otago

²⁹ 00226.161 Kāi Tahu ki Otago, 00234.027 Te Rūnanga o Ngāi Tahu

³⁰ 00226.161 Kāi Tahu ki Otago, 00234.027 Te Rūnanga o Ngāi Tahu

³¹ 00226.161 Kāi Tahu ki Otago, 00234.027 Te Rūnanga o Ngāi Tahu

³² 00231.047 Fish and Game

³³ 00231.047 Fish and Game

³⁴ 00239.072 Federated Farmers, 00022.016 Graymont, 00409.005 Ballance

³⁵ 00022.016 Graymont, 00409.005 Ballance

³⁶ 00226.163 Kāi Tahu ki Otago

³⁷ Clause 16(2), Schedule 1, RMA

- (3) implementing actions to foster the development of *mana whenua* capacity to contribute to the Council's decision-making processes, including resourcing,
- (4) supporting *mana whenua* initiatives that contribute to maintaining or improving the health and well-being of *water bodies*, and
- (5) providing relevant information to *mana whenua* for the purposes of (1), (2), (3) and (4) ~~and~~
- (6) developing a kaupapa Kāi Tahu monitoring programme and facilitating the use of mātauraka to inform freshwater management decision-making processes, methods and outcomes, in combination with environmental science.³⁸

LF-WAI-M2 – Other methods

In addition to method LF-WAI-M1, the methods in the LF-VM, LF-FW, and LF-LS sections are also applicable.

Explanation

LF-WAI-E1 – Explanation

Water is a central element in Kāi Tahu creation traditions. It was present very early in the whakapapa of the world: in the beginning there was total darkness, followed by the emergence of light and a great void of nothingness. In time Maku mated with Mahoronuiatea which resulted in great expanses of *water*, then ~~Papatūānuku~~ Papatūānuku³⁹ and Takaroa met and had children after which Takaroa took a long absence. ~~Papatūānuku~~ Papatūānuku⁴⁰ met Rakinui and they had many children who conspired to force their parents' coupled bodies apart to let the light in. They were also responsible for creating many of the elements that constitute our world today – the mountains, *rivers*, forests and seas, and all fish, bird and animal life. To Kāi Tahu, the⁴¹ whakapapa and spiritual source of *water* and *land* are connected, and *water bodies* are the central unifying feature that connects our landscapes together. The spiritual essence of *water* derives from the atua and the life it exudes is a reflection of the atua.

To Kāi Tahu, the⁴² whakapapa of *mana whenua* and *water* are also integrally connected. There is a close kinship relationship, and *mana whenua* and the wai cannot be separated. The tūpuna relationship with *water*, and the different uses made of the *water*, provide a daily reminder of greater powers – of both the atua and tūpuna. This relationship continues into the present and future and is central to the identity of Kāi Tahu. The mana of wai is sourced from the time of creation and the work of kā Atua, invoking a reciprocal relationship with *mana whenua* based in kawa, tikaka and respect for *water's* life-giving powers and its sanctity.

The kinship connection engenders a range of rights and responsibilities for *mana whenua*, including rakatirataka rights and the responsibility of *kaitiakitaka*. *Kaitiakitaka* encompasses a high duty to uphold and maintain the mauri (life-force)⁴³ of the wai. If the mauri is degraded it has an impact not only on the

³⁸ 00223.081 Ngāi Tahu ki Murihiku

³⁹ 00226.024 Ngāi Tahu ki Murihiku

⁴⁰ 00226.024 Ngāi Tahu ki Murihiku

⁴¹ 00226.165 Kāi Tahu ki Otago

⁴² 00226.165 Kāi Tahu ki Otago

⁴³ 00239.192 Federated Farmers; 00236.111 Horticulture NZ; 00140.003 Waitaki DC

mana of the wai but also on the kinship relationship and on *mana whenua*. The mauri expresses mana and connection, which can only be defined by *mana whenua*. Recognising rakatirataka enables *mana whenua* to enjoy their rights over *water bodies* and fulfil their responsibilities to care for the wai and the communities it sustains.

The condition of *water* is seen as a reflection of the condition of the people - when the wai is healthy, so are the people. Kawa and tikaka have been developed over the generations, based on customs and values associated with the Māori world view that span the generations, ~~recognising and honouring~~ Giving effect to ~~te mana~~ *Te Mana o te wai Wai* and ~~upholding~~ *upholds* the mauri of the wai ~~and~~ is consistent with this value base.⁴⁴

To Kāi Tahu, ~~Each~~ *each*⁴⁵ *water body* is unique. This is a reflection of its unique whakapapa and characteristics, and it means that each *water body* has different needs. Management and use must recognise and reflect this.

The concept of *Te Mana o te Wai* aligns closely with the Kāi Tahu approach to *freshwater* management, but it is not confined to Kāi Tahu.⁴⁶ *Water* is valued by the community.⁴⁷ The life-giving qualities of *freshwater* support the health and well-being of the whole community and all people have a shared responsibility to respect and care for the health and well-being of *freshwater bodies*.⁴⁸ Access to *water*, within *limits* (in relation to *water*),⁴⁹ is an important contributor achieving social, cultural and economic well-being within Otago.⁵⁰

Principal reasons

LF-WAI-PR1 – Principal reasons

In accordance with the NPSFM, councils are required to implement a framework for managing *freshwater* that gives effect to *Te Mana o te Wai*. This places the mauri (life-force) of the *water* at the forefront of decision making, recognising ~~that~~⁵¹ *te hauora o te wai* (the health of the *water*) is the first priority, and supports *te hauora o te taiao* (the health of the environment) and *te hauora o te takata* (the health of the people). It is only after the health of the *water* ~~and the health of the people~~⁵² is ~~sustained-protected in a state of good health~~ that *water* ~~should can~~ be used for economic purposes. Giving effect to *Te Mana o te Wai* requires actively involving ~~takata~~ *mana*⁵³ *whenua* in *freshwater* planning and management.

The NZCPS also recognises the interconnectedness of *land* and *water*. It notes inland activities can have a significant impact on *coastal water* quality which, in many areas around New Zealand, is in decline. This is a consequence of point and diffuse sources of contamination which can have environmental, social, cultural and economic implications. For example, poor *water* quality adversely *effects* aquatic life and

Commented [BF9]: Amend as per FWEiC.

⁴⁴ 00235.082 OWRUG

⁴⁵ 00226.165 Kāi Tahu ki Otago

⁴⁶ 00226.165 Kāi Tahu ki Otago

⁴⁷ 00235.082 OWRUG

⁴⁸ 00226.165 Kāi Tahu ki Otago

⁴⁹ 00231.009 Fish and Game

⁵⁰ 00235.082 OWRUG

⁵¹ FPI030.017 Kāi Tahu ki Otago, FPI027.017 Contact

⁵² FPI027.017 Contact

⁵³ FPI030.017 Kāi Tahu ki Otago, FPI032.016 Te Rūnanga o Ngāi Tahu

opportunities for ~~māhika kai~~ māhika kai⁵⁴ gathering and recreational uses such as swimming and kayaking.

Anticipated environmental results

LF-WAI-AER2 ~~The mauri of Otago's water bodies and their health and well-being is protected. The mauri of Otago's water bodies and the health and well-being of water bodies and freshwater ecosystems protects the wider environment and the mauri of water is protected, and restored where degraded.~~⁵⁵

LF-WAI-AER1 Kāi Tahu are actively involved in the management of *freshwater* and able to effectively exercise their rakatirataka, manaakitaka and *kaitiakitaka*.

⁵⁴ Clause 10(2)(b)(i) – consequential amendment arising from 00226.038 Kāi Tahu ki Otago
⁵⁵ FPI026.021 Federated Farmers, FPI043.058 OWRUG, FPI024.018 DairyNZ, FPI019.005 Fonterra

LF-VM—Visions and management LF-FW – Fresh water

Note to readers: As a result of reporting officer recommendations, this chapter combines the LF-VM and LF-FW provisions as notified. The numbering in this section reflects the notified numbering of the provisions so that it is clear that the provision has been moved rather than introduced as 'new'. The numbering will be corrected at the end of the hearing process.

Objectives

LF-FW-01A – Region-wide objective for *fresh water*

In all FMUs and rohe in Otago and within the timeframes specified in the *freshwater* visions in LF-VM-O2 to LF-VM-O6:

1A all waterbodies are in a state of good health and well-being.

- (1) healthy *freshwater and estuarine*⁵⁶ ecosystems support healthy populations of indigenous species (including non-diadromous galaxiids and Canterbury mudfish)⁵⁷ that are plentiful enough to support ~~and mahika kai that are~~ and⁵⁸ safe for consumption,
- (2) the interconnection of *land, freshwater* (including *springs, groundwater, ephemeral water bodies, wetlands, rivers, and lakes*)⁵⁹ and *coastal water* is recognised,
- (3) indigenous species migrate easily ~~and as naturally as possible within and between catchments,~~⁶⁰
- (4) the natural ~~form, function and~~ character, ~~including form and function,~~ of *water bodies* reflects their ~~natural characteristics and natural~~ behaviours to the greatest extent practicable,⁶¹
- (5) the ongoing relationship of Kāi Tahu with *wāhi tūpuna*, including access to and use of *water bodies*, is sustained,
- (6) the health of the *water* supports the health of people and their connections with *water bodies*,
- (7) innovative and sustainable *land* and *water* management practices provide for the health and well-being of *water bodies* and *freshwater* ecosystems, ~~and~~ improve resilience to the *effects of climate change*, and ~~support food production, and~~⁶²
- (8) ~~direct discharges of wastewater to water bodies~~ are phased out to the greatest extent practicable.⁶³
- (9) *people and activities affecting freshwater support the health and well-being of affected water bodies.*
- (10) *food is available to be harvested from water bodies in abundance and is safe to consume,*
- (11) *people have abundant recreation opportunities to access and use water bodies.*

Commented [BF10]: Amend as per FWEIC.

⁵⁶ FPI030.019 Kāi Tahu ki Otago

⁵⁷ FPI044.015 DOC

⁵⁸ FPI030.019 Kāi Tahu ki Otago

⁵⁹ FPI030.019 Kāi Tahu ki Otago

⁶⁰ FPI027.019 Contact

⁶¹ FPI030.019 Kāi Tahu ki Otago

⁶² FPI047.015 Horticulture NZ

⁶³ FPI044.007 DOC, FPI037.014 Fish and Game, FPI030.019 Kāi Tahu ki Otago, FPI045.008 Forest and Bird

(12) subject to LF-FW-O1A (1), healthy populations of trout and salmon are able to move within and between catchments, and have habitats protected in a good state of health and well-being

LF-VM-OA2 – Region-wide vision (applies to all FMUs)

(1) Achievement of all the outcomes set out in LF-FW-O1A by no later than 2040 in all Otago catchments, or

(2) If an outcome set out in LF-FW-O1A is not able to be achieved by 2040 as a result of lag time, then all behavioural changes required to achieve that outcome are implemented by 2040.

LF-VM-O2 – Clutha Mata-au FMU vision

In the Clutha Mata-au FMU, and in addition to the matters in LF-FW-O1A.⁶⁴

(1) management of the FMU recognises that:

(a) the Clutha Mata-au is a single connected system ki uta ki tai, and

(b) the source of the wai is pure, coming directly from ~~Tawhirimatea~~ Tāwhirimātea⁶⁵ to the top of the mauka and into the awa,

(1A) sustainable abstraction occurs from lakes, river main stems or groundwater in preference to tributaries,⁶⁶

~~(2) fresh water is managed in accordance with the LF-WAI objectives and policies,~~⁶⁷

~~(3) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,~~⁶⁸

~~(4) water bodies support thriving mahika kai and Kāi Tahu whānui have access to mahika kai,~~⁶⁹

~~(5) indigenous species migrate easily and as naturally as possible along and within the river system,~~⁷⁰

(6) the national significance of the Clutha hydro-electricity generation scheme is recognised, and its operation and maintenance requirements are, and upgrading is provided for within limits,⁷¹

(6A) water bodies support a range of outdoor recreation opportunities,⁷²

(7) ~~in addition to (1) to (6) above.~~⁷³

⁶⁴ Clause 10(2)(b)(ii), Schedule 1, RMA – consequential amendment arising from introducing LF-FW-O1A

⁶⁵ FPI027.019 Contact

⁶⁶ FPI030.020 Kāi Tahu ki Otago

⁶⁷ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

⁶⁸ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

⁶⁹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

⁷⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

⁷¹ FPI027.019 Contact

⁷² FPI038.008 NZSki, FPI039.010 Realnz

⁷³ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

Commented [BF11]: Insert new objective as per FWEIC.

On reflection, including of Mr. Paragreen's summary evidence, and amend Vision to ensure all behavioural changes are implemented by 2040 where the environmental state is not able to be achieved because of lag times.

Commented [BF12]: As set out in my EIC and FWEIC the NPSREG and NPSFM do not direct "providing for" without some qualification around limits on freshwater allocation and prioritisation.

Based on evidence re need for renewable electricity generation and security of supply, it is appropriate to "provide for" existing operational and maintenance requirements - for the short-medium term. However, upgrading (i.e. taking more water) should not be provided for without qualification.

(a) in the Upper Lakes rohe, the high quality *waters* of the *lakes* and their tributaries are protected, and if degraded are ~~restored as far as practicable~~ *improved*,⁷⁴ recognising the significance of the purity of these *waters* to Kāi Tahu and to the wider community,

(b) in the Dunstan, Manuherekia and Roxburgh rohe:⁷⁵

- (i) ~~flows in *water bodies* sustain and, wherever possible, restore the natural form and function of main stems and tributaries to support Kāi Tahu values and practices, and~~
- (ii) ~~innovative and sustainable *land* and *water* management practices support food production in the area and reduce discharges of nutrients and other *contaminants* to *water bodies* so that they are safe for human contact, and~~
- (iii) ~~sustainable abstraction occurs from main stems or *groundwater* in preference to tributaries,~~

(c) in the Lower Clutha rohe:⁷⁶

- (i) ~~there is no further modification of the shape and behaviour of the *water bodies* and opportunities to restore the natural form and function of *water bodies* are promoted wherever possible, and~~⁷⁶
- (ii) ~~the *ecosystem* connections between *freshwater*, *wetlands* and the coastal environment are preserved and, wherever possible, restored,~~⁷⁷
- (iii) ~~*land* management practices reduce discharges of nutrients and other *contaminants* to *water bodies* so that they are safe for human contact, and~~⁷⁸
- (iv) ~~there are no direct *discharges* of *wastewater* to *water bodies*, and~~⁷⁹

(8) the outcomes sought in ~~(7) this vision~~⁸⁰ are to be achieved within the following timeframes:

- (a) by 2030 in the Upper Lakes rohe,
- (b) by 2045 in the Dunstan, Roxburgh and Lower Clutha rohe, and
- (c) by 2050 in the Manuherekia rohe.

LF-VM-03 – North Otago *FMU* vision

By 2050 in the North Otago *FMU*, ~~and in addition to the matters in LF-FW-01A~~.⁸¹

(1) ~~fresh water is managed in accordance with the LF-WAI objectives and policies, while recognising that the Waitaki River is influenced in part by catchment areas within the Canterbury region the~~

Commented [BF13]: On reflection I've updated this recommended amendment so that it is not as directive as "restored" but remains stronger than "improved". Improved is too low of a bar.

⁷⁴ FPI027.019 Contact

⁷⁵ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

⁷⁶ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

⁷⁷ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

⁷⁸ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

⁷⁹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

⁸⁰ Clause 16(2), Schedule 1, RMA

⁸¹ Clause 10(2)(b)(ii), Schedule 1, RMA – consequential amendment arising from introducing LF-FW-01A

Waitaki River is managed holistically, ki uta ki tai, despite its catchments spanning the Canterbury and Otago regions,⁸²

- (1B) the national significance of the Waitaki hydroelectricity generation scheme is recognised,⁸³
- (2) ~~the ongoing relationship of Kāi Tahu with *wāhi tūpuna* is sustained and Kāi Tahu maintain their connection with and use of the water bodies,~~⁸⁴
- (3) healthy riparian margins, *wetlands*, estuaries and lagoons support thriving *mahika kai*, indigenous habitats and ⁸⁵ the health of ⁸⁶ downstream coastal ecosystems,
- (4) ~~indigenous species can migrate easily and as naturally as possible to and from the coastal environment,~~⁸⁷
- (5) ~~land management practices reduce discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and~~⁸⁸
- (6) ~~innovative and sustainable land and water management practices support food production in the area and improve resilience to the effects of climate change.~~⁸⁹

LF-VM-O4 – Taieri Taieri⁹⁰ FMU vision

By 2050 in the Taieri Taieri⁹¹ FMU, ~~and in addition to the matters in LF-FW-O1A.~~⁹²

- (1) ~~fresh water is managed in accordance with the LF-WAI objectives and policies,~~⁹³
- (2) ~~the ongoing relationship of Kāi Tahu with *wāhi tūpuna* is sustained,~~⁹⁴
- (3) ~~healthy wetlands are restored in~~⁹⁵ the upper and lower catchment *wetland* complexes, including the Waipori/Waiholā Wetlands Waipōuri/Waiholā wetland complex,⁹⁶ Tunahaketaka/Lake Taieri, ~~seroll plain, Upper Taieri wetland complex,~~⁹⁷ and ~~connected~~⁹⁸ tussock areas ~~are protected,~~⁹⁹ restored or enhanced where they have been degraded or lost.¹⁰⁰

⁸² Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI033.001 Fulton Hogan

⁸³ FPI016.013 Meridian

⁸⁴ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

⁸⁵ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

⁸⁶ Clause 16(2), Schedule 1, RMA

⁸⁷ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

⁸⁸ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

⁸⁹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

⁹⁰ FPI030.049 Kāi Tahu ki Otago

⁹¹ FPI030.049 Kāi Tahu ki Otago

⁹² Clause 10(2)(b)(ii), Schedule 1, RMA – consequential amendment arising from introducing LF-FW-O1A

⁹³ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

⁹⁴ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

⁹⁵ FPI025.020 Beef + Lamb and DINZ

⁹⁶ FPI030.022 Kāi Tahu ki Otago

⁹⁷ FPI044.011 DOC

⁹⁸ FPI022.005 Manawa Energy

⁹⁹ Uncoded submission point - Kāi Tahu ki Otago submission, para 3.8

¹⁰⁰ FPI025.020 Beef + Lamb and DINZ

(4) the gravel *bed* of the lower ~~Taiari~~ Taiari¹⁰¹ is restored and sedimentation of the ~~Waipori~~ Waipōuri/Waihola¹⁰² wetland¹⁰³ complex is reduced,

~~(4A) the national-significance of the Waipōuri hydro-electricity generation scheme, and the regional significance of the Deep Stream and Paerau/Patearoa hydro-electricity generation schemes, is recognised and their operation and –maintenance–, and upgrading is are provided for within limits;~~¹⁰⁴

(5) creative ecological approaches contribute to reduced occurrence of didymo, and

~~(5A) within limits, the allocation of fresh water provides for land-based primary production that supports the social, economic, and cultural well-being of communities in this FMU;~~¹⁰⁵

~~(6) water bodies support healthy populations of galaxiid species,~~

~~(7) there are no direct discharges of wastewater to water bodies, and~~¹⁰⁶

~~(8) innovative and sustainable land and water management practices support food production in the area and improve resilience to the effects of climate change.~~¹⁰⁷

LF-VM-05 – Dunedin & Coast FMU vision

By 2040 in the Dunedin & Coast FMU, and in addition to the matters in LF-FW-01A.¹⁰⁸

~~(1) fresh water is managed in accordance with the LF-WAI objectives and policies;~~¹⁰⁹

~~(2) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained;~~¹¹⁰

(3) healthy riparian margins, wetlands, estuaries, and lagoons and coastal waters¹¹¹ support the health of thriving mahika kai and downstream coastal ecosystems, and indigenous species can migrate easily and as naturally as possible to and from these areas;¹¹²

~~(4) there is no further modification of the shape and behaviour of the water bodies and opportunities to restore the natural form and function of water bodies are promoted wherever possible, and~~¹¹³

~~(5) discharges of contaminants from urban environments are reduced so that water bodies are safe for human contact.~~¹¹⁴

LF-VM-06 – Catlins FMU vision

¹⁰¹ FPI030.049 Kāi Tahu ki Otago

¹⁰² FPI030.049 Kāi Tahu ki Otago

¹⁰³ FPI030.022 Kāi Tahu ki Otago

¹⁰⁴ FPI022.005 Manawa

¹⁰⁵ FPI043.002 OWRUG

¹⁰⁶ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

¹⁰⁷ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

¹⁰⁸ Clause 10(2)(b)(ii), Schedule 1, RMA – consequential amendment arising from introducing LF-FW-01A

¹⁰⁹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

¹¹⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

¹¹¹ FPI001.012 DCC

¹¹² Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

¹¹³ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

¹¹⁴ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

Commented [BF14]: As set out in my EIC and FWEIC the NPSREG and NPSFM do not direct "providing for" without some qualification around limits on freshwater allocation and prioritisation.

Based on evidence re need for renewable electricity generation and security of supply, it is appropriate to "provide for" existing operational and maintenance requirements - for the short-medium term. However, upgrading (i.e. taking more water) should not be provided for without qualification.

By 2030 in the Catlins *FMU*, ~~and in addition to the matters in LF-FW-01A~~.¹¹⁵

- ~~(1) fresh water is managed in accordance with the LF-WAI objectives and policies,~~¹¹⁶
- ~~(2) the ongoing relationship of Kāi Tahu with *wāhi tūpuna* is sustained,~~¹¹⁷
- ~~(3) water bodies support thriving *mahika kai* and access of Kāi Tahu whānui to *mahika kai*,~~¹¹⁸
- (4) the high degree of naturalness ~~of the water bodies~~¹¹⁹ and ecosystem connections between the forests, *freshwater* and coastal environment are preserved, and
- ~~(5) water bodies and their catchment areas support the health and well being of coastal water, ecosystems and indigenous species, including downstream *kaimoana*, and~~¹²⁰
- (6) healthy, clear and clean *water* supports opportunities for recreation and sustainable food production for future generations.

LF-VM-07 – Integrated management

~~Land and water management apply the ethic of *ki uta ki tai* and are managed as integrated natural resources, recognising the connections and interactions between *fresh water*, *land* and the coastal environment, and between surface water, *groundwater* and *coastal water*.~~¹²¹

LF-FW-09 – Natural wetlands

Otago's *natural wetlands* are protected or restored so that:

- (1) *mahika kai* and other *mana whenua* values are sustained and enhanced now and for future generations,
- (2) there is no net¹²² decrease, and preferably an increase,¹²³ in the range extent¹²⁴ and diversity of habitats and indigenous ecosystem types ~~and habitats~~ in *natural wetlands*,
- (3) there is no reduction and, where degraded, there is an improvement¹²⁵ in their wetland¹²⁶ ecosystem health, hydrological functioning, amenity values, extent or *water* quality, ~~and if degraded they are improved~~, and¹²⁷
- (4) their flood attenuation and water storage¹²⁸ capacity is maintained or improved.¹²⁹

Commented [BF15]: Re order as per FWEIC

¹¹⁵ Clause 10(2)(b)(ii), Schedule 1, RMA – consequential amendment arising from introducing LF-FW-01A

¹¹⁶ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

¹¹⁷ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

¹¹⁸ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

¹¹⁹ FPI030.024 Kāi Tahu ki Otago

¹²⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI044.007 DOC and others

¹²¹ 00121.056 Ravensdown

¹²² FPI033.003 Fulton Hogan

¹²³ FPI035.012 Wise Response

¹²⁴ FPI030.029 Kāi Tahu ki Otago, FPI021.004 Ballance, FPI025.027 Beef + Lamb and DINZ

¹²⁵ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI033.003 Fulton Hogan

¹²⁶ FPI033.003 Fulton Hogan

¹²⁷ FPI033.003 Fulton Hogan

¹²⁸ FPI030.029 Kāi Tahu ki Otago

¹²⁹ FPI035.012 Wise Response

(5) their ability to support recreation values and food harvesting activities are enhanced now and for future generations

Commented [BF16]: Insert new clause as per FWEIC

Policies

LF-VM-P5 – Freshwater Management Units (FMUs) and rohe

Otago’s *freshwater* resources are managed through the following *freshwater management units* or rohe which:

- (1) have coastal boundaries that follow either mean high water springs or, where this crosses a water body, the inner limit of the territorial sea, and¹³⁰
- (2) are shown on MAP1:

Table 1 – Freshwater Management Units and rohe

Freshwater Management Unit	Rohe
Clutha Mata-au	Upper Lakes Dunstan Manuherekia Roxburgh Lower Clutha
Tairā-Tairā ¹³¹	n/a
North Otago	n/a
Dunedin & Coast	n/a
Catlins	n/a

LF-VM-P6 – Relationship between FMUs and rohe

Where rohe have been defined within FMUs:

- (1) *environmental outcomes* must be developed for the FMU within which the rohe is located,
- (2) ~~if any additional rohe-specific environmental outcomes are included for rohe, those environmental outcomes:~~¹³²
 - (a) must¹³³ set target *attribute* states that are no less stringent than the parent FMU *environmental outcomes* if the same *attributes* are adopted in both the rohe and the FMU, and
 - (b) may include additional *attributes* and target *attribute* states provided that any additional *environmental outcomes* give effect to the *environmental outcomes* for the FMU,

¹³⁰ FPI030.025 Kāi Tahu ki Otago

¹³¹ FPI030.049 Kāi Tahu ki Otago

¹³² FPI021.004 Ballance

¹³³ FPI030.026 Kāi Tahu ki Otago

- (3) *limits* and action plans to achieve *environmental outcomes*, including by achieving target attribute states,¹³⁴ may be developed for the *FMU* or the rohe or a combination of both,
- (4) any *limit* or action plan developed to apply within a rohe:
- (a) prevails over any *limit* or action plan developed for the *FMU* for the same *attribute*, unless explicitly stated to the contrary, and
 - (b) must be no less stringent than any *limit or action plan*¹³⁵ set for the parent *FMU* for the same *attribute*, and
 - (c) must not conflict with any *limit set or action plan developed*¹³⁶ for the ~~underlying parent~~¹³⁷ *FMU* for *attributes* that are not the same, and
- (5) the term “no less stringent” in this policy applies to *attribute states* (numeric and narrative) and any other metrics and timeframes (if applicable).

LF-FW-P7 – Fresh water

Environmental outcomes, *attribute states* (including target *attribute states*), environmental flows and levels,¹³⁸ and limits ensure that:

- (1) ~~the health and well-being of water bodies~~ and freshwater ecosystems¹³⁹ ~~is maintained or, if degraded, improved, are restored to and protected in a state of good health,~~
- (2) the habitats of indigenous freshwater species ~~associated with water bodies~~ with life stages dependent on water bodies¹⁴⁰ are restored to a state of good health and protected and sustained,¹⁴¹ ~~including by providing for fish passage,~~
- (2A) the habitats of trout and salmon are restored to a state of good health and protected insofar as this is consistent with (2),¹⁴²
- (2B) fish passage is provided for, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats,¹⁴³
- (3) *specified rivers and lakes* are suitable for primary contact within the following timeframes:
- (a) by 2030, 90% of *rivers* and 98% of *lakes*, and
 - (b) by 2040, 95% of *rivers* and 100% of *lakes*, and
- (4) resources harvested from water bodies including¹⁴⁴ *mahika kai* and *drinking water* are safe for human consumption.

Commented [BF17]: Amend as per FWEIC, accepting s42A recommendation to include "and freshwater ecosystems".

¹³⁴ FPI021.004 Ballance

¹³⁵ FPI021.004 Ballance

¹³⁶ FPI021.004 Ballance

¹³⁷ Clause 16(2), Schedule 1, RMA

¹³⁸ FPI030.030 Kāi Tahu ki Otago, FPI017.010 Ravensdown, FPI021.005 Ballance, FPI027.026 Contact

¹³⁹ FPI037.019 Fish and Game

¹⁴⁰ FPI027.026 Contact, FPI021.005 Ballance

¹⁴¹ FPI030.030 Kāi Tahu ki Otago, FPI027.026 Contact

¹⁴² FPI037.019 Fish and Game

¹⁴³ FPI022.006 Manawa

¹⁴⁴ FPI037.018 Fish and Game

~~(5) existing over-allocation is phased out and future over-allocation is avoided, and~~¹⁴⁵

(6) ~~fresh water~~ is allocated within environmental *limits* and used efficiently.¹⁴⁶

LF-FW-P7A – Water allocation and use¹⁴⁷

Within *limits* and in accordance with any relevant environmental flows and levels, the benefits of using *fresh water* are recognised and *over-allocation* is either phased out or avoided by:

(1A) managing over-allocation as set out in LF-FW-M6,¹⁴⁸

(1) allocating *fresh water* efficiently to support the social, economic, and cultural well-being of people and communities ~~to the extent possible within limits,~~¹⁴⁹ including for:

(a) community drinking water supplies,

(b) ~~renewable electricity generation, and~~

~~(ba) mana whenua needs and aspirations, and~~¹⁵⁰

(c) land-based primary production,

(2) ensuring that no more *fresh water* is abstracted than is necessary for its intended use,

(3) ensuring that the efficiency of *freshwater* abstraction, storage, and conveyancing *infrastructure* is improved, including by providing for off-stream storage capacity in locations where this will support *Te Mana o te Wai*, and

(4) providing for spatial and temporal sharing of allocated *fresh water* between uses and users where feasible.¹⁵¹

LF-FW-P8 – Identifying natural inland¹⁵² *wetlands*

By 3 September 2030, identify *inland*¹⁵³ and map natural *inland*¹⁵⁴ *wetlands* that are:

(1) 0.05 hectares or greater in extent, or

(2) of a type that is naturally less than 0.05 hectares in extent (such as an ephemeral *wetland*) and known to contain *threatened species*.

¹⁴⁵ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from including LF-FW-P7A

¹⁴⁶ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from including LF-FW-P7A

¹⁴⁷ FPI025.028 Beef + Lamb and DINZ, FPI045.016 Forest and Bird, FPI043.065 OWRUG, FPI009.008 COWA, FPI047.023 Horticulture NZ, FPI022.006 Manawa Energy, FPI027.026 Contact, FPI023.010 Moutere Station

¹⁴⁸ Clause 16(2), Schedule 1, RMA

¹⁴⁹ FPI030.030 Kāi Tahu ki Otago,

¹⁵⁰ FPI030.019 Kāi Tahu ki Otago

¹⁵¹ FPI043.065 OWRUG, FPI009.008 COWA, FPI047.023 Horticulture NZ, FPI027.026 Contact, FPI022.006 Manawa Energy

¹⁵² Clause 16(2), Schedule 1, RMA

¹⁵³ 00230.088 Forest and Bird

¹⁵⁴ Clause 16(2), Schedule 1, RMA

LF-FW-P9 – Protecting natural wetlands

Protect natural wetlands by:

- ~~(1) managing activities to ensure they maintain or enhance the ecosystem health, indigenous biodiversity values, and hydrological functioning of natural wetlands,~~
- ~~(2) restoring and enhancing natural wetlands, in accordance with LF-FW-P10,~~
- ~~(4) preventing activities that will, or are likely to, result in irreversible damage to a natural wetland; and¹⁵⁵~~
- ~~(3) for natural inland wetlands,¹⁵⁶ implementing clause 3.22(1) to (3) of the NPSFM, except that:~~

- ~~(1a) in the coastal environment, natural wetlands must also be managed in accordance with the NZCPS, and~~
- ~~(2b) when managing the adverse effects of an activity on indigenous biodiversity, the effects management hierarchy (in relation to indigenous biodiversity) applies instead of the effects management hierarchy (in relation to natural wetlands and rivers).¹⁵⁷~~

Protect natural wetlands by:

- ~~(1) avoiding a reduction in their values or extent unless:~~
 - ~~(a) the loss of values or extent arises from:
 - ~~(i) the customary harvest of food or resources undertaken in accordance with tikaka Māori,~~
 - ~~(ii) restoration activities,~~
 - ~~(iii) scientific research,~~
 - ~~(iv) the sustainable harvest of sphagnum moss,~~
 - ~~(v) the construction or maintenance of wetland utility structures,~~
 - ~~(vi) the maintenance of operation of specific infrastructure, or other infrastructure,~~
 - ~~(vii) natural hazard works, or~~~~
 - ~~(b) the Regional Council is satisfied that:
 - ~~(i) the activity is necessary for the construction or upgrade of specified infrastructure,~~
 - ~~(ii) the specified infrastructure will provide significant national or regional benefits,~~
 - ~~(iii) there is a functional need for the specified infrastructure in that location,~~
 - ~~(iv) the effects of the activity on indigenous biodiversity are managed by applying either ECO-P3 or ECO-P6 (whichever is applicable), and~~~~

Commented [BF18]: Recommended amendment updated on reflection of discussion with some other planners and ecologists.

¹⁵⁵ FPI030.031 Kāi Tahu ki Otago

¹⁵⁶ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from including definition of ‘natural inland wetland’

¹⁵⁷ FPI001.019 DCC, FPI026.031 Federated Farmers, FPI027.027 Contact

~~(v) the other effects of the activity (excluding those managed under (1)(b)(iv)) are managed by applying the effects management hierarchy, and~~

~~(2) not granting resource consents for activities under (1)(b) unless the Regional Council is satisfied that:~~

~~(a) the application demonstrates how each step of the effects management hierarchies in (1)(b)(iv) and (1)(b)(v) will be applied to the loss of values or extent of the natural wetland, and~~

~~(b) any consent is granted subject to conditions that apply the effects management hierarchies in (1)(b)(iv) and (1)(b)(v).~~

LF-FW-P10 – Restoring natural wetlands

Improve the ecosystem health, hydrological functioning, ~~water quality~~¹⁵⁸ and extent of natural wetlands that have been degraded or lost by

(1) ~~requiring, where possible to the greatest extent practicable:~~¹⁵⁹

~~(a)~~ an increase in the extent and quality condition¹⁶⁰ of habitat for indigenous species,

~~(b)~~ the restoration of hydrological processes,

~~(c)~~ control of pest species and vegetation clearance, and

~~(d)~~ the exclusion of stock.

(2) Recognising the benefits to wetland protection and restoration from activities that result in either of 1-4 of LFFW-P10 above, and recognising the benefits to people from activities that improve people's awareness of, and access to, wetlands for customary, scientific, education, or recreational uses.

Commented [BF19]: Insert as per FWEiC

LF-FW-P11 – Identifying Otago's outstanding water bodies¹⁶¹

Otago's outstanding water bodies are:

(1) the Kawarau River and tributaries described in the Water Conservation (Kawarau) Order 1997,

(2) Lake Wanaka and the outflow and tributaries described in the Lake Wanaka Preservation Act 1973, and

~~(3) any water bodies identified as being wholly or partly within an outstanding natural feature or landscape in accordance with NFL P1, and~~¹⁶²

(4) any other water bodies identified in accordance with APP1.

¹⁵⁸ FPI024.030 DairyNZ

¹⁵⁹ FPI045.018 Forest and Bird, FPI025.043 Beef + Lamb and DINZ, FPI035.015 Wise Response, FPI020.017 Silver Fern Farms, FPI022.008 Manawa Energy

¹⁶⁰ FPI046.012 QLDC

¹⁶¹ Clause 16(2), Schedule 1, RMA

¹⁶² 00237.037 Beef + Lamb and DINZ, 00239.087 Federated Farmers

LF-FW-P12 – ~~Protecting~~ Identifying and managing¹⁶³ outstanding water bodies

The significant and outstanding values of *outstanding water bodies* are:

- (1) identified in the relevant *regional and district plans*, and
- (2) protected by avoiding adverse *effects* on those values.¹⁶⁴

Identify *outstanding water bodies* and their significant and outstanding values in the relevant *regional plans and district plans* and protect those values.¹⁶⁵

LF-FW-P13 – Preserving natural character and instream values¹⁶⁶

Preserve the natural character and instream values¹⁶⁷ of *lakes and rivers* and the natural character of¹⁶⁸ their *beds* and margins by:

- (1) avoiding the *loss of values* or extent of a *river*, unless:
 - (a) there is a *functional need* for the activity in that location, and
 - (b) the *effects* of the activity are managed by applying:
 - (i) for *effects* on indigenous *biodiversity*, either ECO-P3 or the *effects management hierarchy (in relation to indigenous biodiversity)* in¹⁶⁹ ECO-P6 (whichever is applicable), and
 - (ii) for other *effects* (excluding those managed under (1)(b)(i)),¹⁷⁰ the *effects management hierarchy (in relation to natural wetlands and rivers)* in LF-FW-P13A.¹⁷¹
- (2) not granting *resource consent* for activities in (1) unless ~~Otago Regional Council~~ the consent authority¹⁷² is satisfied that:
 - (a) the application demonstrates how each step of the *effects management hierarchies hierarchy (in relation to indigenous biodiversity)*¹⁷³ in (1)(b)(i) and the *effects management hierarchy (in relation to natural wetlands and rivers)* in (1)(b)(ii)¹⁷⁴ will be applied to the *loss of values* or extent of the *river*, and

¹⁶³ Clause 16(2), Schedule 1, RMA

¹⁶⁴ 00230.091 Forest and Bird

¹⁶⁵ 00230.091 Forest and Bird, 00119.011 Blackthorn Lodge, 00206.033 Trojan, 00411.045 Wayfare,

¹⁶⁶ 00231.058 Fish and Game

¹⁶⁷ 00231.058 Fish and Game

¹⁶⁸ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00231.058 Fish and Game

¹⁶⁹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00315.014 Aurora Energy, 00235.125 OWRUG, 00511.012 PowerNet, 00320.012 Network Waitaki

¹⁷⁰ Clause 16(2), Schedule 1, RMA

¹⁷¹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00315.014 Aurora Energy, 00235.125 OWRUG, 00511.012 PowerNet, 00320.012 Network Waitaki

¹⁷² 00137.074 DOC

¹⁷³ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00315.014 Aurora Energy, 00235.125 OWRUG, 00511.012 PowerNet, 00320.012 Network Waitaki

¹⁷⁴ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00315.014 Aurora Energy, 00235.125 OWRUG, 00511.012 PowerNet, 00320.012 Network Waitaki

- (b) any consent is granted subject to conditions that apply the *effects management hierarchies hierarchy (in relation to indigenous biodiversity)*¹⁷⁵ in (1)(b)(i) and the *effects management hierarchy (in relation to natural wetlands and rivers)* in (1)(b)(ii)¹⁷⁶ in respect of any *loss of values or extent of the river*,¹⁷⁷
- (c) if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7 of the NPSFM, and has had regard to the remaining principles in Appendix 6 and 7 of the NPSFM, as appropriate, and
- (d) if aquatic offsetting or aquatic compensation is applied, any consent granted is subject to conditions that will ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes.¹⁷⁸
- (3) establishing environmental flow and level regimes and *water* quality standards that support the health and well-being of the *water body*,
- (4) ~~wherever possible to the greatest extent practicable,~~¹⁷⁹ sustaining the form and function of a *water body* that reflects its natural behaviours,
- (5) recognising and implementing the restrictions in Water Conservation Orders,
- (6) preventing the impounding or control of the level of Lake Wanaka,
- (7) preventing modification that would permanently¹⁸⁰ reduce the braided character of a *river*, ~~and~~
- (8) controlling the use of *water* and *land* that would adversely affect the natural character of the *water body*, and
- (9) maintaining or enhancing the values of riparian margins to support habitat and biodiversity and reduce ~~sedimentation of~~ contaminant loss to¹⁸¹ *water bodies*.¹⁸²

LF-FW-P13A – Effects management hierarchy (in relation to natural inland¹⁸³ wetlands and rivers)¹⁸⁴

The effects management hierarchy (in relation to natural inland¹⁸⁵ wetlands and rivers) referred to in LF-FW-P9 and LF-FW-P13 is the approach to managing adverse effects of activities that requires that:

- (1) adverse effects are avoided where practicable, then¹⁸⁶

¹⁷⁵ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00315.014 Aurora Energy, 00235.125 OWRUG, 00511.012 PowerNet, 00320.012 Network Waitaki

¹⁷⁶ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00315.014 Aurora Energy, 00235.125 OWRUG, 00511.012 PowerNet, 00320.012 Network Waitaki

¹⁷⁷ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00119.010 Blackthorn, 00206.031 Trojan, 00411.043 Wayfare

¹⁷⁸ 00230.005 Forest and Bird

¹⁷⁹ 00318.015 Contact

¹⁸⁰ 00206.034 Trojan, 00411.046 Wayfare, 00119.012 Blackthorn Lodge

¹⁸¹ Clause 16(2), Schedule 1, RMA

¹⁸² 00226.187 Kāi Tahu ki Otago

¹⁸³ Clause 16(2), Schedule 1, RMA

¹⁸⁴ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00315.014 Aurora Energy, 00235.125 OWRUG, 00511.012 PowerNet, 00320.012 Network Waitaki

¹⁸⁵ Clause 16(2), Schedule 1, RMA

¹⁸⁶ Clause 16(2), Schedule 1, RMA.

- (2) where adverse effects cannot be avoided, they are minimised where practicable, then¹⁸⁷
- (3) where adverse effects cannot be minimised, they are remedied where practicable, then¹⁸⁸
- (4) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible, then¹⁸⁹
- (5) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided, and then¹⁹⁰
- (6) if aquatic compensation is not appropriate, the activity itself is avoided.

LF-FW-P14 – Restoring natural character and instream values¹⁹¹

Where the natural character or instream values¹⁹² of lakes and rivers and or the natural character of¹⁹³ their margins has been reduced or lost, promote actions that:

- (1) restore a form and function that reflect the natural behaviours of the *water body*,
- (2) improve *water* quality or quantity where it is *degraded*,
- (3) increase the presence, *resilience* and abundance of indigenous flora and fauna, including by providing for fish passage within *river* systems and, where necessary and appropriate, creating fish barriers to prevent incursions from undesirable species,¹⁹⁴
- (4) improve *water body* margins by naturalising bank contours and establishing *indigenous vegetation* and habitat, and
- (5) restore ~~water pathways and~~¹⁹⁵ natural connectivity between and within¹⁹⁶ *water* systems.

LF-FW-P15 - Stormwater and wastewater¹⁹⁷ discharges

Minimise the adverse effects of direct and indirect discharges of stormwater and wastewater¹⁹⁸ to fresh water by:

- (1) ~~except as required by LF-VM-O2 and LF-VM-O4, preferring discharges of wastewater to land over discharges to water, unless adverse effects associated with a discharge to land are greater than a discharge to water, and~~¹⁹⁹
- (2) requiring:

¹⁸⁷ Clause 16(2), Schedule 1, RMA.

¹⁸⁸ Clause 16(2), Schedule 1, RMA.

¹⁸⁹ Clause 16(2), Schedule 1, RMA.

¹⁹⁰ Clause 16(2), Schedule 1, RMA.

¹⁹¹ 00230.093 Forest and Bird, 00231.059 Fish and Game

¹⁹² 00230.093 Forest and Bird, 00231.059 Fish and Game

¹⁹³ Clause 19(1)(b)(i), Schedule 1, RMA - consequential amendment arising from 00230.093 Forest and Bird, 00231.059 Fish and Game

¹⁹⁴ 00223.088 Ngāi Tahu ki Murihiku

¹⁹⁵ Clause 16(2), Schedule 1, RMA

¹⁹⁶ 00509.080 Wise Response

¹⁹⁷ FPI044.019 DOC

¹⁹⁸ FPI044.019 DOC

¹⁹⁹ FPI001.021 DCC, FPI017.022 Ravensdown

- ~~(a) all sewage, industrial or trade waste to be discharged into a reticulated wastewater system, where one is available,²⁰⁰~~
- ~~(ab) integrated catchment management plans for management of *stormwater in urban areas*,²⁰¹~~
- (b) all *stormwater* to be discharged into a reticulated system, where one is made available by the operator of the reticulated system, unless alternative treatment and disposal methods will result in the same or²⁰² improved outcomes for fresh water,²⁰³
- (c) implementation of methods to progressively reduce stormwater inflows to and infiltration of the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring for reticulated stormwater and wastewater systems,²⁰⁴
- ~~(d) on-site wastewater systems to be designed and operated in accordance with best practice standards,²⁰⁵~~
- (e) that any stormwater and wastewater discharges do not prevent water bodies from²⁰⁶ meeting any applicable water quality standards set for FMUs and/or rohe, and
- (f) the use of water sensitive urban²⁰⁷ design techniques to avoid or mitigate the potential adverse effects of contaminants on receiving water bodies from the subdivision, use or development of land,²⁰⁸ wherever practicable, and

(3) promoting to the greatest extent practicable, requiring²⁰⁹ the reticulation of stormwater and wastewater²¹⁰ in urban areas where appropriate, and²¹¹

(4) promoting source control as a method for reducing contaminants in discharges and the use of good practice guidelines for management of stormwater.²¹²

LF-FW-P16 – Discharges containing animal effluent, sewage, and industrial and trade waste²¹³

Minimise the adverse effects of direct and indirect discharges containing animal effluent, sewage, and industrial and trade waste to fresh water by:

(1) phasing out existing discharges containing sewage or industrial and trade waste directly to water to the greatest extent possible,

(2) requiring:

²⁰⁰ FPI001.021 DCC, FPI017.022 Ravensdown, FPI030.033 Kāi Tahu ki Otago

²⁰¹ FPI030.033 Kāi Tahu ki Otago

²⁰² FPI013.003 Transpower

²⁰³ FPI001.021 DCC, FPI017.022 Ravensdown

²⁰⁴ FPI001.024 DCC

²⁰⁵ FPI019.009 Fonterra, FPI017.022 Ravensdown

²⁰⁶ FPI001.021 DCC, FPI017.022 Ravensdown

²⁰⁷ FPI017.022 Ravensdown

²⁰⁸ Out of scope recommendation in accordance with clause 49(2)(a)

²⁰⁹ FPI046.013 QLDC

²¹⁰ FPI019.009 Fonterra, FPI017.022 Ravensdown

²¹¹ FPI046.013 QLDC

²¹² FPI001.021 DCC, FPI017.022 Ravensdown, FPI030.033 Kāi Tahu ki Otago, FPI034.003 The Fuel Companies

²¹³ FPI019.009 Fonterra, FPI017.011 Ravensdown, FPI030.033 Kāi Tahu ki Otago

- (a) new discharges containing sewage or industrial and trade waste to be to land, unless adverse effects associated with a discharge to land are demonstrably greater than a discharge to fresh water,
- (b) discharges containing of animal effluent from land-based primary production to be to land,²¹⁴
- (c) that all discharges containing sewage or industrial and trade waste are discharged into a reticulated wastewater system, where one is made available by its owner, unless alternative treatment and disposal methods will result in improved outcomes for fresh water,
- (d) implementation of methods to progressively reduce the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring into from reticulated wastewater systems,
- (e) on-site wastewater systems and animal effluent systems to be designed and operated in accordance with best practice standards,
- (f) that any discharges do not prevent water bodies from meeting any applicable water quality standards set for FMUs and/or rohe,

- (3) to the greatest extent practicable, requiring the reticulation of wastewater in urban areas, and
- (4) promoting source control as a method for reducing contaminants in discharges.

Methods

LF-VM-M3 – Community involvement

Otago Regional Council must work with Kāi Tahu and²¹⁵ communities to achieve the objectives and policies in this chapter, including by:

- (1) engaging with Kāi Tahu,²¹⁶ communities and stakeholders²¹⁷ to identify values and²¹⁸ environmental outcomes for Otago's FMUs and rohe and the methods to achieve those outcomes,
- (2) encouraging community stewardship of water resources and programmes to address freshwater issues at a local catchment level, including through catchment groups,²¹⁹
- (3) supporting community initiatives, industry-led guidelines, codes of practice and environmental accords²²⁰ that contribute to maintaining or improving the health and well-being of water bodies,
and
- ~~(4) supporting industry-led guidelines, codes of practice and environmental accords where these would contribute to achieving the objectives of this RPS.~~²²¹

²¹⁴ FPI001.021 DCC

²¹⁵ 00226.175 Kāi Tahu ki Otago

²¹⁶ 00226.175 Kāi Tahu ki Otago

²¹⁷ 00139.096 DCC

²¹⁸ 00237.031 Beef + Lamb and DINZ

²¹⁹ 00014.052 John Highton, 00235.089 OWRUG

²²⁰ 00231.051 Fish and Game

²²¹ 00231.051 Fish and Game

LF-VM-M4 – Other methods

In addition to method LF-VM-M3, the methods in the LF-WAI, LF-FW, and LF-LS sections are also applicable.

LF-FW-M5 – Outstanding water bodies

No later than 31 December 2023, Otago Regional Council must:

- (1) undertake a review based on existing information and develop a list of *water bodies* likely to contain outstanding values, including those *water bodies* listed in ~~LF-VM-P6~~ LF-FW-P11,²²²
- (2) identify the outstanding values of those *water bodies* (if any) in accordance with APP1,
- (3) consult with the public and relevant local authorities²²³ during the identification process,
- (4) map *outstanding water bodies* and identify their outstanding and significant values in the relevant *regional plan(s)*, and
- (5) include provisions in *regional plans* that protect to avoid the adverse effects of activities on²²⁴ the significant and outstanding values of *outstanding water bodies*.

LF-FW-M6 – Regional plans

Otago Regional Council must publicly notify a Land and Water *Regional Plan* no later than ~~31 December 2023~~ 30 June 2024²²⁵ and, after it is made operative, maintain that *regional plan* to:

- (1A) implement the required steps in the NOF process in accordance with the NPSFM,²²⁶
- ~~(1) identify the compulsory and, if relevant, other values for each *Freshwater Management Unit*,~~²²⁷
- ~~(2) state *environmental outcomes* as objectives in accordance with clause 3.9 of the NPSFM,~~²²⁸
- (3) identify *water bodies* that are *over-allocated* in terms of either their water quality or quantity²²⁹ and the methods and timeframes for phasing out that *over-allocation* (including through environmental flows and levels and *limits*) within the timeframes required to achieve the relevant *freshwater vision*,²³⁰
- ~~(4) include environmental flow and level regimes for *water bodies* (including *groundwater*) that give effect to *Te Mana o te Wai* and provide for:~~
 - ~~(a) the behaviours of the *water body* including a base flow or level that provides for variability,~~
 - ~~(b) healthy and resilient *mahika kai*,~~

²²² 00013.012 ECan, 00213.020 Waitaki Irrigators

²²³ 00013.012 ECan

²²⁴ 00230.091 Forest and Bird, 00119.011 Blackthorn Lodge, 00206.033 Trojan, 00411.045 Wayfare,

²²⁵ Clause 16(2), Schedule 1, RMA

²²⁶ FPI025.030 Beef + Lamb and DINZ

²²⁷ FPI025.030 Beef + Lamb and DINZ

²²⁸ FPI025.030 Beef + Lamb and DINZ

²²⁹ FPI001.028 DCC

²³⁰ FPI012.007 Minister for the Environment

- ~~(c) the needs of indigenous fauna, including taoka species, and aquatic species associated with the water body,~~
- ~~(d) the hydrological connection with other water bodies, estuaries and coastal margins,~~
- ~~(e) the traditional and contemporary relationship of Kāi Tahu to the water body, and~~
- ~~(f) community drinking water supplies, and²³¹~~

~~(5A) provide for the allocation and use of fresh water in accordance with LF-FW-P7A,²³²~~

~~(5) include limits on resource use that:~~

- ~~(a) differentiate between types of uses, including drinking water, and social, cultural and economic uses, in order to provide long term certainty in relation to those uses of available water,~~
- ~~(b) for water bodies that have been identified as over allocated, provide methods and timeframes for phasing out that over allocation,~~
- ~~(c) control the effects of existing and potential future development on the ability of the water body to meet, or continue to meet, environmental outcomes,~~
- ~~(d) manage the adverse effects on water bodies that can arise from the use and development of land, and²³³~~

~~(6) provide for the off stream storage of surface water where storage will:~~

- ~~(a) support Te Mana o te Wai,~~
- ~~(b) give effect to the objectives and policies of the LF chapter of this RPS, and~~
- ~~(c) not prevent a surface water body from achieving identified environmental outcomes and remaining within any limits on resource use, and²³⁴~~

~~(7) identify and manage natural wetlands in accordance with LF-FW-P7, LF-FW-P8 and²³⁵ LF-FW-P9 and LF-FW-P10²³⁶ while recognising that some activities in and around natural wetlands are managed under the NESF and the NESPF,²³⁷ and~~

~~(8) manage the adverse effects of stormwater and wastewater discharges containing animal effluent, sewage, or industrial and trade waste in accordance with LF-FW-P15 and LF-FW-P~~15A, 16, and~~²³⁸~~

~~(9) recognise and respond to Kāi Tahu cultural and spiritual concerns about mixing of water between different catchments.²³⁹~~

²³¹ FPI025.030 Beef + Lamb and DINZ

²³² Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from including LF-FW-P7A

²³³ FPI025.030 Beef + Lamb and DINZ

²³⁴ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from including new clause (5A) and new policy LF-FW-P7A

²³⁵ Clause 16(2), Schedule 1, RMA

²³⁶ FPI035.017 Wise Response

²³⁷ FPI014.003 Rayonier Matariki

²³⁸ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from FPI019.009 Fonterra, FPI017.011 Ravensdown, FPI030.033 Kāi Tahu ki Otago

²³⁹ FPI030.034 Kāi Tahu ki Otago

LF-FW-M7 – District plans

Territorial authorities must prepare or amend and maintain their *district plans* ~~no later than 31 December 2026~~²⁴⁰ to:

- (1) map *outstanding water bodies* and identify their outstanding and significant values using the information gathered by Otago Regional Council in LF-FW-M5, and
- (2) include provisions to ~~avoid the adverse effects of activities on~~ protect²⁴¹ the significant and outstanding values of *outstanding water bodies*,
- (2A) include provisions to preserve the natural character of lakes and rivers and their margins from the adverse effects of land use and development and activities on the surface of water.²⁴²
- (3) require, wherever practicable, the adoption of water sensitive ~~urban~~²⁴³ design techniques when managing the *subdivision*, use or development of *land*, and
- (4) reduce the adverse *effects* of *stormwater discharges* by managing the *subdivision*, use and development of *land* to:
 - (a) minimise the peak volume of *stormwater* needing off-site disposal and the load of *contaminants* carried by it,
 - (b) minimise adverse *effects* on *fresh water* and *coastal water* as the ultimate receiving environments, and the capacity of the *stormwater* network,
 - (c) encourage on-site storage of rainfall to detain peak *stormwater* flows, and
 - (d) promote the use of permeable surfaces.

LF-FW-M8 – Action plans

Otago Regional Council:

- (1) must prepare an action plan for achieving any target *attribute* states for *attributes* described in Appendix 2B of the NPSFM,
- (2) may prepare an action plan for achieving any target *attribute* states for *attributes* described in Appendix 2A of the NPSFM, and
- (2A) may prepare an action plan for any other purpose set out in the NPSFM, and²⁴⁴
- (3) must prepare any action plan in accordance with clause 3.15 of the NPSFM.

LF-FW-M8A – Identifying and managing species interactions between trout and salmon and indigenous species

- (1) When making decisions that might affect the interactions between trout and salmon and indigenous species, *local authorities* will have particular regard to the recommendations of the

²⁴⁰ FPI001.002 DCC

²⁴¹ FPI047.026 Horticulture NZ

²⁴² FPI030.035 Kāi Tahu ki Otago, FPI044.021 DOC

²⁴³ Clause 16(2), Schedule 1, RMA

²⁴⁴ FPI034.007 The Fuel Companies

Department of Conservation, the Fish and Game Council for the relevant area, Kāi Tahu, and the matters set out in LF-FW-M8A(2)(a) to (c), and

- (2) Otago Regional Council will work with the Department of Conservation, the relevant Fish and Game Council and Kāi Tahu to:
- (a) describe the habitats required to provide for the protection of indigenous species for the purposes of 2(a), (b), and (c),
 - (b) identify areas where the protection and restoration of the habitat of trout and salmon, including fish passage, will be consistent with the protection and restoration of the habitat of indigenous species and areas where it will not be consistent,
 - (c) for areas identified in (b), develop provisions for any relevant action plans(s) prepared under the NPSFM, including for fish passage, that will at minimum:
 - (i) determine information needs to manage the species,
 - (ii) set short-, medium- and long-term objectives for the species involved,
 - (iii) identify appropriate management actions that will achieve the objectives determined in (ii), including measures to manage the adverse effects of trout and salmon on indigenous species where appropriate, and
 - (iv) consider the use of a range of tools, including those in the Conservation Act 1987 and the Freshwater Fisheries Regulations 1983, as appropriate.²⁴⁵

LF-FW-M9 – Monitoring

Otago Regional Council, for every *FMU*, must:

- (1) establish a long-term monitoring programme that incorporates cultural health monitoring,
- (2) record information (including monitoring data) about the state of *water bodies* and *freshwater ecosystems* and the challenges to their health and well-being, ~~and~~²⁴⁶
- (3) regularly prepare reports on the matters in (1) and (2) and publish those reports in accordance with clause 3.30 of the NPSFM, and²⁴⁷
- (4) where the results of monitoring show the objectives of this regional policy statement are not being met, take the necessary action to achieve the objectives.²⁴⁸

LF-FW-M10 – Other methods

In addition to methods LF-FW-M5 to LF-FW-M9, the methods in the LF-WAI, LF-VM and LF-LS sections are also applicable.

Explanation

LF-VM-E2 – Explanation

²⁴⁵ 00231.003 Fish and Game

²⁴⁶ Clause 16(2) Schedule 1, RMA

²⁴⁷ Clause 16(2) Schedule 1, RMA

²⁴⁸ 00226.194 Kāi Tahu ki Otago

This section of the LF chapter outlines how the Council will manage *fresh water* within the region. To give effect to *Te Mana o te Wai*, the *freshwater* visions, and the policies set out the actions required in the development of *regional plan* provisions to implement the NPSFM. [Note to reader: originally LF-FW-E3 para 1]

Implementing the NPSFM requires Council to identify *Freshwater Management Units (FMUs)* that include all *freshwater bodies* within the region. Policy LF-VM-P5 identifies Otago's five *FMUs*: Clutha Mata-au *FMU*, Taieri *FMU*, North Otago *FMU*, Dunedin & Coast *FMU* and Catlins *FMU*. The Clutha Mata-au *FMU* is divided into five sub-*FMUs* known as 'rohe'. Policy LF-VM-P6 sets out the relationship between *FMUs* and rohe which, broadly, requires rohe provisions to be no less stringent than the parent *FMU* provisions. This is to avoid any potential for rohe to set lower standards than others which would affect the ability of the *FMU* to achieve its stated outcomes.

The outcomes sought for *natural wetlands* are implemented by requiring identification, protection and restoration. The first two policies reflect the requirements of the NPSFM for identification and protection but apply that direction to all *natural wetlands*, rather than only inland natural wetlands (those outside the *coastal marine area*) as the NPSFM directs. This reflects the views of ~~takete mana~~²⁴⁹ *whenua* and the community that *fresh* and *coastal water*, including *wetlands*, should be managed holistically and in a consistent way. While the NPSFM requires promotion of the restoration of natural inland wetlands, the policies in this section take a stronger stance, requiring improvement where *natural wetlands* have been *degraded* or lost. This is because of the importance of restoration to Kāi Tahu and in recognition of the historic loss of *wetlands* in Otago and the indigenous biodiversity and hydrological values of wetland systems.²⁵⁰ [Note to reader: originally LF-FW-E3 para 2]

The policies respond to the NPSFM by identifying a number of *outstanding water bodies* in Otago that have previously been identified for their significance through other processes. Additional *water bodies* can be identified if they are wholly or partly within an outstanding natural feature or landscape or if they meet the criteria in APP1 which lists the types of values which may be considered outstanding: cultural and spiritual, ecology, landscape, natural character, recreation and physical. The significant values of *outstanding water bodies* are to be identified and protected from adverse *effects*. [Note to reader: originally LF-FW-E3 para 3]

Preserving the natural character of *lakes* and *rivers*, and their *beds* and margins, is a matter of national importance under section 6 of the RMA 1991. The policies in this section set out how this is to occur in Otago, reflecting the relevant direction from the NPSFM but also a range of additional matters that are important in Otago, such as recognising existing Water Conservation Orders, the Lake Wanaka Act 1973 and the particular character of braided *rivers*. Natural character has been reduced or lost in some *lakes* or *rivers*, so the policies require promoting actions that will restore or otherwise improve natural character. [Note to reader: originally LF-FW-E3 para 4]

The impact of *discharges* of *stormwater* and *wastewater* on *freshwater bodies* is a significant issue for *mana whenua* and has contributed to *water* quality issues in some *water bodies*. The policies set out a range of actions to be implemented in order to improve the quality of these *discharges* and reduce their adverse *effects* on receiving environments.

²⁴⁹ 00226.196 Kāi Tahu ki Otago

²⁵⁰ 00226.196 Kāi Tahu ki Otago

Principal reasons

LF-VM-PR2 – Principal reasons

To support the implementation of the NPSFM, the Council is required to develop long-term visions for *fresh water* across the Otago region. *Fresh water* visions for each *FMU* and *rohe* have been developed through engagement with Kāi Tahu and communities. They set out the long-term goals for the *water bodies* (including *groundwater*) and *freshwater* ecosystems in the region that reflect the history of, and environmental pressures on, the *FMU* or *rohe*. They also establish ambitious but reasonable timeframes for achieving these goals. The Council must assess whether each *FMU* or *rohe* can provide for its long-term vision, or whether improvement to the health and well-being of *water bodies* (including *groundwater*) and *freshwater* ecosystems is required to achieve the visions. The result of that assessment will then inform the development of *regional plan* provisions in the *FMU*, including *environmental outcomes*, *attribute states*, *target attribute states* and *limits (in relation to freshwater)*.²⁵¹

Otago's *water bodies* are significant features of the region and play an important role in Kāi Tahu beliefs and traditions. They support people and communities to provide for their social, economic, and cultural well-being.²⁵² A growing population combined with increased *land* use intensification has heightened demand for *water*, and increasing nutrient and sediment contamination impacts *water* quality. The legacy of Otago's historical mining privileges, coupled with contemporary urban and rural²⁵³ *land* uses, contribute to ongoing *water* quality and quantity issues in some *water bodies*, with significant cultural effects. [Note to reader: originally LF-FW-PR3 para 1]

This section of the LF chapter ~~contains more specific direction on managing *fresh water* to give effect to *Te Mana o te Wai* and contributes to achieving the long-term *freshwater* visions for each *FMU* and *rohe*.~~ It also²⁵⁴ reflects key direction in the NPSFM for managing the health and well-being of *fresh water*, including *wetlands* and *rivers* in particular, and matters of national importance under section 6 of the RMA 1991. The provisions in this section will underpin the development of the Council's *regional plans* and provide a foundation for implementing the requirements of the NPSFM, including the development of *environmental outcomes*, *attribute states*, *target attribute states* and *limits*. [Note to reader: originally LF-FW-PR3 para 2]

Anticipated environmental outcomes

LF-VM-AER3

The *freshwater* visions in this section ~~underpin Otago's planning framework~~ implement *Te Mana o Te Wai* according to the particular characteristics of *FMUs* and *rohe*,²⁵⁵ and the outcomes they seek are achieved within the timeframes specified.

LF-FW-AER4

Fresh water is allocated within limits that contribute to achieving specified *environmental outcomes* for *water bodies* within timeframes set out in *regional*

²⁵¹ 00231.009 Fish and Game

²⁵² FPI009.010 COWA

²⁵³ FPI030.038 Kāi Tahu ki Otago

²⁵⁴ FPI030.038 Kāi Tahu ki Otago

²⁵⁵ 00223.087 Ngāi Tahu ki Murihiku

	<i>plans</i> that are no less stringent than the timeframes in the LF-VM section of this chapter.
LF-FW-AER5	<i>Specified rivers and lakes</i> are suitable for primary contact within the timeframes set out in LF-FW-P7.
LF-FW-AER6	<i>Degraded water</i> quality is improved so that it meets specified <i>environmental outcomes</i> within timeframes set out in <i>regional plans</i> that are no less stringent than the timeframes in the LF-VM section of this chapter.
LF-FW-AER7	<i>Water in Otago's aquifers is suitable for human consumption, unless that water is naturally unsuitable for consumption.</i> ²⁵⁶
LF-FW-AER8	Where <i>water</i> is not <i>degraded</i> , there is no reduction in <i>water</i> quality.
LF-FW-AER9	<u>Direct discharges of wastewater to water are phased out to the greatest extent practicable and the</u> the ²⁵⁷ frequency of <i>wastewater</i> overflows is reduced.
LF-FW-AER10	The quality of <i>stormwater discharges</i> from existing <i>urban areas</i> is improved.
LF-FW-AER11	There is no reduction <u>an improvement</u> ²⁵⁸ in the extent or <u>quality condition</u> ²⁵⁹ of Otago's <i>natural wetlands</i> .
LF-FW-AER11A	<u>The economic, social, and cultural well-being of communities is sustained.</u> ²⁶⁰

²⁵⁶ FPI047.027 Horticulture NZ, FPI026.035 Federated Farmers, FPI020.023 Silver Fern Farms

²⁵⁷ FPI032.026 Te Rūnanga o Ngāi Tahu, FPI030.040 Kāi Tahu ki Otago

²⁵⁸ FPI020.027 Silver Fern Farms

²⁵⁹ FPI046.023 QLDC

²⁶⁰ FPI043.054 OWRUG

~~LF-FW—Fresh water~~

Note to readers: *As a result of reporting officer recommendations, the provisions of this chapter have been moved into the previous chapter (notified LF-VM)*

LF-LS – Land and soil

Note to readers: As a result of reporting officer recommendations, the following provisions have been moved to the LF-LS chapter:

- UFD-O4 – Development in rural areas
- UFD-P7 – Rural areas
- UFD-P8 – Rural lifestyle and rural residential zones
- UFD-M2(8) and (9)
- UFD-E1 – Explanation (third paragraph)
- UFD-PR1 – Principal reasons (sixth paragraph)

The notified numbering of UFD-O4, UFD-P7, and UFD-P7 has been retained in the LF-LS chapter as an interim measure so that it is easier to link submission points to provisions. The numbering of both chapters will be updated and made chronological following a final decision by Council.

Objectives

LF-LS-O11 – Land and soil

The life supporting capacity of Otago’s soil resources is safeguarded and the availability and productive capacity of *highly productive land* for *primary production* is maintained now and for future generations.

Otago’s land and soil resources support healthy habitats for indigenous species and ecosystems.²⁶¹

LF-LS-O12 – Use, development, and protection of land

The use of *land* in Otago maintains soil quality and contributes to achieving *environmental outcomes* for *fresh water*.

The use, development, and protection of *land* and soil:

- (1) safeguards the life-supporting capacity of soil,
- (2) contributes to achieving *environmental outcomes* for *fresh water*, and
- (3) recognises the role of these resources in providing for the social, economic, and cultural well-being of Otago’s people and communities.²⁶²

UFD-O4 – Development in rural areas²⁶³

Development in Otago’s *rural areas* occurs in a way that:

- (1) ~~avoids impacts on significant values and features identified in this RPS,~~²⁶⁴
- (2) ~~avoids as the first priority, land and soils identified as highly productive by LF-LS-P19 unless there is an *operational need* for the development to be located in *rural areas*,~~²⁶⁵

²⁶¹ 00411.006 Wayfare, 00137.084 DOC

²⁶² 00236.096 Horticulture NZ, 00239.197 Federated Farmers, 00115.034 Oceana Gold

²⁶³ 00236.096 Horticulture NZ, 00237.063 Beef + Lamb and DINZ

²⁶⁴ 00137.154 DOC, 00226.310 Kāi Tahu ki Otago

²⁶⁵ 00139.001, 00139.253 DCC

- (3) ~~only provides for urban expansion, rural lifestyle and rural residential development and the establishment of sensitive activities, in locations identified through strategic planning or zoned within district plans as suitable for such development; and~~²⁶⁶
- (4) ~~outside of areas identified in (3);~~²⁶⁷ maintains and enhances ~~provides for the ongoing use of rural areas for primary production and rural industry, and~~²⁶⁸
- (4A) ~~does not compromise the natural and physical resources that support the~~²⁶⁹ productive capacity,²⁷⁰ ~~rural character,~~²⁷¹ and long-term viability of primary production ~~the rural sector~~²⁷² and rural communities.

Policies

LF-LS-P16A – Managing pests²⁷³

Reduce the impact of pests, including wilding conifers, by:

- (1) avoiding afforestation and replanting of plantation forests with wilding conifer species listed in APP5 within:
- (a) areas identified as outstanding natural features, outstanding natural landscapes, or significant natural areas, and
- (b) buffer zones adjacent to the areas listed in (a) where it is necessary to protect those areas,
- (2) outside plantation forests, avoiding the planting of wilding conifer species listed in APP5 and any other pest plants in a way that is consistent with the Otago Pest Management Plan 2019-2029,
- (3) enabling the control of pests on land, and
- (4) supporting initiatives to control pests and limit their further spread.

LF-LS-P16 – Integrated management Maintaining soil quality²⁷⁴

Recognise that maintaining Maintain soil quality ~~requires the integrated management of~~ by managing both²⁷⁵ land and freshwater resources, including the interconnections between soil health, vegetative cover and water quality and quantity.

LF-LS-P17 – Soil values

Maintain the mauri, health and productive potential of soils by managing the use and development of *land* in a way that is suited to the natural soil characteristics and that sustains healthy:

²⁶⁶ 00211.045, 00211.048 & 00211.049 LAC, 00210.045, 00210.048 & 00210.049 Lane Hocking, 00209.045, 00209.048 & 00209.049 Universal Developments, 00118.066 Maryhill Ltd, 00014.066 Mt Cardrona Station, 00139.001, 00139.253 DCC

²⁶⁷ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00139.001, 00139.253 DCC

²⁶⁸ 00322.038 Fulton Hogan, 00410.007 Rural Contractors NZ (in part)

²⁶⁹ 00236.099 Horticulture NZ

²⁷⁰ 00236.005 Horticulture NZ

²⁷¹ 00139.262 DCC, 00211.050 LAC, 00210.050 Lane Hocking, 00118.066 Maryhill Limited, 00014.066 Mt Cardrona Station, 00209.050 Universal Developments

²⁷² 00322.038 Fulton Hogan, 00230.144 Forest and Bird

²⁷³ 00411.006 Wayfare, 00137.084 DOC

²⁷⁴ 00226.201 Kāi Tahu ki Otago, 00121.0062 Ravensdown

²⁷⁵ 00226.201 Kāi Tahu ki Otago, 00121.0062 Ravensdown

- (1) soil biological activity and *biodiversity*,
- (2) soil structure, and
- (3) soil fertility.

LF-LS-P18 – Soil erosion

Minimise soil erosion, and the associated risk of sedimentation in water bodies, resulting from *land* use activities by:

- (2) maintaining vegetative cover on erosion-prone *land*, and
- (1) where vegetation removal is necessary or there is no vegetative cover,²⁷⁶ implementing effective management practices to retain topsoil in-situ²⁷⁷ and minimise the potential for soil to be discharged to *water bodies*, including by controlling the timing, duration, scale and location of soil exposure, and
- (3) promoting activities that enhance soil retention.

LF-LS-P20 – Land use change

Promote changes in *land* use or *land* management practices that support and²⁷⁸ improve:

- (1) the sustainability and efficiency of *water* use,
- (2) *resilience* to the impacts of *climate change*, ~~or~~
- (3) the health and quality of soil, or
- (4) water quality.²⁷⁹

LF-LS-P21 – Land use and fresh water

~~Achieve the improvement or maintenance of fresh water quantity, or quality~~ The health and well-being of water bodies is maintained²⁸⁰ or, if degraded, improved²⁸¹ to meet *environmental outcomes* set for *Freshwater Management Units* and/or rohe by:

- (1) reducing or otherwise managing the adverse effects of²⁸² direct and indirect *discharges* of *contaminants* to *water* from the use and development of *land*, ~~and~~
- (2) managing *land* uses that may have adverse *effects* on the flow of *water* in surface *water bodies* or the recharge of *groundwater*, and
- (2A) recognising the drylands nature of much of Otago and the resulting low water availability, and

²⁷⁶ FPI017.013 Ravensdown

²⁷⁷ FPI027.036 Contact

²⁷⁸ Q0223.096 Ngāi Tahu ki Murihiku

²⁷⁹ Q0409.015 Ballance

²⁸⁰ 00121.066 Ravensdown

²⁸¹ Q0226.206 Kāi Tahu ki Otago

²⁸² FPI029.037 Contact, FPI017.014 Ravensdown, FPI021.006 Ballance

~~(3) maintaining or, where degraded, enhancing the habitat and biodiversity values of riparian margins.~~²⁸³

LF-LS-P19 – Rural land and highly²⁸⁴ productive land

~~Maintain~~ **Protect**²⁸⁵ the availability of rural land²⁸⁶ and the *productive capacity of highly productive land* by:

- (1) identifying *highly productive land* based on the following criteria:
 - ~~(a) the capability and versatility of the land to support primary production based on the Land Use Capability classification system,~~
 - ~~(b) the suitability of the climate for primary production, particularly crop production, and~~
 - ~~(c) the size and cohesiveness of the area of land for use for primary production, and~~
 - (d) land must be identified as *highly productive land* if:
 - (i) it is in a general rural zone or rural production zone, and
 - (ii) it is predominantly *LUC 1, 2, or 3 land*, and
 - (iii) it forms a large and geographically cohesive area,
 - (e) land may be identified as *highly productive land* if:
 - (i) it is in a general rural zone or rural production zone, and
 - (ii) it is not *LUC 1, 2, or 3 land*, and
 - (iii) it is or has the potential to be highly productive for *land-based primary production* in Otago, having regard to the soil type, the physical characteristics of the land and soil, and the climate, and
 - (f) land must not be identified as *highly productive land* if it was identified for future urban development on or before 17 October 2022, and²⁸⁷
- (2) prioritising the use of *highly productive land* for *land-based primary production* in accordance with the NPSHPL ahead of other land uses, and²⁸⁸
- (2A) until clause 3.5(1) of the NPSHPL has been implemented, protecting land that is suitable for horticulture or viticulture from uses that are not *land-based primary production* or *rural industry*.²⁸⁹
- ~~(3) managing urban development in rural areas, including rural lifestyle and rural residential areas, in accordance with UFD P4, UFD P7 and UFD P8.~~²⁹⁰

²⁸³ FPI029.037 Contact, FPI017.014 Ravensdown, FPI044.022 DOC

²⁸⁴ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00236.004 Horticulture NZ

²⁸⁵ 00236.005 Horticulture NZ

²⁸⁶ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00236.004 Horticulture NZ

²⁸⁷ 00101.044 Tōitu Te Whenua

²⁸⁸ 00413.004 New Zealand Cherry Corp, 00414.002 Infinity Investment Group

²⁸⁹ 00236.004 Horticulture NZ

²⁹⁰ Clause 10(2)(b)(i) – consequential amendment arising from 00101.044 Tōitu Te Whenua

UFD-P7 – Rural areas

The management of development in²⁹¹ rural areas:

- (1) ~~provides for the maintenance and, wherever possible, enhancement of important features and values identified by this RPS,~~²⁹²
- (2) ~~outside areas identified in (1),~~²⁹³ maintains ~~the productive capacity, amenity and character of~~²⁹⁴ rural areas; as places where people live, work and recreate and where a range of activities and services are required to support these rural functions, and provide for social and economic wellbeing within rural communities and the wider region,²⁹⁵
- (3) ~~enables prioritises~~²⁹⁶ land-based²⁹⁷ primary production ~~particularly on land or soils identified as~~²⁹⁸ on highly productive land²⁹⁹ in accordance with the NPS-HPLF-LS-P19,³⁰⁰
- (4) ~~facilitates provides for~~³⁰¹ primary production,³⁰² rural industry and supporting activities, and recognises:
 - (a) the importance of mineral and aggregate resources for the social and economic wellbeing of Otago's communities, including the provision of infrastructure, and
 - (b) that mining and aggregate activities can only be located where those resources are present,³⁰³ and
- (5) ~~directs rural residential and rural lifestyle development to areas zoned for that purpose in accordance with UFD-P8,~~³⁰⁴

²⁹¹ Responds to submissions seeking that management of rural areas more broadly is not contained in this chapter, by aligning it more closely with UFD-04 and therefore making it more clearly limited to 'development'. e.g. 00240.033 New Zealand Pork Industry Board, 00239.172 Federated Farmers, 00236.096 Horticulture New Zealand

²⁹² 00226.318 Kāi Tahu ki Otago, 00139.262 DCC, 00411.135 Wayfare, 00206.072 Trojan

²⁹³ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00226.318 Kāi Tahu ki Otago, 00139.262 DCC, 00411.135 Wayfare, 00206.072 Trojan

²⁹⁴ 00139.262 Dunedin City Council, 00211.050 LAC Properties Trustees Limited, 00210.050 Lane Hocking, 00118.066 Maryhill Limited, 00014.066 Mt Cardrona Station, 00209.05 Universal Development Limited

²⁹⁵ 00235.152 OWRUG, 00015.032 Oceana Gold

²⁹⁶ 00226.318 Horticulture NZ, Kāi Tahu ki Otago, 00015.032 Oceana Gold, 00235.152 OWRUG, 00410.009 Rural Contractors NZ, 00016.024 Alluvium and Stoney Creek

²⁹⁷ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00021.002 Matakanui Gold Limited, 00016.009 Alluvium Limited and Stoney Creek Mining, 00017.007 Danny Walker and others, 00226.033 Kāi Tahu ki Otago, 00223.094 Ngāi Tahu ki Murihiku

²⁹⁸ 00236.102 Horticulture NZ, 00226.318 Kāi Tahu ki Otago, 00015.032 Oceana Gold, 00235.152 OWRUG, 00410.009 Rural Contractors NZ, 00016.024 Alluvium and Stoney Creek

²⁹⁹ 00236.102 Horticulture NZ, 00226.318 Kāi Tahu ki Otago, 00015.032 Oceana Gold, 00235.152 OWRUG, 00410.009 Rural Contractors NZ, 00016.024 Alluvium and Stoney Creek

³⁰⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00226.318 Kāi Tahu ki Otago, 00235.153 OWRUG

³⁰¹ 00236.102 Horticulture New Zealand

³⁰² 00226.310 Kāi Tahu ki Otago, and General Themes Section, in response to 00235.008 OWRUG and consequential to amendment to subclause 2

³⁰³ 00115.007 Oceana Gold

³⁰⁴ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00025.004 Boxer Hills Trust, 00023.005 Waterfall Park Developments Limited

- (6) restricts the establishment of ~~residential non-rural activities, sensitive activities, and non-rural businesses~~³⁰⁵ which could adversely affect, including by way of ~~reverse sensitivity or fragmentation~~, the ~~productive capacity of highly productive land, or existing or anticipated~~³⁰⁶ ~~primary production and rural industry activities, unless those activities are undertaken in accordance with MW-P4~~³⁰⁷ ~~or the NPSHPL~~³⁰⁸ ~~and~~
- (7) ~~otherwise limits the establishment of residential activities, sensitive activities, and non-rural businesses to those that can demonstrate an operational need to be located in rural areas.~~³⁰⁹

UFD-P8 – Rural lifestyle and rural residential zones³¹⁰ development³¹¹

The establishment, development or expansion of rural lifestyle and rural residential³¹² zones development³¹³ only occurs where:

- (1) ~~the land is adjacent to existing or planned urban areas and ready access to employment and services is available,~~³¹⁴
- (2) ~~despite the direction in (1), also~~³¹⁵ ~~it~~³¹⁵ avoids land identified for future urban development in a relevant plan or land reasonably likely to be required for its future urban development potential, where the rural lifestyle or rural residential development would foreclose or reduce efficient realisation of that urban development potential,
- (3) ~~it~~³¹⁶ minimises impacts on ~~existing or anticipated primary production, rural industry and other rural activities~~³¹⁷ ~~rural production potential, amenity values~~³¹⁸ and ~~avoids~~³¹⁹ the potential for ~~reverse sensitivity effects to arise in adjoining rural production zones~~³²⁰,

³⁰⁵ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00213.009 Fonterra Co-operative Group Limited.

³⁰⁶ 0015.032 Oceana Gold

³⁰⁷ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00139.264 Dunedin City Council

³⁰⁸ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00014.031 Mt Cardrona Station, 00209.01 Universal Developments, 00210.012 Lane Hocking, 00211.01 LAC Properties

³⁰⁹ 00208.011 AgResearch Ltd, 00414.005 Infinity Investment Group Holdings Ltd, 00413.007 NZ Cherry Corp, 00410.009 Rural Contractors NZ.

³¹⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00221.016 Silver Fern Farms, 00236.103 Horticulture NZ.

³¹¹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00025.004 Boxer Hills Trust, 00023.005 Waterfall Park Developments Limited

³¹² Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00221.016 Silver Fern Farms, 00236.103 Horticulture NZ.

³¹³ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00025.004 Boxer Hills Trust, 00023.005 Waterfall Park Developments Limited

³¹⁴ 00025.004 Boxer Hills Trust, 00023.005 Waterfall Park Developments Limited

³¹⁵ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from Boxer Hills Trust, 00023.005 Waterfall Park Developments Limited

³¹⁶ Clause 16(2), Schedule 1, RMA

³¹⁷ 00236.103 Horticulture NZ, 00208.012 AgResearch, 00235.153 OWRUG, 00410.010 Rural Contractors NZ

³¹⁸ 00211.050 LAC Properties Trustees Limited, 00210.050 Lane Hocking, 00118.066 Maryhill Limited, 00014.066 Mt Cardrona Station, 00209.05 Universal Development Limited

³¹⁹ 00322.042 Fulton Hogan Limited, 00236.103 Horticulture New Zealand, 00235.153 OWRUG, 00221.016 Silver Fern Farms

³²⁰ 00236.103 Horticulture NZ, 00208.012 AgResearch, 00235.153 OWRUG, 00410.010 Rural Contractors NZ

- (4) ~~it³²¹ avoids, as the first priority, highly productive land identified in accordance with LF-LS-P16 except as provided for in the NPS-HPL.~~³²²
- (5) the suitability of the area to accommodate the proposed development is demonstrated, including
- (a) capacity for servicing by existing or planned *development infrastructure* (including self-servicing requirements),
 - (b) particular regard is given to the individual and cumulative impacts of ~~domestic~~³²³ *water* supply, *wastewater* disposal, and *stormwater* management including self-servicing, on the receiving or supplying *environment* and impacts on capacity of *development infrastructure*, if provided, to meet other planned *urban area* demand, and
 - (c) likely future demands or implications for publicly funded services including emergency services³²⁴ and ~~additional infrastructure, and~~
- (6) ~~provides for the maintenance and wherever possible, enhancement, of important features and values identified by this RPS.~~³²⁵

LF-LS-P22 – Public access

Provide for public access to and along *lakes* and *ivers* by:

- (1) maintaining existing public access,
- (2) seeking opportunities to enhance public access, including access³²⁶ by *mana whenua* in their role as kaitiaki and for gathering of ~~māhika kai~~ *māhika kai*³²⁷, and
- (3) encouraging landowners to ~~only~~ avoid restricting access where unless³²⁸ it is necessary to protect.³²⁹
 - (a) ~~public~~³³⁰ health and safety,
 - (b) *significant natural areas*,
 - (c) areas of outstanding natural character,
 - (d) outstanding natural features and landscapes,
 - (e) places or areas with special or outstanding *historic heritage* values, ~~or~~
 - (f) places or areas of significance to ~~takata whenua~~ Kāi Tahu, including wāhi taoka³³¹ *wāhi tapu* and *wāhi tūpuna*.

³²¹ Clause 16(2), Schedule 1, RMA

³²² Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00014.031 Mt Cardrona Station, 00209.01 Universal Developments, 00210.012 Lane Hocking, 00211.01 LAC Properties.

³²³ 00219.019 FENZ

³²⁴ 00219.018 FENZ

³²⁵ 00226.319 Kāi Tahu ki Otago, 00411.087 Wayfare

³²⁶ 00226.206 Kāi Tahu ki Otago

³²⁷ Clause 10(2)(b)(i) – consequential amendment arising from 00226.038 Kāi Tahu ki Otago

³²⁸ 00231.065 Fish and Game

³²⁹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendments arising from 00314.028 Transpower

³³⁰ 00239.094 Federated Farmers

³³¹ 00226.207 Kāi Tahu ki Otago

(g) establishing vegetation, or³³²

(h) a level of security consistent with the operational requirements of a lawfully established activity.³³³

Methods

LF-LS-M11A – Identification of highly productive land³³⁴

- (1) In collaboration with territorial authorities and in consultation with mana whenua, Otago Regional Council must identify highly productive land in Otago in accordance with LF-LS-P19(1), and
- (2) Otago Regional Council must include maps of the highly productive land identified in accordance with (1) in the Regional Policy Statement by 17 October 2025.

LF-LS-M11 – Regional plans

Otago Regional Council must publicly notify a Land and Water Regional Plan no later than ~~31 December 2023~~ 30 June 2024³³⁵ and then, when it is made operative, maintain that regional plan to:

- (1) manage land uses that may affect the ability of environmental outcomes for water quality to be achieved by requiring:
 - (a) the development and implementation of certified freshwater farm plans, ~~as required by the RMA and any regulations,~~³³⁶
 - (b) the adoption of practices that ~~avoid or minimise~~ reduce³³⁷ the risk of sediment and nutrient loss to water, including by minimising the area and duration of exposed soil, using buffers, and actively managing critical source areas,
 - (c) effective management of effluent storage and applications systems, and
 - (d) earthworks activities to implement effective sediment and erosion control practices and setbacks from water bodies to reduce the risk of sediment loss to water, and
- (2) provide for changes in land use that improve the sustainable and efficient ~~allocation and~~ use of fresh water and that reduce water demand where there is existing over-allocation, and³³⁸
- (2A) enable the discharge of contaminants to land for pest control, and³³⁹
- (3) implement policies LF-LS-P16 to LF-LF-P22.

LF-LS-M12 – District plans

³³² 00206.041 Trojan, 00411.053 Wayfare

³³³ 00237.047 Beef + Lamb and DINZ

³³⁴ 00201.018 CODC, 00201.019 CODC, 00206.040 Trojan, 00235.110 OWRUG

³³⁵ Clause 16(2), Schedule 1, RMA

³³⁶ FPI037.022 Fish & Game, FPI030.043 Kāi Tahu ki Otago

³³⁷ FPI037.022 Fish and Game

³³⁸ FPI030.043 Kāi Tahu ki Otago

³³⁹ FPI044.023 DOC

Territorial authorities must prepare or amend and maintain their *district plans* no later than 31 December 2026 to:

- (1) manage *land* use change by:
 - (aa) avoiding the planting of pest plants in accordance with LF-LS-P16A,³⁴⁰
 - (a) controlling the establishment of new or any spatial extension of existing *plantation forestry activities* or permanent forestry activities³⁴¹ where necessary to give effect to an objective developed under the NPSFM, and
 - (b) minimising the removal of montane³⁴² tall tussock grasslands, to recognise their ability to capture and hold precipitation,³⁴³
- (2) provide for and ~~encourage~~ promote³⁴⁴ the creation and enhancement of vegetated riparian margins and constructed *wetlands*, and maintain these where they already exist, ~~and~~
- (3) facilitate public access to and along³⁴⁵ *lakes* and *rivers* by:
 - (a) requiring the establishment of *esplanade reserves* and *esplanade strips*, and
 - (b) promoting the use of legal *roads*, including paper *roads*, and any other means of public access rights,³⁴⁶ that connect with *esplanade reserves* and *esplanade strips*, and
- (4) maintain the availability and productive capacity³⁴⁷ of *highly productive land* identified and mapped under LF-LS-M11A³⁴⁸ in accordance with LF-LS-P19, and³⁴⁹
- (8) manage development in *rural areas* in accordance with UFD-P7,³⁵⁰
- (9) manage ~~rural residential and rural lifestyle activities~~ development³⁵¹ in *rural areas*³⁵² in accordance with UFD-P8.³⁵³

LF-LS-M13 – Management of *beds* and riparian margins

³⁴⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00411.006 Wayfare, 00137.084 DOC (insertion of new LF-LS-P16A)

³⁴¹ 00226.209 Kāi Tahu ki Otago,

³⁴² Clause 16(2), Schedule 1, RMA

³⁴³ 00509.092 Wise Response

³⁴⁴ 00509.092 Wise Response

³⁴⁵ 00206.042 Trojan, 00411.054 Wayfare, 00231.097 Fish and Game

³⁴⁶ 00206.042 Trojan, 00411.054 Wayfare, 00231.067 Fish and Game

³⁴⁷ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00014.031 Mt Cardrona Station, 00209.01

Universal Developments, 00210.012 Lane Hocking, 00211.01 LAC

³⁴⁸ Clause 16(2), Schedule 1, RMA

³⁴⁹ 00140.023 Waitaki DC

³⁵⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00236.096 Horticulture NZ, 00237.063 Beef + Lamb and DINZ

³⁵¹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00221.016 Silver Fern Farms, 00236.103 Horticulture NZ

³⁵² 00206.074 Trojan, 00411.136 Wayfare

³⁵³ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00236.096 Horticulture NZ, 00237.063 Beef + Lamb and DINZ

Local authorities must prepare or amend and maintain their *regional plans*³⁵⁴ and *district plans* to manage the condition of the *bed* and banks of *water bodies*, riparian margins and associated *lands*, including vegetative cover, to:

- (1) maintain or enhance³⁵⁵ existing indigenous³⁵⁶ *biodiversity* values,
- (2) increase the presence, *resilience* and abundance of indigenous flora and fauna, particularly taoka species, including by providing for wetlands and³⁵⁷ *biodiversity* corridors within *river* systems, and requiring riparian buffers that are sufficient to maintain indigenous *biodiversity*,
- (3) support improvement in the functioning of catchment processes where these have been adversely affected by changes in margins and connected *lands* over time, and
- (4) reduce unnatural sedimentation of *water bodies*.

LF-LS-M14 – Other methods

In addition to methods LF-LS-M11 to LF-LS-M13, the methods in the LF-WAI, LF-VM and LF-FW sections are also applicable.

Explanation

LF-LS-E4 – Explanation

The policies in this section of the LF chapter seek to maintain the health of Otago's soils, reduce the impacts of pests³⁵⁸ and manage *land* uses as part of an integrated approach to sustaining soil and *water* health and maintaining the productive capacity of rural land. The connections and interactions between these resources require a holistic approach to management.

~~Managing soil resources, in particular, cannot be undertaken in isolation.~~ The policies require managing the use and development of *land* and *fresh water* to maintain soil values, recognising that soil can be valued for more than its productive use and those values should be maintained. Soil erosion is problematic ~~for~~ and has adverse impacts on both soil and *water* health. The policies provide direction ~~on for~~ managing erosion resulting from *land* use activities to, ~~primarily, retain ensure~~ soil is retained and to prevent its discharge to water.³⁵⁹

~~In addition, this chapter seeks to manage development in Otago's rural areas, maintain the character and amenity values of Otago's rural areas, including by facilitating the use of the natural and physical resources that to~~³⁶⁰ support the viability of the rural sector. ~~Otago's rural and urban areas also contain significant natural, cultural and historic values as identified by other parts of this RPS. In all cases while facilitating urban development and managing rural productive activities these values must also be~~

³⁵⁴ Clause 16(2), Schedule 1, RMA

³⁵⁵ 00509.093 Wise Response

³⁵⁶ 00137.079 DOC

³⁵⁷ 00509.093 Wise Response

³⁵⁸ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00411.006 Wayfare, 00137.084 DOC (insertion of new LF-LS-P16A)

³⁵⁹ 00226.212 Kāi Tahu ki Otago

³⁶⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendments arising from 00240.033 New Zealand Pork Industry Board, 00239.172 Federated Farmers, 00236.096 Horticulture New Zealand, 00211.050 LAC Properties Trustees Limited, 00210.050 Lane Hocking, 00118.066 Maryhill Limited, 00014.066 Mt Cardrona Station, 00209.05 Universal Development Limited

identified, maintained and, wherever possible, enhanced.³⁶¹ This approach includes direction on different types of development within *rural areas*, ~~managing the expansion and location of *urban areas*, and including~~³⁶² rural lifestyle and rural residential³⁶³ development, ~~and directing that growth be enabled in *urban areas* to minimise the need for development to occur within rural areas,~~³⁶⁴ ~~other than what is needed to facilitate rural community and rural productive activities.~~³⁶⁵ These provisions work closely with those in the UFD chapter, which include direction on managing the impacts of urban growth on *rural areas*.³⁶⁶

Highly productive land is land used for ~~land-based primary production~~ primary production³⁶⁷ that provides economic and employment benefits. Providing for and managing such *land* types is essential to ensure its sustainability. The policies seek to identify and prioritise *land* used for productive purposes managing urban encroachment into rural *environments* where appropriate.

Responding to *climate change* and achieving *freshwater* visions is likely to require changes in *land* uses and *land* management practices in parts of Otago. This is recognised in the policies which seek to promote changes in *land* use or management that improve efficient and sustainable³⁶⁸ use of *water*, *resilience to climate change* and, the health and quality of soil, and *water quality*.³⁶⁹ The policies also require reducing *discharges* to *water* from the use and development of *land* and managing *land* uses that are unsupportive of *environmental outcomes* for *fresh water* as identified by each *FMU*.

Maintaining public access to and along *lakes* and *rivers* is a matter of national importance under section 6 of the RMA 1991.³⁷⁰ The policies in this section seek to maintain existing *public access opportunities*³⁷¹ and where appropriate promote *enhanced*³⁷² public access to and along *lakes* and *rivers*. Circumstances which restrict public access are set out where, for example, ~~public~~³⁷³ health and safety is at *risk* or valued parts of the *environment* may be compromised.

Principal reasons

LF-LS-PR4 – Principal reasons

³⁶¹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00137.151 Director General of Conservation, 00226.307 Kāi Tahu ki Otago.

³⁶² Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00236.096 Horticulture NZ, 00237.063 Beef + Lamb and DINZ

³⁶³ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00221.016 Silver Fern Farms, 00236.103 Horticulture NZ.

³⁶⁴ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00236.096 Horticulture NZ, 00237.063 Beef + Lamb and DINZ

³⁶⁵ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00236.096 Horticulture NZ, 00237.063 Beef + Lamb and DINZ

³⁶⁶ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00236.096 Horticulture NZ, 00237.063 Beef + Lamb and DINZ

³⁶⁷ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00021.002 Matakanui Gold Limited, 00016.009 Alluvium Limited and Stoney Creek Mining, 00017.007 Danny Walker and others, 00226.033 Kāi Tahu ki Otago, 00223.094 Ngāi Tahu ki Murihiku

³⁶⁸ 00226.212 Kāi Tahu ki Otago

³⁶⁹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00409.015 Ballance

³⁷⁰ Clause 16(2), Schedule 1, RMA

³⁷¹ 00226.212 Kāi Tahu ki Otago

³⁷² 00226.212 Kāi Tahu ki Otago

³⁷³ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00239.094 Federated Farmers

Pests, including wilding conifers, pose a range of threats to Otago’s environment. While the regional pest management plan is the primary tool for controlling pests under the Biosecurity Act 1993, it is important that the management of land works alongside that tool to reduce the impacts of pests.³⁷⁴

Population growth and *land* use intensification in urban and rural *environments* has increased demand for *land* and soil resources. It has also impacted on the quality of our *water*, increasing contamination such as by nutrients and sediment and harming ecosystems. In Otago, historical and contemporary *land* uses have *degraded* some *water bodies*, both in terms of their quantity and quality, leading to adverse effects on the mauri of *water* and the diversity and abundance of ~~māhika kai~~ *māhika kai*³⁷⁵ resources.

Soil health is vital to wider ecological health, human health, and economic *resilience*. Otago has a rich and long history of varied forms of ~~land-based primary production~~ *primary production*³⁷⁶ on a wide range of soil types and in variable climatic conditions. Otago’s highest quality soils (in terms of suitability for ~~land-based primary production~~ *primary production*)³⁷⁷ are mainly on the Taieri Plain, North Otago downlands, South Otago lowlands, parts of Central Otago and the Strath Taieri, and along some *river* margins. Their extent is limited and use of these soils can be constrained by external factors such as economics, erosion, natural and human induced hazards, animal, and plant *pests*.

Managing *land* uses is a critical component of implementing the NPSFM due to the *effects* of *land* use on the health and well-being of *water*. This chapter assists the Council to recognise and provide for the connections and interactions between Otago’s *land* and *fresh water*, while managing the use and development of this *land*, and its *effects* on *fresh water*.

~~Rural areas are attractive as residential living areas, and for other non-rural activities. However, they contain areas, activities and resources critical for rural production. There is pressure from non-rural activities and rural lifestyle development to locate within the rural area, but these activities that can be impacted by sensitive to primary production or rural industry and can adversely affect rural production activities~~³⁷⁸. ~~Non-urban areas also contain a wide range of other values that can be negatively impacted by the impacts of rural residential and other activities, that do not have a functional need to be in rural areas.~~³⁷⁹ The provisions in this chapter focus on managing ~~where rural living opportunities and other non-rural activities are provided for, so that~~³⁸⁰ the potential *effects* of development on the rural character,³⁸¹ productive potential and the wide range of environmental values, features and resources that *rural areas*

³⁷⁴ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00411.006 Wayfare, 00137.084 DOC (insertion of new LF-LS-P16A)

³⁷⁵ Clause 10(2)(b)(i) – consequential amendment arising from 00226.038 Kāi Tahu ki Otago

³⁷⁶ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00021.002 Matakanui Gold Limited, 00016.009 Alluvium Limited and Stoney Creek Mining, 00017.007 Danny Walker and others, 00226.033 Kāi Tahu ki Otago, 00223.094 Ngāi Tahu ki Murihiku

³⁷⁷ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00021.002 Matakanui Gold Limited, 00016.009 Alluvium Limited and Stoney Creek Mining, 00017.007 Danny Walker and others, 00226.033 Kāi Tahu ki Otago, 00223.094 Ngāi Tahu ki Murihiku

³⁷⁸ 00236.106 Horticulture New Zealand

³⁷⁹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from changes recommended to UFD-P7 and UFD-P8.

³⁸⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from changes recommended to UFD-P7 and UFD-P8.

³⁸¹ 00211.050 LAC Properties Trustees Limited, 00210.050 Lane Hocking, 00118.066 Maryhill Limited, 00014.066 Mt Cardrona Station, 00209.05 Universal Development Limited

also contain ~~are appropriately managed.~~³⁸² The supply of rural lifestyle opportunities to meet demand should be directed to suitably located and zoned areas to minimise impacts on values in *rural areas*. In designing and planning for rural residential and rural³⁸³ lifestyle development, local authorities will need to be aware of the potential future constraints on future urban expansion and development, including the cumulative impacts of *infrastructure* servicing irrespective of whether this is onsite, community or through connections to urban reticulated schemes.

Riparian areas, in particular, play a key role in supporting the water quality and ecosystem values of water bodies, and it is important that this role is maintained.³⁸⁴

Anticipated environmental results

<u>LF-LS-AER12A</u>	The area of <i>land vegetated by wilding conifers</i> is reduced. ³⁸⁵
<u>LF-LS-AER12B</u>	The extent and distribution of <i>pests</i> does not increase. ³⁸⁶
LF-LS-AER12	The life-supporting capacity of soil is maintained or improved throughout Otago.
LF-LS-AER13	The availability and capability of Otago's <i>highly productive land</i> is maintained.
LF-LS-AER14	The use of <i>land</i> supports the achievement of <i>environmental outcomes</i> and objectives in Otago's <i>FMUs</i> and rohe.
UFD-AER11	All n New rural residential or rural ³⁸⁷ lifestyle development occurs within areas zoned <u>appropriate</u> for this use. ³⁸⁸
<u>LF-LS-AER15</u>	The establishment of activities within <i>rural areas</i> does not result in adverse <u>effects</u> on activities functionally dependent on rural resources and rural surroundings. ³⁸⁹

³⁸² Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from changes recommended to UFD-P7 and UFD-P8.

³⁸³ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00221.016 Silver Fern Farms, 00236.103 Horticulture NZ.

³⁸⁴ 00226.213 Kāi Tahu ki Otago

³⁸⁵ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00411.006 Wayfare, 00137.084 DOC (insertion of new LF-LS-P16A)

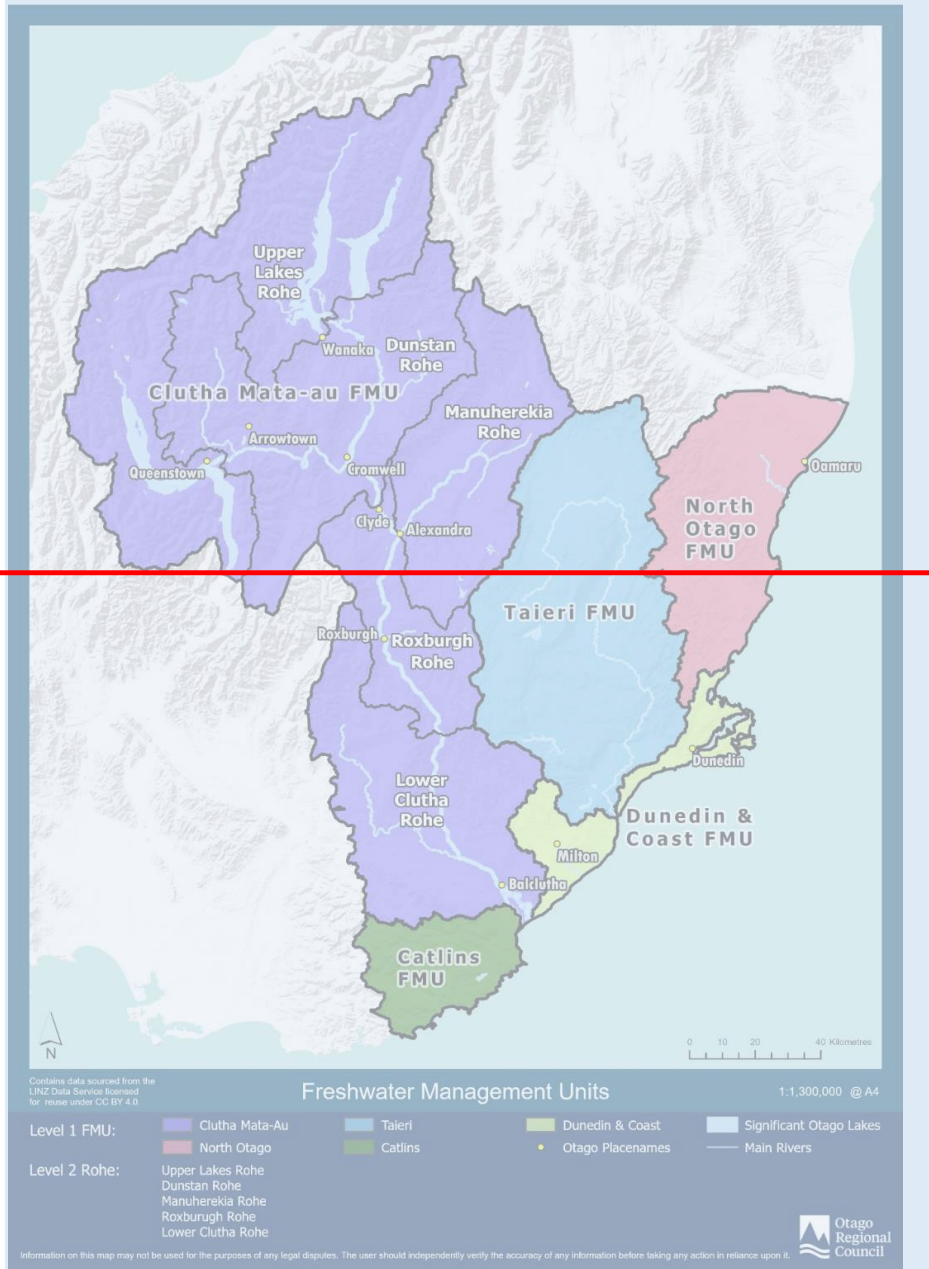
³⁸⁶ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00411.006 Wayfare, 00137.084 DOC (insertion of new LF-LS-P16A)

³⁸⁷ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00221.016 Silver Fern Farms, 00236.103 Horticulture NZ.

³⁸⁸ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00025.004 Boxer Hills Trust, 00023.005 Waterfall Park Developments Limited

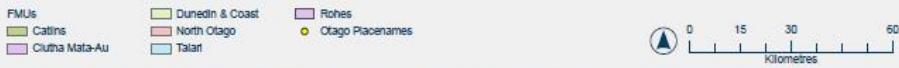
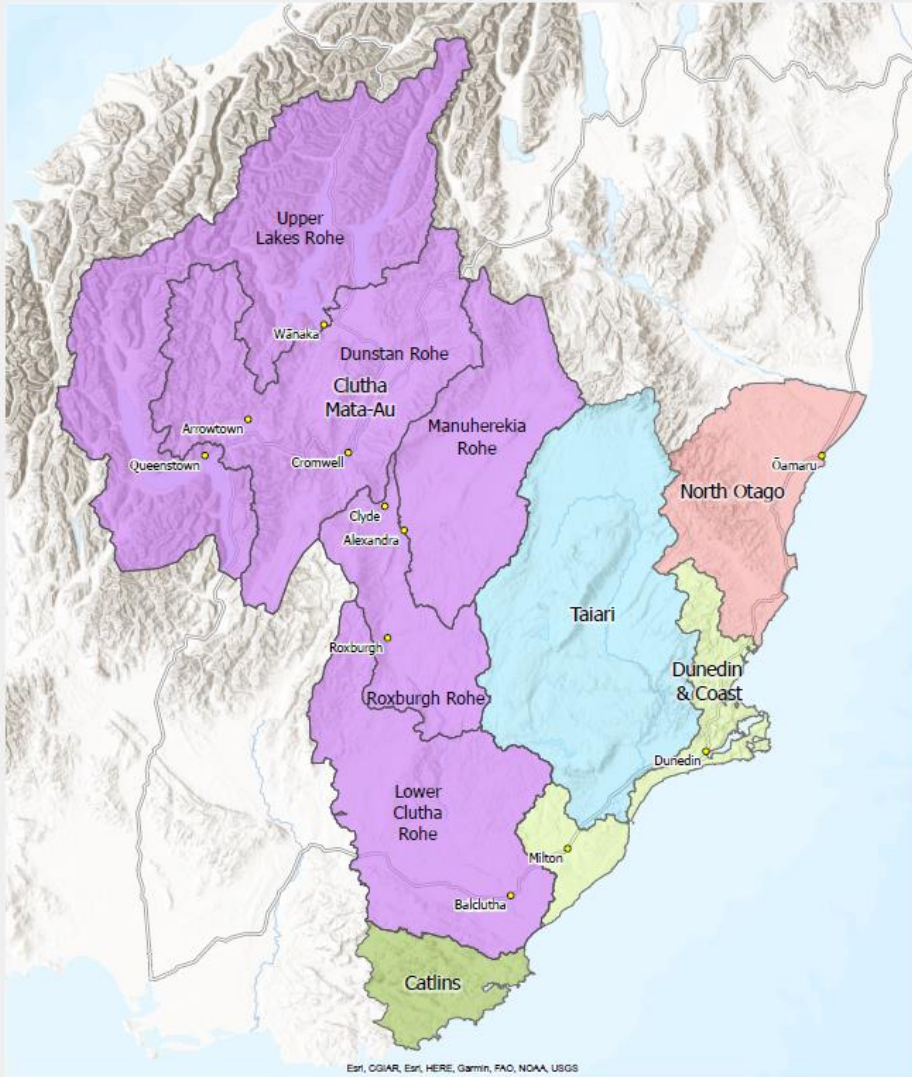
³⁸⁹ 00237.064 Beef & Lamb, 00236.107 Horticulture NZ, 00239.180 Federated Farmers

MAP1 – Freshwater Management Units



Otago FMU and Rohe

Otago Freshwater Management Units and Rohe



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