

**BEFORE THE COMMISSIONERS
AT DUNEDIN**

IN THE MATTER

of the Resource Management Act 1991
(the Act)

AND

IN THE MATTER

of Proposed Otago Regional Policy
Statement – Freshwater Planning
Instrument Provisions

**PROVISION OF ADDITIONAL INFORMATION AS REQUESTED BY
COMMISSIONERS**

13 SEPTEMBER 2023



ATKINS | HOLM | MAJUREY

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INTRODUCTION

1. Horticulture New Zealand (**HortNZ**) presented to the Commissioners in relation to the Freshwater Planning Instrument (**FPI**) provisions of the proposed Otago Regional Policy Statement (**pORPS**) on Wednesday 6 September 2023.
2. During the presentation the Commissioners requested that the planner for HortNZ, Mr Vance Hodgson, provide suggested wording for a policy in relation to freshwater storage and harvest. This request was made in light of Mr Hodgson's previous experience with similar provisions.
3. Attached as **Appendix A** is a series of freshwater storage and harvesting policy wording examples provided by Mr Hodgson.
4. Attached as **Appendix B** is Mr Hodgson's suggested option for wording a freshwater storage and harvesting policy in the pORPS.
5. This wording is provided in the interests of assisting the Commissioners in relation to the FPI provisions of the pORPS.

DATE: 13 September 2023



Nicole Buxeda / Amelia Scharting
Counsel for **Horticulture New Zealand**

APPENDIX A: STORAGE HARVESTING POLICY EXAMPLES

Tasman Resource Management Plan	
<p>30.2.3 Policies Mitigation of Adverse Effects 30.2.3.22 To encourage taking of water for storage during high flow and to acknowledge that some water users can improve their security of supply above the minimum level through the storage or augmentation of water:</p> <p>(a) in circumstances where water is only taken when the river flow is greater than the natural median flow for that river and the cumulative total amount of water taken does not exceed 10 percent of the median flow; or</p> <p>(b) in circumstances where it can be shown that the water take, either on its own or in combination with other takes, will not:</p> <p>(i) be inconsistent with flow regimes specified in Schedule 31C;</p> <p>(ii) increase the frequency or duration of minimum flows;</p> <p>(iii) reduce the security of supply of any water users subject to an allocation limit;</p> <p>(iv) have a significant adverse effect on the values of the water body or any connected water body identified in Schedule 30A; and when assessing applications, to take into account effects on:</p> <p>(v) natural flow regime, including the magnitude of the median flow and the frequency of flushing flows.</p>	<p>Notes:</p> <p>This is a Regional Plan policy (not a Regional Policy Statement) = directing the method.</p> <p><u>To encourage taking of water for storage during high flow....</u></p>
Regional Policy Statement for Northland	
<p>4.3.4 Policy – Water Harvesting, Storage and Conservation Recognise and promote the benefits of water harvesting, storage, and conservation measures.</p> <p>Explanation: Security and reliability of supply can be increased by harvesting and storing water for distribution and use during shortages.</p> <p>Water harvesting, storage, and conservation can improve the efficient allocation and use of water. These measures will become increasingly important –</p>	<p>Notes:</p> <p><u>Recognise and promote the benefits of....</u></p> <p>What words are relevant for Otago?</p> <ul style="list-style-type: none"> • Harvesting. • Storage. • Conservation. • Augmentation.

particularly in Northland because of its many short catchments – as demand for water increases and the local climate changes with longer dry spells and more frequent high intensity rain events. Water storage measures can also have other benefits such as buffering storm flows, recharging aquifers, creating habitat and improving recreational opportunities.

Policy 4.3.4 is an important consideration for decision-makers when assessing applications for resource consents and changing regional and district plans.

4.3.6 Method – Advocacy and education

- 1) The regional council will promote the establishment of water user groups, particularly in areas with high demand / high allocation.
- 2) The regional and district councils shall promote water harvesting, water storage (including within constructed wetlands) and water conservation methods (such as reusing and recycling) for new developments and changes in land use, including developments that are serviced by municipal supplies.
- 3) The regional and district councils shall encourage retrofitting of existing buildings for the purposes of water conservation.
- 4) The regional council will assist investigations into potentially appropriate locations for large-scale water storage infrastructure.

Directive method that: The regional council will assist investigations into potentially appropriate locations for large-scale water storage infrastructure.

Southland Regional Policy Statement

Policy WQUAN.4 – Demand management

Manage demand for water in order to protect instream values of surface water, and ensure freshwater objectives are met, including by:

- (a) establishing specific allocation limits;
- (b) allocating water to particular uses;
- (c) determining the security of supply that should be afforded to water users;
- (d) providing for the transfer or exchange of water between users;
- (e) encouraging the development of water storage.

Notes:

Encourage the development of...

Hawkes Bay Regional Resource Management Plan

Policies – Surface Water Quantity

Pol 34 Role of Non-Regulatory Methods

3.10.7 To use non-regulatory methods, as set out in Chapter 4, in support of regulatory methods for avoiding adverse effects arising from surface water takes, in particular:

- (a) Education and co-ordination for encouraging efficient use of water, for example water harvesting, use of storage and consideration of alternative water supply, and avoiding wastage of water (see also Policy 23 with respect to efficient use of water for irrigation purposes). This will include encouraging the establishment of water user groups to facilitate voluntary scheduling or rationing of water takes, particularly during low flow periods.

POL LW1 Problem solving approach - Catchment-based integrated management

1. Adopt an integrated management approach to fresh water and the effects of land use and development within each catchment area, that:

k) enables water storage infrastructure where it can provide increased water availability and security for water users while avoiding, remedying or mitigating adverse effects on freshwater values.

POL LW4 Role of non-regulatory methods

To use non-regulatory methods, as set out in Chapter 4, in support of regulatory methods, for managing fresh water and land use and development in an integrated manner, including:

- a) research, investigation and provision of information and services – HBRC has in place a programme of research, monitoring and assessment of the state and trends of Hawke's Bay's natural resources. That programme will continue to be enhanced to assist HBRC implement the NPSFM and Hawke's Bay Land and Water Management Strategy;

Notes:

A focus on non-regulatory methods and role of HBRC.

Use of terms:

- Education and co-ordination.
- Research, investigation and provision of information and services.
- Advocacy, liaison and collaboration.

- b) *advocacy, liaison and collaboration – HBRC will promote a collaborative approach to the integrated management of land use and development and the region’s freshwater resources;*
- c) *land and water strategies – the 2011 Hawke's Bay Land and Water Management Strategy contains a variety of policies and actions. A range of agencies and partnerships will be necessary to implement the actions and policies in the Strategy;*
- d) *industry good practice – HBRC will strongly encourage industry and/or catchment-based good practices for production land uses along with audited self management programmes as a key mechanism for achieving freshwater objectives at a catchment or sub-catchment level. Principal reasons and explanation Policy LW4 sets out the role of HBRC’s non-regulatory methods in supporting regional rules and other regulatory methods to assist management of freshwater and land use and development in an integrated manner. This policy (and Policy LW1) recognises the need for a collaborative approach as an important means of minimising conflict and managing often competing pressures for the use and values of fresh water.*

<i>Anticipated Environmental Results</i>	<i>Indicator(s)</i>	<i>Data Source(s)</i>
<i>5. Water storage is developed to provide increased water availability and security for water users</i>	<i>Consents issued for water storage projects Improved security of supply of water for users in times and places of water scarcity</i>	<i>HRRC consent records Building consent authority records</i>

Auckland Unitary Plan (Regional Policy Statement)	
<p>B7.4.2. Policies Freshwater and geothermal water quantity, allocation and use (14) Enable the harvesting and storage of freshwater and rainwater to meet increasing demand for water and to manage water scarcity conditions, including those made worse by climate change.</p>	<p>Notes:</p> <p><u>Enable.....</u> Rainwater = a reference for urban solutions.</p> <p>Linkage to effects of climate change.</p>

Canterbury Regional Policy Statement	
<p>7.3.4 Water quantity Methods Local authorities: Will: 9. Seek and have regard to recommendations from the Regional Water Management Committee and Zone Water Management Committees relating to:</p> <ul style="list-style-type: none"> a. fresh water bodies where flow regimes or allocation limits need review; b. developing and implementing a plan to address Policy 7.3.4(2)(b), including investigating opportunities for water storage and harvesting schemes as one possible method; and... <p>7.3.8 Efficient allocation and use of fresh water Methods The Canterbury Regional Council: Will: 1. Set out objectives and policies, and may include methods in regional plans, which will:</p> <ul style="list-style-type: none"> c. Provide for specific water storage and distribution schemes identified in regional and zone implementation programmes, where such schemes achieve the purpose of the RMA f. Ensure, to the extent of its powers, that before additional water is made available as a result of new water harvest and storage schemes, existing 	<p><u>To recognise the potential benefits of.....</u></p> <p>Useful words here and separate policy. Steps into a more directive approach on ORC the panel requested.</p> <p>Linkage to providing resilience to the impacts of climate change on regional productivity and economy.</p>

water permits which irrigate the same land areas are voluntarily surrendered or amended to avoid duplication or redundancy in the allocation of water.

7.3.10 Harvest & storage of fresh water

To recognise the potential benefits of harvesting and storing surface water for:

- 1. improving the reliability of irrigation water and therefore efficiency of use;*
- 2. improving the storage potential and generation output of hydro-electricity generation activities;*
- 3. increasing the irrigated land area in Canterbury;*
- 4. providing resilience to the impacts of climate change on the productivity and economy of Canterbury;*
- 5. reducing pressure on surface water bodies, especially foothill and lowland streams, during periods of low flow; and facilitate the conversion of resource consents to abstract water under 'run of river' conditions to takes to storage, where this can be done under conditions which maintain or enhance the surface water body.*

Methods

The Canterbury Regional Council:

Will:

- 1. Set objectives policies and methods in regional plans to:
 - a. provide for the harvesting and storage of water in environmental flow and water allocation regimes;*
 - b. allow for the consideration of resource consents to take water as either 'run of river' or to storage, with appropriate conditions where granted;**
- and*

APPENDIX B: STORAGE HARVESTING POLICY OPTION

Proposed Otago Regional Policy Statement 2021 (pORPS): Parts identified as the Freshwater Planning Instrument	
<p>LF-FW-M6 – Regional plans Otago Regional Council must publicly notify a Land and Water Regional Plan no later than 31 December 2023 and, after it is made operative, maintain that regional plan to:</p> <p>(6) provide for the off-stream storage of surface water where storage will:</p> <ul style="list-style-type: none"> (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, and 	<p>Notes:</p> <p>As notified, there was direction for off-stream storage in LF-FW-M6(6).</p> <p>A Method not a Policy.</p> <p><u>Provide for the off-stream storage of surface water.....</u></p>

Proposed Otago Regional Policy Statement 2021 (pORPS): Parts identified as the Freshwater Planning Instrument Section 42A Hearing Report (02 June 2023)	
<p>LF-FW-P7A – Water allocation and use Within <i>limits</i> and in accordance with any relevant environmental flows and levels, the benefits of using <i>fresh water</i> are recognised and <i>over-allocation</i> is either phased out or avoided by:</p> <p>(3) ensuring that the efficiency of <i>freshwater</i> abstraction, storage, and conveyancing <i>infrastructure</i> is improved, including by providing for off-stream storage capacity in locations where this will support Te Mana o te Wai, and</p>	<p>Notes:</p> <p>The s42A recommendation is to repurpose those matters from Method LF-FW-M6(6) into new Policy LF-FW-P7A(3).</p> <p>Directs infrastructure improvement by <u>providing for off-stream storage capacity.....</u></p>

Proposed Otago Regional Policy Statement 2021 (pORPS): Parts identified as the Freshwater Planning Instrument
Option: Amend s42A recommended LF-FW-P7A – Water allocation and use

LF-FW-P7A – Water allocation and use

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

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

- (a) community drinking water supplies,
- (b) *renewable electricity generation*, and
- (c) *land-based primary production*,

(2) ensuring that no more *freshwater* 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, and~~

(3A) enabling the harvesting and storage of *freshwater* to meet increasing demand for water, to manage water scarcity conditions and to provide resilience to the impacts of climate change.

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

LF-VM-M3 – Community Involvement

Otago Regional Council must work with Kāi Tahu and¹¹⁵⁵ communities to achieve the objectives and policies in this chapter, including by:.....

(.) education, advocacy and co-ordination for encouraging efficient use of *freshwater*, including water harvesting, use of storage and consideration of alternative water supply,

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 2024¹¹⁶⁵ and, after it is made operative, maintain that regional plan to:.....

(.) provide for the harvesting and storage of *freshwater* in environmental flow and water allocation regimes;