

Table 1: General Matters

Topic	Summary of feedback received (* feedback received though internal reviews)	Comments / analysis	Staff position/recommendation OR Options presented (<i>Blue Italics</i>)
Need to rely on non-regulatory methods and implementation	<ul style="list-style-type: none"> Do not rely on regulatory methods only. Need for implementation methods and other non-regulatory methods to support the delivery of change. ORC should provide an overview of the non-regulatory methods that are intended to be put in place to support the Land and Water Plan, and that there should be a reference in the plan to those non-regulatory methods. 	<ul style="list-style-type: none"> ORC has an internal workstream to facilitate the implementation of the LWRP. An overview of the implementation methods and other non-regulatory methods to support the achievement of the LWRP's outcomes will be outlined in the s32 report. 	No change needed
Signalled changes to the national direction for freshwater management	<ul style="list-style-type: none"> Various parties note the uncertainty on next steps with freshwater policy. The Government has signalled changes to the National Policy Statement for Freshwater Management (2020) and the Stock Exclusion Regulations (2020). The changes are currently unknown. Some parties have asked to delay notification of the LWRP pending greater certainty. Other parties are supportive of notification of the LWRP by end June 2024. 	<ul style="list-style-type: none"> Staff are committed to working towards notification timeframes set by or agreed by ORC Governance 	Notification timeframes are set by or agreed by ORC Governance
Clause 3 consultation process	<ul style="list-style-type: none"> Some found the Clause 3 consultation process challenging as it is difficult to provide a representative view of the members while maintaining confidentiality. Some considered that true consultation means every farmer gets the opportunity to provide feedback. 	<ul style="list-style-type: none"> Three stages of community engagement were undertaken to develop the draft LWRP. Stakeholder engagement has been undertaken on multiple occasions throughout the development of the LWRP. 	No change needed

		<ul style="list-style-type: none"> The latest stage of consultation was undertaken in accordance with the requirements of Clause 3, Part I, First Schedule of the Resource Management Act 1991. 	
Technical information	<ul style="list-style-type: none"> Many of the background science reports have only recently become available making it difficult to comment on all the technical information supporting the LWRP. Questions around question the robustness of the science for setting nutrient and other limits. 	<ul style="list-style-type: none"> Technical information has been made available on the ORC website as soon as possible. 	<ul style="list-style-type: none"> No change needed
Potential changes to parties' positions	<ul style="list-style-type: none"> Parties' position on may develop or change as the process proceeds and more detail (e.g., s32 Report, technical info) becomes available or the direction set in the proposed Regional Policy Statement for Otago changes. 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> No change needed
General plan matters	<ul style="list-style-type: none"> Ensure activity status is used appropriately. Need for greater visibility of the strategic directions in the objectives and policies in the MW, IM and LF chapters and the environmental outcomes that are objectives in the FMU chapters by having links to all these provisions throughout the plan. Time fames: <ul style="list-style-type: none"> Some seek to remove the timeframes and better recognise investment in environmental actions landholders have undertaken. Others are concerned that the long-term timeframes currently set out in the visions, will cause landholders to delay action until the end of the vision time frames, and recommend including mechanisms to address this risk. 	<ul style="list-style-type: none"> The timeframes to meet environmental outcomes are determined by the timeframes for achieving the long-term vision in the Regional Policy Statement for Otago The draft LWRP has been developed to enable, as much as possible, environmental actions undertaken by landholder to mitigate or manage the environmental effects of activities and/or land uses. A section has been included in the LWRP to explain How the Plan works 	<ul style="list-style-type: none"> No change needed to approach, but minor amendments proposed to clarify how the plan works

Table 2: MW-Mana whenua/ IM- Integrated Management/ LF- Land and Water

Topic	Summary of feedback received. (* feedback received though internal reviews)	Comments / analysis	Staff position/recommendation OR Options presented (<i>Blue Italics</i>)
Consent duration	<p>Feedback is mixed:</p> <ul style="list-style-type: none"> Some parties support the approach and seek to retain it, highlighting the difficulty with implementing change when activities are 'locked in' for long periods. Some parties oppose the direction and seek its deletion, highlighting the importance of long-term certainty for investment. Internal feedback is that without clear direction on time periods, the RMA 'backstop' of 35 years leaves consents officers having to justify any reduction from that. 	<ul style="list-style-type: none"> Current direction in LF-P17 is based on 2023 amendments to the RMA which have now been repealed. Some parties have pointed out that shorter durations can be insufficient for long-term investment decisions. This is especially problematic where investment is required to transition to a more sustainable and efficient use of resources. Consents granted for long durations can delay the achievement of environmental outcomes and long-term visions if the activities they provide for, and the conditions imposed, do not adequately contribute to achieving those outcomes. The current draft LWRP settings mean progress towards achieving environmental outcomes is 'back-loaded' to the second half of the long-term vision timeframes (i.e. in 10-20 years' time). If significant change is expected during that period, granting consents with long durations over the next ten years may affect the ability to scale up the policy response needed later on. 	<ul style="list-style-type: none"> Staff recommend retaining the core component of the existing policy: consent duration will be no longer than 10 years unless there are other, specified circumstances that warrant granting for a longer timeframe, for example: <ul style="list-style-type: none"> Nationally and regionally significant infrastructure Catchment is not over-allocated. Longer term will enable progressive upgrades over the life of the consent. Staff agree with parties that the current policy is too focused on the now-repealed NBEA and so amendments will be

			<p>required to make the policy fit for purpose.</p> <ul style="list-style-type: none"> This approach provides greater certainty for plan users and consent officers, and recognises that there is, in some areas, a multi-decade approach required to achieving target attribute states and environmental outcomes.
Natural lakes	<ul style="list-style-type: none"> The NPSFM contains specific direction on managing the loss of extent or values of rivers, including by providing a consenting pathway for particular activities. LF-P3 applies this direction to natural lakes as well. Some parties support applying the same approach given the significance of Otago's natural lakes. They consider it is more consistent and efficient to treat rivers and lakes in the same way. Some parties consider only the NPSFM direction (i.e. for rivers) should be implemented, with a separate approach for natural lakes. These parties have not specified what an alternative approach for natural lakes would look like. 	<ul style="list-style-type: none"> 'Natural lake' is defined in the LWRP as a lake that is not a controlled lake (i.e. Lakes Hāwea, Dunstan, Falls Dam) or an off-stream artificial lake (i.e. a storage pond). Natural lakes are managed more conservatively under the plan (for example, in relation to water quantity and damming) than other types of lakes, reflecting their generally unmodified nature and high values. Some natural lakes are already protected by WCOs or other statutes (i.e. Lake Wānaka Preservation Act), or are protected because they are identified as OWBs. The NPSFM direction is to avoid the loss of extent or values of rivers unless (a) there is a functional need for an activity in that location and (b) the effects of that activity are managed by applying the effects management hierarchy. 	<ul style="list-style-type: none"> Retain LF-P3 as drafted (i.e. applying to rivers and natural lakes).

		<ul style="list-style-type: none"> • This provides a consenting pathway for those activities and clarity on how effects are to be managed. Adopting this approach for natural lakes is consistent with the approach to managing the levels and take limits of these lakes in the LWRP, which is to generally only allow small takes, to protect their values. • If this approach is not adopted, additional direction will be required on managing natural lakes. None has been specifically proposed by cl3 parties. • Staff consider that: <ul style="list-style-type: none"> - the direction for managing natural lakes should not be less stringent than for rivers, and - natural lakes with the highest values have been identified as OWBs and are therefore subject to more stringent policy direction to protect their values <p>On this basis, staff recommend applying a consistent approach to managing adverse effects that reduces the potential for inefficiencies in implementation.</p>	
Renewable electricity generation (REG)	<ul style="list-style-type: none"> • General support for the plan’s approach to managing REG. • Some specific comments have been received: <ul style="list-style-type: none"> - It is not clear that the provisions enabling non-consumptive takes apply to REG. 	<ul style="list-style-type: none"> • The comments received are primarily focused on how the policy direction has been expressed through the plan’s provisions. Staff agree that more clarity is needed and are working on amendments to achieve this. 	<ul style="list-style-type: none"> • Amend the plan to include a controlled activity rule for maintenance works on the Clutha, Waipōuri, Deep Stream, and Paerau/Patearoa schemes, excluding the overall

	<ul style="list-style-type: none"> - Some provisions could be amended to better provide for small scale REG. - There should be a clearer, more straightforward consenting pathway for ongoing maintenance for Otago’s nationally and regionally significant schemes (e.g. Clutha, Waipōuri) and greater recognition of the national significance of Clutha Hydro scheme through inclusion of bespoke provisions. 		taking, use, damming, and discharge of water.
Receiving water standards and mixing zones	<ul style="list-style-type: none"> • To meet the requirements of the RMA, many rules require discharges to comply with contaminant concentrations in the receiving water after the discharge has occurred (known as receiving water standards) and after reasonable mixing (i.e. mixing of the discharge with the receiving water in a specifically sized area). • Compliance officers raised concerns with applying mixing zones in practice (in relation to access and health/safety considerations and considered that the use of mixing zones would, in many cases, result in a lower standard being applied compared to the current Water Plan rules. • Environment Canterbury & Environment Southland staff have indicated they 	<ul style="list-style-type: none"> • Removing the requirement to apply a mixing zone for permitted discharges means that the receiving water standards in the plan will apply at the point of discharge. This will be more stringent than applying them after reasonable mixing, however this approach is significantly simpler to implement and provides more certainty that ORC is complying with the requirements of s70 of the RMA (i.e. that permitted discharges do not result in specific adverse effects in the receiving water). • Mixing zones are often applied to consented discharges. These discharges tend to be larger in volume and have contaminant concentrations that cannot meet receiving water standards. In these situations, mixing zones can be determined on a case-by-case basis that 	Amend the plan to: <ul style="list-style-type: none"> • apply receiving water standards at the point of discharge for permitted discharges, and • provide policy direction to assist with determining mixing zones for consented discharges.

	<p>have found similar issues with the use of mixing zones in those regions.</p> <ul style="list-style-type: none"> Some cl3 parties also opposed the use of mixing zones for same reasons. 	<p>allows consideration of the specific site in question. Staff consider this is an appropriate response.</p>	
Te Mana o te Wai	<p>The feedback is split between:</p> <ul style="list-style-type: none"> Parties opposing reliance on Te Mana o te Wai as currently expressed in the NPSFM and RPS due to the potential for changes indicated by the government. Parties supporting the approach taken and seeking to retain it. <p>(Note no alternative interpretation of Te Mana o te Wai that the plan should use were provided by parties providing feedback).</p>	<ul style="list-style-type: none"> Until the NPSFM 2020 has been amended, the LWRP is required to implement its content 	<ul style="list-style-type: none"> No change.
References to rakatirataka	<ul style="list-style-type: none"> Some parties oppose the use of the term 'rakatirataka'. They consider it is not defined, not required by the NPSFM, and not appropriate to incorporate in the plan 	<ul style="list-style-type: none"> The concept of rakatirataka is explained in the contextual part of the MW chapter. Rakatirataka refers to the exercise of mana or authority, and the authority of tangata whenua forms part of mana whakahaere (one of the six principles incorporated into the wider concept of Te Mana o te Wai). 	<ul style="list-style-type: none"> No change.
Mana whenua involvement in consent processes	<ul style="list-style-type: none"> Some parties consider involving mana whenua is inefficient and results in unnecessary costs for consent applicants. 	<ul style="list-style-type: none"> Mana whenua involvement in consent processes is set out in ORC's memorandum of understanding (MOU) with Kāi Tahu ki Otago. The amendments sought would not reflect the MOU. There are also provisions for identifying affected parties in the RMA which do not preclude identification of mana whenua as an affected party. 	<ul style="list-style-type: none"> No change.

<p>Land management</p>	<ul style="list-style-type: none"> • Some parties seek that the plan provides more direction for the management of land, but do not clearly outline the type of direction sought or suggest specific amendments. • Some parties seek new objectives and policies to better implement the NPSIB, including: <ul style="list-style-type: none"> - Increasing vegetation cover on land - Managing highly mobile fauna and their habitats - Role of regional biodiversity strategies 	<ul style="list-style-type: none"> • Without specifying the type of direction sought, it is difficult to respond to more general feedback. • The NPSIB includes mandatory actions for ORC in relation to increasing vegetation cover on land and managing highly mobile fauna and their habitats. It also prescribes the role of regional biodiversity strategies as part of managing indigenous biodiversity. • The NPSIB was introduced in mid-2023 and implementing its requirements was not included in the scope of the LWRP. 	<ul style="list-style-type: none"> • No change (future plan change will be needed to give effect to the NPSIB)
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Table 3: WET-Wetlands

Topic	Summary of feedback received (* feedback received though internal reviews)	Comments / analysis	Staff position/recommendation OR Options presented (<i>Blue Italics</i>)
General policies and rules	<p>Feedback is split between:</p> <ul style="list-style-type: none"> a) those who consider the policies and rules are unnecessary and ORC should rely on the NES-F and Stock Exclusion Regulations b) those that consider the provisions in the draft LWRP are not stringent enough to prevent further loss of wetlands, and that the NES-F and LWRP policies and rules should be extended to protect all wetlands. 	<ul style="list-style-type: none"> • Council has previously given direction to largely rely on the NES-F and stock exclusion regulations, with additional protection from destructive activities for other natural wetlands and exclusion of ‘heavy stock’. • While there has been a small amount of helpful feedback on the provisions, the bulk of feedback is disparate, in that it seeks largely the deletion of the provisions or significant strengthening. 	<ul style="list-style-type: none"> • No change.
Vehicle access to wetlands	<ul style="list-style-type: none"> • Feedback has questioned whether there is gap in the protection of natural inland wetlands from damage through vehicle access. Vehicle access is not addressed by the NES-F. 	<ul style="list-style-type: none"> • There are restrictions in the LWRP controlling vehicle access to riverbeds, but not wetlands, and it is not addressed in the NES-F. • The potential for damage to wetlands from access by vehicles would appear comparable to the effects of other activities that are controlled, such as vegetation clearance, stock access. 	<p>Options:</p> <ul style="list-style-type: none"> ○ <i>Option 1: Add vehicle access controls, similar to controls for riverbeds, to protect natural inland wetlands; or</i> ○ <i>Option 2: Maintain current situation of no vehicle access controls.</i>
Mapping of wetlands	<ul style="list-style-type: none"> • Both internal and external feedback has identified that there can be on-the-ground uncertainty about what a ‘natural wetland’ and a ‘natural inland wetland’ is. 	<ul style="list-style-type: none"> • Council has a programme in place to map ‘natural inland wetlands’ as required by the NPSFM. This needs to 	<p>Options:</p> <ul style="list-style-type: none"> ○ <i>Option 1: Add the (accurate) mapping of wetlands that Council holds</i>



		<p>be completed by 2030, and some has been completed already.</p> <ul style="list-style-type: none"> • Council has also re-mapped the 170 'regionally significant wetlands', but this is not in line with the recently updated national definition of 'natural inland wetland'. • Including what wetlands have been mapped to-date in the LWRP will increase certainty for those wetlands, but risks other unmapped natural inland wetlands and natural wetlands being lost, as there is a perception that as they are not mapped, the rules and NES-F do not apply to them. 	<p><i>into the LWRP, with additional clarity in the LWRP that these are not the only wetlands that the NES-F, and policies and rules apply to.</i></p> <ul style="list-style-type: none"> ○ <i>Option 2: Maintain status-quo of definitions without mapping.</i>
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Table 4: EFL- Environmental Flows, Levels and Take Limits

Topic	Summary of feedback received (* feedback received through internal reviews)	Comments / analysis	Staff position/recommendation OR Options presented (<i>Blue Italics</i>)
EFL-P12 and EFL-P18 Phasing out over-allocation	<ul style="list-style-type: none"> • Many are supportive of the general approach. • Some parties consider that the rules are too permissive, and it should be a prohibited activity to grant consents if the allocation limit is exceeded in all cases. • Some parties suggest that over-allocation should be phased out sooner, others seek longer phase-out times. • The process for phasing out over-allocation needs to be clearer. • The requirement to phase out over-allocation is unreasonable in light of the changes signalled by the government. 	<ul style="list-style-type: none"> • The LWRP needs to give effect to the RPS. Timeframes for phasing out over-allocation are determined by the timeframes for achieving the FMU-specific long term visions in the RPS. • The LWRP needs to give effect to the NPS-FM 2020 and the direction set by any potential future changes to the NPS-FM is not known. The policy framework provides communities/consent holders with flexibility to develop catchment-specific transition pathways to phase out over-allocation. • New takes in over-allocated catchments are a prohibited activity, but replacement consents are provided for as a non-complying activity to allow for phasing out of over-allocation. • 	<ul style="list-style-type: none"> • No change to overall approach and timeframes.
EFL-P3 – EFL-P11. Environmental flows and take limits.	<ul style="list-style-type: none"> • Some parties oppose take limits where they are based on consented allocation. • Some parties oppose default take limits and flows for catchments where catchment-specific information is not available– some parties consider them to be too conservative and others state they are not effects-based. • Some parties oppose ability to set alternative minimum flows, site specific (residual) flows 	<ul style="list-style-type: none"> • Setting bespoke limits for all water bodies in Otago within budgets and timeframes available is not achievable. • Where take limits are set based on consented allocation this is only intended as a transitional take limit until catchment-specific studies have been undertaken to inform the setting of a bespoke take limit. 	<ul style="list-style-type: none"> • No change to overall approach.

	<p>and take limits through the consent process, should be set in the plan.</p>	<ul style="list-style-type: none"> • The default methods for setting take limits and environmental flows are aligned with best practice applied elsewhere in New Zealand and overseas and are consistent with the draft proposed NES for ecological flows and water levels. • In general, the economic impacts on existing water users of applying environmental flows and take limits based on the default method are not considered to be significant as environmental flows and take limits based on the default method are only used in catchments that are not considered to be over-allocated and where there is no high demand for water. • Minimum flows are typically set at the bottom of the catchment and may not be effective in providing for specific values in tributaries. Therefore, there is a need to allow for the setting of additional minimum flows or residual flows through the consenting process. • The setting of management flows (staged reduction in takes as the river flow drops towards the minimum flow) allows for the prioritisation of certain takes or uses of water when the minimum flow is not breached but restrictions are in place. 	
<p>EFL-P4 B Block (supplementary) flows and take limits</p>	<ul style="list-style-type: none"> • Internal feedback provided that the formula to calculate B Block flows and take limits is complex for applicants to work out. Because it 	<ul style="list-style-type: none"> • B Block flows and take limits are based on the 7DMALF. • Technical advice is that the recorded 7DMALF for rivers in the region does not change significantly each year, and therefore B Block 	<ul style="list-style-type: none"> • No change to the policy. • To implement the policy, for all rivers with a flow recorder, it is recommended that the B-

	<p>is based on 7DMALF¹ which changes each year, it could result in different limits each year, and different supplementary flow and take limits for consents in the same catchment. To create greater certainty for plan users and plan administrators, the B-block environmental flows and B-block take limits should be included in the plan as an absolute limit, not a formula.</p>	<p>flow and take limits based on 7DMALF would not vary much over the life of the LWRP.</p> <ul style="list-style-type: none"> • For rivers with flow recorders, the information would be reliable enough to calculate B Block flows and take limits and include them in the plan. • The policy allows flexibility to propose alternative B Block flows and take limits during the consent process. 	<p>block environmental flows and B-block take limits are calculated and included in the plan as an absolute limit (with the ability to propose alternative flows and limits through the consent process).</p>
EFL-R1 – EFL-R7 Permitted activity rules	<p>Reasonable domestic use and animal drinking water:</p> <ul style="list-style-type: none"> • Several parties consider the rules to be too strict. • Concern about animal welfare given that minimum flow restrictions apply and takes are not permitted in over-allocated zones. • Permitted volumes are insufficient for stock. • Concern that domestic supplies are not enabled at all times (minimum flow restrictions apply, and takes not permitted in over-allocated zones) • Conversely, some parties note that domestic and stock takes can amount to substantial amounts, and they support the proposed rules. <p>Other permitted activity rules:</p> <ul style="list-style-type: none"> • Some parties request that the permitted activity rules are extended to cover all purposes, rather than for limited purposes. e.g. small takes for horticultural root stock or 	<ul style="list-style-type: none"> • The volumes for domestic and animal drinking water applied in the efficient and reasonable use guidelines in the LWRP are in line with current consent practice at ORC and elsewhere in New Zealand. • The framework for permitted takes (i.e. making these subject to environmental flow requirements) gives effect to the hierarchy of obligations and is consistent with the requirements of RMAs14(3)(b). • The permitted activity rules are intentionally narrow in scope to ensure that adverse effects on waterbodies are managed, and to ensure that the accounting requirements of the NPSFM can be met. • Various rules providing for permitted takes in the operative Regional Plan: Water for Otago (RPW) currently require adherence to a minimum flow. 	<ul style="list-style-type: none"> • No change to overall approach.

¹ 7DMALF is the 7-day mean annual low flow. It is calculated as the average, for a minimum of 5 years, of the lowest average flow over seven consecutive days in each year.

	biosecurity purposes and longer-term infrastructure activities.		
EFL-P13 Efficiency	<ul style="list-style-type: none"> • Consider efficiency at a wider scale. • Consider economic, technical and dynamic efficiency. • Unintended consequences of efficiency provisions. • Concern that there will be insufficient water for dry years if efficiency gains result in reduced allocation to a consent. 	<ul style="list-style-type: none"> • The mandate to consider efficiency comes from the NPSFM and is a well-established practice under the operative RPW (and throughout NZ). • The resource consent process only enables efficiency to be considered at the scale of each individual consent. • The policies do enable communities to manage water at a larger scale, such as irrigation scheme or catchment scale. In these cases, efficiency could be considered at a wider scale. The policies and associated appendices could be amended to make this clearer. • The provisions take into account technical and dynamic efficiency, for example through guidelines on reasonable and efficient use, providing for collective management and transfer provisions. • The method for determining actual use is calculated over a 10-year period which should be sufficient to capture climate variability. • Unintended consequences do not remove the mandate to consider efficiency under the NPSFM. 	<ul style="list-style-type: none"> • Minor changes will be made to the policy framework for efficiency.
EFL-P3 and APP[flows, levels and limits]	<ul style="list-style-type: none"> • Some parties do not support the proposed bespoke flows, levels and take limits in App [flows, levels and limits for rivers and aquifers. • The feedback received stated that they have not been provided sufficient background material to provide a full assessment of 	<ul style="list-style-type: none"> • Relevant technical Information to be made be provided when available. 	<ul style="list-style-type: none"> • No change to overall approach.

	bespoke limits recommended and the rationale behind the recommendations.		
Environmental flow for the Clutha Mata-au main stem	<ul style="list-style-type: none"> Practical issues of enforceability of conditions i.e minimum flow that is a combination of different inflows into the catchment's main stem and Lake Hawea.* 	<ul style="list-style-type: none"> Issues with enforcing and implementing of Clutha mata-au mainstem minimum flow conditions as drafted given that it is a mix of river in flows and Hawea lake level Practical issues given flow monitoring sites are managed by NIWA not ORC. However, to meet the requirements for setting environmental flows and levels the condition is required and no alternative solutions have been identified as of today. 	<ul style="list-style-type: none"> No change to overall approach.
Bespoke minimum lake levels for controlled lakes	<ul style="list-style-type: none"> Some parties state the provisions are impracticable as drafted given purpose of controlled lakes and it may interfere with necessary maintenance of damming infrastructure, existing renewable electricity generation. 	<ul style="list-style-type: none"> Feedback received stated that setting minimum levels may have unintended consequences for the purpose and operation of controlled lakes. To meet the NPSFM requirements for setting environmental levels the condition is required 	<ul style="list-style-type: none"> No change to overall approach, but amendments will be made to provide for maintenance of existing regionally significant infrastructure associated with controlled lakes when these are at or below the recommended minimum lake level.

<p>Environmental flow and take limit for the Waikouaiti River</p>	<p>Mixed feedback:</p> <p>(a) Some parties support the recommended flows and take limits and expressing some concern on the health of the Waikouaiti river</p> <p>(b) Some consent holders are in opposition to the proposed change highlighting that:</p> <ul style="list-style-type: none"> - The proposed changes and limits are unworkable, unrealistic and unjustified and make their current operation not financially viable. - The proposed changes would significantly impact DCC's ability to meet its drinking water supply obligations (reducing reliability significantly) - Requiring sufficient time to implement changes and built appropriate storage. - The river is considered to be in largely in a healthy condition with land use change and other mitigation contributing to improving the health of the river over time including riparian planting and FWFPs. 	<ul style="list-style-type: none"> • The recommended water quantity limits were based on default method for setting water quantity limits, which is not inappropriate in this instance given the limitations of this method for catchments with a higher degree of hydrological modification. • The minimum flow has the potential to interact with habitat and/or water quality in the Waikouaiti Estuary. However, addressing habitat and/or water quality issues in the Waikouaiti Estuary requires an integrated approach that manages sediment loads as well as water quantity. • The minimum flow by itself is considered to have a limited impact on conditions in the Waikouaiti Estuary. • The residual flow condition on existing consents is 150 L/s from November to April and 350 L/s from May to October. This condition acts as a minimum flow. While the summer residual flow condition is set at what is considered a low proportion of 7DMALF (60%), this was assessed as resulting in unimpacted hydrology relative to naturalized flows. In addition, habitat retention is considered high for most indigenous fish species habitat and sports fish habitat under current setting. 	<p>Proposed change to approach:</p> <ul style="list-style-type: none"> • set take limit based on actual use • set a minimum flow based on the current residual flow conditions (150 L/s from November to April and 350 L/s from May to October).
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Table 5: DAM – Damming and Diversion

Topic	Summary of feedback received (* feedback received though internal reviews)	Comments / analysis	Staff position/recommendation OR Options presented (<i>Blue Italics</i>)
New in-stream damming	<p>Diverging views:</p> <ul style="list-style-type: none"> • Several parties consider that the policy approach for new in-stream dams and weirs is too restrictive i.e. only allowing for new in-stream dams and weirs where they: <ul style="list-style-type: none"> - are temporary, or - are REG facilities that connect with the local distribution network or national grid, or - are for the primary purpose of protecting, restoring, or enhancing the ecosystem health, indigenous biodiversity, or hydrological functioning, or - have no material adverse effects on water bodies and freshwater ecosystems. • Some consider that “for the primary purpose” should be removed so that dams for other purposes (e.g. irrigation) could be allowed provided they also protect, restore or enhance ecosystem health, indigenous biodiversity or hydrological functioning. • Other parties consider that this approach is too lenient, and seek that it is tightened further e.g. by removing the pathway for REG. 	<ul style="list-style-type: none"> • Strong direction in the NPS-FM to avoid the loss of river extent and values to the extent practicable. This direction is included in the LF chapter. • The policy framework in the draft LWRP for new in-stream damming was developed in response to previous direction provided by ORC’s Strategy and Planning Committee in 2022 i.e. encourage off-stream storage, discourage new in-stream. • The placement of new in-stream dams is a significant issue for mana whenua. • Recognition of REG seeks to give effect to the NPS-REG and implement objectives in the IM and LF chapters. • New in-stream dams that are not temporary or placed in areas where damming is prohibited (e.g., in accordance with a Water Conservation Order) will generally require a resource consent as a discretionary activity. As part of the assessment, all relevant policy direction, including but not limited to LF-P3, LF-P4 and DAM-P3 will be considered. • Replacement of existing in-stream dams is provided for under DAM-P4. 	<ul style="list-style-type: none"> • No change.

		<ul style="list-style-type: none"> Acknowledge that DAM-P3 currently provides specific direction for the types of new in-stream damming that are supported. 	
Recognition of REG	<ul style="list-style-type: none"> Several parties consider that the policies and rules should be more enabling of, or include bespoke provisions for, renewable energy generation activities to better give effect to the NPS-REG. (Note that similar feedback has been raised with respect to draft provisions in several other chapters of the draft LWRP). There should be a clearer, more straightforward consenting pathway for ongoing maintenance on the Clutha scheme and greater recognition of the national significance of Clutha Hydro Scheme through inclusion of bespoke provisions. 	<ul style="list-style-type: none"> The draft LWRP seeks to give effect to the NPS-REG through strategic provisions in the IM and LF chapters, and within other relevant chapters, including EFL, BED and DAM. DAM-P3 currently provides recognition of REG facilities with regard to new in-stream damming activities. Acknowledge that while the draft LWRP does provide for REG activities, there are opportunities to make this more explicit. 	<ul style="list-style-type: none"> Include a new bespoke controlled activity rule for the maintenance of the Clutha Hydro Scheme in FMU1 (not including the take, use or damming of water) to recognise its' national importance, subject to conditions.
Flood protection and drainage infrastructure	<ul style="list-style-type: none"> Internal feedback seeks several amendments to better provide for the management of Council owned assets and enable BAU in respect to river management activities including by:* <ul style="list-style-type: none"> Amending the definitions in the dLWRP (e.g., dam, damming, diversion) to exclude specific assets (e.g., stopbanks, flood ponding areas). Amending or adding new policies and rules to better provide for Council activities associated with flood protection and drainage infrastructure. <p>(Note that similar feedback has been raised for the BED chapter.)</p>	<ul style="list-style-type: none"> Flood protection and drainage works are subject to conflicting legislation, do not always align with the direction in the NPS-FM. Currently, no specific direction for flood protection and drainage works in the DAM chapter except for providing for new in-stream dams and weirs where they are for the primary purpose of protecting, restoring or enhancing Acknowledge that flood protection and drainage works cover a wide range of assets and activities, including works in and out of the bed and some damming and diversion. 	<ul style="list-style-type: none"> Provide more specific policy direction to recognise and provide for flood protection and drainage works and associated damming and diversion activities. Bring all flood protection and drainage works policies and rules into a standalone FLOOD chapter, including relevant BED and DAM provisions, with cross-references as required. If not adopted, these provisions would sit in the BED and DAM chapters as relevant.

Taking of water into in-stream dams	<ul style="list-style-type: none"> • Some parties question whether the outcomes and costs of requiring existing in-stream dam owners to measure or model the impoundment volume and dam inflows and outflows to inform freshwater accounting by 1 July 2028 (under DAM-P6 and DAM-R6) is practicable or reasonable. 	<ul style="list-style-type: none"> • DAM-P6 and DAM-R6 sought to give effect to direction in clause 3.17 of the NPS-FM and to resolve current freshwater accounting challenges. 	<ul style="list-style-type: none"> • Staff are investigating options to simplify and streamline these requirements in order to achieve the same outcome.
Fish spawning and taoka species	<ul style="list-style-type: none"> • Need greater recognition of fish spawning in policy and rules, to avoid works during indigenous and salmonid spawning seasons. • Additional references to taoka species in policies are required to protect these species. • Note that this is also an issue raised with regard to the BED chapter. 	<ul style="list-style-type: none"> • NPS-FM requires protection of habitats of indigenous and • Several of the permitted DAM rules include a date exclusion to capture salmonids and some indigenous species (galaxiids). • General date range likely not feasible for all indigenous species, as species spawn at different times throughout the year. 	<ul style="list-style-type: none"> • Stronger policy direction plus either: <ul style="list-style-type: none"> ○ Retain current dates; or ○ Narrative permitted activity condition to avoid disturbance of spawning habitats; or ○ Link to NIWA fish spawning calendar or similar, with map or information to show which species are where. <p>Option chosen will depend on information available.</p>

Objective for DAM	<ul style="list-style-type: none"> • Need an objective within the DAM chapter to clearly link with the policies and rules. 	<ul style="list-style-type: none"> • The DAM chapter currently relies on objectives in other chapters of the draft LWRP, including IM, LF and BED. These chapters include relevant outcomes related to the natural character, form and function of water bodies, fish passage and habitats, and renewable energy generation etc. • Acknowledge that there are benefits associated with including a standalone objective to ensure a clear line of sight with the policies and rules in the DAM chapter. 	<ul style="list-style-type: none"> • Following confirmation of the overall policy approach for new in-stream damming (see above), staff will review whether any gaps exist and the need for a standalone objective in the DAM chapter.
Activity status for “drop-out” rules	<ul style="list-style-type: none"> • Where permitted activities are unable to be met, the “drop-out” rules should be more lenient than discretionary to reflect the Council’s desire to encourage certain activities i.e. maintenance of dams, construction of new off-stream dams or temporary in-stream dams etc. 	<ul style="list-style-type: none"> • Given the range of activities managed under these rules (i.e. damming, diversion, discharges, works in the beds of lakes and rivers) there are a range of adverse effects that require consideration. As such, the list of matters for a consent processing officer to consider are broad in scope and warrant a discretionary activity status. 	<ul style="list-style-type: none"> • No change.
Diversions	<ul style="list-style-type: none"> • Seek clarification on what effects are being managed by the diversion rules and their purpose. • Amendments to conditions needed to control the scale, timing and all relevant potential adverse effects of diversions. 	<ul style="list-style-type: none"> • Acknowledge there are opportunities to clarify the intent of these provisions and to ensure that all relevant potential adverse effects are considered in the permitted activity conditions. 	<ul style="list-style-type: none"> • Staff will review the conditions to ensure they are clear for plan users and manage all potential adverse effects.

Table 6: PP- Primary Production

Topic	Summary of feedback received (* feedback received though internal reviews)	Comments / analysis	Staff position/recommendation OR Options presented (<i>Blue Italics</i>)
Primary Production (farming) Permitted activity rules	Feedback is split between: (a) those parties who consider the rules are generally acceptable and achievable with the exception of: - restrictions on intensification, - including “mob stocked sheep” in the stock exclusion rule, - there should be more reliance on Freshwater Farm Plans (FWFP). (b) those parties that consider the provisions in the draft LWRP are not stringent enough to prevent further degradation nor provide for the scale of reductions that are required to achieve the target attribute states and environmental outcomes. In particular: - too many permitted activity rules will not manage cumulative effects, - the use of FWFP in lieu of requiring consent is not appropriate in degraded catchments, - setbacks are inadequate, - fertiliser application needs to be more strictly regulated, - there should be limits on intensification of land use.	<ul style="list-style-type: none"> • Modelling by science shows that the approach taken by the draft LWRP is likely to only make a limited difference when it comes to achieving target attribute states & environmental outcomes. <ul style="list-style-type: none"> - The expectation is that over the lifetime of the draft LWRP (10 years) reversing degrading trends and improvement within NPSFM bands are the most likely outcomes. - More stringent measures set either in the proposed LWRP scheduled to be notified by end June 2024 or introduced in the LWRP at later stage through a plan change or review process could move closer to the outcomes set out in the Plan. - Alternatively, explicit reliance on non-regulatory actions (action plans) or FWFPs will be necessary to show how the gap will be bridged. - Despite conversations with internal and external stakeholders, it has not been possible to develop a justifiable and certain definition of ‘mob-stocked sheep’. Reliance on FWFPs appears to be a more pragmatic and practical way 	<ul style="list-style-type: none"> • No change to overall approach, but minor amendments including removing mob-stocked sheep from the stock exclusion rule.

		of managing risks associated with mob-stocking.	
FMU/Rohe rules Dairy farming, dairy support	<p>Feedback is split between:</p> <p>(a) Parties who support:</p> <ul style="list-style-type: none"> - proactively managing farming intensity - input controls such as stock numbers, fertiliser use, limits on land use, - larger setbacks - more stringent regulation than NES-F. <p>(b) Parties who oppose:</p> <ul style="list-style-type: none"> - requiring dairy farmers to gain a land use consent, - the use of input controls or intensity thresholds such as stocking rate, - restricting limiting the area of land for dairy support. <p>These parties request more use of FWFP rather than consent to dairy/dairy support.</p>	<ul style="list-style-type: none"> • The draft LWRP proposed a permitted activity status for those dairy farms under 20ha. • It proposed a controlled status for dairy farms over 20ha if they had a certified, implemented, and audited FWFP, with a 12-month lead in time. • Dairy support is a permitted activity provided the land was dairy support land during the reference period set out in the NES-F. (1 July '14 to 30 June '19) • No clear preference has come out of the Clause 3 round of consultation. 	<ul style="list-style-type: none"> • No change to approach
FMU/Rohe rules Cultivation	<p>Feedback was split between:</p> <p>(a) parties who support and parties who oppose restrictions on cultivation.</p> <p>(b) parties who oppose restrictions consider that risks on water quality resulting from cultivation can be managed through FWFPs.</p>	<ul style="list-style-type: none"> • The draft LWRP proposes a permitted activity rule for cultivation on land with a slope <20 degrees with setbacks from waterbodies: <ul style="list-style-type: none"> - 5m on a slope <10 degrees - 10 metres on a slope between 10 and 20 degrees. • The use of land with a slope over 20 degrees for the cultivation of pasture is permitted as long as cultivation is undertaken using no-tillage or direct deed drilling 	<ul style="list-style-type: none"> • No change to approach but minor amendments clarifying the rules and definitions so that no-till/direct drilling is not considered cultivation.

		<p>practices. Setback from waterbodies is 10m.</p> <ul style="list-style-type: none"> • A FWFP pathway applies in both cases. The main risk to water quality from cultivation is sediment loss via overland flow. Slope has been identified as a risk factor in sediment loss. 	
Freshwater Farm Plans	<ul style="list-style-type: none"> • General support for use of FWFPs as a tool in the LWRP. • Feedback split between: <ul style="list-style-type: none"> (a) those who seek more reliance on FWFP, some to the extent of them being essentially the only tool in the LWRP, and (b) others who think FWFPs are being relied on too much, especially as an alternative to resource consents. • Some opposition to the ORC requiring additional matters to be addressed in FWFPs and greater information being supplied to the ORC than is required in the Regulations. 	<ul style="list-style-type: none"> • Use of FWFPs as an alternative to a resource consent is used in many rules and will hopefully reduce duplication and reduce the number of resource consents sought. This does have some risks, as ORC has less knowledge of actions and control over appropriateness and function of mitigations. • Additional info (beyond that required by the Regulations) is required to be submitted to the ORC. This is important to enable more targeted catchment management and local solutions in the future. 	<ul style="list-style-type: none"> • No change to approach

Table 7: WW – Wastewater

Topic	Summary of feedback received (* feedback received though internal reviews)	Comments / analysis	Staff position/recommendation OR Options presented (<i>Blue Italics</i>)
Discharges of wastewater to water	<ul style="list-style-type: none"> Concern that prohibited activity rules for new discharges of WW may result in potential unintended consequences. 	<ul style="list-style-type: none"> Policy direction provided in the Proposed Regional Policy Statement 	<ul style="list-style-type: none"> Align with the direction that will be set by the Council's decisions on the Proposed Regional Policy Statement
Discharges of untreated wastewater	<ul style="list-style-type: none"> Concern that any untreated discharges retain discretionary status rather than prohibited. 		
Discharges of wastewater to land	<ul style="list-style-type: none"> There does not appear to be any rules for wastewater discharge to land that is not likely to enter fresh water. 	<ul style="list-style-type: none"> All discharges of contaminants could end up in ground or surface water under certain conditions. 	<ul style="list-style-type: none"> No change
Discharges where target attribute states (TAS) are met.	<ul style="list-style-type: none"> No policy for discharges of domestic wastewater or sewage in FMUs where target attribute states (TAS) are met. 	<ul style="list-style-type: none"> Guidance on management of discharges in FMUS where TAS are met/not met is included in the LF chapter. 	<ul style="list-style-type: none"> No change
Definitions	<ul style="list-style-type: none"> Definition of “available wastewater network” may negatively impact on territorial authorities operations by forcing connection when it is not practicable or appropriate. Definition of “biosolids” may impact producers of dairy sludge. 	<ul style="list-style-type: none"> Number of requirements need to be satisfied before owners of reticulated systems can accept connection. 	<ul style="list-style-type: none"> Definition amended to include approval by owner
		<ul style="list-style-type: none"> The definition and rules for biosolids were intended to only manage those derived from human sewage. Sludge derived from other materials will be managed as a trade and industrial waste or an agricultural waste. 	<ul style="list-style-type: none"> Definition amended to specify biosolids are derived from human sewage

Table 8: SW – Stormwater

Topic	Summary of feedback received (* feedback received though internal reviews)	Comments / analysis	Staff position/recommendation OR Options presented (<i>Blue Italics</i>)
Stormwater Networks	<ul style="list-style-type: none"> Feedback from Territorial Authorities (TAs) is generally positive although parties seek greater understanding of how the policy and rule framework will be implemented. 	<ul style="list-style-type: none"> Feedback is understandable given change in approach. 	<ul style="list-style-type: none"> Make clarity changes as sought by Territorial Authorities. Meet with TAs to discuss implementation of proposed framework.
Stormwater Networks and cross connections	<ul style="list-style-type: none"> Internal engagement highlighted that cross connections of wastewater and stormwater are common within stormwater networks.* 	<ul style="list-style-type: none"> Direction for remedying cross connections and wastewater overflows are contained in the WW (Wastewater) Chapter. However, for completeness, the inclusion of cross connection information in the Stormwater Chapter is useful. 	<ul style="list-style-type: none"> Include policy direction in the draft LWRP requiring progressive remediation of cross connections in stormwater networks. Include direction in the draft LWRP for Stormwater Management Plans to include information on cross connections.
Flooding and discharges to scheduled drains	<ul style="list-style-type: none"> Internal engagement highlighted that discharges to scheduled drains are an issue.* Further discussion on flooding and storm events more generally indicated that more specific direction is necessary for stormwater discharges. 	<ul style="list-style-type: none"> Further direction is necessary and will assist all plan users. 	<ul style="list-style-type: none"> Include condition in stormwater discharge rule (not to a stormwater network) that requires resource consents when discharges are to scheduled drains. This will enable ORC to manage drain capacity. Include condition specifying a particular storm event that must be held within the boundaries of the site. There is opportunity for this to be aligned with the Building Code.

Table 9: EARTH – Earthworks and land disturbance

Topic	Summary of feedback received (* feedback received through internal reviews)	Comments / analysis	Staff position/recommendation OR Options presented (<i>Blue Italics</i>)
General	<ul style="list-style-type: none"> • Confusion over earthworks/disturbance of land being managed under EARTH-R4-PER1 which conflicts with EARTH-R5-PER1, which allows site investigations as a permitted activity. • Clear exclusions/permitted activity pathway is required for the following activities that can involve earthworks: <ul style="list-style-type: none"> - Activities associated with erosion and sediment control device establishment/maintenance associated with cultivation - Burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993 • Irrigation and land drainage. 	<ul style="list-style-type: none"> • Conflict between rules and lack of clarity can be addressed to changes through the LWRP structure. • The condition to maintain a setback from water bodies or modified of artificial water courses prevents: <ul style="list-style-type: none"> - establishment of settling ponds or artificial water courses to manage risk of sediment runoff. - Maintenance of irrigation races • The current rule framework the discharge does not contain any hazardous substance, pest, pest agent, unwanted organism or organism of interest. • Land drainage can have hydrological and ecological impacts 	<ul style="list-style-type: none"> • Remove the provisions for managing site investigations from EARTH chapter and bring these into a new chapter for managing contaminated land. • Minor amendment made to allow better allow for earthworks undertaken for the purpose of <ul style="list-style-type: none"> - erosion and sediment control - burying of material infected by unwanted organisms. • Amend framework to better provide for maintenance and clearance of irrigation races and drains
Insufficient guidance for developing	<ul style="list-style-type: none"> • Concern that APP[ESCP] lacks scientific rigour and provides for a lower quality Erosion Sediment Control Plan and ongoing management in 	<ul style="list-style-type: none"> • Further scope exists to ensure that Erosion Sediment Control Plans prepared by land holders 	<ul style="list-style-type: none"> • Amendments made to APP[ESCP] to ensure that relevant guidelines are

Erosion Sediment Control Plan	comparison to the QLDC District Plan Earthworks chapter and QLDC EMP Guidelines. –	or contractors are fir for purpose and consider local conditions.	considered when preparing an Erosion Sediment Control Plan
Earthworks on steep slopes	<ul style="list-style-type: none"> Concerns about allowing any earthworks to occur as a permitted activity on a slope over 10 degrees. 	<ul style="list-style-type: none"> Earthworks on slopes over 10 degrees can have adverse impact on neighbouring properties, adjacent infrastructure, functioning of artificial water courses or health of water bodies 	<ul style="list-style-type: none"> Amend the permitted activity rule to better manage risks on neighbouring properties, adjacent infrastructure, functioning of artificial water courses. <i>Options to manage of earthworks up to 2500 m² on slopes over 10 degrees:</i> <ul style="list-style-type: none"> <i>Option 1: Retain current rule framework with permitted activity rule</i> <i>Option 2: Increase setbacks</i> <i>Option 3: Restrict ability to undertake earthworks on slope over 10 degrees</i>
Renewable Energy Generation	<ul style="list-style-type: none"> Request that earthworks required for maintaining infrastructure associated with renewable electricity generation, including access tracks and roads are permitted under EARTH-R1-PER1. 	<ul style="list-style-type: none"> Earthworks for infrastructure associated with renewable electricity generation, including access tracks and roads should require consent if they do not meet PA conditions. 	<ul style="list-style-type: none"> No change

Table 10: WASTE – Waste and landfills

Topic	Summary of feedback received (* feedback received through internal reviews)	Comments / analysis	Staff position/recommendation OR Options presented (<i>Blue Italics</i>)
General	<ul style="list-style-type: none"> • Mostly strong support for more controls on the management of waste and contaminated land. • Request for recognition of climate change associated risks of erosion and exposure of contaminated sites and old landfills across the region and associated stronger direction in policies. • Opposition to the greenwaste and composting rules as currently drafted • Request for more clarity in framework for managing greenwaste, composting activities and contaminated land. 	<ul style="list-style-type: none"> • There is a need to address the issue of climate change and erosion of closed landfills/contaminated land, for example in Dunedin. • Contaminated land provisions are spread across multiple chapters in the plan making it overly complicated. A contaminated land chapter would make it more straight forward for the management of activities on these sites. 	<ul style="list-style-type: none"> • No change to approach, with some, mostly minor amendments. • Amendment to contaminated land and closed landfill policies to provide stronger direction for taking action to remediate and clean-up sites at risk of exposure.
Organic waste and composting	<ul style="list-style-type: none"> • Provisions need to better distinguish between green waste, organics, and composting activities, which are not a landfilling activity. • Need more clarity around management of organic/green waste, as rules provide only for the disposal of material to land which is just the same as landfill, as opposed to the use of land for temporary storage of organic/green waste materials which are processed on site. 	<ul style="list-style-type: none"> • Currently the rules manage the disposal of organic material to land, however, composting of green waste is temporary storage of materials • More specific direction on composting/greenwaste will make this rule easier to interpret and enable small scale community composting. • Further opportunities exist to make the provisions easier to understand. • Further discussion with territorial authorities planned to discuss volumes and types of wastes received at community facilities. This will inform the development of a permitted activity pathway for organic waste and green waste storage/deposition. 	<ul style="list-style-type: none"> • A new rule framework for organic waste and green waste storage/deposition to be drafted with appropriate setbacks and volumes aligned with other councils.

Table 11: OTH – Other discharges

Topic	Summary of feedback received (* feedback received though internal reviews)	Comments / analysis	Staff position/recommendation OR Options presented (<i>Blue Italics</i>)
General	<ul style="list-style-type: none"> • General support for approach. • Some (incl. Iwi) seeking strengthened management of discharges to water or that may enter water. (incl. protection of mahika kai). • Others (incl. MPI and LINZ) seeking pathways for HSNO substances to be used for pest management. 	<ul style="list-style-type: none"> • Some minor changes to the plan requested are easily incorporated and useful. • Comments which do not support the provisions are normally conflicting, i.e., either strongly for more protection or strongly for a more permissive approach. • See agrichemical discharges section. 	<ul style="list-style-type: none"> • Small changes incorporated with no change in direction of the plan.
Agrichemical discharges to land	<ul style="list-style-type: none"> • Wide ranging views (from no controls on discharges, to all discharges requiring consent). • However, more support for some controls, rather than no controls on the use of agrichemicals. • Support from multiple submitters for a pathway for statutory biosecurity activities. 	<ul style="list-style-type: none"> • Need to meet water quality outcomes as well as requirements re biosecurity in the RPS, Regional Pest Management Plan 2019, national legislation and planning instruments. • Requiring consent for biosecurity activities would have financial implications. • The cost for removal of wilding conifers through use of ground application methods within setbacks would limit the coverage of ABBA work (Aerial Basal Bark Application – directly applying a herbicide to wilding conifers from a helicopter which is highly efficient). • Agrichemicals are detrimental to human health, as well as indigenous freshwater species. The 	<ul style="list-style-type: none"> • Amend rule framework to allow for discharges of agrichemicals through either targeted ground application methods or a wider range of application methods if it is for the purpose of managing pest species identified in Pest Management Plan, within a 20m setback from a water body.

		<p>cumulative impacts of these contaminants entering waterways are unknown.</p> <ul style="list-style-type: none">• Current rules mean ORC have no indication of the geographical extent, frequency, and volume of agrichemical discharges across the region. A precautionary approach would mean requiring consent, in turn increasing information availability on the use of these chemicals in the region and potentially inferring impacts on the state of waterways.• Provision is made for a FWFP pathway for agrichemical use in agriculture in the rule framework.	
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Table 12: BED – Beds of *lakes* and *rivers*

Topic	Summary of feedback received (* feedback received though internal reviews)	Comments / analysis	Staff position/recommendation OR Options presented (<i>Blue Italics</i>)
Managed retreat and adaptation	<ul style="list-style-type: none"> Need greater direction on managed retreat, adaptation and nature-based solutions 	<ul style="list-style-type: none"> LF chapter provides some high-level policy direction on this. Most of these approaches are wider than the LWRP policies and rules, and require co-operation from regional and district councils, and affected landowners. 	<ul style="list-style-type: none"> Amend policy direction to provide greater support and require greater consideration of managed retreat, adaptation and the use of nature-based solutions. Consider rules that provide an enabling pathway for activities that are consistent with this policy direction, including flood protection and drainage infrastructure.
Flood protection and drainage infrastructure	<ul style="list-style-type: none"> Some seek more permissive framework for this work* Conflict between NPSFM outcomes, and the impacts of flood protection works Encourage nature-based solutions for flood protection and drainage infrastructure 	<ul style="list-style-type: none"> Flood protection and drainage works are subject to conflicting legislation, that is at times difficult to reconcile with the requirements under the NPSFM. Currently no permitted pathway for placement, alteration or replacement of flood protection and drainage infrastructure, which is more stringent than status for other structures. Acknowledge that flood protection and drainage 	<ul style="list-style-type: none"> Provide more specific direction enabling the implementation of nature-based solutions. Provide permitted activity rule for alteration and replacement of flood protection and drainage structures, subject to limits on the scale and extent of alteration and replacement works. Option to bring all flood protection and drainage works policies and rules together into a standalone FLOOD chapter, including relevant BED and DAM provisions, with cross-references as required. If not adopted, these provisions would sit in the BED and DAM chapters as relevant.

		works cover a wide range of assets and activities, including works in and out of the bed, and some damming and diversion.	
Drain maintenance	<ul style="list-style-type: none"> • Some seek more permissive rule for this work (including internal stakeholders) • Some support the consent requirement for all drain maintenance 	<ul style="list-style-type: none"> • Drain maintenance is likely to be needed to maintain capacity, until changes in land management occur that reduce the volume of sediment entering drains. • Need to be more considered in why drain maintenance is required, rather than doing it because it's always been done. 	<ul style="list-style-type: none"> • <i>Two options for managing drain maintenance:</i> <ul style="list-style-type: none"> ○ <i>Option 1: Retain consent requirement for all drain maintenance as a restricted or fully discretionary activity</i> or ○ <i>Option 2: Create new permitted activity or controlled activity pathway for drain maintenance, where the need for the activity can be demonstrated</i> <p>Similar to gravel, could also provide permitted or controlled pathway for maintenance where it is done in accordance with a Code of Practice (COP), noting that COP has not been developed yet.</p>
Fish spawning	<ul style="list-style-type: none"> • Need greater recognition of fish spawning in policy and rules, to avoid works during indigenous and salmonid species spawning seasons 	<ul style="list-style-type: none"> • NPSFM requires protection of habitats of indigenous and salmonid species • Many permitted BED rules currently have date exclusion to capture salmonids and some indigenous species (galaxiids) 	<ul style="list-style-type: none"> • Stronger policy direction plus either: <ul style="list-style-type: none"> ○ Retain current dates; or ○ Narrative permitted activity condition to avoid disturbance of spawning habitats; or ○ Link to NIWA fish spawning calendar or similar, with map or information to show which species are where.

		<ul style="list-style-type: none"> • General date range likely not feasible for all indigenous species, as species spawn at different times throughout the year 	Option chosen will depend on information available.
Sediment traps	<ul style="list-style-type: none"> • Use of FWFPs to enable sediment traps* 	<ul style="list-style-type: none"> • The focus of FWFPs is on effects of farming on water quality. • Sediment traps may be a tool to remedy or mitigate adverse effects associated with farming, but are not a farming activity. 	<ul style="list-style-type: none"> • No change. There is no certainty that certifiers have the skills and expertise needed to assess the impacts of the installation of sediment traps on a range of instream values or other values associated with the water body.
Bank rebattering	<ul style="list-style-type: none"> • Some parties support enabling pathways for bank rebattering. • Some parties seek consent pathway for all bank rebattering, given impacts on habitats, river function and natural character. 	<ul style="list-style-type: none"> • Bank rebattering of already modified rivers can be beneficial to ecosystem health. 	<ul style="list-style-type: none"> • Retain permitted activity pathway, but ensure scope is limited.
Bank reinstatement	<ul style="list-style-type: none"> • Some parties support enabling pathways for bank reinstatement. • Some parties seek consent pathway for all bank reinstatement, given impacts on habitats, river function and natural character. 	<ul style="list-style-type: none"> • Rule is intended to apply to reinstatement following natural hazard events, such that bank cannot further encroach 	<ul style="list-style-type: none"> • Retain permitted activity pathway, but ensure scope is limited.
Suction dredging	<ul style="list-style-type: none"> • Parties seek to reinstate consent requirement for all suction dredging 	<ul style="list-style-type: none"> • Permitted activity pathway is based on technical advice, and limits dredging in sensitive sites. 	<ul style="list-style-type: none"> • No change.

Table 13: FMU and rohe provisions

Topic	Summary of feedback received (* feedback received through internal reviews)	Comments / analysis	Staff position/recommendation OR Options presented (<i>Blue Italics</i>)
Environmental outcomes	<ul style="list-style-type: none"> • General support for the environmental outcomes • Some parties request reordering of the environmental outcomes • Some parties request the inclusion of new objectives, such as an environmental outcome for domestic food production or an environmental outcome for industrial and commercial activities for the Catlins FMU. amendments to the wording • Some parties request an amendment to the wording of existing environmental outcomes. 	<ul style="list-style-type: none"> • There is a need to address the issue of climate change and erosion of closed landfills/contaminated land, for example in Dunedin. • Contaminated land provisions are spread across multiple chapters in the plan making it overly complicated. A contaminated land chapter would make it more straight forward for the management of activities on these sites. 	<ul style="list-style-type: none"> • No change to approach, with some, mostly minor amendments.
Policies	<ul style="list-style-type: none"> • Concern about the FMU specific policies for the North Otago FMU 	<ul style="list-style-type: none"> • The policies seem to ensure that any decision-making with respect to the management of the tributaries of Waitaki River or with respect to activities that can impact the health of this river allow for consideration of the effects on the wider catchment. 	<ul style="list-style-type: none"> • No change to approach, with some potential minor amendments.
FMU and rohe specific rules	<ul style="list-style-type: none"> • Concern about the consent requirement for dairy • Concern about the limitations for dairy support 	<ul style="list-style-type: none"> • Refer to discussion in Table 6 	<ul style="list-style-type: none"> • No change to approach
Setting limits for groundwater	<ul style="list-style-type: none"> • Some have requested the setting of limits for groundwater 	<ul style="list-style-type: none"> • The setting of for groundwater is constrained by the availability of groundwater monitoring data 	<ul style="list-style-type: none"> • No change to approach

<p>Target attribute states</p>	<ul style="list-style-type: none"> • Some for support TAS for specific values in specific locations • Some parties consider that the TAS are too low and not ambitious enough for specific FMUs, rohe or areas. • Some parties have requested TAS for more monitoring locations, specific values and water body types (e.g. wetlands) • There is a disconnect between the values and TAS/alternative criteria identified for this value. The TAS and/alternative criteria do not allow for comprehensive monitoring of all relevant aspects of a value. • Some request more monitoring sites 	<ul style="list-style-type: none"> • The setting TAS is constrained by the availability of monitoring data and long-term monitoring sites • Setting more ambitious TAS may result in the need to set more stringent controls in the LWRP. 	<ul style="list-style-type: none"> • No change to approach, some potential minor amendments.
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