

Council decisions on the Proposed Otago Regional Policy Statement 2021 – Freshwater Planning Instrument Parts

At its meeting on 27 March 2024 the Otago Regional Council considered the recommendations of the Freshwater Hearings Panel on the Proposed Otago Regional Policy Statement 2021 – Freshwater Planning Instrument Parts and decided as follows:

Attachment: Table of Freshwater Hearing Panel Recommendations

#	Topic	Freshwater Hearing Panel Recommendation	Council decision
1.	General	We recommend that submissions on provisions and matters in the freshwater planning instrument are accepted or rejected wholly or in part as set out in Appendix 6: Freshwater Planning Instrument Hearing Panel Recommendations for decisions on submissions and reasons.	Accept Panel recommendation
2.	Objectives – LW-WAI-O1 & the use of ‘mauri’	Amend LF-WAI-O1 to read: The mauri of Otago’s water bodies and their health and well-being is <u>are</u> protected, and restored where it is <u>they are</u> degraded, <u>so that the mauri of those water bodies is protected</u> , and the management of land and water recognises and reflects that: ...	Accept Panel recommendation
3.	Wetland definition	We recommend the definition ‘natural wetland’ is deleted. Deletion of the ‘natural wetland’ definition and related amendments to apply the ‘natural inland wetland’ approach will have consequences for those LF-FW Objectives and Policies we have referred to, and some other provisions, which will need consequential amendment.	Accept Panel recommendation

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4.	SRMR-15-Freshwater demand exceeds capacity in places	<p>We recommend that the wording in the PORPS Reply Report version dated 10 October 2023 be adopted for SRMR-15 – Freshwater demand exceeds capacity in some places, with the exception of paragraph 2 of the Context where we recommend the following amendment:</p> <p>However, there continues to be debate in the community about how historical <i>freshwater</i> allocations can be adjusted to achieve a balance of <u>prioritise protection of the health and well-being of <i>water</i> bodies, meet the health needs of people, and provide for economic, environmental, social and cultural needs.</u></p>	Accept Panel recommendation
5.	LF-FW-O1A	<p>Our final recommendation for the region-wide objective is therefore as follows:</p> <p>LF-FW-O1A – Visions set for each FMU and rohe <u>In each FMU and rohe in Otago and within the timeframes specified in the freshwater visions in LF-VM-O2 to LF-VM-O6:</u></p> <ol style="list-style-type: none"> (1) <u>healthy freshwater and estuarine ecosystems support healthy populations of indigenous species (including non-diadromous galaxiids and Canterbury mudfish) and mahika kai that are safe for consumption,</u> (2) <u>the interconnection of land, freshwater (including springs, groundwater, ephemeral water bodies, wetlands, rivers, and lakes) and coastal water is recognised,</u> (3) <u>fish passage within and between catchments 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,</u> (4) <u>the form, function and character of water bodies reflects their natural characteristics and natural behaviours to the extent reasonably practicable,</u> (5) <u>the ongoing relationship of Kāi Tahu with wāhi tūpuna, including access to and use of water bodies, is sustained,</u> (6) <u>the health of the water supports the health of people and their connections with water bodies,</u> (7) <u>sustainable land and water management practices:</u> <ol style="list-style-type: none"> (a) <u>support food and fibre production and the continued social, economic, and cultural well-being of Otago’s people and communities, and</u> 	Accept Panel recommendation

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		<p>(b) _____ improve the resilience of communities to the effects of climate change, and</p> <p>(c) _____ ensure communities are appropriately serviced by community water supplies, and other three waters infrastructure.</p> <p>(8) _____ direct discharges of wastewater to water bodies are phased out to the extent reasonably practicable, and</p> <p>(9) _____ freshwater is managed as part of New Zealand’s integrated response to climate change and renewable electricity generation activities are provided for.</p>	
6.	Implications for LF-FW objectives	<p>Adopting a region-wide objective has led to the following consequential changes:</p> <p>a. Deleting the following clauses from the freshwater visions as a consequential amendment to introducing LF-FW-O1A:</p> <ul style="list-style-type: none"> i. LF-VM-O2(3), (4), (5), (7)(b)(i) and (ii), (7)(c)(i), (iii) and (iv), ii. LF-VM-O3(2), (4), and (5), iii. LF-VM-O4(2), (6), (7), and (8), iv. LF-VM-O5(2) and (4), and v. LF-VM-O6(2) and (3). <p>b. Deleting the part of LF-VM-O3(3) that relates to mahika kai and indigenous species,</p> <p>c. Deleting the part of LF-VM-O5(3) that relates to migration of indigenous species,</p> <p>d. Amending LF-FW-O8 to only retain clause (5) as follows:</p> <p style="padding-left: 40px;">The significant and outstanding values of Otago’s <i>outstanding water bodies</i> are identified and protected.</p> <p>e. Retaining LF-FW-O9 but locating it after the suite of freshwater visions, and</p> <p>f. Merging the LF-VM and LF-FW sections into one LF-FW section.</p>	Accept Panel recommendation

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7.	LF-VM-O2 – Clutha Mata-au FMU vision	<p>The Panel’s final recommendation for LF-VM-O2 is as follows:</p> <p>LF-VM-O2 – Clutha Mata-au FMU vision</p> <p>In the Clutha Mata-au <i>FMU</i>, and in addition to the matters in LF-FW-O1A:</p> <p>(1) management of the <i>FMU</i> recognises that:</p> <p>(a) the Clutha Mata-au is a single connected system ki uta ki tai, and</p> <p>(b) the source of the wai is pure, coming directly from Tawhirimatea <u>Tāwhirimātea</u> to the top of the mauka and into the awa,</p> <p><u>(1A) sustainable abstraction occurs from lakes, river main stems or groundwater in preference to tributaries, to the extent reasonably practicable,</u></p> <p>(2) fresh water is managed in accordance with the LF-WAI objectives and policies,</p> <p>(3) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,</p> <p>(4) water bodies support thriving mahika kai and Kāi Tahu whānui have access to mahika kai,</p> <p>(5) indigenous species migrate easily and as naturally as possible along and within the river system</p> <p><u>(6) the national significance of the ongoing operation, maintenance and upgrading of the Clutha hydro-electricity generation scheme, including its generation capacity, storage and operational flexibility and its contribution to climate change mitigation, is recognised and protected, and potential further development is provided for within this modified catchment.</u></p> <p><u>(6A) water bodies support a range of outdoor recreation opportunities,</u></p> <p>(7) in addition to (1) to (6) above:</p> <p>(a) in the Upper Lakes rohe, the high quality waters of the lakes and their</p>	Accept Panel recommendation

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		<p>tributaries are protected, <u>and if degraded are improved</u>, recognising the significance of the purity of these <i>waters</i> to Kāi Tahu and to the wider community,</p> <p>(b) in the Dunstan, Manuherekiā and Roxburgh rohe:</p> <p>(i) flows in <i>water bodies</i> sustain and, wherever possible, restore the natural form and function of main stems and tributaries to support Kāi Tahu values and practices, and</p> <p>(ii) innovative and sustainable <i>land</i> and <i>water</i> management practices support food production in the area and reduce discharges of nutrients and other <i>contaminants</i> to <i>water bodies</i> so that they are safe for human contact, and</p> <p>(iii) sustainable abstraction occurs from main stems or <i>groundwater</i> in preference to tributaries,</p> <p>(e7A) in the Lower Clutha rohe,:</p> <p>(i) there is no further modification of the shape and behaviour of the <i>water bodies</i> and opportunities to restore the natural form and function of <i>water bodies</i> are promoted wherever <u>reasonably practicable possible, and</u></p> <p>(ii) the ecosystem connections between <i>freshwater, wetlands</i> and the coastal environment are preserved and, wherever possible, restored,</p> <p>(iii) <i>land</i> management practices reduce discharges of nutrients and other <i>contaminants</i> to <i>water bodies</i> so that they are safe for human contact, and</p> <p>(iv) there are no direct <i>discharges</i> of <i>wastewater</i> to <i>water bodies</i>, and</p> <p>8) the outcomes sought in (7) are to be achieved within the following timeframes:</p>	

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		<p>(a) by 2030 in the Upper Lakes rohe,</p> <p>(b) by 2045 in the Dunstan, <u>and</u> Roxburgh and Lower Clutha rohe, and</p> <p>(c) by 2050 in the Manuherekia <u>and Lower Clutha</u> rohe.</p>	
8.	LF-VM-O4 – Taieri FMU vision	<p>The Panel recommends LF-VM-O4 be amended as follows:</p> <p>LF-VM-O4 – Taieri <u>Taiari</u> FMU vision</p> <p>By 2050 in the Taieri <u>Taiari</u> FMU, and in addition to the matters in LF-FW-O1A:</p> <p>(1) — fresh water is managed in accordance with the LF-WAI objectives and policies,</p> <p>(2) — the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,</p> <p>(3) — healthy wetlands are restored in the upper and lower catchment wetland complexes, including the Waipori/Waihola Wetlands <u>Waipōuri/Waihola wetland complex</u>, <u>Tunaheketaka/Lake Taiari, scroll plain, Upper Taiari wetland complex, and connected tussock areas are protected, restored or enhanced where they have been degraded or lost,</u></p> <p>(4) the gravel bed of the lower Taieri <u>Taiari</u> is restored and sedimentation of the Waipori <u>Waipōuri/Waihola wetland</u> complex is reduced,</p> <p><u>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, maintenance, and upgrading is provided for, while potential further development of these schemes is provided for.</u></p> <p>(5) creative ecological approaches contribute to reduced occurrence of didymo, and</p> <p>(6) — water bodies support healthy populations of galaxiid species.,</p> <p>(7) there are no direct discharges of wastewater to water bodies, and</p> <p>(8) — innovative and sustainable land and water management practices support food</p>	Accept Panel recommendation

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		production in the area and improve resilience to the <i>effects of climate change</i> .	
9.	LF-VM-O5 – Dunedin & Coast FMU vision	<p>The Panel recommends LF-VM-O5 be amended as follows:</p> <p>LF-VM-O5 - Dunedin & Coast FMU vision</p> <p>By 2040 in the Dunedin & Coast <i>FMU</i> and in addition to the matters in LF-FW-O1A:</p> <p>(1) fresh water is managed in accordance with the LF-WAI objectives and policies,</p> <p>(2) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,</p> <p>(3) healthy riparian <u>margins, wetlands,</u> estuaries, <u>and</u> lagoons and coastal waters support the health of thriving <i>mahika kai</i> and downstream coastal ecosystems, and indigenous species can migrate easily and as naturally as possible to and from these areas,</p> <p>(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 practicable possible., and discharges of contaminants from urban environments are reduced so that water bodies are safe for human contact.</p>	Accept Panel recommendation
10.	LF-VM-O6 – Catlins FMU vision	<p>The Panel recommends LF-VM-O6 be amended as follows:</p> <p>LF-VM-O6 – Catlins FMU vision</p> <p>By <u>2035</u> in the Catlins <i>FMU</i> and in addition to the matters in LF-FW-O1A:</p> <p>(1) fresh water is managed in accordance with the LF-WAI objectives and policies,</p> <p>(2) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,</p> <p>(3) water bodies support thriving mahika kai and access of Kāi Tahu whānui to mahika kai,</p> <p>(4) the high degree of naturalness <u>of the water bodies</u> and ecosystem connections between the forests, <i>freshwater</i> and coastal environment are preserved, <u>and</u></p>	Accept Panel recommendation

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		<p>(5) water bodies and their catchment areas support the health and well-being of coastal water, ecosystems and indigenous species, including downstream kaimoana, and</p> <p>(6) healthy, clear and clean water supports opportunities for recreation and sustainable food production for future generations.</p>	
11.	Boundary of North Otago and Dunedin & Coast FMUs	On the basis of this agreement, and the reasons for it, the Panel accepts that the new boundary is appropriate and will better support the integrated management of the East Otago Taiāpure area catchment. To avoid any issue about whether there is sufficient scope in the DCC submission as to the map, we rely on clause 49(2)(b) of the first schedule to adopt the map attached to Mr Taylor's evidence.	Accept Panel recommendation
12.	Boundary between Catlins and Clutha Mata-au FMUs	<p>Because there was no submission on the matter, Ms Boyd recommended that we utilise clause 49(2)(b) of Schedule 1 of the RMA to make the change. We agree and recommend the change accordingly.</p> <p>A revised copy of MAP1 was included in the Reply Report version, which we accept.</p>	Accept Panel recommendation
13.	Integrated catchment management	<p>We recommend the following new method be added to the LF-FW section:</p> <p><u>LF-FW-M8AA – Integrated catchment management</u> <u>Otago Regional Council may:</u></p> <p>(1) <u>develop and implement an integrated catchment management programme for the region,</u></p> <p>(2) <u>work in partnership with mana whenua and in collaboration with communities to develop catchment action plans that:</u></p> <p>(a) <u>collate and build on existing work in the catchments,</u></p> <p>(b) <u>incorporate science and mātauraka Māori, and</u></p> <p>(c) <u>identify and target effective environmental management actions, and</u></p> <p>(3) <u>encourage and support community initiatives, at varying catchment levels, that help to deliver catchment action plans.</u></p>	Accept Panel recommendation
14.	LF-FW-09	The Panel recommends the following amendments to LF-FW-09:	Accept Panel recommendation

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		<p><u>LF-FW-09 – Natural Wetlands</u></p> <p>Otago's natural wetlands are protected from inappropriate subdivision, use and development and, where degraded, or restored restoration is promoted so that:</p> <ol style="list-style-type: none"> (1) mahika kai and other mana whenua values are sustained and enhanced now and for future generations, (2) there is no <u>net decrease, and preferably an increase,</u> in the range <u>extent</u> and diversity of <u>wetland</u> indigenous ecosystem types and habitats in natural wetlands, and (3) there is no reduction <u>and, where degraded, there is an improvement</u> in their <u>wetland</u> ecosystem health, hydrological functioning, amenity values, extent or water quality, and if degraded they are improved, and (4) their flood attenuation <u>and water storage</u> capacity is maintained <u>or improved.</u> 	
15.	Definition of 'natural wetland'	As a consequential amendment, we recommend deleting the definition of 'natural wetland' from the PORPS. We note that the RMA definition of 'wetland' was included in the notified PORPS and it is appropriate that this remains.	Accept Panel recommendation
16.	Consequential amendments	As a further consequential amendment, we recommend deleting 'natural' from 'natural wetland' or wetlands' in other provisions in the PORPS, specifically LF-FW-M6(7), LF-VM-E2 paragraph 3, LF-FW-AER11, and EIT-INF-P13.	Accept Panel recommendation
17.	LF-FW-P9 and LF-FW-P10	<p>We recommend deleting LF-FW-P9 and LF-FW-P10 as notified and replacing it with the following:</p> <p><u>LF-FW-P10A – Managing wetlands</u></p> <p><u>Otago's wetlands are managed:</u></p> <ol style="list-style-type: none"> (1) <u>in the coastal environment, in accordance with the NZCPS in addition to (2) and (3) below,</u> 	Accept Panel recommendation

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		<p>(2) <u>by applying clause 3.22(1) to (3) of the NPSFM to all wetlands, and</u></p> <p>(3) <u>to improve the ecosystem health, hydrological functioning and extent of wetlands that have been degraded or lost by promoting:</u></p> <p>(a) <u>an increase in the extent and condition of habitat for indigenous species,</u></p> <p>(b) <u>the restoration of hydrological processes,</u></p> <p>(c) <u>control of pest species and vegetation clearance, and</u></p> <p>(d) <u>the exclusion of stock, except where stock grazing is used to enhance wetland values.</u></p>	
18.	LF-FW-P7A –Water allocation and use	<p>We recommend the following wording for LF-FW-P7A:</p> <p><u>LF-FW-P7A – Water allocation and use</u></p> <p><u>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:</u></p> <p>(1) <u>managing over-allocation as set out in LF-FW-M6,</u></p> <p>(2) <u>allocating <i>fresh water</i> efficiently to support the social, economic, and cultural well-being of people and communities, including for:</u></p> <p>(a) <u>community drinking water supplies,</u></p> <p>(b) <u>maintaining generation output and capacity from existing <i>renewable electricity generation schemes</i>,</u></p> <p>(c) <u><i>mana whenua</i> customary or cultural needs and activities, and</u></p> <p>(d) <u>primary production,</u></p> <p>(3) <u>ensuring that no more <i>fresh water</i> is abstracted than is necessary for its intended use,</u></p> <p>(4) <u>ensuring that the efficiency of <i>freshwater</i> abstraction, storage, and conveyancing <i>infrastructure</i> is improved.</u></p>	Accept Panel recommendation

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		<p>(5) <u>providing for the harvesting and storage of <i>fresh water</i> to meet increasing demand for <i>water</i>, to manage <i>water</i> scarcity conditions and to provide resilience to the <i>effects of climate change</i>, and</u></p> <p>(6) <u>providing for spatial and temporal sharing of allocated <i>fresh water</i> between uses and users where feasible.</u></p>	
19.	LF-VM-M3	<p>We therefore recommend the following consequential change to LF-VM-M3.</p> <p>LF-VM-M3 – Community involvement Otago Regional Council must work with <u>Kāi Tahu</u> and communities to achieve the objectives and policies in this chapter, including by:</p> <p>(1) <u>engaging with <i>Kāi Tahu</i>, communities and stakeholders to identify values and environmental outcomes for Otago’s FMUs and rohe and the methods to achieve those outcomes,</u></p> <p>(2) <u>encouraging community stewardship of <i>water</i> resources and programmes to address <i>freshwater</i> issues at a local catchment level, including through catchment groups,</u></p> <p>(3) <u>supporting community initiatives, industry-led guidelines, codes of practice and environmental accords that contribute to maintaining or improving the health and well-being of <i>water bodies</i>, and</u></p> <p>(4) supporting industry led guidelines, codes of practice and environmental accords where these would contribute to achieving the objectives of this RPS.</p> <p>(4A) <u>education, advocacy and co-ordination to encourage efficient use of <i>freshwater</i>, including water harvesting, use of storage and consideration of alternative water supply.</u></p>	Accept Panel recommendation
20.	LF-FW-M6	<p>We recommend the follow consequential change to LF-FW-M6:</p> <p>LF-FW-M6 – Regional plans</p> <p>Otago Regional Council must publicly notify a Land and Water <i>Regional Plan</i> no later than 31 December 2023 and, after it is made operative, maintain that <i>regional plan</i> to:</p> <p>...</p>	Accept Panel recommendation

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		<p>(5A) <u>provide for the allocation and use of fresh water in accordance with LF-FW-P7A, including for water harvesting and storage,</u></p> <p>...</p>	
21.	LF-FW-P15	<p>Other than the points discussed above, we adopt the recommendations and reasoning of Ms Boyd. We recommend the following amendments to LF-FW-P15:</p> <p>LF-FW-P15 – Stormwater and wastewater discharges Minimise the adverse <i>effects</i> of direct and indirect <i>discharges</i> of <i>stormwater and wastewater</i> to <i>fresh water</i> by:</p> <p>(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</p> <p>(2) requiring:</p> <p>(a) all sewage, industrial or trade waste to be discharged into a reticulated wastewater system, where one is available,</p> <p>(ab) <u>integrated catchment management plans for management of stormwater in urban areas,</u></p> <p>(b) all <i>stormwater</i> to be discharged into a reticulated system, where one is <u>made available by the operator of the reticulated system, unless alternative treatment and disposal methods will result in the same or improved outcomes for fresh water,</u></p> <p>(c) implementation of methods to progressively reduce <u>unintentional stormwater inflows to the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring for reticulated stormwater and wastewater systems,</u></p> <p>(d) on-site wastewater systems to be designed and operated in accordance with best practice standards,</p>	Accept Panel recommendation

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		<p>(e) that any stormwater and wastewater discharges do not prevent water bodies from meeting any applicable water quality standards set for FMUs and/or rohe, and</p> <p>(f) the use of water sensitive urban design techniques to avoid or mitigate the potential adverse effects of contaminants on receiving water bodies from the subdivision, use or development of land, wherever practicable, and</p> <p>(3) promoting the reticulation of stormwater and wastewater in urban areas where appropriate, and</p> <p>(4) promoting source control as a method for reducing contaminants in discharges and the use of good practice guidelines for managing stormwater.</p>	
22.	LF-FW-P16	<p>We recommend the following amendments to new LF-FW-P16 recommended in the Reply Report:</p> <p><u>LF-FW-P16 – Discharges containing animal effluent, sewage, greywater and industrial and trade waste</u></p> <p><u>Minimise the adverse effects of direct and indirect discharges containing animal effluent, sewage, greywater and industrial and trade waste to fresh water by:</u></p> <p>(1) <u>phasing out existing discharges containing sewage or industrial and trade waste directly to water to the extent practicable,</u></p> <p>(2) <u>requiring:</u></p> <p>(a) <u>new discharges containing sewage or industrial and trade waste to be to land,</u></p> <p>(b) <u>discharges of animal effluent from land-based primary production to be to land,</u></p> <p>(c) <u>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,</u></p>	Accept Panel recommendation

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		<p>(d) <u>implementation of methods to progressively reduce the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring from reticulated wastewater systems,</u></p> <p>(e) <u>on-site wastewater systems and animal effluent systems to be designed and operated in accordance with best practice standards,</u></p> <p>(f) <u>that any discharges do not prevent water bodies from meeting any applicable water quality standards set for FMUs and/or rohe,</u></p> <p>(3) <u>to the greatest extent practicable, requiring the reticulation of wastewater in urban areas, and</u></p> <p>(4) <u>promoting source control as a method for reducing contaminants in discharges.</u></p>				
23.	Consequential amendment	<p>We recommend a consequential change to include the definition of greywater in the Interpretation section as follows:</p> <table border="1" data-bbox="506 815 1709 1038"> <tr> <td data-bbox="506 815 763 1038">Greywater</td> <td data-bbox="763 815 1709 1038"> <p>has the same meaning as in Standard 14 of the National Planning Standards 2019 (as set out in the box below)</p> <table border="1" data-bbox="775 895 1552 1031"> <tr> <td data-bbox="775 895 1552 1031"> <p>means liquid waste from domestic sources including sinks, basins, baths, showers and similar fixtures, but does not include sewage, or industrial and trade waste.</p> </td> </tr> </table> </td> </tr> </table>	Greywater	<p>has the same meaning as in Standard 14 of the National Planning Standards 2019 (as set out in the box below)</p> <table border="1" data-bbox="775 895 1552 1031"> <tr> <td data-bbox="775 895 1552 1031"> <p>means liquid waste from domestic sources including sinks, basins, baths, showers and similar fixtures, but does not include sewage, or industrial and trade waste.</p> </td> </tr> </table>	<p>means liquid waste from domestic sources including sinks, basins, baths, showers and similar fixtures, but does not include sewage, or industrial and trade waste.</p>	Accept Panel recommendation
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24.	LF-FW-M6(8)	<p>We recommend a further consequential change is required to include 'greywater' in LF-FW-M6(8) as follows:</p> <p>LF-FW-M6 – Regional plans</p> <p>Otago Regional Council must publicly notify a Land and Water <i>Regional Plan</i> no later than 31 December 2023 and, after it is made operative, maintain that <i>regional plan</i> to:</p> <p>...</p> <p>(8) manage the adverse <i>effects</i> of <i>stormwater</i> and wastewater <u>discharges containing animal effluent, sewage, greywater or industrial and trade waste</u> in accordance with LF-FW-P15 and LF-FW-P16, and-</p> <p>...</p>	Accept Panel recommendation			

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25.	8.7 LF-FW-M6 – Regional plans	<p>We recommend the following amendments to LF-FW-M6:</p> <p>LF-FW-M6 – Regional plans</p> <p>Otago Regional Council must publicly notify a Land and Water <i>Regional Plan</i> no later than 31 December 2023 30 June 2024 and, after it is made operative, maintain that <i>regional plan</i> to:</p> <p><u>(1A) implement the required steps in the NOF process in accordance with the NPSFM,</u></p> <p>(1) identify the compulsory and, if relevant, other values for each <i>Freshwater Management Unit</i>,</p> <p>(2) state <i>environmental outcomes</i> as objectives in accordance with clause 3.9 of the NPSFM,</p> <p>(3) identify <i>water bodies</i> that are <i>over-allocated</i> in terms of either their <i>water quality or quantity</i> and the methods and timeframes for phasing out that <i>over-allocation</i> (including through <i>environmental flows and levels</i> and <i>limits</i>) within the timeframes required to achieve the relevant <i>freshwater vision</i>,</p> <p>(4) include <i>environmental flow and level regimes</i> for <i>water bodies</i> (including <i>groundwater</i>) that give effect to <i>Te Mana o te Wai</i> and provide for:</p> <p>(a) the behaviours of the <i>water body</i> including a base flow or level that provides for variability,</p> <p>(b) healthy and resilient <i>mahika kai</i>,</p> <p>(c) the needs of indigenous fauna, including <i>taoka</i> species, and aquatic species associated with the <i>water body</i>,</p> <p>(d) the hydrological connection with other <i>water bodies</i>, estuaries and coastal margins,</p> <p>(e) the traditional and contemporary relationship of Kāi Tahu to the <i>water body</i>, and</p> <p>(f) community <i>drinking water</i> supplies, and</p> <p><u>(5A) provide for the allocation and use of <i>fresh water</i> in accordance with LF-FW-P7A, including for <i>water</i> harvesting and storage.</u></p> <p>(5) include <i>limits on resource use</i> that:</p> <p>(a) differentiate between types of uses, including <i>drinking water</i>, and social, cultural and economic uses, in order to provide long term certainty in relation to those uses of available <i>water</i>,</p> <p>(b) for <i>water bodies</i> that have been identified as <i>over-allocated</i>, provide methods and timeframes for phasing out that <i>over-allocation</i>,</p>	Accept Panel recommendation

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		<p>(c) — control the <i>effects</i> of existing and potential future development on the ability of the <i>water body</i> to meet, or continue to meet, <i>environmental outcomes</i>,</p> <p>(d) — manage the adverse <i>effects</i> on <i>water bodies</i> that can arise from the use and development of <i>land</i>, and</p> <p>(6) — provide for the off stream storage of surface <i>water</i> where storage will:</p> <p>(a) — support <i>Te Mana o te Wai</i>,</p> <p>(b) — give effect to the objectives and policies of the LF chapter of this RPS, and</p> <p>(c) — not prevent a surface <i>water body</i> from achieving identified <i>environmental outcomes</i> and remaining within any <i>limits on resource use</i>, and</p> <p>(7) identify and manage <i>natural wetlands</i> in accordance with LF-FW-P7, LF-FW-P8 and LF-FW-P9 <u>and LF-FW-P10</u> while recognising that some activities in and around <i>natural wetlands</i> are managed under the NESF <u>and the NESPE</u>, and</p> <p>(8) manage the adverse <i>effects</i> of <i>stormwater</i> and wastewater <u>discharges containing animal effluent, sewage, greywater or industrial and trade waste</u> in accordance with LF-FW-P15 <u>and LF-FW-P16</u>, and.</p> <p>(9) <u>recognise and respond to Kāi Tahu cultural and spiritual concerns about mixing of water between different catchments.</u></p>	
26.	<p>LF- FW-M8A</p> <p>New method –Identifying and managing species interactions between trout and salmon and indigenous species</p>	<p>We recommend that a new LF-FW-M8A be included as a freshwater provision:</p> <p><u>LF-FW-M8A – Identifying and managing species interactions between trout and salmon and indigenous species</u></p> <p>(1) <u>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 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</u></p> <p>(2) <u>Otago Regional Council will work with the Department of Conservation, the relevant Fish and Game Council and Kāi Tahu to:</u></p> <p>(a) <u>describe the habitats required to provide for the protection of indigenous species for the purposes of (2)(a), (b), and (c).</u></p> <p>(b) <u>identify areas where the protection of the habitat of trout and salmon, including fish passage, will be consistent with the protection of the habitat of indigenous species and areas where it will not be consistent,</u></p>	Accept Panel recommendation

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		<p>(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:</p> <p>(i) determine information needs to manage the species,</p> <p>(ii) set short, medium and long-term objectives for the species involved,</p> <p>(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</p> <p>(iv) consider the use of a range of tools, including those in the Conservation Act 1987 and the Freshwater Fisheries Regulations 1983, as appropriate.</p>	
27.	<p>LF-VM-E2 - Explanation and LF-FW-E3 - Explanation</p>	<p>We recommend that LF-FW-E3 is incorporated into LF-VM-E2 and that the combined LF-VM-E2 is amended as follows:</p> <p>LF-VM-E2 – Explanation</p> <p>This section of the LF chapter outlines how the Council will manage <i>fresh water</i> within the region. To give effect to <i>Te Mana o te Wai</i>, the <i>freshwater</i> visions, and the policies set out the actions required in the development of <i>regional plan</i> provisions to implement the NPSFM. <i>[Note to reader: originally LF-FW-E3 para 1]</i></p> <p>Implementing the NPSFM requires Council to identify <i>Freshwater Management Units (FMUs)</i> that include all <i>freshwater bodies</i> within the region. Policy LF-VM-P5 identifies Otago’s five <i>FMUs</i>: Clutha Mata-au <i>FMU</i>, Taieri <i>FMU</i>, North Otago <i>FMU</i>, Dunedin & Coast <i>FMU</i> and Catlins <i>FMU</i>. The Clutha Mata-au <i>FMU</i> is divided into five sub-<i>FMUs</i> known as ‘rohe’. Policy LF-VM-P6 sets out the relationship between <i>FMUs</i> and rohe which, broadly, requires rohe provisions to be no less stringent than the parent <i>FMU</i> provisions. This is to avoid any potential for rohe to set lower standards than others which would affect the ability of the <i>FMU</i> to achieve its stated outcomes.</p> <p>The outcomes sought for <i>natural wetlands</i> 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 <i>natural wetlands</i>, rather than only inland natural wetlands (those outside the <i>coastal marine area</i>) as the NPSFM directs. This reflects the views of takata <i>mana whenua</i> and the community that <i>fresh and coastal water</i>, including <i>wetlands</i>, 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 <i>natural wetlands</i> have been <i>degraded</i> or</p>	Accept Panel recommendation

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		<p>lost. This is because of the importance of restoration to Kāi Tahu and in recognition of the historic loss of <i>wetlands</i> in Otago and the indigenous biodiversity and hydrological values of <i>wetland systems</i>. [Note to reader: originally LF-FW-E3 para 2]</p> <p>The policies respond to the NPSFM by identifying a number of <i>outstanding water bodies</i> in Otago that have previously been identified for their significance through other processes. Additional <i>water bodies</i> 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 <i>outstanding water bodies</i> are to be identified and protected from adverse <i>effects</i>. [Note to reader: originally LF-FW-E3 para 3]</p> <p>Preserving the natural character of <i>lakes</i> and <i>rivers</i>, and their <i>beds</i> 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 <i>rivers</i>. Natural character has been reduced or lost in some <i>lakes</i> or <i>rivers</i>, so the policies require promoting actions that will restore or otherwise improve natural character. [Note to reader: originally LF-FW-E3 para 4]</p> <p>The impact of <i>discharges of stormwater</i> and <i>wastewater</i> on <i>freshwater bodies</i> is a significant issue for <i>mana whenua</i> and has contributed to <i>water</i> quality issues in some <i>water bodies</i>. The policies set out a range of actions to be implemented in order to improve the quality of these <i>discharges</i> and reduce their adverse <i>effects</i> on receiving environments.</p>	
28.	LF-VM-PR2 – Principal reasons and LF-FW-PR3 – Principal reasons	<p>We recommend that LF-FW-PR3 is incorporated into LF-VM-PR2 and that the combined LF-VM-PR2 is amended as follows:</p> <p>LF-VM-PR2 – Principal reasons</p> <p>To support the implementation of the NPSFM, the Council is required to develop long-term visions for <i>fresh water</i> across the Otago region. <i>Fresh water</i> visions for each <i>FMU</i> and <i>rohe</i> have been developed through engagement with Kāi Tahu and communities. They set out the long-term goals for the <i>water bodies</i> (including <i>groundwater</i>) and <i>freshwater</i> ecosystems in the region that reflect the history of, and environmental pressures on, the <i>FMU</i> or <i>rohe</i>. They also establish ambitious but reasonable timeframes for achieving these goals. The Council must assess whether each <i>FMU</i> or <i>rohe</i> can provide for its long-term vision, or whether improvement to the health and well-being of <i>water bodies</i> (including <i>groundwater</i>) and</p>	Accept Panel recommendation

#	Topic	Freshwater Hearing Panel Recommendation	Council decision
		<p><i>freshwater</i> ecosystems is required to achieve the visions. The result of that assessment will then inform the development of <i>regional plan</i> provisions in the <i>FMU</i>, including <i>environmental outcomes, attribute states, target attribute states and limits (in relation to freshwater)</i>.</p> <p>Otago's <i>water bodies</i> are significant features of the region and play an important role in Kāi Tahu beliefs and traditions. <u>They support people and communities to provide for their social, economic, and cultural well-being.</u> A growing population combined with increased <i>land</i> use intensification has heightened demand for <i>water</i>, and increasing nutrient and sediment contamination impacts <i>water</i> quality. The legacy of Otago's historical mining privileges, coupled with contemporary <u>urban and rural land</u> uses, contribute to ongoing <i>water</i> quality and quantity issues in some <i>water bodies</i>, with significant cultural effects. [Note to reader: originally LF-FW-PR3 para 1]</p> <p>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 also reflects key direction in the NPSFM for managing the health and well-being of <i>fresh water</i>, including <i>wetlands</i> and <i>rivers</i> 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 <i>regional plans</i> and provide a foundation for implementing the requirements of the NPSFM, including the development of <i>environmental outcomes, attribute states, target attribute states and limits</i>. [Note to reader: originally LF-FW-PR3 para 2]</p>	
29.	Anticipated environmental results: LF-FW-AER4 to LF-FW-AER11	<p>We recommend the following amendments and the addition of a new AER, as follows:</p> <p>LF-FW-AER4 <i>Fresh water</i> is allocated within limits that contribute to achieving specified <i>environmental outcomes</i> for <i>water bodies</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.</p> <p>LF-FW-AER5 <i>Specified rivers and lakes</i> are suitable for primary contact within the timeframes set out in LF-FW-P7.</p> <p>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 objectives in the LF-FW section of this chapter.</p> <p>LF-FW-AER7 <i>Water</i> in Otago's aquifers is suitable for human consumption, unless that <i>water</i> is naturally unsuitable for consumption.</p> <p>LF-FW-AER8 Where <i>water</i> is not <i>degraded</i>, there is no reduction in <i>water</i> quality.</p> <p>LF-FW-AER9 <u>Direct discharges of wastewater to water are phased out to the greatest extent practicable and the</u> The frequency of <i>wastewater</i> overflows is reduced.</p>	Accept Panel recommendation

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		<p>LF-FW-AER10 The quality of <i>stormwater discharges</i> from existing <i>urban areas</i> is improved.</p> <p>LF-FW-AER11 There is no reduction <u>an improvement</u> in the extent <u>and or quality</u> condition of Otago's natural <u>wetlands</u>.</p> <p>LF-FW-AER11A <u>The economic, social, and cultural well-being of communities is sustained.</u></p>	
30.	9.3 LF-LS-P18 – Soil erosion	<p>We recommend that LF-LS-P18 be amended as follows:</p> <p>LF-LS-P18 – Soil erosion</p> <p>Minimise soil erosion, and the associated risk of sedimentation in water bodies, resulting from <i>land</i> use activities by:</p> <p>(2) maintaining vegetative cover on erosion-prone <i>land</i>, <u>to the extent practicable, and</u></p> <p>(1) implementing effective management practices to retain topsoil in situ and minimise the potential for soil to be <i>discharged to water bodies</i>, including by controlling the timing, duration, scale and location of soil exposure, <u>and</u></p> <p>(3) promoting activities that enhance soil retention.</p>	Accept Panel recommendation
31.	LF-LS-P21 – Land use and fresh water	<p>We recommend that LF-LS-P21 is amended as follows:</p> <p>LF-LS-P21 – Land use and fresh water</p> <p>Achieve the improvement or maintenance of fresh water quantity, or quality <u>The health and well-being of water bodies and freshwater ecosystems is maintained to meet environmental outcomes set for Freshwater Management Units and/or rohe by:</u></p> <p>(1) reducing or otherwise managing the adverse effects of direct and indirect <i>discharges</i> of <i>contaminants</i> to <i>water</i> from the use and development of <i>land</i>, and</p> <p>(2) managing <i>land</i> uses that may have adverse <i>effects</i> on the flow of <i>water</i> in surface <i>water bodies</i> or the recharge of <i>groundwater</i>, <u>and</u></p> <p><u>(2A) recognising the drylands nature of some of Otago's catchments and the resulting low water availability, and</u></p> <p><u>(3) maintaining or, where degraded, enhancing the values of riparian margins.</u></p>	Accept Panel recommendation
32.	LF-LS-M11 – Regional plans	<p>We recommend that LF-LS-M11 is amended as follows:</p>	Accept Panel recommendation

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		<p>LF-LS-M11 – Regional Plans</p> <p>Otago Regional Council must publicly notify a Land and Water Regional Plan no later than 31 December 2023 and then, when it is made operative, maintain that <i>regional plan</i> to:</p> <p>(1) manage <i>land</i> uses that may affect the ability of <i>environmental outcomes</i> for water quality to be achieved by requiring:</p> <ul style="list-style-type: none"> (a) the development and implementation of <i>certified freshwater farm plans</i>, as required by the RMA and any regulations, (b) the adoption of practices that reduce the <i>risk</i> of sediment and nutrient loss to <i>water</i>, 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 application systems, and (d) <i>earthworks</i> activities to implement effective sediment and erosion control practices and setbacks from <i>water bodies</i> to reduce the <i>risk</i> of sediment loss to <i>water</i>, and <p>(2) provide for changes in <i>land</i> use that improve the sustainable and efficient allocation <u>and use of <i>fresh water</i> and that reduce water demand where there is existing over-allocation,</u> and</p> <p><u>(2A) enable the <i>discharge of contaminants to land for pest control,</i> and</u></p>	

The report of the Freshwater Hearings Panel, and its addendum are published with these decisions.

Anita Dawe

General Manager Policy and Science