BEFORE THE FRESH WATER HEARINGS PANEL APPOINTED BY THE OTAGO REGIONAL COUNCIL

IN THE MATTER OF	of the Resource Management Act 1991
AND	
IN THE MATTER OF	the Proposed Otago Regional Policy Statement 2021 Fresh Water Planning Instrument Hearing
SUBMITTER	Silver Fern Farms Limited, submitter 20

STATEMENT OF EVIDENCE BY JOHN KYLE

27 JUNE 2023

INTRODUCTION AND BACKGROUND

- 1 My full name is John Clifford Kyle
- I hold an Honours degree in Regional Planning from Massey University, which
 I obtained in 1987. I am a founding Director in the consulting practice Mitchell
 Daysh Limited and am based in the firm's Dunedin office.
- 3 I have been engaged in the field of resource and environmental management for more than 35 years. My experience includes a wide range of resource management work, in respect of regional and district plans, designations, resource consents, environmental management, and environmental effects assessment. This includes extensive experience with large-scale, and often nationally significant projects involving inputs from a multidisciplinary team. My work regularly takes me all over New Zealand.
- I have worked in the Otago Regional Council jurisdiction since the 1990s and I am generally familiar with the planning issues that prevail in Otago. I have been involved with resource consenting processes relating to Silver Fern Farms Limited's (Silver Fern Farms) meat processing plant at Finegand over the last three years. I have prepared this statement of evidence at the request of Silver Fern Farms.
- 5 In preparing this evidence I have reviewed the:
 - a. Submission and further submission on the Fresh Water Planning Instrument lodged by my firm on behalf of Silver Fern Farms;¹
 - Section 42A report Proposed Otago Regional Policy Statement Parts considered to be a Freshwater Planning Instrument under section 80A of the Resource Management Act 1991 - 2 June 2023 (s42A report); and
 - c. Further submissions on Silver Fern Farms' submission.²

¹ Silver Fern Farms' submission no. FPI020 dated 29 November 2022 and further submission no. FSFPI020 dated 3 February 2023.

² Central Otago Winegrowers Association; Otago Fish & Game Council; Fonterra Limited; Horticulture New Zealand; Minister David Parker; OceanaGold (New Zealand) Limited; Queenstown Lakes District Council.

I have read, agree to comply with, the Environment Court's Code of Conduct for Expert Witnesses. My qualifications as an expert are set out above and an outline of my recent experience is included as **Appendix A**. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

- 7 My evidence will:
 - Summarise Silver Fern Farms interest in the proposed Otago Regional Policy Statement (**pORPS**) and identify the key aspects of the relief it sought in submissions;
 - b. Comment on the recommendations of the s42A report in respect of the matters raised by Silver Fern Farms' submissions; and
 - c. Set out my conclusions.

OVERVIEW OF SILVER FERN FARMS

- 8 The Hearings Panel will recall from Silver Fern Farms' planning evidence on the Non-Fresh Water Planning Instrument earlier this year,³ that Silver Fern Farms' interest in the pORPS relates to meat processing operations at Silver Fern Farms' site at Yorston Road, Finegand (**site**).
- 9 To recap, the site is one of the busiest meat processing plants in New Zealand. Operations at the site employ 1,200 1,300 staff during the peak of the meat processing season.
- 10 The site's operations include consented discharges of up to 20,000 L/day of wastewater (specifically, industrial waste)⁴ via two diffusers to the Koau Branch of the Clutha River.

³ Particularly in section 2 of the evidence of Steve Tuck on behalf of Silver Fern Farms, dated 23 November 2022.

⁴ The Regional Plan Water: for Otago defines *industrial or trade waste* as "Waste from an industrial or trade premises, that is derived from an industrial or trade process".

- 11 The upgrades completed in 2007 implemented a new three-stage wastewater treatment system as follows:
 - > Primary treatment upgrades included the installation of:
 - Primary and secondary rotating screens to separate out large solids.
 - A settling tank, where sludge and remaining solids are separated out.
 - > Balancing ponds.
 - > Secondary treatment upgrades included installation of:
 - > Feed pipes with poly electrodes.
 - > Dissolved air floatation treatment, acid and alkaline.
 - Tertiary treatment upgrades included the installation of UV disinfectant reactors.
- 12 Wastewater system monitoring data recorded since the 2007 upgrades show a high level of compliance with the consented discharge limits.
- 13 Since October 2020, Silver Fern Farms has been working through a subsequent resource consent application process to renew the site's discharge permits for a 25-year term. Expert technical reporting in support of the reconsent application described the existing wastewater treatment system as "...typical of the type of configuration selected as the best practicable option to treat meat processing wastewater to a level of discharge quality that meets similar consent limits".⁵
- 14 Aside from its discharge permits, Silver Fern Farms also holds resource consents to take water from the Koau Branch of the Clutha River. As such, the site's operations depend on interactions with fresh water.

⁵ "Finegand Plant – Current wastewater management and applicability for continued discharge to surface water". Pattle Delamore Partners Limited, 2020.

- 15 Therefore, Silver Fern Farms reviewed and submitted on the Fresh Water Planning Instrument with a view to ensuring it includes appropriate policy recognition of, and provision for, the site's interactions with fresh water.
- 16 The key relief sought in Silver Fern Farms' submissions was:
 - a. Clear policy recognition of the benefits (including economic benefits) of water use by the community.
 - b. Refinement of unqualified policy directions about the management of fresh water values. Silver Fern Farms was concerned about the implications of absolute requirements like (for example) for no reduction of, or the avoidance of all adverse effects on, fresh water resource(s) or value(s).
 - c. As an important corollary of the broad theme above, provision for the management of industrial waste discharges, rather than a blunt prohibition on all discharges of "wastewater" to water. Silver Fern Farms was concerned that the notified provisions disregarded contextual factors influencing operational decisions around discharges to water, like:
 - The feasibility and comparative environmental performance of other wastewater disposal methods.
 - > The degree to which the effects of discharges on the receiving environment could be managed.
 - Investments into the consenting and establishment of highperforming private wastewater management systems.
 - d. Alignment between the pORPS and National Policy Statement for Freshwater Management 2020 ('NPSFM') with regard to the effects management hierarchy that will apply to activities with adverse effects on natural wetlands.
- 17 I discuss each of these three key themes in the following sub-sections.

BENEFITS OF WATER USE

- 18 The s42A report notes at [1407] that the notified pORPS only provided basic, high-level policy direction about water use at LF-FW-P7(6). The direction was that "fresh water is allocated within environmental limits and used efficiently".
- 19 The s42A report concurs with submitters that the pORPS should give more direction on the allocation and efficiency of water use, the benefits to be derived from using water and provision for water storage.
- 20 To address this matter, the s42A report recommends amendments to policy *LF-FW-P7 Fresh water*, and the addition of a new policy *LF-FW-P7A Water allocation and use* as follows:

LF–FW–P7 – Fresh water

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

- (1) the health and well-being of water bodies is maintained or, if degraded, improved,
- (2) the habitats of indigenous <u>freshwater</u> species associated with water bodies are protected <u>and sustained</u>, including by providing for fish passage,
- (2A) the habitats of trout and salmon are protected insofar as this is consistent with (2),
- (3) specified rivers and lakes are suitable for primary contact within the following timeframes:
 - (a) by 2030, 90% of rivers and 98% of lakes, and
 - (b) by 2040, 95% of rivers and 100% of lakes, and
- (4) <u>resources harvested from water bodies including</u> mahika kai and drinking water are safe for human consumption,
- (5) existing over-allocation is phased out and future over-allocation is avoided, and
- (6) fresh water is allocated within environmental limits and used efficiently.

LF-FW-P7A – Water allocation and use

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

- (1) allocating fresh water efficiently to support the social, economic, and cultural well-being of people and communities to the extent possible within limits, including for:
 - (a) community drinking water supplies,
 - (b) renewable electricity generation, and
 - (c) land-based primary production,
- (2) ensuring that no more fresh water is abstracted than is necessary for its intended use,
- (3) ensuring that the efficiency of freshwater abstraction, storage, and conveyancing infrastructure is improved, including by providing for offstream storage capacity, and
- (4) providing for spatial and temporal sharing of allocated fresh water between uses and users where feasible.
- 21 I generally agree with the approach recommended by the s42A report in this regard. I consider the level of direction provided to be appropriate, with the detail of allocation methods and limits to be determined through a future regional plan preparation process. However, I note that the language within LF-PW-P7(2) is at odds with section 6 of the Resource Management Act 1991 (the Act). In my opinion this should be rectified via the inclusion of the word "significant" ahead of "habitats".
- 22 In my view it is appropriate to recognise the community's use of fresh water in a policy including recognition of social, economic and cultural wellbeing, and to express limitations on water use in qualified and non-exclusive terms as proposed in LF-FW-P7A. This approach:

- Supports the outcomes described at objective LF-FW-O1A Region-wide objective for fresh water sub-clauses (6) and(7);⁶ and
- Appropriately recalls the enabling premise of sustainable management described in section 5 of the Act.
- I consider that it is appropriate to expressly refer in LF-FW-P7A(3) to providing for off-stream water storage capacity. I agree with analysis at paragraph [1407] of the s42A report which sets out that water storage is a method to address over-allocation and improve the reliability of water supply.
- As a result of the focus in LF-FW-P7A on water allocation and use, sub-clause (6) of LF-FW-P7 becomes redundant and I concur with the s42A report recommendation to delete it. this. However, I note that a further duplication regarding over-allocation (shown below with the s42A mark-up included) should also be addressed.

LF-FW-P7 - Fresh water

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

- [...]
- (5) existing over-allocation is phased out and future over-allocation is avoided.

LF-FW-P7A – Water allocation and use

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

(1) allocating fresh water efficiently to support the social, economic, and cultural well-being of people and communities to the extent possible within limits [...]

⁶ Which are: LF-FW-O1A – Region-wide objective for fresh water In all FMUs and rohe in Otago and within the timeframes specified in the freshwater visions in LF-VM-O2 to LF-VM-O6: [...]

⁽⁶⁾ the health of the water supports the health of people and their connections with water bodies;

⁽⁷⁾ innovative and sustainable land and water management practices provide for the health and well-being of water bodies and freshwater ecosystems and improve resilience to the effects of climate change,

- 25 LF-FW-P7A requires that "over-allocation is either phased out or avoided..." when setting limits on resource use and allocating water.
- 26 This new provision means the direction at LF-FW-P7(5) about "*existing overallocation is phased out and future over-allocation is avoided*" becomes unnecessary and I recommend it be deleted.
- 27 A further minor amendment I recommend is to delete the words "within limits" from LF-FW-P7A(1). The first words of that policy's preamble are "Within limits and in accordance with...". Therefore, the entire policy is couched in the context of limits, and repetition of the words in sub-clause (1) of the policy is unnecessary in my view.
- 28 These recommended amendments are shown in the table attached as Appendix B. Otherwise, I am comfortable with the s42A recommendations on this matter.

UNQUALIFIED POLICY DIRECTIONS

- 29 Silver Fern Farms' submission sought amendments to unqualified language in various provisions⁷. For example, all-encompassing requirements that there be "no reduction" in the extent or characteristics/values of a resource.
- 30 In my view, the use of unqualified language in a policy framework requires careful consideration. Such language at a policy level can carry through to ensuing plan-making processes in the form of rules that effectively result in a prohibitive regime even though the activity can otherwise have considerable merit, or, in the case of applications for non-complying activities subject to the tests of s104D of the Act, as a bar to the passage of a consent application through either of the gateways inherent in that section.
- 31 More specifically, unqualified policy drafting can:

⁷ Including submission points on LF-WAI-O1; LF-FW-O8(2); LF–FW–O9; LF–FW–P7; LF–FW– P9(1)(b)(iv); LF–FW–P10 (FPI020.017), LF–FW–M7 (FPI020.021), LF–FW–AER8 (FPI020.024) and LF–FW–AER11 (FPI020.027).

- Establish a policy regime weighing heavily against the consenting of new activities that otherwise promote economic, social and cultural well-being consistent with the purpose of the Act.
- Limit the potential for a proposal to result in net environmental gains through mitigation, offsetting or compensation measures.
- Constrain options to manage environmental effects, which in the worst case, could see the most environmentally sound management approach precluded (the notified PORPS requirements relating to wastewater discharges to water being an example).
- 32 Locationally or operationally constrained activities, including sites like Finegand with substantial "sunk" investment in on site infrastructure, often have limited ability to reconfigure. These activities can be particularly vulnerable to curtailment by unqualified policies that disregard historic and ongoing investments into environmental management and environmental compliance.
- 33 I have reviewed the s42A recommendations on the relief sought by Silver Fern Farms with respect to the unqualified language present in the notified drafting of the following provisions:
 - LF-WAI-O1 Te Mana o te Wai: with respect to the requirement that "The mauri of Otago's water bodies and their health and well-being is protected, and restored where it is degraded [...]".
 - LF-FW-O8– Fresh water: with respect to the requirement that "In Otago's water bodies and their catchments: [...] (2) water flow is continuous throughout the whole system".
 - LF-FW-P7 Fresh water: in terms of the requirement at (2) that all habitats of indigenous species be protected and sustained.
 - LF-FW-P10- Restoring natural wetlands: with respect to the requirement for wetland values to be improved "where possible".

- LF-LS-P21 Land use and fresh water: with respect to the requirement to "reduce" direct and indirect discharges to water.
- LF-FW-M7 District plans: in terms of the direction to "to avoid the adverse effects of activities on the significant and outstanding values of outstanding water bodies".
- LF–FW–AER8: in terms of the requirement for "no reduction in water quality" where water is not already degraded.
- LF–FW–AER11: with regard to the requirement for "no reduction in the extent or quality of Otago's natural wetlands".
- 34 The relief sought by Silver Fern Farms is largely provided by the s42A report recommendations, by amendments to, or deletion of, the provisions. In the table attached as **Appendix B** I have noted the parts of the s42A report analysing Silver Fern Farms' submissions on the above provisions and record my acceptance of the s42A report recommendations on the relief sought, subject to my recommendations about LF-FW-P7(2) and (5), set out in paragraphs [21] to [26] above.
- 35 As notified, objective LF–FW–O9 Natural wetlands contained requirements at (2) and (3) for "no decrease" and "no reduction" in wetland extent and values. While I generally agree with the refinements recommended by the s42A report, there appears to be a minor area of conflict in sub-clauses (2) and (3) of that objective, with respect to use of the term 'extent'.

LF-FW-O9 – Natural wetlands

36 The text of LF-FW-O9 as recommended by the s42A report is as follows:

LF–FW–O9 – Natural wetlands

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

- (1) mahika kai and other mana whenua values are sustained and enhanced now and for future generations,
- (2) there is no <u>net</u> decrease, <u>and preferably an increase</u>, in the <u>extent range</u> and diversity of indigenous ecosystem types and habitats in natural wetlands,

- (3) there is no reduction and, where degraded, there is an improvement in their wetland 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</u> improved.
- 37 In sub-clauses (2) and (3) the respective directions are for:
 - In (2), "no net decrease...in the extent and diversity of indigenous ecosystem types and habitats in natural wetlands"
 - In (3), "no reduction...in wetland ecosystem health, hydrological functioning, amenity values, extent or water quality".
- 38 Given the difference between the directions for either "no net decrease" or "no reduction", the references to wetland "extent" appear to be in conflict.
- 39 I prefer the policy direction for "no net decrease and preferably an increase" provided in sub-clause (2). That approach contemplates situations where any loss in wetland extent must be mitigated or offset to achieve at least a neutral outcome, if not a net increase. The latter can be best achieved by expressly referring to a "net" increase. I do not support an unqualified "no reduction" approach towards wetland extent as expressed in sub-clause (3), as this is more likely to cause the issues, I described in paragraphs 33 35.
- 40 I recommend amended wording to clarify in (2) a direction that "no net decrease and preferably a <u>net</u> increase" applies to both the overall extent of natural wetlands and to their constituent ecosystems. Consequently "extent" can be deleted from (3), as follows:

LF–FW–O9 – Natural wetlands

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

- (1) mahika kai and other mana whenua values are sustained and enhanced now and for future generations,
- (2) there is no net decrease, and preferably an <u>net increase</u>, in <u>the extent</u> of natural wetlands and in the extent and diversity of indigenous ecosystem types and habitats in natural wetlands,

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- (3) there is no reduction and, where degraded, there is an improvement in wetland ecosystem health, hydrological functioning, amenity values, extent or water quality, and
- (4) their flood attenuation and water storage capacity is maintained or improved.

Proposed objective LF-FW-O1A – Region-wide objective for fresh water

- 41 With a view to the issue of unqualified policy directions, I have reviewed the new fresh water objective that is recommended in the s42A report.
- 42 I am comfortable that the outcomes specified in the new objective are stated in appropriately measured terms. As would be expected, for Silver Fern Farms, the outcome sought in respect of wastewater discharges to water is particularly important under LF-FW-O1A(8), which is:

LF-FW-O1A – Region-wide objective for fresh water

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In all FMUs and rohe in Otago and within the timeframes specified in the freshwater visions in LF-VM-O2 to LF-VM-O6:
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- [...]
- (8) direct discharges of wastewater to water bodies are phased out to the greatest extent practicable.
- 43 The analysis in [1548] of the s42A report states that the direction to phase out discharges to the greatest extent practicable "...recognises there will be some discharges which cannot be phased out including some existing discharges which, perhaps for feasibility reasons, cannot be replaced by a discharge to land as well as some new discharges where the adverse effect of a discharge to land is demonstrably higher than a discharge to water". I agree with this view and do not recommend any changes to this provision, but reiterate the importance of retaining the last five words of the objective.
- 44 The direction at LF-FW-O1A(8) is implemented through policies LF-FW-P15 and LF-FW-P16, which I discuss below.

POLICY FRAMEWORK FOR DISCHARGES

- 45 Silver Fern Farms submission sought relief⁸ on the policy framework for wastewater discharges to water as follows:
 - LF-VM-O2 Clutha Mata-au FMU vision: with respect to the requirement for "no direct discharges of wastewater to water bodies" at sub-clause (7)(c)(iv).
 - *LF-FW-P15 Stormwater and wastewater discharges:* with respect to:
 - at sub-clause (1), implementation of the unqualified LF-VM-O2(7)(c)(iv) direction above;
 - at sub-clauses (2)(a) and (b) with respect to the requirement that all wastewater discharges to be discharged into a reticulated system, where one is available – regardless of any existing and/or alternative discharge methods;
 - at sub-clause (2)(e) with respect to the requirement that stormwater and wastewater discharges meet any applicable water quality standards set for FMUs and/or rohe – without regard to any mixing of the discharges.
- 46 These matters are discussed in the s42A report at paragraphs [938] to [945] with respect to LF-VM-O2 Clutha Mata-au FMU vision and paragraphs [1509] to [1551] with respect to LF-FW-P15 Stormwater and wastewater discharges.
- 47 I agree with the s42A recommendation to delete LF-VM-O2(7)(c)(iv) and provide direction for wastewater discharges in a new region-wide objective for fresh water at LF-FW-O1A(8) as:

<u>LF-FW-O1A – Region-wide objective for fresh water</u>

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

(8) direct discharges of wastewater to water bodies are phased out to the greatest extent practicable.

⁸ Submission points FPI020.012, FPI020.018 and FSFPI020.008.

- 48 In my opinion, the recommended amendment is a practical balance that qualifies the unduly inflexible "no direct discharges" requirement while retaining a clear policy direction for wastewater discharges. It also represents an improvement insofar as it gives direction about wastewater discharges across all FMUs and rohe.
- 49 In terms of Silver Fern Farms' concerns⁹ about the notified text of *LF-FW-P15* Stormwater and wastewater discharges, the s42A report recommends that the policy be amended to focus on stormwater discharges only and a new policy *LF-FW-P16* – Discharges containing animal effluent, sewage, and industrial and trade waste be introduced to give direction for other forms of wastewater discharge, as below.

<u>LF-FW-P16 – Discharges containing animal effluent, sewage, and industrial</u> <u>and trade waste</u>

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

- (1) phasing out existing discharges containing sewage or industrial and trade waste directly to water to the greatest extent possible,
- (2) requiring:
 - (a) new discharges containing sewage or industrial and trade waste
 to be to land, unless adverse effects associated with a discharge
 to land are demonstrably greater than a discharge to fresh water,
 - (b) discharges containing animal effluent to be to land,
 - (c) that all discharges containing sewage or industrial and trade waste are discharged into a reticulated wastewater system, where one is made available by its owner, unless alternative treatment and disposal methods will result in improved outcomes for fresh water,
 - (d) implementation of methods to progressively reduce the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring into reticulated wastewater systems,

⁹ Submission points FPI020.018 and FSFPI020.008.

- (e) on-site wastewater systems and animal effluent systems to be designed and operated in accordance with best practice standards,
- (f) that any discharges do not prevent water bodies from meeting any applicable water quality standards set for FMUs and/or rohe,
- (3) to the greatest extent practicable, requiring the reticulation of wastewater in urban areas, and
- (4) promoting source control as a method for reducing contaminants in discharges.
- 50 I agree that the approach recommended in the s42A report improves on the notified provisions by providing separate policy directions for the different types of wastewater discharges (stormwater at LF-FW-P15 and other wastewater at LF-FW-P16).
- 51 The new policy LF-FW-P16 requires the adverse effects of wastewater discharges to water to be minimised and, at (1), that discharges of sewage or industrial and trade waste be phased out "to the greatest extent possible". I consider that this more qualified policy direction for those types of wastewater discharges is preferable to a blunt policy dissuasion of these discharges, for reasons of practicability, discussed at [944] and [1548] of the s42A report.
- 52 I consider that a minor amendment is appropriate with respect to the use of the phrase "to the greatest extent possible" in sub-clause (1) of LF-FW-P16. Paragraph [1548] of the s42A report indicates that the policy is intended to follow the direction set by new objective LF-FW-O1A. That direction is for wastewater discharges to water to be phased out to the greatest extent "practicable". The s42A author explains in [1548]:

"The direction in my new recommended LF-FW-O1A is for discharges of wastewater to water bodies to be phased out to the **greatest extent practicable**. I consider that this recognises there will be some discharges which cannot be phased out – including some existing discharges which, perhaps for feasibility reasons, cannot be replaced by a discharge to land as well as some new discharges where the adverse effect of a discharge to land is demonstrably higher than a discharge to water. I recommend including

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clause (1) in LF-FW-P16 for existing discharges that **reflects the direction in LF-***FW-O1A...*" (my emphasis in bold text).

- 53 Given its inconsistency with the drafting of similar provisions of the Fresh Water Planning Instrument, it appears that the phrase "to the greatest extent possible" in LF-FW-P16(1) may be a minor drafting error. I recommend that it be amended to "to the greatest extent practicable". This would accurately reflect the analysis provided at [1548] of the s42A report. This recommendation is recorded in the table at **Appendix B**.
- 54 I agree with other analysis at paragraph [1548] of the s42A report with respect to LF-FW-P16(2). This discusses the recommendation that LF-FW-P16 be drafted to allow for consideration of new wastewater discharges to water if it is the most environmentally sound management measure. As such, I support the s42A report recommendation on the drafting of sub-clause (2)(a) of LF-FW-P16 for new discharges of (non-animal effluent) wastewater discharges to water.
- 55 The s42A report recommends that LF-FW-P15(2)(b) be amended, and LF-FW-P16(2)(c) be drafted in a way that qualifies the obligation to direct discharges to a reticulated system. I agree with this change, because the notified drafting would have rendered redundant private investments into consenting and developing onsite wastewater management systems, like the system at the Finegand site.
- 56 Silver Fern Farms sought clarification¹⁰ of the requirement at LF-FW-P15(2)(e) that all wastewater discharges to water must meet any applicable water quality standards set for the FMU/rohe. As notified, the policy would apply FMU-wide water quality standards to individual discharges and did not appear to allow for reasonable mixing.
- 57 I am comfortable that the matter is addressed by the s42A analysis at [1528] and recommendation to shift the emphasis in the drafting from the content of the discharge to the effect on the receiving water body. This is provided at

¹⁰ Submission points FPI020.018 and FSFPI020.008.

LF-FW-P15(2)(e) (for stormwater) and at LF-FW-P16(2)(f) (for industrial and trade waste) as follows:

LF-FW-P15 - Stormwater and wastewater discharges

Minimise the adverse effects of direct and indirect discharges of stormwater and wastewater-to fresh water by: [...]

- (2) requiring [...]
 - (e) <u>that any</u> stormwater and wastewater discharges <u>do not prevent</u> <u>water bodies from</u> to meet<u>ing</u> any applicable water quality standards set for FMUs and/or rohe [...]

<u>LF-FW-P16 – Discharges containing animal effluent, sewage, and industrial</u> <u>and trade waste</u>

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

- (2) requiring [...]
 - (f) that any discharges do not prevent water bodies from meeting any applicable water quality standards set for FMUs and/or rohe, [...]
- 58 The s42A recommends in LF-FW-P16(e) that on-site wastewater systems be designed and operated in accordance with "best practice standards", as below.

<u>LF-FW-P16 – Discharges containing animal effluent, sewage, and industrial</u> and trade waste

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

- (2) requiring [...]
 - (e) on-site wastewater systems and animal effluent systems to be designed and operated in accordance with best practice standards,
- 59 The Act expressly requires that applications for discharge permits be considered in terms of the "best practicable option" and it provides for consent conditions to be applied in this respect (s108(2)(e)). In my view the application of a "best practice standards" policy threshold to discharges

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inappropriately departs from those "best practicable option"¹¹ considerations in the Act.

- 60 The Act provides for a structured assessment of the best practicable option in relation to discharges. This approach would be precluded by the "best practice standards" approach recommended in the s42A report¹².
- 61 For that reason, I recommend that LF-FW-P16(e) be amended to refer to "the best practicable option", not "best practice standards".

EFFECTS MANAGEMENT HIERARCHY FOR INDIGENOUS BIODIVERSITY IN NATURAL WETLANDS

62 The s42A report recommends that policy LF-FW-P9(2) should apply the Council's 'effects management hierarchy (in relation to indigenous biodiversity)' to activities that adversely affect indigenous biodiversity in a natural wetland, as below:

LF-FW-P9 – Protecting natural wetlands

<u>Protect natural wetlands by implementing clause 3.22(1) to (3) of the NPSFM,</u> <u>except that:</u>

- (1) in the coastal environment, natural wetlands must also be managed in accordance with the NZCPS, and
- (2) when managing the adverse effects of an activity on indigenous biodiversity, the effects management hierarchy (in relation to indigenous biodiversity) applies instead of the effects management hierarchy (in relation to natural wetlands and rivers).
- 63 In applying the Council's bespoke 'effects management hierarchy (in relation to indigenous biodiversity)', LF-FW-P9(2) appears to conflict with NPSFM

- (b) the financial implications, and the effects on the environment, of that option when compared with other options; and
- (c) the current state of technical knowledge and the likelihood that the option can be successfully applied.
- ² At paragraph [1549].

¹¹ best practicable option, in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to—

⁽a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and

provisions regarding how adverse effects on natural wetlands are to be assessed and managed.

- 64 NPSFM cl. 3.21 (Definitions relating to wetlands and rivers) defines the effects management hierarchy in relation to natural inland wetlands and rivers. It does not contemplate alternative effects management hierarchies. Subsequently, NPSFM cl. 3.22 (Natural inland wetlands) implements the effects management hierarchy. It does so via requirements for regional plans to include policies that apply the effects management hierarchy in consenting processes.
- 65 Specifically, NPSFM cl. 3.22 requires regional plans to include policies that:
 - Limit the consenting of activities with adverse effects on natural wetlands to only the narrow range of proposals described in cl. 3.22(1).
 - Ensure that resource consents are not granted for applications that do not apply the effects management hierarchy defined in NPSFM cl. 3.21.
- 66 In my view, the NPSFM does not allow for consent authorities to apply alternatives to the effects management hierarchy in cl. 3.21 when preparing regional plans and when assessing and managing activities with adverse effects on natural wetlands.
- 67 Nor does the NPSFM contemplate consent authorities distinguishing discrete components of natural wetlands (such as indigenous biodiversity) for assessment via a separate effects management tool. This is indicated by (for example) cl. 3.22(3)(a)(i), which requires that regional plans are amended to require consent authorities to be satisfied that:

the applicant has demonstrated how each step of **the effects management hierarchy** will be applied to any loss of extent or values of the wetland (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of: ecosystem health, **indigenous biodiversity**, hydrological functioning, Māori freshwater values [...] (my emphasis shown in bold).

68 Given the above, I consider that the requirement in LF-FW-P9(2) for applicants to apply the Council's 'effects management hierarchy (in relation to indigenous biodiversity)' to adverse effects on indigenous biodiversity in wetlands, instead of the effects management hierarchy defined in NPSFM cl.

Evidence of John Kyle

3.21 is at odds with NPSFM cl. 3.22. In my reading of the NPSFM, cl. 3.22 applies the effects management hierarchy defined in cl. 3.21 and does not anticipate alternatives to that tool.

- 69 As such, it appears that a future regional plan would risk inconsistency with s66(1)(ea) of the Act¹³ if it were to follow LF-FW-P9(2) in requiring assessments of adverse effects on indigenous biodiversity in natural wetlands to apply the pORPS 'effects management hierarchy (in relation to indigenous biodiversity)' instead of the NPSFM cl. 3.21 effects management hierarchy.
- 70 Consequently, I consider that LF-FW-P9(2) should be deleted, as shown in the table at **Appendix B**.

CONCLUSION

- 71 The notified text of the Fresh Water Planning Instrument lacked policy recognition of the benefits of water use to support economic, social and cultural well-being. It also contained a number of unqualified policy directions that would potentially be problematic at the level of plan-making and consent decision-making.
- 72 In the main, I consider that the amendments recommended in the s42A report satisfactorily respond to the relief sought by Silver Fern Farms.
- 73 I have identified a few provisions where I consider further minor amendments are warranted to clarify duplications or inconsistencies in the text.
- 74 My recommendations in respect of the provisions are recorded in the table attached as **Appendix B** to this statement of evidence.

John Kyle

27 June 2023

¹³ (1) A regional council must prepare and change any regional plan in accordance with- (ea) a national policy statement, a New Zealand coastal policy statement, and a national planning standard.

APPENDIX A

Summary of Recent Experience of John Kyle

- Wellington International Airport Limited notice of requirement to designate airport site and Miramar Golf Course site Wellington City.
- Wellington International Airport Limited Wellington City District Plan review managing airport noise effects Wellington.
- Wellington International Airport notice of requirement to designate former Miramar School site for airport purposes Wellington City.
- Fortescue Future Industries Green Hydrogen Plant Environmental investigations Southland.
- Ministry of Business, Innovation and Employment Environmental evaluation panel Lake Onslow Pumped Hydro Scheme – Central Otago.
- Silver Fern Farms wastewater discharge consent Finegand Meat Processing Plant Clutha District.
- Silver Fern Farms stormwater management and consenting Hawera Plant Hawera.
- Silver Fern Farms coastal defences work Pareora Meat Processing Plant Timaru.
- OceanaGold (New Zealand Limited) Waihi North gold mine project Hauraki District.
- Federation Mining Snowy River Gold mine consenting Buller District.
- OceanaGold (New Zealand Limited) Deep Dell mine expansion Macraes Mine Waitaki District.
- Queenstown Airport Corporation Proposed plan change to manage the effects of aircraft noise Queenstown Lakes District.
- Alliance Group Limited renewal of all discharge and land use consents Mataura Meat Processing Works, Mataura Southland Region.
- Simcox Construction (then Isaac Construction) Quarry operation consent renewal, Marlborough District.
- Fulton Hogan Limited Canterbury Regional Quarry Project Templeton Selwyn District.
- Pernod Ricard NZ Limited District Plan review Marlborough Environment Plan submissions Marlborough District.
- Alliance Group Limited renewal of all discharge and land use consents Lorneville Meat Processing Works, Lorneville Southland Region.
- Alliance Group Limited Air Discharge Consents Pukeuri Meat Processing Works, Pukeuri Otago Region.
- Queenstown Lakes District Council preparation of a Plan Change to expand Queenstown town centre, including to accommodate a convention centre.

- Wellington International Airport Limited strategic and resource management advice with respect to a proposed runway extension Wellington City.
- OceanaGold (New Zealand) Limited Project Martha Gold Mine Expansion, Waihi Hauraki District.
- Ryman Healthcare resource consent applications for new retirement villages New Zealand wide role.
- Environmental Protection Authority advisor to the Minister appointed Board of Inquiry regarding a Plan Change by Tainui Group Holdings and Chedworth Properties for the Ruakura Inland Port Development, Hamilton.
- Environmental Protection Authority advisor to the Minister appointed Board of Inquiry regarding a Notice of Requirement and resource consent applications by the New Zealand Transport Agency with respect to the Expressway between Peka Peka and North Otaki on the Kapiti Coast.
- Environmental Protection Authority advisor to the Minister appointed Board of Inquiry regarding a Notice of Requirement and resource consent applications by the New Zealand Transport Agency with respect to the Expressway between MacKays Crossing and Peka Peka on the Kapiti Coast.
- Environmental Protection Authority advisor to the Minister appointed Board of Inquiry regarding resource consent applications and designations by the New Zealand Transport Agency with respect to the proposed Transmission Gully Project – Wellington Region.
- Queenstown Lakes District Council member of the review team commissioned to undertake a review of Council consenting and resource management policy operations.
- Environmental Protection Authority advisor to the Minister appointed Board of Inquiry regarding a plan change application to the Wellington Regional Water plan to assist with the proposed Transmission Gully Project Wellington Region.
- Queenstown Airport Corporation lead consultant Notice of Requirement for land adjacent to QAC in order provide for the future expansion of airport operations, Queenstown Lakes District.
- Genesis Power Limited due diligence Slopedown Wind Farm, Southland District and Southland Region.
- TrustPower Limited proposed Kaiwera Downs Wind Farm, Gore District and Southland Region.
- TrustPower Limited proposed alteration to the Rakaia Water Conservation Order Lake Coleridge Hydro Electric Power Scheme Canterbury Region.
- Meridian Energy Limited Proposed Mokihinui Hydro Electric Power Scheme, damming, water and land use related consents, Buller District and West Coast Region.
- TrustPower Limited Wairau Hydro Electric Power Scheme, water and land use related consents, Marlborough District.
- Southern Health Plan Change Invercargill Hospital Development Invercargill City.
- Sanford Limited, various marine farm proposals Marlborough Sounds, Marlborough District.

- Port Marlborough Limited Plan Change proposal to alter the marina zone within the Marlborough Sounds Resource Management Plan to provide for consolidation of marina development in Waikawa Bay, Marlborough District.
- Port Marlborough Limited Resource consent application for occupation of coastal space Shakespeare Bay port facilities Marlborough District.
- Meridian Energy Limited proposed Wind Farm, Lammermoor Range, Central Otago District and Otago Region.
- Queenstown Airport Corporation Runway End Safety Area, designation and construction related consents, Queenstown Lakes District and Otago Region.
- Riverstone Holdings Limited Proposed Monorail Link Lake Wakatipu to Fiordland, Department of Conservation Concession Application – Southland Conservancy.
- Otago Regional Council Consents required for controlling the Shotover River to mitigate flood risk Queenstown Lakes District and Otago Region.
- Queenstown Airport Corporation aircraft noise controls and flight fan controls Plan Change and Designations, Queenstown Lakes District.
- Todd Property Pegasus Town Limited Pegasus Town, North Canterbury Waimakariri District, Canterbury Region.
- Willowridge Developments 3 Parks Plan Change to create new commercial, large format retail, service, tourist and residential land use zones, Wanaka, Queenstown Lakes District.
- Gibbston Valley Station Land use and regional consents, Viticulture and Golf Resort, Gibbston Queenstown Lakes District and Otago Region.
- Marlborough District Council Business Park Plan Change, Blenheim Marlborough District.
- Ravensdown Fertiliser Limited Coastal and Air Discharge Consent Renewal, Dunedin – Otago Region.
- Irmo Properties Limited Resource consent application for retail complex, Green Island – Dunedin City.
- Infinity Investment Group and JIT Investments Hillend Station Farm Park development, Wanaka Queenstown Lakes District.
- Infinity Investment Group Peninsula Bay Plan Change, Wanaka Queenstown Lakes District.
- Genesis Power Limited Tongariro Power Development, Water Related Consents, Central North Island – Environment Waikato and Horizons MW.
- Genesis Power Limited Waikato District Plan review and provision for the Huntly Power Station, Waikato District.
- Department of Corrections –New Corrections Facility, Milton Clutha District and Otago Region.
- Department of Child Youth and Family Youth Justice Facility, Rolleston Selwyn District and Canterbury region.

- Kuku Mara Partnerships Large Scale Marine Farms, Marlborough Sounds Marlborough District.
- Marine Farming Industry Plan Appeals, Tasman Aquaculture Inquiry, Tasman and Golden Bays Tasman District.

Appendix B

Submission ID	Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended text	J Kyle recommendation and reasons
FPI020.001	Drinking water has the same meaning as in Standard 14 of the National Planning Standards 2019 (as set out in the box below)	Support.	It is appropriate and efficient for the definition to align with the definition of this term in the National Planning	Retain this provision as notified.	Retain the provision as notified.	No further amendments required. Accept the reasons stated in the S.42A report.
	means water intended to be used for human consumption; and includes water intended to be used for food preparation, utensil washing, and oral or other personal hygiene.		Standards 2019.			
FPI020.003	National Objectives Framework has the same meaning as in clause 1.4 of the National Policy Statement for Freshwater Management 2020 (as set out in the box below)	Support.	It is appropriate and efficient for the definition to align with the definition of this term in the National Policy Statement	Retain this provision as notified.	Retain the provision as notified.	No further amendments required. Accept the reasons stated in the S.42A
	means the framework for managing freshwater as described in subpart 2 of Part 3.		for Freshwater Management 2020.			report.
FPI020.003	Natural hazard works has the same meaning as in regulation 51(1) of the National Environmental Standard for Freshwater 2020 (as set out in the box below)	Support.	It is appropriate and efficient for the definition to align with the definition of this term in the National Environmental Standard for Freshwater 2020.	Retain this provision as notified.	Retain the provision as notified.	No further amendments required. Accept the reasons stated in the S.42A report.
	means works for the purpose of removing material, such as trees, debris, and sediment, that—					
	(a) is deposited as the result of a natural hazard, and					
	(b) is causing, or is likely to cause, an immediate hazard to people or property					
FPI020.004	Other infrastructure has the same meaning as in regulation 3 of the National Environmental Standard for Freshwater 2020 (as set out in the box below)	Support.	It is appropriate and efficient for the definition to align with the definition of this term in the National Environmental Standard for Freshwater 2020.	Retain this provision as notified.	Entire provision deleted.	No further amendments required. Accept the reasons stated in the S.42A report. This term will no longer be used
	means infrastructure, other than specified infrastructure, that was lawfully established before, and in place at, the close of 2 September 2020					in the pORPS and consequently, it can be deleted.
FPI020.005	Over-allocation has the same meaning as in clause 1.4 of the National Policy Statement for Freshwater Management 2020	Support.	It is appropriate and efficient for the definition to align with the definition of this term in the National Policy Statement for Freshwater Management 2020.	Retain this provision as notified.	Over-allocation , or over-allocated has the same meaning as in clause 1.4 of the National Policy Statement for Freshwater Management 2020 (as set out in the box below)	No further amendments required.
	(as set out in the box below) in relation to both the quantity and quality of freshwater, is					Accept the S.42A report author's view that amending the definition to align with the most recent version of the NPS-FM is
	the situation where: (a) resource use exceeds a limit; or				in relation to both the quantity and quality of	appropriate.
	(b) if limits have not been set, an FMU or part of an FMU is				freshwater, is <u>means</u> the situation where: (a) resource use exceeds a limit; or	
	degraded or degrading				(b) if limits have not been set, an FMU or part of an FMU is degraded or degrading <u>; or</u>	
					(c) an FMU or part of an FMU is not achieving an environmental flow or level set for it under clause 3.16.	
FPI020.006	Specified infrastructure has the same meaning as in clause	Support.	It is appropriate and efficient for the	Retain this provision as notified.	Entire provision deleted.	No further amendments required.
	3.21 of the National Policy Statement for Freshwater Management 2020 (as set out in the box below) <i>means any of the following:</i>		definition to align with the definition of this term in the National Policy Statement for Freshwater Management 2020.			Accept the reasons stated in the S.42A report. This term will no longer be used

Appendix B

Submission ID	Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended text
	(a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002),				
	(b) regionally significant infrastructure identified as such in a regional policy statement or regional plan,				
	 (c) any public flood control, flood protection, or drainage works carried out: 				
	 (i) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1951, or 				
	(ii) for the purpose of drainage by drainage districts under the Land Drainage Act 1908				
FPI020.007	 Specified rivers and lakes has the same meaning as in Appendix 3 of the National Policy Statement for Freshwater Management 2020 (as set out in the box below) means: (a) rivers that are fourth order or greater, using the methods outlined in the River Environment Classification System, National Institute of Water and Atmospheric Research, Version 1, and 	Support.	It is appropriate and efficient for the definition to align with the definition of this term in the National Policy Statement for Freshwater Management 2020.	Retain this provision as notified.	Retain the provision as noti
	(b) lakes with a perimeter of 1.5km or more.				
FPI020.008	 SRMR-I5 - Freshwater demand exceeds capacity in some places Statement In water-short catchments, freshwater availability may not be able to meet competing demands from the health and well-being needs of the environment, the health and well-being needs of people, and the ability of people and communities to provide for their social, economic and cultural well-being. Many of these catchments are also experiencing urban growth, changes in rural land uses, and increased demand for hydro-electric generation. Individually and cumulatively these can alter demand including further increases in demand on freshwater supply. Some catchments are complex, making it challenging to identify or mitigate these effects. Context Freshwater, including rivers and streams, lakes, groundwater systems, and wetlands, is a finite resource, critical to the environment, society and the economy. In Otago, access to, allocation, and use of freshwater reflects current demands and historical development associated with "deemed permits" (water permits under the RMA 1991) and a permissive water resource management regime. The deemed permits originated from mining licences issued under historic mining legislation and which enable water to continue to be used for a range of uses until October 2021. Population growth and land-use intensification in urban and rural environments can create increased demand for freshwater for human consumption, irrigation and other economic uses. 	Amend.	Recognition of "industry" and "rural industry" is appropriate, given the importance of the industrial sector to Otago's economic prosperity and the reliance of "rural industry" (in particular) on the take and use of water from non- reticulated sources. The availability of water storage can enable water to be taken during periods of high availability and stored for use during periods when supply is constrained. This can reduce effects on the water resource and on other water users, while providing opportunities for habitat development or enhancement around constructed water storages. Given the water supply problems and impacts described in this Issue Statement, it would be appropriate for the PORPS to recognise the benefits of water storage in the "Economic" sub- section of the text, to inform the future work required in accordance with LF– FW–M6(6) (Regional plans), which seeks to "provide for the off-stream storage of surface water".	 SRMR-I5 - Freshwater demand exceeds capacity in some places [] Economic Freshwater in the Otago region is a factor of production that directly contributes to human needs (urban water supply), agriculture, industry, including rural industry, hydroelectric power supply, and mineral extraction. Freshwater also indirectly contributes to the tourism industry through maintenance of freshwater assets for aesthetic and commercial recreational purposes. Lack of freshwater can negatively impact economic output of those industries that rely on water in the production process. To varying degrees these impacts can be mitigated through water efficiency measures, development of water storage and innovation. At the same time other industries, such as tourism that rely on the aesthetic characteristic of rivers and lakes, do not have such opportunities available to them and instead rely on management 	SRMR–I5 – Freshwater de capacity in some places [] Economic Freshwater in the a factor of production that of contributes to human needs supply) agriculture primary industry, and hydro-electric and mineral extraction. Free indirectly contributes to the through maintenance of free for aesthetic and commerci purposes. Lack of freshwate impact economic output of that rely on water in the pro To varying degrees these in mitigated through water eff measures and innovation. A other industries, such as too the aesthetic characteristic lakes, do not have such op available to them and instea management regimes that s

Freshwater resources in some places are reaching, or are

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J Kyle recommendation and reasons

in the pORPS and consequently, can be deleted.

otified.

No further amendments required.

No further amendments required. demand exceeds Accept the analysis provided in paragraphs [552] and [554] of the s42A report regarding the reference to the Otago region is "industry" and that water storage is at directly addressed in new policy LF-FW-P7A. eds (urban water ry production, tric power supply, reshwater also the tourism industry freshwater assets ercial recreational vater can negatively of those industries production process. e impacts can be efficiency n. At the same time tourism that rely on tic of rivers and opportunities stead rely on at sustain flows and their activities.

Provision

Submission ID

beyond, their sustainable abstraction limits. However, there continues to be debate in the community about how historical freshwater allocations can be adjusted to achieve a balance of economic, environmental, social and cultural needs. On 3 September 2020, new National Environmental Standards for Freshwater (NESF) and a new National Policy Statement for Freshwater Management (NPSFM) came into force. They have a goal of improving freshwater quality within five years, reversing past damage and bringing New Zealand's freshwater resources, waterways and ecosystems to a healthy state within a generation. The NPS-FM also clarified the need to provide first for the health and well-being of water bodies and freshwater ecosystems; then health and needs of people (such as drinking water); and finally the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Impact snapshot

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

Economic Freshwater in the Otago region is a factor of production that directly contributes to human needs (urban water supply), agriculture (including irrigation), hydro-electric power supply, and mineral extraction. Freshwater also indirectly contributes to the tourism industry through maintenance of freshwater assets for aesthetic and commercial recreational purposes. Lack of freshwater can negatively impact economic output of those industries that rely on water in the production process. To varying degrees these impacts can be mitigated through water efficiency measures and innovation. At the same time other industries, such as tourism that rely on the aesthetic characteristic of rivers and lakes, do not have such opportunities available to them and instead rely on management regimes that sustain flows and water levels suitable for their activities.

Social Ensuring appropriate freshwater supply for human use is available as part of planned urban growth is essential. It is possible this may require consideration of additional freshwater storage in the future. The region's freshwater assets also support a range of recreation uses, for example camping, fishing, water sports, and swimming. These values are strongly linked to environmental values and as such, reduced environmental flows have a corresponding negative impact on social and cultural values.

Silver Fern Farms' Silver Fern Farms' reasons position

regimes that sustain flows and water levels suitable for their activities.

[Remainder of provision not shown here].

Relief sought by Silver Ferns Farms

J Kyle recommendation and reasons

Appendix B

Submission ID	Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended tex														
=PI020.009	SRMR–I6 - Declining water quality has adverse effects on	Amend.	Submission (FPI020.009)	SRMR–I6 - Declining water quality has	SRMR–I6 - Declining wat														
FSFPI020.001	the environment, our communities, and the economy Statement		This Issue Statement is largely negative and fails to recognise that activities that	adverse effects on the environment, our communities, and the economy	adverse effects on the er communities, and the ec														
	While the pristine areas of Otago generally maintain good		affect water quality (like discharges) are	Statement	Statement														
	water quality, some areas of Otago generally maintain good water quality, some areas of Otago demonstrate poorer quality and declining trends in water quality which can be attributed to discharges from land use intensification (both rural and urban) and land management practices. Erosion, run-off and soil loss can lead to sediment and nutrients being deposited into freshwater bodies resulting in declining water quality.		often critical aspects of activities that have wider societal benefits, like food production. Improved water quality does not equate to a no-effects management regime. It would be appropriate for the Issue Statement to recognise that a balance is	While the pristine areas of Otago generally maintain good water quality, some areas of Otago demonstrate poorer quality and declining trends in water quality which can be attributed to discharges from land use intensification (both rural and urban) and land	While the pristine areas of maintain <u>very</u> good water areas of Otago demonstra and declining trends in wa can <u>often</u> be attributed to land use intensification (b urban) and land managen														
	Context		required to manage freshwater within an	management practices. Erosion, run-off	Erosion, run-off and soil lo														
	The health of water is vital for the health of the environment, people and the economy. It is at the heart of culture and identity. Nationally, and in parts of Otago, freshwater is facing		acceptable envelope of effects, in order to enables beneficial activities.	and soil loss can lead to sediment and nutrients being deposited into freshwater bodies resulting in declining water quality. <u>As such, there is a need to</u>	sediment and nutrients be into freshwater bodies res water quality. Context														
	significant pressure. Population growth and land-use intensification in urban and rural environments has impacted the quality of water, increasing contamination from nutrients and sediment.		Further submission (FSFPI020.001) Delete the reference to the NPSFM and NESF requiring actions " <i>to improve water</i> <i>quality, within five years</i> " as sought by	manage activities that affect water quality to achieve appropriate environmental, social, cultural and economic outcomes.	The health of water is vita the environment, people a It is at the heart of culture														
	Water quality affects a wide range of environmental health factors, human survival needs, and cultural, social, recreational, and economic uses. Some of the biggest impacts on water quality in Otago are considered to come from agriculture and urbanisation, through diffuse discharges and point source discharges.		Beef + Industr require													Industry Ne	Beef + Lamb New Zealand Ltd and Deer Industry New Zealand. No such requirement applies.	Context The health of water is vital for the health of the environment, people and the economy. It is at the heart of culture and identity. Nationally, and in parts of Otago,	Nationally, and in parts o is facing significant press growth and land-use inte and rural environments h quality of water, increasin from nutrients and sedim
	On 3 September 2020, new National Environmental Standards (NESF) and a new National Policy Statement (NPSFM) came into force to improve water quality within five years; and reverse past damage and bring New Zealand's freshwater resources, waterways and ecosystems to a healthy state within a generation.				freshwater is facing significant pressure. Population growth and land-use intensification in urban and rural environments has impacted the quality of water, increasing contamination from nutrients and sediment.	Water quality affects a wid environmental health factor and survival needs, and corrected and survival needs, and corrected to a survival needs and construct the biggest impacts on way Otago are considered to a													
	Impact snapshot			Water quality affects a wide range of environmental health factors, human	agriculture and urbanisati diffuse discharges and po														
	Environmental Despite the region's lakes and rivers being highly valued by Otago communities, reports indicate there are reasons for concern about water quality and its trends with consequent potential impact on ecosystems and people. Water quality across Otago is variable. River water quality is best at river and stream reaches located at high or mountainous elevations under predominantly native vegetation cover, and mostly good in the upper areas of large			survival needs (such as drinking water supply and food production), and cultural, social, recreational, and economic uses. Some of the biggest impacts on water quality in Otago are considered to come from agriculture and urbanisation, through diffuse discharges and point source discharges.	discharges. On 3 September 2020, ne Environmental Standards National Policy Statement into force to <u>make immed</u> to improve water quality v and reverse past damage bring New Zealand's fresh														
	river catchment and outlets from large lakes. Water quality is			On 3 September 2020, new National	waterways and ecosystem														
	generally poorer in smaller low-elevation streams and coastal shallow lakes where they receive water from upstream pastoral areas or urban catchments. For example, catchments			Environmental Standards (NESF) and a new National Policy Statement (NPSFM) came into force to improve water quality	state within a generation. Impact snapshot														
	such as the Waiareka Creek, Kaikorai Stream, and the lower			within five years; and reverse past	Environmental Despite th														

Environmental Despite the region's lakes and rivers being highly valued by Otago communities, reports indicate <u>that in many</u> <u>areas</u> there are reasons for concern about water quality and its trends with consequent potential impact on ecosystems and people. Water quality across Otago is variable. River

damage and bring New Zealand's

generation.

freshwater resources, waterways and

ecosystems to a healthy state within a

[Remainder of provision not shown here].

poor water quality.

Clutha catchment, have some of the worst water quality in the

region; Otago's central lakes are impacted by increased

areas, such as urban streams in Dunedin, intensified

population, urban development and tourism demand; other

catchments in North Otago and some tributaries, also have

ext

J Kyle recommendation and reasons

vater quality has environment, our economy

s of Otago generally ter quality, some strate poorer quality water quality which to discharges from (both rural and gement practices. il loss can lead to being deposited resulting in declining

vital for the health of le and the economy. ure and identity. a of Otago, freshwater essure. Population tensification in urban a has impacted the sing contamination iment.

wide range of actors, human <u>health</u> d cultural, social, omic uses. Some of water quality in to come from sation, through point source

, new National ds (NESF) and a new ent (NPSFM) came <u>rediate improvements</u> ty within five years; uge <u>degradation</u> and eshwater resources, tems to a healthy on. No further amendments required.

Accept the analysis provided in paragraphs [600(d)] and [603] of the s42A report regarding the recommendation to accept the relief sought by Silver Fern Farms in part.

flood events. Economic Water pollution (from nutrients,

chemicals, pathogens and sediment) can have far-reaching

Appendix B

Submission ID	Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommende
	Between 2006 and 2017, trends in a number of water quality				water quality is best
	parameters were worsening. For E. coli, for example, 30% of				reaches located at h
	sites had a probable or significant worsening trend compared				elevations under pre
	to 7% of sites that had either stable or improving trends. In				vegetation cover, an
	urban streams in Dunedin, intensified catchments in North				upper areas of large
	Otago and some tributaries of the Pomahaka, E. coli was the				outlets from large la
	worst performing variable. In many cases, the specific source				generally poorer in s
	of contamination is unknown. There are many different types				streams and coastal
	and sizes of lakes in Otago. ORC monitors water quality in				they receive water f
	lakes, of which eight have generally shown good water				areas or urban catch
	quality. There have been concerns within the community				catchments such as
	about the quality of water in Lakes Wānaka, Wakatipu and				Kaikorai Stream, and
	Hayes.				catchment, have sor
	Groundwater quality also varies across the region, with some				quality in the region
	areas having elevated E. coli and nitrate concentrations				are impacted by inc
	above the NZ Drinking Water Standards. The main areas with				urban development
	elevated nitrate concentrations are North Otago and the				other areas, such as
	Lower Clutha. Some bores across the region have exceeded				Dunedin, intensified
	the drinking water standards for E. coli; highlighting localized				Otago and some trib
	problems, likely due to inadequate bore head security. In				water quality. Betwe
	addition to human sources of poorer groundwater quality, low				trends in a number o
	groundwater quality from natural or geologic sources may				parameters were wo
	also affect the potability of bore water throughout Otago (e.g.				For E. coli, for exam
	naturally occurring arsenic or boron concentrations found in				probable or significa
	bores associated with particularly geologies). Stock entering				compared to 7% of s
	water bodies can lead to pugging and destruction of riparian				stable or improving
	soils and beds that play an important role in filtering				in Dunedin, intensifi
	contaminants, as well as excreting directly in waterways. The				Otago and some trib
	growing practice of wintering cattle in Otago can exacerbate				Pomahaka Pomāhak
	leaching effects, which may not connect to surface water until				performing variable.
	spring, creating spikes in nutrient loads. Sediment is a key				specific source of co
	issue for freshwater quality throughout Otago, including				unknown.
	coastal estuaries where it can significantly impact the life				T I I'''
	supporting capacity of waterways. Urban development is a				There are many diffe
	key generator of sediment input to lakes and rivers in Central				lakes in Otago. ORC
	Otago, from building platforms and from stormwater				in lakes, of which eig
	contamination. Activities such as agricultural intensification,				shown good water c concerns within the
	mining, and forestry also contribute. Agricultural				
	intensification also contributes to nutrients (nitrogen and				quality of water in La
	phosphorus) leaching into underlying groundwater or running				Whakatipu Waimāor
	off into surface water bodies, and can also increase the risk of				<u>Lake</u> Hayes.
	E.coli contamination from animal waste. Urban environmental				Groundwater quality
	contaminants include hydrocarbons, and metals from roads				region, with some ar
	and structures. They often wash into urban stormwater				coli and nitrate conc
	systems and pass unfiltered into water bodies, or the coastal				NZ Drinking Water S
	marine area. Stormwater effects, particularly in urban areas,				areas with elevated
	are poorly understood. Wastewater and stormwater systems				are North Otago and
	may not be adequate in some places due to aging				Some bores across
	infrastructure, rapid growth pressure, or insufficient				exceeded the drinki
	investment in replacement or upgrades. Overflows of				E. coli; highlighting l
	wastewater (sewage and waste products) create significant				likely due to inadequ
	risks for water quality. These can enter the environment				In addition to humar
	either directly or through stormwater systems, particularly in				groundwater quality
	• · • • · · · · · · ·				

nded text

J Kyle recommendation and reasons

est at river and stream at high or mountainous predominantly native and mostly good in the rge river catchment and lakes. Water quality is in smaller low-elevation stal shallow lakes where er from upstream pastoral tchments. For example, as the Waiareka Creek, and the lower Clutha some of the worst water on; Otago's central lakes ncreased population, ent and tourism demand; as urban streams in ed catchments in North tributaries, also have poor ween 2006 and 2017, er of water quality worsening.

ample, 30% of sites had a ficant worsening trend of sites that had either ng trends. In urban streams sified catchments in North tributaries of the naka, E. coli was the worst ole. In many cases, the f contamination is

lifferent types and sizes of RC monitors water quality eight have generally er quality. There have been he community about the ı Lakes Wānaka, <u>āori/Lake</u> Wakatipu and

lity also varies across the e areas having elevated E. oncentrations above the er Standards. The main ed nitrate concentrations and the Lower Clutha. ss the region have nking water standards for g localized problems, equate bore head security. nan sources of poorer groundwater quality, low groundwater quality from natural or geologic sources may also affect the potability of bore water

rakatirataka and mana.

Appendix B

Submission ID	Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended
	effects potentially impacting tourism, property values, commercial fishing, recreational businesses, and many other sectors that depend on clean water. These impacts can be direct (varying the quality of primary production outputs such				throughout Otago (e. arsenic or boron cond bores associated with geologies).
	as fish); increasing costs of production through mitigation or remediation costs (drinking water treatment cost, riparian restoration); loss of enjoyment and benefit from tourism uses, and indirect such as cost to human health and associated medical costs, or reduction in brand value (e.g. Brand New Zealand).				Stock entering water pugging and destruct and beds that play ar filtering contaminants directly in waterways of wintering cattle in t
	Social For the wider community, water is a source of kai and of recreation, including swimming, fishing and water sports. Otago's rivers, lakes, estuaries and bays are important				leaching effects, whic surface water until sp nutrient loads.
	destinations for recreational use including swimming, fishing and water sports. Eighty-two per cent of Otago's rivers and lakes are swimmable. Where water quality cannot support these activities, the lifestyle of those living in Otago is impacted. Degraded water quality reduces the mauri of the				Sediment is a key iss quality throughout Ot estuaries where it can the life supporting ca
	water and the habitats and species it supports, therefore also negatively affecting mahika kai and taoka species and places. This constitutes a loss of Kāi Tahu culture, affecting the intergenerational transfer of knowledge handed down from				Urban development i sediment input to lak Otago, from building stormwater contamin
	tūpuna over hundreds of years; and it culminates in a loss of				as agricultural <u>land us</u>

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

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

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

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(e.g. naturally occurring oncentrations found in vith particularly

ter bodies can lead to uction of riparian soils an important role in nts, as well as excreting ys. The growing practice in Otago can exacerbate hich may not connect to spring, creating spikes in

issue for freshwater Otago, including coastal can significantly impact capacity of waterways. nt is a key generator of lakes and rivers in Central ng platforms and from nination. Activities such l use intensification, mining, and forestry also contribute.

Арре	naix B				
Submission ID	Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended text
					impacts can be direct (vary primary production outputs increasing costs of product mitigation or remediation c water treatment cost, ripari loss of enjoyment and ben uses, and indirect such as of health and associated med reduction in brand value (e Zealand).
					Social For the wider comm source of kai and for harve production. Water is also a recreation, including swime water sports. There are mu to the way water quality im peoples' interaction with w including environmental, he and aesthetic factors. Otag estuaries and bays are imp destinations for recreationa swimming, fishing and wate two per cent of Otago's riv swimmable. Where water of support these activities, the those living in Otago is imp
					Degraded water quality red of the water and the habita supports, therefore also ne mahika kai and taoka spec This constitutes a loss of K affecting the intergeneration knowledge handed down f hundreds of years; and it c loss of rakatirataka and ma
FPI020.010	LF–WAI–O1 – Te Mana o te Wai	Amend.	The "restoration" of degraded water	LF–WAI–O1 – Te Mana o te Wai	LF–WAI–O1 – Te Mana of
	The mauri of Otago's water bodies and their health and well- being is protected, and restored where it is degraded, and the management of land and water recognises and reflects that: (1) water is the foundation and source of all life – na te wai		bodies may not always be practicable during the term of the PORPS. Therefore, it would be appropriate to "promote" restoration, similarly to the approach of the National Policy	The mauri of Otago's water bodies and their health and well-being is protected, and restor <u>ation is promot</u> ed where it is degraded, and the management of land and water recognises and reflects that:	The mauri of Otago's water health and well-being is pro- restored where it is degrad management of land and w and reflects that:
	(i) water is the roundation and source of an me - na te wat ko te hauora o ngā mea katoa,(2) there is an integral kinship relationship between water		Statement for Freshwater 2020 towards natural wetlands e.g., at clause 3.22(4).	[Remainder of provision not shown here].	(1) water is the foundation all life – na te wai ko te
	and Kāi Tahu whānui, and this relationship endures through time, connecting past, present and future,		This would also align more closely to policy LF-FW-P7(1) which requires water bodies with degraded quality to be		mea katoa,(2) there is an integral kin between water and K

"improved" rather than "restored".

- (2) there is an integral kinship relationship between water and Kāi Tahu whānui, and this relationship endures through time, connecting connects past, present and future,
- (3) each water body has a unique whakapapa and characteristics,

characteristics,

perpetuates life, and

(3)

each water body has a unique whakapapa and

(4) water and land have a connectedness that supports and

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arying the quality of outs such as fish); luction through n costs (drinking parian restoration); enefit from tourism as cost to human nedical costs, or e (e.g. Brand New

nmunity, water is a vesting and food <u>o a source</u> of imming, fishing and multiple dimensions impacts on water bodies, <u>, health, landscape,</u> tago's rivers, lakes, mportant onal use including vater sports. Eightyrivers and lakes are r quality cannot the lifestyle of mpacted.

reduces the mauri itats and species it negatively affecting ecies and places. Kāi Tahu culture, ational transfer of vn from tūpuna over t culminates in a nana.

o te Wai

ater bodies and their protected, and raded, and the water recognises

tion and source of o te hauora o ngā

No further amendments required.

Accept the analysis provided in paragraph [757] of the s42A report regarding the recommendation to decline the relief sought.

Appendix B

Submission ID	Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended text
	(5) Kāi Tahu exercise rakatirataka, manaakitaka and their kaitiakitaka duty of care and attention over wai and all the life it supports.			,	(4) <u>fresh</u> water, <u>land</u> and <u>c</u> land have a connected supports and perpetua
					(4A) protecting the health a water protects the wid and the mauri of water
					(5) Kāi Tahu exercise raka manaakitaka and their of care and attention o the life it supports.
					(6) all people and commu responsibility to exerci care, and respect in th of fresh water.
FPI020.011	LF–WAI–P1 – Prioritisation	Support.	The management hierarchy expressed in	Retain as notified.	LF–WAI–P1 – Prioritisation
	In all management of fresh water in Otago, prioritise:		this policy aligns with clauses 1.3(5), 3.2(2) and 3.7(1) of the National Policy Statement for Freshwater 2020.)	In all <u>decision-making affec</u> management of fresh wate
	 (1) first, the health and well-being of water bodies and freshwater ecosystems, te hauora o te wai and te hauora 	a			prioritise:
	o te taiao, and the exercise of mana whenua to uphold these,				(1) first, the health and we bodies and freshwater
	 (2) second, the health and well-being needs of people, te hauora o te tangata; interacting with water through ingestion (such as drinking water and consuming harvested resources) and immersive activities (such as harvesting resources and bathing), and (3) third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future. 				hauora o te wai <u>)</u> and <u>this to the health and vertices of the sealth and vertices of the sealth and vertices of the sealth and the sealth of </u>
					(2) second, the health and needs of people, (te ha tangata); interacting w ingestion (such as drin consuming harvested harvested from the wa immersive activities (su resources and primary and
					(3) third, the ability of peo communities to provid economic, and cultura and in the future.
Nil	Not in the notified text – a new objective recommended in the s42A report.	Nil	Nil	Nil	LF-FW-O1A – Region-wide fresh water
					In all FMUs and rohe in Ota the timeframes specified in visions in LF-VM-O2 to LF-V
					(1) healthy freshwater eco healthy populations of species and mahika ke for consumption,

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d <u>coastal water</u> tedness that tuates life,and

<u>h and well-being of</u> <u>vider environment</u> <u>ter,</u>

akatirataka, eir kaitiakitaka duty n over wai and all

<u>munities have a</u> ercise stewardship, the management

ion

<u>fecting</u> ater in Otago,

well-being of water ter ecosystems, <u>(te</u> d <u>the contribution of</u> <u>d well-being of the</u> tora o te taiao), and tercise of mana hese,

and well-being hauora o te with water through Irinking water and ed resources water body) and

(such as harvesting ary contactbathing),

eople and vide for their social, ıral wellbeing, now

de objective for

<u>Dtago and within</u> I in the freshwater F-VM-O6:

ecosystems support of indigenous a kai that are safe No further amendments required.

Accept the analysis provided in section 8.3.5.3 of the s42A report supporting the recommended amendments.

No further amendments required.

Support the addition of this objective, and consequential amendments to LF-VM-O2(7)(c), LF-FW-O8 and LF-FW-O9, as summarised at paragraph [960(b)] of the s42A report.

Submission ID	Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief soug	ht by Silver Ferns Farms	S.42A-recommended text
						(2) the interconnection of <i>lc</i> (including <i>groundwater</i>) <u>water is recognised,</u>
						(3) indigenous species mig as naturally as possible,
						(4) the natural character, in and function, of water b their natural behaviours extent practicable,
						(5) the ongoing relationship with wāhi tūpuna, incluo and use of water bodies
						(6) the health of the water s health of people and the with water bodies,
						(7) innovative and sustainal water management prac- for the health and well-b bodies and freshwater e improve resilience to the climate change, and
						(8) direct discharges of was water bodies are phase greatest extent practica
FPI020.012	LF-VM-O2 – Clutha Mata-au FMU vision	Amend.		LF-VM-O2	– Clutha Mata-au FMU vision	LF-VM-O2 – Clutha Mata-au
	In the Clutha Mata-au FMU:			[]		In the Clutha Mata-au FMU:
	(1) management of the FMU recognises that:			(7) in addit	ion to (1) to (6) above:	(1) management of the FMI
	 the Clutha Mata-au is a single connected system ki uta ki tai, and 			[]	ne Lower Clutha rohe:	that: (a) the Clutha Mata-aι
	 (b) the source of the wai is pure, coming directly from Tawhirimatea to the top of the mauka and into the awa, 			(i)	there is no further modification of the shape	connected system and (b) the source of the v
	 (2) fresh water is managed in accordance with the LF–WAI objectives and policies, 				and behaviour of the water bodies and opportunities to restore the natural form and	coming directly fro Tawhirimatea to th mauka and into the
	(3) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,				function of water bodies are promoted wherever possible,	(2) fresh water is managed with the LF–WAI objecti
	 (4) water bodies support thriving mahika kai and Kāi Tahu whānui have access to mahika kai, 			(ii)	the ecosystem connections between freshwater,	(3) the ongoing relationship
	(5) indigenous species migrate easily and as naturally as possible along and within the river system,				wetlands and the coastal environment are preserved	 (4) water bodies support th
	(6) the national significance of the Clutha hydro-electricity generation scheme is recognised,				and, wherever possible, restored,	(4) water bodies support th kai and Kāi Tahu whānu to mahika kai,
	(7) in addition to (1) to (6) above:			(iii)	innovative and sustainable land and water	(5) indigenous species mig
	(a) in the Upper Lakes rohe, the high quality waters of the lakes and their tributaries are protected,				management practices support food production and land management	as naturally as possible within the river system,

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n of *land, freshwater* vater) and coastal

s migrate easily and sible,

er, including form nter bodies reflects iours to the greatest

onship of Kāi Tahu ncluding access to odies, is sustained,

ater supports the nd their connections

tainable *land* and t practices provide well-being of water ater ecosystems and to the effects of nd

of wastewater to hased out to the icticable.

ta-au FMU vision

FMU recognises

ata-au is a single stem ki uta ki tai,

the wai is pure, tly from to the top of the to the awa,

aged in accordance ojectives and

nship of Kāi Tahu s sustained,

ort thriving mahika hānui have access

s migrate easily and sible along and tem,

No further amendments required.

Accept the analysis at s42A report [1059] with respect to the key aspects of subclauses (7)(c)(i) to (iv) being captured in the new objective LF-FW-O1A - Regionwide objective for fresh water.

Appendix B

Submission ID	Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended text
	 recognising the significance of the purity of these waters to Kāi Tahu and to the wider community, (b) in the Dunstan, Manuherekia and Roxburgh rohe: (i) flows in water bodies sustain and, wherever possible, restore the natural form and function of main stems and tributaries to support Kāi Tahu values and practices, and (ii) Innovative and sustainable land and water management practices support food production in the area and reduce discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and (iii) sustainable abstraction occurs from main stems or groundwater in preference to tributaries, (c) in the Lower Clutha rohe: (i) there is no further modification of the shape and behaviour of the water bodies and opportunities to restore the natural form and function of water bodies are promoted wherever possible, (ii) the ecosystem connections between freshwater, wetlands and the coastal environment are preserved and, wherever possible, restored, (iii) land management practices reduce discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and (iv) there are no direct discharges of wastewater to water bodies, and (8) the outcomes sought in (7) are to be achieved within the following timeframes: (a) by 2030 in the Upper Lakes rohe, (b) by 2045 is the Dunctan. Powburgh and Lower Clutha 			practices reduce discharges of nutrients and other contaminants to water bodies are managed so that water bodiesy are safe for human contact, and (i) there are no direct discharges of <u>sewage</u> wastewater-to water bodies, and (j) there are no direct discharges of untreated greywater, industrial waste or trade waste to water. [Remainder of provision not shown here].	 (6) the national significant hydro-electricity generic recognised, (7) in addition to (1) to (6) and (1) to (6) and (1) to (6) and (1) to (1) to (6) and (1) to (1) to (6) and (1) the unity of the unity, (b) in the Dunstan, M Roxburgh rohe: (i) flows in wate sustain and possible, reform and fur stems and the units of th
	(b) by 2045 in the Dunstan, Roxburgh and Lower Clutha rohe, and				to tributarie: (c) 7<u>7</u> in the Lower C
	(c) by 2050 in the Manuherekia rohe				(i) there is no f modification and behavio bodies and restore the function of v promoted w possible, (ii) the ecosyste between fre

restored,

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ance of the Clutha neration scheme is

6) above:

akes rohe, the high of the lakes and s are protected, ed are improved, e significance of iese waters to Kāi e wider

, Manuherekia and

water bodies nd, wherever restore the natural function of main d tributaries to Kāi Tahu values and

, and

e and sustainable water ment practices

ood production in

and reduce

es of nutrients and

ntaminants to water o that they are safe

n contact, and

ole abstraction om main stems or ater in preference ries,

er Clutha rohe:

no further tion of the shape aviour of the water nd opportunities to ne natural form and of water bodies are wherever

ystem connections between freshwater, wetlands and the coastal environment are preserved and, wherever possible,

Submission ID	Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended text	J Kyle recommendation and reasons
					(iii) land management practices reduce discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and	
					(iv) there are no direct discharges of wastewater to water bodies, and	
					 (8) the outcomes sought in <u>this vision (7)</u> are to be achieved within the following timeframes: 	
					(a) by 2030 in the Upper Lakes rohe,	
					(b) by 2045 in the Dunstan, Roxburgh and Lower Clutha rohe, and	
					(c) by 2050 in the Manuherekia rohe.	
FSFPI020.005	LF–VM–P6 – Relationship between FMUs and rohe	Amend.	Silver Fern Farms agrees that the	As requested by Ballance Agri-Nutrients	LF–VM–P6 – Relationship between FMUs	No further amendments required.
	Where rohe have been defined within FMUs:		development of additional rohe-specific environmental outcomes within FMUs	Ltd, amend LF-VM-P6 to include reference to consultation when setting	and rohe	Accept the analysis at s42A report [12]
	 environmental outcomes must be developed for the FMU within which the rohe is located, 		should be subject to consultation with Kāi Tahu and the community.	rohe-specific environmental outcomes.	Where rohe have been defined within FMUs:	that the relief sought by Silver Fern Farms is provided in the author's recommended amendments to <i>LF-VM</i>
	(2) if additional environmental outcomes are included for rohe, those environmental outcomes:				 environmental outcomes must be developed for the FMU within which the rohe is located, 	M3 - Community involvement.
	(a) set target attribute states that are no less stringent than the parent FMU environmental outcomes if the same attributes are adopted in both the rohe and the FMU, and				(2) if <u>any</u> additional <u>rohe-specific</u> environmental outcomes are included for rohe, those environmental outcomes:	
	(b) may include additional attributes and target attribute states provided that any additional environmental outcomes give effect to the environmental outcomes for the FMU,				 (a) <u>must</u> set target attribute states that are no less stringent than the parent FMU environmental outcomes if the same attributes are 	
	(3) limits and action plans to achieve environmental outcomes may be developed for the FMU or the rohe or a combination of both,				adopted in both the rohe and the FMU, and	
	(4) any limit or action plan developed to apply within a rohe:				 (b) may include additional attributes and target attribute states provided 	
	 (a) prevails over any limit or action plan developed for the FMU for the same attribute, unless explicitly stated to the contrary, and 				that any additional environmental outcomes give effect to the environmental outcomes for the FMU,	
	(b) must be no less stringent than any limit set for the parent FMU for the same attribute, and				 (3) limits and action plans to achieve environmental outcomes, including by 	
	(c) must not conflict with any limit set for the underlying FMU for attributes that are not the same, and				achieving target attribute states, may be developed for the FMU or the rohe	
	(5) the term "no less stringent" in this policy applies to attribute states (numeric and narrative) and any other metrics and timeframes (if applicable).				or a combination of both, (4) any limit or action plan developed to apply within a rohe:	

Submission ID	Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended text
				,	(a) prevails over any l plan developed fo same attribute, unl stated to the contr
					(b) must be no less str limit <u>or action plan</u> parent FMU for the and
					(c) must not conflict w or action plan deve underlying parent attributes that are and
					(5) the term "no less strin policy applies to attrib (numeric and narrative metrics and timeframe
FPI020.013	LF–FW–O8 – Fresh water	Amend	Submission:	Delete LF–FW–O8(2).	Delete LF-FW-O8.
FSFPI020.007	In Otago's water bodies and their catchments:		Silver Fern Farms questions whether	Add a new sub-clause LF–FW–O8(5) as	
	 the health of the wai supports the health of the people and thriving mahika kai, 		clause (2), requiring "continuous flow throughout the whole system" is reflective of natural or current	recommended by Federated Farmers of New Zealand:	
	(2) water flow is continuous throughout the whole system,		hydrological conditions across all of the	In Otago's water bodies and their	
	 the interconnection of fresh water (including groundwater) and coastal waters is recognised, 		region's catchments and waterways. If not, this aspect of the objective is unrealistic to achieve.	catchments: (1) the health of the wai supports the	
	(4) native fish can migrate easily and as naturally as possible and taoka species and their habitats are protected, and		Further submission:	health of the people, and thriving mahika kāi, and the ability of people	
	(5) the significant and outstanding values of Otago's outstanding water bodies are identified and protected.			and communities to provide for their social, economic and cultural	
				wellbeing, now and in the future, (2) water flow is continuous throughout	
				the whole system	
				(2)(3) the interconnection of fresh water	
				(including groundwater) and coastal	
				waters is recognised,	
				(<u>3)</u> (4) native fish can migrate easily and	
				as naturally as possible and taoka	
				species and their habitats are	
				protected, and	
				(4)(5) the significant and outstanding values of Otago's outstanding water	
				bodies are identified and protected.,	
				(5) sustainable and integrated water	
				allocation and abstraction supports primary production and rural communities	

communities.

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y limit or action for the FMU for the unless explicitly ntrary, and

stringent than any <u>an</u>set for the the same attribute,

ct with any limit set leveloped for the ent FMU for are not the same,

ringent" in this ribute states tive) and any other mes (if applicable).

No further amendments required.

Accept the analysis at s42A report:

- at [912], [919] and [920] in relation to the recommendation to delete subclause (2) as sought by Silver Fern Farms and others; and
- At [1297] in relation to policy directions on water use being addressed to an extent in LF-FW-P7A Water allocation and use.

P19220.015 UF-FW-F7 - Fresh water Amend Submission: UF-FW-F7 - Fresh water UF-	Submission ID	Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended text
 Priv QQ2 and Q3 are usualited and induced the production to fits back-out of the product of the pr	FPI020.014	LF–FW–O9 – Natural wetlands	Amend.	•		LF–FW–O9 – Natural wet
(i) math ki and other many when a values are subtained and orthorced own after future presentators. may be impractical to implement and project consenting level, because the requirements are tantamount to a direction is wold all observe effects. consents as provide for by the NFSH with the is no advected in their eacy sent dues to be units are subtained. (i) makes are subtained independer exception their eacy sent dues to be units are subtained. (i) makes are subtained independer exception their eacy sent dues to be units are subtained. (i) makes are subtained independer exception their eacy sent due to be units are subtained. (i) makes are subtained independer exception their eacy sent due to be units are subtained. (i) makes are subtained independer exception their eacy sent due to be units are subtained. (ii) (iii) makes are subtained independer exception their eacy sent due to be units are subtained. (iii) (iiii) (iiiii) (iiiii) (iiii)		Otago's natural wetlands are protected or restored so that:				Otago's natural wetlands a
FP020.015 LF-FW-P7 - Fresh water Amend Submission: There is no reduction in their ecosystem health, hydroiging influencing, amenity, wales, extent or water y quality, and if degraded they are improved, and Improved influencing influenci		and enhanced now and for future generations,		project consenting level, because the requirements are tantamount to a		(1) mahika kai and other values are sustained a
 (a) their flood attenuation capacity is maintained. (b) their flood attenuation capacity is maintained. (c) the health and uclones, attribute states including target attribute states and lakes are states) and links ensure that: (c) the health and well-being of water bodies is maintained or, if degraded, improved. (c) the health and well-being of water bodies is maintained or, if degraded, improved, improved. (c) the health and well-being of water bodies is maintained or, if degraded, improved, improved, improved, improved, is and lakes are sulable for primary contract whint the following timeframes: (a) the pottled infersore (b) by 2000, 95% of rivers and 10% of lakes, and (c) the water is allocated with mervionmental limits and used definition is avoided, and finite reversalise and links ensure that is avoided, and finite reversalise and links ensure that is avoided, and think reversalise and links ensure that is avoided, and think reversalise and links ensure that is avoided, and finite reversalise and lows are stated to human consimplion. (a) by 2030, 90% of rivers and 10% of lakes, and (b) by 2040, 95% of rivers and 10% of lakes, and (c) the health and well-being of water bodies are sale for human consimplion. (c) the hold the pottle and riversal to a difficult reversalise and indiversalise and 10% of lakes, and (b) by 2040, 95% of rivers and 10% of lakes, and (c) tresh water is allocated with mervionmental limits and used the finite reversalise and riversal to the mainten of riversal of the pottle riversalise to the reversalise and riversalise to the reversalise and riversalise to the reversalise and riversalise to the reversalise to the reversalise to the reversalise to the reversalise to the		wetlands,(3) there is no reduction in their ecosystem health, hydrological functioning, amenity values, extent or water				(2) there is no <u>net</u> decrease <u>an increase</u> , in the <u>ext</u> diversity of indigenous types and habitats in r
 FPI020.015 FF-W-P7 - Fresh water Amend Submission: Fruction mental outcomes, attribute states (including target attribute states) and limits ensure that: (i) the health and well-being of water bodies is maintained or, if degraded, improved. (i) the health and well-being of water bodies is maintained or, if degraded, improved. (i) the health and well-being of water bodies is maintained or, if degraded, indigenous species associated with water bodies are protected, including to frish passage. (i) the health and well-being of water bodies is maintained or, if degraded, indigenous species associated with water bodies are protected, including the privation of is not ascribed in passage. (i) the health and well-being of water bodies is maintained or, if degraded, indivenses are protected, including the for primary contact within the following timeframes: (a) by 2030, 90% of rivers and 98% of lakes, and (b) by 2040, 95% of rivers and 98% of lakes, and (c) existing over-allocation is phased out and future over-allocation is value are side for human consumption. (c) existing over-allocation is phased out and future over-allocation is value afficiently. (c) by 2030, 90% of rivers and 98% of lakes, and (c) by 2030, 90% of rivers and 98% of lakes, and (c) by 2030, 90% of rivers and 98% of lakes, and (c) by 2030, 90% of rivers and 98% of lakes, and (c) by 2030, 90% of rivers and 98% of lakes, and (c) by 2030, 90% of rivers and 98% of lakes, and (c) by 2030, 90% of rivers and 98% of lakes, and (c) by 2030, 90% of rivers and 98% of lakes, and (d) by 2030, 90% of rivers and 98% of lakes, and (e) by 203						
FSFP1020.002 Environmental outcomes, attribute states (including target attribute states) and limits ensure that: Further submission: Environmental outcomes, attribute states) and limits ensure that: (1) the health and well-being of water bodies is maintained or, if degraded, improved, (1) the health and well-being of water bodies is maintained or, if degraded, improved, (1) the health and well bodies is maintained or, if degraded, improved, (1) the health and well bodies is maintained or, if degraded, improved, (2) the habitats of significant indigenous species associated with weter bodies is maintained or, if degraded, inproved, (2) the habitats of indig species associated with weter bodies are protected, including by providing for fish passage, (3) specified rivers and lakes are suitable for primary contact within the following timeframes: (4) mahika kai and drinking water are safe for human consumption, (5) by 2040, 95% of rivers and future over-allocation is avoided, and (b) by 2040, 95% of rivers and 95% of rivers and 95% of rivers and 95% of rivers and 95% of rivers a						(4) their flood attenuation <u>storage</u> capacity is ma <u>improved</u> .
attribute states) and limits ensure that: (including target attribute states) and limits ensure that: (2) the habitats of indigenous species associated with water booles is maintained or, if degraded, improved, ensure that "protection" is not ascribed in associated with water booles are protected, including to providing for fish passage, (a) by 2030, 90% of rivers and 98% of lakes, and (b) (b) (c) the habitats of significant indigenous species associated with water booles are protected, including target attribute improved, (a) by providing for fish passage, (a) by 2030, 90% of rivers and 98% of lakes, and (b) (c) the habitats of significant indigenous species associated with water booles is maintained or, if degraded, and (a) by 2030, 90% of			Amend	Submission:		LF–FW–P7 – Fresh water
 (i) the health and well-being of water bodies is maintained or, if degraded, improved, (2) the habitats of indigenous species associated with water bodies are protected, including by providing for fish passage, (3) specified rivers and lakes are suitable for primary contact within the following timeframes: (a) by 2030, 90% of rivers and 98% of lakes, and (b) by 2040, 95% of rivers and 100% of lakes, and (c) existing over-allocation is phased out and future overallocation is avoided, and (c) tresh water is allocated within environmental limits and used efficiently. 	FSFPI020.002	attribute states) and limits ensure that:		Further submission:	(including target attribute states) and	Environmental outcomes, a (including target attribute s environmental flows and le
 (2) the habitats or indigenous species associated with water bodies are protected, including by providing for fish passage. (3) specified rivers and lakes are suitable for primary contact within the following timeframes: (a) by 2030, 90% of rivers and 98% of lakes, and (b) by 2040, 95% of rivers and 100% of lakes, and (c) existing over-allocation is phased out and future over-allocation is avoided, and (c) fresh water is allocated within environmental limits and used efficiently. (c) fresh water is allocated within environmental limits and used efficiently. (c) by 2040, 95% 						
(3) specified rivers and lakes are suitable for primary contact within the following timeframes: (a) by 2030, 90% of rivers and 98% of lakes, and (b) by 2040, 95% of rivers and 98% of lakes, and (c) the habitats of indig species associated with water bodies are protected, including by providing for fish passage, (c) the habitats of indig species associated with water bodies are protected, including by providing for fish passage, (c) the habitats of indig species associated with water bodies are protected, including by providing for fish passage, (c) the habitats of indig species associated with water bodies are protected, including by providing for fish passage, (c) the habitats of indig species associated with water by providing for fish passage, (c) the habitats of indig species associated with water by providing for fish passage, (c) the habitats of indig species associated with water by providing for fish passage, (c) the habitats of indig species associated with water by providing for fish passage, (c) the habitats of indig species associated with water by providing for fish passage, (c) the habitats of indig species associated by providing for fish passage, (c) the habitats of indig species associated by providing for fish passage, (c) the habitats of indig species associated by providing for fish passage, (c) the habitats of indig species associated by providing for fish passage, (c) the habitats of indig species associated by providing for fish passage, (c)		bodies are protected, including by providing for fish		sub-clause (2) of this policy, which would	improved,	 the health and well-be bodies is maintained o improved,
 (a) by 2030, 90% of rivers and 98% of lakes, and (b) by 2040, 95% of rivers and 100% of lakes, and (c) by 2040, 95% of rivers and 100% of lakes, and (d) mahika kai and drinking water are safe for human consumption, (a) by 2030, 920% of rivers and 100% of lakes, and (b) by 2040, 95% of rivers and 100% of lakes, and (c) sexisting over-allocation is phased out and future over-allocation is avoided, and (b) by 2040, 905% of rivers and 100% of lakes, and (c) fresh water is allocated within environmental limits and used efficiently. (c) fresh water is allocated within environmental limits and used efficiently. 		(3) specified rivers and lakes are suitable for primary			species associated with water bodies are protected, including by	(2) the habitats of indigen species associated wi are protected and sus
(b) by 2040, 95% of rivers and 100% of lakes, and suitable for primary contact within the following timeframes: (2A) the habitats of troup protected insofar a with (2). (4) mahika kai and drinking water are safe for human consumption, (a) by 2030, 980% of rivers and 98% of lakes, and with (2). (5) existing over-allocation is phased out and future over-allocation is avoided, and (b) by 2040, 905% of rivers and 100% of lakes, and (b) by 2040, 905% of rivers and 100% of lakes, and (3) specified rivers and for primary contact time-for primary contact time-for primary contact time-for primary contact time-frames: (6) fresh water is allocated within environmental limits and used efficiently. [Remainder of provision not shown here]. (a) by 2030, 90% of lakes, and (b) by 2040, 905% (b) by 2040, 905% (c) by 2040, 905% of rivers and 100% of lakes, and (c) by 2040, 905% (c) by 2040, 905%		(a) by 2030, 90% of rivers and 98% of lakes, and				by providing for fish pa
 (4) manika kai and drinking water are safe for human consumption, (a) by 2030, 980% of rivers and 98% of lakes, and (b) by 2040, 905% of rivers and 100% of lakes, and (c) fresh water is allocated within environmental limits and used efficiently. (a) by 2040, 905% of rivers and 100% of lakes, and (b) by 2040, 905% of rivers and 100% of lakes, and (c) by 2040, 905% of rivers and 100% of lakes, and (c) by 2040, 905% of rivers and 100% of lakes, and (c) by 2040, 905% of rivers and 100% of lakes, and (c) by 2040, 905% of rivers and 100% of lakes, and (c) by 2040, 905% of rivers and 100% of lakes, and (c) by 2040, 905% of rivers and 100% of lakes, and (c) by 2040, 905% of rivers and 100% of lakes, and (c) by 2040, 905% of rivers and 100% of lakes, and (c) by 2040, 905% of rivers and 100% of lakes, and 		(b) by 2040, 95% of rivers and 100% of lakes, and			suitable for primary contact within	(2A) the habitats of trout a
 (5) existing over-allocation is phased out and future over-allocation is avoided, and (6) fresh water is allocated within environmental limits and used efficiently. (7) by 2040, 905% of rivers and 100% of lakes, and (8) by 2040, 905% of rivers and 100% of lakes, and (9) by 2040, 905% of rivers and 100% of lakes, and (9) by 2040, 905% of rivers and 100% of lakes, and (9) by 2040, 905% of rivers and 100% of lakes, and (10) by 2040, 905% of rivers and 100% of lakes, and (10) by 2040, 905% of rivers and 100% of lakes, and (10) by 2040, 905% of rivers and 100% of lakes, and (10) by 2040, 905% of rivers and 100% of lakes, and (10) by 2040, 905% of rivers and 100% of lakes, and (10) by 2040, 905% of rivers and 100% of lakes, and (10) by 2040, 905% of rivers and 100% of lakes, and (10) by 2040, 905% of rivers and 100% of lakes, and (11) by 2040, 905% of rivers and 100% of lakes, and (12) by 2040, 905% of rivers and 100% of lakes, and (13) by 2030, 90% of rivers and 100% of lakes, and (14) by 2040, 905% of rivers and 100% of lakes, and (15) by 2040, 905% of rivers and 100% of lakes, and (16) by 2040, 905% of rivers and 100% of lakes, and (17) by 2040, 905% of rivers and 100% of lakes, and (18) by 2040, 905% of rivers and 100% of lakes, and (19) by 2040, 905% of rivers and 100% of lakes, and (19) by 2040, 905% of rivers and 100% of lakes, and (11) by 2040, 905% of rivers and 100% of lakes, and (12) by 2040, 905% of rivers and 100% of lakes, and (13) by 2040, 905% of rivers and 100% of lakes, and (14) by 2040, 905% of rivers and 100% of lakes, and (15) by 2040, 905% of rivers and 100% of lakes, and 		· · · · ·			-	•
(6) fresh water is allocated within environmental limits and used efficiently. 100% of lakes, and (a) by 2030, 90% of lakes, and (b) by 2040, 95%		(5) existing over-allocation is phased out and future over-			98% of lakes, and (b) by 2040, 9 <u>0</u> 5% of rivers and	for primary contact wit
						(a) by 2030, 90% of

(4) <u>resources harvested from water bodies</u> <u>including</u> mahika kai and drinking water are safe for human consumption,

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vetlands

- Is are protected or
- er mana whenua ed and enhanced generations,
- ase<u>, and preferably</u> <u>extent range</u> and ous ecosystem in natural wetlands,
- on <u>and, where</u> <u>an improvement</u> in ystem health, oning, amenity ater quality, and if improved, and
- ion<u>and water</u> maintained<u>or</u>

Amend as follows:

LF–FW–O9 – Natural wetlands

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

- mahika kai and other mana whenua values are sustained and enhanced now and for future generations,
- (2) there is no net decrease, and preferably an <u>net</u> increase, in <u>the</u> <u>extent of natural wetlands and in</u> the extent-and diversity of indigenous ecosystem types and habitats in natural wetlands,
- there is no reduction and, where degraded, there is an improvement in wetland ecosystem health, hydrological functioning, amenity values, extent or water quality, and
- (4) their flood attenuation and water storage capacity is maintained or improved.

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- s, attribute states e states)<u>,</u> <u>d levels</u>, and limits
- -being of water ed or, if degraded,
- genous <u>freshwater</u> with water bodies sustained, including n passage,
- <u>t and salmon are</u> s this is consistent
- l lakes are suitable within the following
- of rivers and 98%
- of rivers and 100%

Insert the word "significant" at (2) and delete (5) as follows:

LF–FW–P7 – Fresh water

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

- the health and well-being of water bodies is maintained or, if degraded, improved,
- the <u>significant</u> habitats of indigenous freshwater species are protected and sustained, including by providing for fish passage,
- (2A) the habitats of trout and salmon are protected insofar as this is consistent with (2),
- (3) specified rivers and lakes are suitable for primary contact within the following timeframes:
 - (a) by 2030, 90% of rivers and 98% of lakes, and
 - (b) by 2040, 95% of rivers and 100% of lakes, and
- (4) resources harvested from water bodies including mahika kai and

Submission ID	Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended text	J Kyle recommendation and reasons
					 (5) existing over-allocation is phased out and future over-allocation is avoided, and (6) (a phase is a phase phase is a phase is phase is a phase is a phase is a phase is	drinking water are safe for human consumption <u>.,</u> (5) existing over-allocation is phased
					(6) fresh water is allocated within environmental limits and used efficiently.	out and future over-allocation is avoided.
Nil.	Not in the notified text – a new policy recommended in the s42A report.	Nil.	Nil.	Nil.	LF-FW-P7A – Water allocation and use Within limits and in accordance with any	Amend (1) to delete duplication of reference to <i>"within limits"</i> , as follows:
					relevant environmental flows and levels, the	LF-FW-P7A – Water allocation and use
					benefits of using fresh water are recognised and over-allocation is either phased out or avoided by:	Within limits and in accordance with any relevant environmental flows and levels, the benefits of using fresh water are
					(1) allocating fresh water efficiently to support the social, economic, and	recognised and over-allocation is either phased out or avoided by:
					cultural well-being of people and communities to the extent possible within limits, including for:	 allocating fresh water efficiently to support the social, economic, and cultural well-being of people and
					(a) community drinking water supplies.	communities to the extent possible within limits, including for:
					(b) renewable electricity generation, and	[Remainder of provision not shown here
					(c) land-based primary production,	
					(2) ensuring that no more fresh water is abstracted than is necessary for its intended use,	
					(3) ensuring that the efficiency of freshwater abstraction, storage, and	
					conveyancing infrastructure is improved, including by providing for off-stream storage capacity, and	
					(4) providing for spatial and temporal sharing of allocated fresh water between uses and users where	
					feasible.	
PI020.016	LF-FW-P9 – Protecting natural wetlands	Amend.	The requirement of sub-clause (1)(b)(iv) to	Delete sub-clause LF–FW–P9 (1)(b)(iv).	LF–FW–P9 – Protecting natural wetlands	Amend to delete sub-clause (2) as
	Protect natural wetlands by:		manage effects on indigenous biodiversity by applying ECO–P3 or		Protect natural wetlands by implementing	follows:
	(1) avoiding a reduction in their values or extent unless:		ECO–P6 does not accord with NPSFM cl.		clause 3.22(1) to (3) of the NPSFM, except that:	LF–FW–P9 – Protecting natural wetlands
	(a) the loss of values or extent arises from:	 	3.22(1)(b), insofar as it substitutes ECO– P3 or ECO–P6 for the NPSFM effects		(1) in the coastal environment, natural	Protect natural wetlands by
	 the customary harvest of food or resources undertaken in accordance with tikaka Māori, 		management hierarchy. Silver Fern Farms' submission on the		wetlands must also be managed in accordance with the NZCPS, and	implementing clause 3.22(1) to (3) of the NPSFM, except that:
	(ii) restoration activities,		non-freshwater parts of the PORPS, and		(2) when managing the adverse effects of an activity on indigenous biodiversity, the effects management hierarchy (in relation to indigenous biodiversity) applies instead of the effects	(1) —in the coastal environment, natural
	(iii) scientific research,		the associated statement of evidence of Steve Tuck lodged on behalf of Silver			wetlands must also be managed in accordance with the NZCPS , and
	(iv) the sustainable harvest of sphagnum moss,		Fern Farms, explained why ECO-P3, ECO-P6 and the associated appendices APP2 and APP3 are problematic.			(2) when managing the adverse effect of an activity on indigenous biodiversity, the effects

Submission ID	Provision		Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended text
	(\	 the construction or maintenance of wetland utility structures, 				management hierarchy natural wetlands and r
	(\	 the maintenance of operation of specific infrastructure, or other infrastructure, 				Protect natural wetlands by
	(\	ii) natural hazard works, or				(1) avoiding a reduction ir extent unless:
	(b) tł	ne Regional Council is satisfied that:				(a) the loss of values o
	(i)	the activity is necessary for the construction or upgrade of specified infrastructure,				from: (i) the customary l
	(i) the specified infrastructure will provide significant national or regional benefits,				or resources ur accordance wit
	(i	 there is a functional need for the specified infrastructure in that location, 				(ii) restoration acti (iii) scientific resear
	(i	 v) the effects of the activity on indigenous biodiversity are managed by applying either ECO–P3 or ECO–P6 (whichever is applicable), 				(iv) the sustainable sphagnum mos
	(\	and) the other effects of the activity (excluding those managed under (1)(b)(iv)) are managed				(v) the construction maintenance of structures,
		by applying the effects management hierarchy, and				(vi) the maintenanc specific infrastr infrastructure,
		nting resource consents for activities under (1)(b) the Regional Council is satisfied that:				(vii) natural hazard
	(a) th e (1	he application demonstrates how each step of the ffects management hierarchies in (1)(b)(iv) and)(b)(v) will be applied to the loss of values or xtent of the natural wetland, and				(b) the Regional Coun that: (i) Othe activity is construction or
	а	ny consent is granted subject to conditions that pply the effects management hierarchies in)(b)(iv) and (1)(b)(v).				specified infras (ii) the specified in provide signific regional benefi
						(iii) there is a functi specified infras location,
						(iv) the effects of th indigenous bio managed by ap ECO–P3 or EC is applicable), a
						(v) the other effect (excluding thos under (1)(b)(iv))

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

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Hinfrastructure will ificant national or efits,

nctional need for the rastructure in that

f the activity on biodiversity are rapplying either ECO–P6 (whichever), and

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

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management hierarchy (in relation to indigenous biodiversity) applies instead of the effects management hierarchy (in relation to natural wetlands and rivers).

Submission ID	Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended text	J Kyle recommendation and reasons
					(a) the application demonstrates how each step of the effects management hierarchies in (1)(b)(iv) and (1)(b)(v) will be applied to the loss of values or extent of the natural wetland, and	
					(b) any consent is granted subject to conditions that apply the effects management hierarchies in (1)(b)(iv) and (1)(b)(v).	
FPI020.017 FSFPI020.003	LF–FW–P10 – Restoring natural wetlands Improve the ecosystem health, hydrological functioning,	Amend.	Submission: A wide range of circumstances is likely to	LF–FW–P10 – Restoring natural wetlands	LF–FW–P10 – Restoring natural wetlands Improve the ecosystem health, hydrological	No further amendments required. Accept the analysis provided in
	 water quality and extent of natural wetlands that have been degraded or lost by requiring, where possible: (1) an increase in the extent and quality of habitat for indigenous species, (2) the restoration of hydrological processes, 	ality and extent of natural wetlands that have beenapply to natural wetland restorationImpd or lost by requiring, where possible:efforts across Otago. Therefore,hydencrease in the extent and quality of habitat for genous species,"requiring, where possible"andrestoration of hydrological processes,The term 'practicable' would provide(withrestoration of hydrological processes,useful flexibility for cases whereloc	Improve the ecosystem health, hydrological functioning, water quality and extent of natural wetlands that have been degraded or lost by requiring	functioning , water quality and extent of natural wetlands that have been degraded or lost by requiring, <u>to the greatest extent</u> <u>practicable</u> where possible:	paragraph [1478] of the s42A report.	
			(within an existing wetland or a separate location), where practicable possible:	(1) an increase in the extent and quality <u>condition</u> of habitat for indigenous		
(3) control of pest species and vegetation clearance, a(4) the exclusion of stock.			practicable. Further submission:	 an increase in the extent and quality of habitat for indigenous species, the restoration of hydrological 	species,(2) the restoration of hydrological processes,	
			Silver Fern Farms agrees with the recommendation of Dairy NZ to delete the reference in this policy to improving characteristics of wetlands that have been "lost".	processes,(3) control of pest species and vegetation clearance, and	(3) control of pest species and vegetation clearance, and(4) the exclusion of stock.	
-PI020.018	LF–FW–P15 – Stormwater and wastewater discharges	Amend.	Submission:	(4) the exclusion of stock. Amend to:	LF–FW–P15 – Stormwater and wastewater	No further amendments required.
SFPI020.008	Minimise the adverse effects of direct and indirect discharges of stormwater and wastewater to fresh water by:	, inche	LF–FW–P15(2) fails to recognise that even if a reticulated system is available, it	 Enable discharges to be managed outside of the reticulated network if 	discharges Minimise the adverse effects of direct and	Accept the analysis provided in paragraph [1528] of the s42A report.
	 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 		may not be appropriate for sewage, industrial or trade waste to be discharged into it – e.g., due to limits in the system capacity or for other reasons.	an alternative management method is environmentally neutral or positive compared to reliance on the reticulated network.	indirect discharges of stormwater and wastewater to fresh water by: (1) except as required by LF-VM-O2 and	
water, and (2) requiring: (a) all sewage, industrial into a reticulated was available, (b) all stormwater to be o			Furthermore, RMA s105(1) (Matters relevant to certain applications) expressly	 Clarify the reference to "water quality standards" for discharges in LF–FW– 	LF—VM—O4, preferring discharges of wastewater to land over discharges to water, unless adverse effects	
	 (a) all sewage, industrial or trade waste to be discharged into a reticulated wastewater system, where one is 		requires consent authorities to consider alternatives in the case of applications for discharge permits.	 P15(2)(e). Provide a management pathway for situations where industrial discharges 	associated with a discharge to land are greater than a discharge to water, and (2) requiring:	
	available, (b) all stormwater to be discharged into a reticulated system, where one is available,		Some industrial sites have onsite land- based effluent discharge management systems that are self-contained and	to water are unavoidable.	(a) all sewage, industrial or trade waste to be discharged into a reticulated	
	(c) implementation of methods to progressively reduce the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows	S I	entirely appropriate to be used in lieu of adding more loading to reticulated systems. LF–FW–P15(2)(e) does not expressly provide for reasonable mixing of contaminants with receiving waters, as is		wastewater system, where one is available, (ab) integrated catchment management plans for	
	occurring for reticulated stormwater and wastewater systems, (d) on-site wastewater systems to be designed and				management of stormwater in urban areas,	
	operated in accordance with best practice standards,		provided for by RMA s107(1).		 (b) all stormwater to be discharged into a reticulated system, where 	

Submission ID	Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended text
	(e) stormwater and wastewater discharges to meet any applicable water quality standards set for FMUs and/or rohe, and(f) the use of water sensitive urban design techniques		Further submission: Silver Fern Farms agrees with OceanaGold's comments that the policy framework would benefit from		one is <u>made</u> available operator of the reticu unless alternative tre disposal methods wil improved outcomes f
	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		amendments to recognise that there may be functional or locational constraints or other reasons of practicability as to why industrial discharges may be made to water,		(c) implementation of mo progressively reduce and volume of wet w overflows and minim
	(3) promoting the reticulation of stormwater and wastewater in urban areas.		As recommended by OceanaGold Ltd, ensure the policy framework for discharges provides a management		likelihood of dry wea occurring for reticula and wastewater syste
			pathway for situations where industrial discharges to water are unavoidable.		(d) on-site wastewater si designed and operat accordance with bes standards,
					(e) <u>that any</u> stormwater a wastewater discharg <u>prevent water bodies</u> meet <u>ing</u> any applicat quality standards set and/or rohe, and
					(f) the use of water sense design techniques to mitigate the potentia effects of contaminan receiving water bodio subdivision, use or d land, wherever pract
					(3) promoting the reticulation stormwater and wastewa areas.
Nil.	See above LF-FW-P15.	Nil.	Nil.	Nil.	LF-FW-P16 – Discharges cor effluent, sewage, and indust waste
					Minimise the adverse effects indirect discharges containing effluent, sewage, and industr waste to fresh water by:
					(1) phasing out existing disc containing sewage or inc trade waste directly to w greatest extent possible
					(2) requiring: (a) new discharges control or industrial and trade to land, unless advers associated with a dis

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ilable, <u>by the</u> <u>eticulated system,</u> <u>e treatment and</u> <u>s will result in</u> nes for fresh water

of methods to duce the frequency et weather inimise the weather overflows culated stormwater systems,

ter systems to be perated in best practice

ater and harges <u>do not</u> odies from to plicable water s set for FMUs

sensitive urban es to avoid or ential adverse ninants on podies from the or development of practicable, and

llation of tewater in urban

s containing animal dustrial and trade

ects of direct and aining animal lustrial and trade

discharges or industrial and to water to the sible,

containing sewage trade waste to be dverse effects a discharge to land Amend as follows:

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

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

- phasing out existing discharges containing sewage or industrial and trade waste directly to water to the greatest extent <u>practicable possible</u>,
- (2) requiring:
 - (a) new discharges containing
 sewage or industrial and trade
 waste to be to land, unless
 adverse effects associated with

Submission ID	Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended text
					are demonstrably o discharge to fresh
					(b) discharges contain effluent to be to lar
					(c) that all discharges sewage or industria waste are discharg reticulated wastew where one is made owner, unless alter and disposal metho improved outcome
					(d) implementation of r progressively redu and volume of wet overflows and mini likelihood of dry we occurring into retic wastewater system
					(e) on-site wastewater animal effluent sys designed and oper accordance with be standards,
					(f) that any discharge: water bodies from applicable water q set for FMUs and/c
					(3) to the greatest extent requiring the reticulation in urban areas, and
					(4) promoting source con for reducing contamin discharges.
FPI020.019 FPI020.029	LF–LS–P21 – Land use and fresh water Achieve the improvement or maintenance of fresh water	Amend.	The unqualified requirement in subclause (1) to reduce discharge volumes fails to	LF–LS–P21 – Land use and fresh water Achieve the improvement or	LF–LS–P21 – Land use and Achieve the improvement of
(appears to	quantity or quality to meet environmental outcomes set for		recognise that other methods may also "Achieve the improvement or	maintenance of Improve or maintain	of The health and well-bein

applications).

quality" as required by the policy

chapeau and as contemplated by

The chapeau itself is unnecessarily

to LF-FW-P15, there is inconsistent

maintenance of fresh water quantity or

RMAs105(1) (Matters relevant to certain

verbose and as noted earlier with respect

reference between in policy references

fresh water quantity or quality to meet

Freshwater Management Units and/or

(1) managing the adverse effects of

reducing direct and indirect

discharges of contaminants to water

from the use and development of

environmental outcomes set for

rohe by:

land, and

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of groundwater.

(1)

(2)

Freshwater Management Units and/or rohe by:

reducing direct and indirect discharges of contaminants

to water from the use and development of land, and

managing land uses that may have adverse effects on

the flow of water in surface water bodies or the recharge

have been

double-

counted)

xt

J Kyle recommendation and reasons

- y greater than a sh water,
- aining animal land,
- es containing trial and trade arged into a ewater system, de available by its ternative treatment thods will result in nes for fresh water,
- of methods to duce the frequency et weather inimise the weather overflows ticulated ems,
- ter systems and ystems to be perated in best practice
- <u>ges do not prevent</u> <u>m meeting any</u> r quality standards d/or rohe,
- nt practicable, ation of wastewater
- ontrol as a method inants in

a discharge to land are demonstrably greater than a discharge to fresh water,

- (b) discharges containing animal effluent to be to land,
- (c) that all discharges containing sewage or industrial and trade waste are discharged into a reticulated wastewater system, where one is made available by its owner, unless alternative treatment and disposal methods will result in improved outcomes for fresh water,
- (d) implementation of methods to progressively reduce the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring into reticulated wastewater systems,
- (e) on-site wastewater systems and animal effluent systems to be designed and operated in accordance with <u>the</u> best practic<u>able optionstandards</u>,
- (f) that any discharges do not prevent water bodies from meeting any applicable water quality standards set for FMUs and/or rohe,
- to the greatest extent practicable, requiring the reticulation of wastewater in urban areas, and
- (4) promoting source control as a method for reducing contaminants in discharges.

and fresh water

Achieve the improvement or maintenance of <u>The health and well-being of water</u> <u>bodies is maintained or, if degraded,</u> <u>improved quantity or quality to meet</u> environmental outcomes set for Freshwater Management Units and/or rohe by:

 reducing <u>or otherwise managing the</u> <u>adverse effects of direct and indirect</u> discharges of contaminants to water from the use and development of land,

and

No further amendments required.

Submission ID	Prov		Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended text
				to "environmental outcomes" or "water quality standards".	[Remainder of provision not shown here].	(2) managing land uses the adverse effects on the surface water bodies o of groundwater; and
						(3) maintaining or, where of enhancing the habitat a values of riparian marg
FPI020.020	LF-I	FW-M6 – Regional plans	Amend.	It is appropriate for LF–FW–M6(6) to	Retain LF–FW–M6(6).	LF-FW-M6 Regional Plans
FSFPI020.009	-	go Regional Council must publicly notify a Land and Water		anticipate future regional plan provisions that provide for off- stream water storage.	Make consequential amendments to the	Otago Regional Council mu
FSFPI020.010	-	onal Plan no later than 31 December 2023 and, after it is e operative, maintain that regional plan to:		Silver Fern Farms opposes subclauses	references in LF–FW–M6(6)(b), LF–FW– M6(7) and LF–FW–M6(8) to other LF-FW	a Land and Water Regional than <u>30 June 202431 Decer</u>
	(1)	identify the compulsory and, if relevant, other values for		6(b), (7) and (8) to the extent that it has submitted in opposition to the PORPS	provisions in accordance with this submission.	after it is made operative, m
	(2)	each Freshwater Management Unit, state environmental outcomes as objectives in		provisions referenced in those sub- clauses and listed below:	FURTHER SUBMISSION POINT	regional plan to: (1A) implement the required
	(-)	accordance with clause 3.9 of the NPSFM,		 LF–FW–M6(6)(b) refers to "the 	Amend sub-clauses (4) and (5) as	NOF process in accordance NPSFM,
	(3)	identify water bodies that are over-allocated in terms of either their water quality or quantity,		objectives and policies of the LF chapter of this RPS".	recommended by Horticulture New Zealand, as follows:	(1) identify the compulsory
	(4)	include environmental flow and level regimes for water		 LF–FW–M6(7) refers to LF-FW-P7 and 	LF-FW-M6 Regional Plans	other values for each F
		bodies (including groundwater) that give effect to Te Mana o te Wai and provide for:		LF-FW-P9.	[Entire provision not shown here]	Management Unit, (2) state environmental ou
		(a) the behaviours of the water body including a base		LF–FW–M6(8) refers to LF–FW– P15.	(4) include environmental flow and level	objectives in accordance
		flow or level that provides for variability,			regimes for water bodies (including groundwater) that give effect to Te	3.9 of the NPSFM,(3) identify water bodies the state of the state
		(b) healthy and resilient mahika kai,			Mana o te Wai and provide for:	allocated in terms of ei
		 the needs of indigenous fauna, including taoka species, and aquatic species associated with the water body, 			[] <u>g.</u> abstraction and discharges to support domestic food security,	quality or quantity <u>and</u> and timeframes for pha over-allocation (includi
		(d) the hydrological connection with other water			and	environmental flows an limits) within the timefra
		bodies, estuaries and coastal margins,			(5) include limits on resource use that:	achieve the relevant fre
		 the traditional and contemporary relationship of Kāi Tahu to the water body, and 			 a. differentiate between types of uses, including <u>human health</u> 	(4) include environmental regimes for water bodi
		(f) community drinking water supplies, and			<u>needs (such as drinking water</u> and food security), and social,	groundwater) that give
	(5)	include limits on resource use that:			cultural and economic uses, in	Mana o te Wai and pro
		 differentiate between types of uses, including drinking water, and social, cultural and economic uses, in order to provide long-term certainty in relation to these uses of available water. 			order to provide long-term certainty in relation to those uses of available water,	 (a) the behaviours of the including a base flow provides for variabitien (b) healthy and resilien
		 relation to those uses of available water, (b) for water bodies that have been identified as over- allocated, provide methods and timeframes for phasing out that over-allocation, 				(c) the needs of indige including taoka spe aquatic species ass
		 (c) control the effects of existing and potential future development on the ability of the water body to meet, or continue to meet, environmental outcomes, 				water body, (d) the hydrological co other water bodies, coastal margins,

text

J Kyle recommendation and reasons

ses that may have n the flow of water in lies or the recharge and

nere degraded, bitat and biodiversity <u>margins</u>.

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cil must publicly notify jional Plan no later December 2023 and, ve, maintain that

uired steps in the dance with the

ulsory and, if relevant, ach Freshwater

tal outcomes as rdance with clause

lies that are overof either their water and the methods or phasing out that ncluding through ws and levels and meframes required to ant freshwater vision,

ental flow and level bodies (including give effect to Te d provide for:

s of the water body se flow or level that ariability,

silient mahika kai,

ndigenous fauna, a species, and es associated with the

al connection with dies, estuaries and Correct the reference in (8) from policy LF-FW-P15A to LF-FW-P16, as follows:

(8) manage the adverse effects of stormwater and discharges containing animal effluent, sewage, or industrial and trade waste in accordance with LF–FW–P15 and LF-FW-P1<u>6</u>5A.

Submission ID	Pro	visior	1	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.4	2A-recommended text
		(d)	manage the adverse effects on water bodies that can arise from the use and development of land, and					(e) the traditional and relationship of Kāi water body, and
	(6)		ride for the off-stream storage of surface water re storage will:					(f) community drinkin and
		(a)	support Te Mana o te Wai,				<u>(</u> 5A) provide for the alloca
		(b)	give effect to the objectives and policies of the LF chapter of this RPS, and					<u>fresh water in accorda</u> P7A,
		(C)	not prevent a surface water body from achieving identified environmental outcomes and remaining within any limits on resource use, and				(5) -	include limits on resou (a) differentiate betwo including drinking
	(7)	LF–I reco	tify and manage natural wetlands in accordance with FW–P7, LF–FW–P8 and LF–FW–P9 while ognising that some activities in and around natural ands are managed under the NESF, and					cultural and econo order to provide lo in relation to those available water,
	(8)		age the adverse effects of stormwater and tewater in accordance with LF—FW—P15.					(b) for water bodies the identified as over- methods and time phasing out that o
								(c) control the effects potential future de the ability of the w meet, or continue environmental out
								(d) manage the adver water bodies that the use and develo and
							(6)	Oprovide for the off-st surface water where s
								(a) support Te Mana c
								(b) give effect to the c policies of the LF c RPS, and
								(c) not prevent a surfa from achieving ide environmental out remaining within a resource use, and
							(7)	identify and manage r in accordance with LF FW-P8 and LF-FW-P while recognising that in and around natural managed under the N NESPF, and
							(8)	manage the adverse e stormwater and waste

ext

J Kyle recommendation and reasons

and contemporary Kāi Tahu to the

iking water supplies,

ocation and use of ordance with LF-FW-

source use that:

tween types of uses, ng water, and social, onomic uses, in e long-term certainty ose uses of

s that have been er-allocated, provide meframes for it over-allocation,

cts of existing and development on e water body to ue to meet, outcomes,

verse effects on lat can arise from velopment of land,

f-stream storage of 'e storage will:

na o te Wai,

e objectives and F chapter of this

urface water body identified outcomes and n any limits on nd

e natural wetlands LF-FW-P7, LF- /-P9 <u>and LF-FW-P10</u> hat some activities ral wetlands are e NESF <u>and the</u>

manage the adverse effects of stormwater and wastewater <u>discharges</u> <u>containing animal effluent, sewage, or</u>

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Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended text	J Kyle recommendation and reasons			
				industrial and trade waste in accordance with LF—FW—P15 <u>and LF—</u> FW—P15A.				
LF–FW–M7 – District plans	Amend.	The requirement at LF-FW-M7(2) to avoid all adverse effects on "the significant and	LF-FW-M7 – District plans	LF–FW–M7 – District plans	No further amendments required. Accept the analysis provided in [1631] of			
their district plans no later than 31 December 2026 to:		bodies" appears to go beyond the	amend and maintain their district plans no later than 31 December 2026 to:	amend and maintain their district plans no later than 31 December 2026 to:	the s42A report.			
outstanding and significant values using the information gathered by Otago Regional Council in LF–FW–M5, and		protection of outstanding natural features (1) and landscapes from inappropriate subdivision, use, and development". (2)	 (1) map outstanding water bodies and identify their outstanding and 	 (1) map outstanding water bodies and identify their outstanding and 				
 (2) include provisions to avoid the adverse effects of activities on the significant and outstanding values of outstanding water bodies, 	subdivision, use, and development".		subdivision, use, and development".	subdivision, use, and development".	information	significant values using the information gathered by Otago Regional Council in LF–FW–M5, and	significant values using the information gathered by Otago Regional Council in LF–FW–M5, and	
(3) require, wherever practicable, the adoption of water sensitive urban design techniques when managing the subdivision, use or development of land, and			(2) include provisions to <u>protect the</u> <u>values of outstanding water bodies</u> <u>from the adverse effects of</u> <u>inappropriate</u> avoid the adverse	(2) include provisions to avoid the adverse effects of activities on protect the significant and outstanding values of outstanding water bodies,				
 (4) reduce the adverse effects of stormwater discharges by managing the subdivision, use and development of land to: 			effects of activities on the significant and outstanding values of outstanding water bodies,	(2A) include provisions to preserve the natural character of lakes and rivers and their margins from the adverse				
 (a) minimise the peak volume of stormwater needing off- site disposal and the load of contaminants carried by it, 			[Remainder of provision not shown here].	effects of land use and development and activities on the surface of water,				
(b) minimise adverse effects on fresh water and coastal water as the ultimate receiving environments, and the capacity of the stormwater network,								
 (c) encourage on-site storage of rainfall to detain peak stormwater flows, and 								
(d) promote the use of permeable surfaces.								
LF-FW-E3 – Explanation (paragraph 2)	Amend.	Submission	Amend the explanation along with other	LF- <u>VM</u> FW-E <u>2</u> 3 – Explanation (paragraph 2)	No further amendments required.			
The outcomes sought for natural wetlands are implemented by requiring identification, protection and restoration. The first two policies reflect the requirements of the NPSFM for		LF-FW-E3 clearly identifies that the PORPS goes beyond the requirements of the NPSFM.	effect to and accords with, the higher- order NPSFM - as required by RMA s61(1)(da) and s62(3). Delete " <i>or lost</i> " from this explanation.	The outcomes sought for natural wetlands	Accept the analysis provided in [1661] of the s42A report.			
identification and protection but apply that direction to all natural wetlands, rather than only inland natural wetlands (those outside the coastal marine area) as the NPSFM directs. This reflects the views of takata whenua and the community that fresh and coastal water, including wetlands, should be managed holistically and in a consistent way. While the NPSFM requires promotion of the restoration of natural inland wetlands, the policies in this section take a stronger stance, requiring improvement where natural wetlands have been		As explained in relation to LF–FW–O9 – Natural wetlands (for example), PORPS provisions that are more onerous than the already highly restrictive NPSFM will likely prove highly problematic for many projects with adverse consequences for activities that would promote economic, social, cultural and/or environmental		are implemented by requiring identification, protection and restoration. The first two policies reflect the requirements of the NPSFM for identification and protection but apply that direction to all natural wetlands, rather than only inland natural wetlands (those outside the coastal marine area) as the NPSFM directs. This reflects the views of takata mana whenua and the community that fresh and coastal water, including	t			
restoration to Kāi Tahu and in recognition of the historic loss of wetlands in Otago.		Further submission Silver Fern Farms agrees with Dairy NZ that the reference in this provision to improving characteristics of wetlands that have been "lost" should be deleted as a consequential amendment arising from		wetlands, should be managed holistically and in a consistent way. While the NPSFM requires promotion of the restoration of natural inland wetlands, the policies in this section take a stronger stance, requiring improvement where natural wetlands have been degraded or lost. This is because of				
	 LF-FW-M7 - District plans Territorial authorities must prepare or amend and maintain their district plans no later than 31 December 2026 to: map outstanding water bodies and identify their outstanding and significant values using the information gathered by Otago Regional Council in LF-FW-M5, and include provisions to avoid the adverse effects of activities on the significant and outstanding values of outstanding water bodies, require, wherever practicable, the adoption of water sensitive urban design techniques when managing the subdivision, use or development of land, and reduce the adverse effects of stormwater discharges by managing the subdivision, use and development of land to: minimise the peak volume of stormwater needing off-site disposal and the load of contaminants carried by it, minimise adverse effects on fresh water and coastal water as the ultimate receiving environments, and the capacity of the stormwater network, encourage on-site storage of rainfall to detain peak stormwater flows, and promote the use of permeable surfaces. LF-FW-E3 - Explanation (paragraph 2) The outcomes sought for natural wetlands are implemented by requiring identification, protection and restoration. The first two policies reflect the requirements of the NPSFM for identification and protection but apply that direction to all natural wetlands, rather than only inland natural wetlands (those outside the coastal water, including wetlands, should be managed holistically and in a consistent way. While the NPSFM requires promotion of the restoration of natural inland wetlands, the policies in this section take a stronger stance, requiring improvement where natural wetlands have been degraded or lost. This is because of the importance of restoration to Käi Tahu and in recognition of the historic loss 	LF-FW-M7 - District plans Amend. Territorial authorities must prepare or amend and maintain their district plans no later than 31 December 2026 to: (1) map outstanding water bodies and identify their outstanding and significant values using the information gathered by Otago Regional Council in LF-FW-M5, and (2) include provisions to avoid the adverse effects of activities on the significant and outstanding values of outstanding water bodies, (3) require, wherever practicable, the adoption of water sensitive urban design techniques when managing the subdivision, use or development of land, and (4) reduce the adverse effects of stormwater discharges by managing the subdivision, use and development of land to: (a) minimise the peak volume of stormwater needing off-site disposal and the load of contaminants carried by it, (b) minimise adverse effects on fresh water and coastal water as the ultimate receiving environments, and the capacity of the stormwater network. (c) encourage on-site storage of rainfall to detain peak stormwater flows, and (d) promote the use of permeable surfaces. Amend. LF-FW-E3 - Explanation (paragraph 2) Amend. The outcomes sought for natural wetlands are implemented by requiring identification, protection and restoration on the instruction to all natural wetlands, rather than only juntal direction to all natural wetlands, rather than only juntal direction to all natural wetlands, rather than only juntal direction to all natural wetlands, the policies in this section take a stronger stance, requiring improvement where natural wetlands, should be managed holistically and in a consistent way. While the MPSFM for districts the views of takata whe	LF-FW-M7 - District plans Amend. Territorial authorities must prepare or amend and maintain their district plans no later than 31 December 2026 to: outstanding and significant values using the information gathered by Otago Regional Council in LF-FW-M5, and The requirement at LF-FW M7(2) to avoid all adverse effects on the significant and outstanding values of outstanding water solutions to avoid the adverse affects of activities on the significant and outstanding values of outstanding water bodies. (2) include provisions to avoid the adverse affects of activities on the significant and outstanding values of outstanding water bodies. Amend. (3) require, wherever practicable, the adoption of water subdivision, use or development of land, and and andscapes from inappropriate subdivision, use, and development of land to: (a) minimise the peak volume of stormwater discharges by managing the subdivision, use and development of land to: amend. (b) minimise adverse effects on the subdivision, use and development of ste disposal and the load of contaminants carried by it, Amend. (c) encourage on-site storage of rainfall to detain peak stormwater flows, and Amend. (c) encourage on-site storage of rainfall to detain peak stormwater flows, and Cubmission (d) promote the use of permeable surfaces. LF-FW-E3 Cearly identifies that the PORPS gaes beyond the requirements of the NPSFM for identification and protection but apply that direction to all natural wetlands, the policies in this action take in the astronger status. No policies represention of the restoration of natural intand wetlands, the policies in this section take a storager status. Nor	LP-FW-M7 - District plans Amend. The requirement at LF-FW-M7 (2) to avoid the district plans to the share of a model and matrix the district plans to the share of a model and and matrix district plans to the share of a model and and matrix district plans to the share of a model and and matrix district plans to the share of a model and plant the share plant district plans to the share of a model and the share district plans to the share of a model and the share of the additionant the significant values using the information gathered by Clage Regional Council in LF-FW-M7. LF-FW-M7 - District plans The requirement at EMA 56 for "the protection" of outstanding parkets of outstanding values and countstanding water bodies. LF-FW-M7 - District plans (a) induce provide sing water bodies. (b) induce provide sing water bodies. (c) induce provide when managing the subdivision, use of development of land, set disposal and the load of contaminant carried by in c space when were practicable. (c) induce provide when managing the subdivision, use of development of land, set disposal and the load of contaminant carried by in c space when were of individe provide when the significant and the explanation development of land, set disposal and the load of contaminant carried by in c space when the significant and the explanation development of land, set disposal and the load of contaminant carried by in c space when the significant and the explanation development of land, set disposal and the load of contaminant carried by in the capacity of the subdivision, use and development at dispose bodies. Amend.	In the second seco			

Submission ID	Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended text	J Kyle recommendation and reasons
			that a requirement to restore historic wetlands that are "lost" (i.e., no longer extant) will be problematic for numerous reasons.		and in recognition of the historic loss of wetlands in Otago <u>and the indigenous</u> biodiversity and hydrological values of <u>wetland systems</u> .	
FPI020.023	LF–FW–AER7 Water in Otago's aquifers is suitable for human consumption, unless that water is naturally unsuitable for consumption.	Oppose.	AER7 assumes that all aquifers are used for human drinking water supply. It would appear to require improved water quality in aquifers that are not used for drinking water supply. It is unclear what opportunity costs to the community might arise from restoring aquifer quality for the sake of it, rather than to resolve a pressing resource management issue.	Delete AER7.	Deleted.	No further amendments required. Accept the analysis provided in [1690] of the s42A report.
FPI020.024	LF–FW–AER8 Where water is not degraded, there is no reduction in water quality.	Amend.	AER8 does not contemplate reductions in water quality that remain within an appropriate quality band/range. It also overlooks that reduced water quality might arise as a result of natural processes like floods or landslides.	LF–FW–AER8 Where water is not degraded, there is no reduction (<u>as a result of consented activities</u>) in water quality <u>below any specified</u> <u>environmental outcomes or limits</u> <u>relevant to the waterbody</u> .	Retain as notified.	No further amendments required. Accept the analysis provided in paragraph [1691] of the s42A report.
FPI020.025	LF–FW–AER9 The frequency of wastewater overflows is reduced.	Support.	It is appropriate for the PORPS to seek to reduce the frequency of wastewater overflows.	Retain as notified.	LF–FW–AER9 <u>Direct discharges of</u> <u>wastewater to water are phased out to the</u> <u>greatest extent practicable and the</u> The frequency of wastewater overflows is reduced.	No further amendments required. The recommended amendment is a necessary result of amendments in LF- FW-O1A and LF-FW-P16.
FPI020.026	LF–FW–AER10 The quality of stormwater discharges from existing urban areas is improved.	Support.	It is appropriate for PORPS to seek improved stormwater discharge quality.	Retain as notified.	Retain as notified.	No further amendments required. Accept the analysis provided in paragraph [1693] of the s42A report.
FPI020.027	LF–FW–AER11 There is no reduction in the extent or quality of Otago's natural wetlands.	Oppose.	The phrase "no reduction" implies no scope for adverse effects. This does not reflect the direction of the NPSFM, the consenting pathways for activities in/near natural wetlands in the NESF, nor allow for activities that would produce a net gain in natural wetland extent or values.	Delete this AER.	LF–FW–AER11 There is <u>an improvement</u> no reduction in the extent or <u>condition</u> quality of Otago's natural wetlands.	No further amendments required. Accept the analysis provided in paragraph [1694] of the s42A report.
-SFPI020.028	LF-LS-P18 – Soil erosion	Amend.	This policy provides flexibility and an	LF-LS-P18 - Soil erosion	LF-LS-P18 – Soil erosion	No further amendments required.
	 Minimise soil erosion, and the associated risk of sedimentation in water bodies, resulting from land use activities by: (1) implementing effective management practices to retain topsoil in-situ and minimise the potential for soil to be 		outcome-focussed approach towards soil erosion. A minor amendment is recommended to reflect that works on erosion-prone land may necessitate vegetation clearance that is subsequently to be established.	 Minimise soil erosion, and the associated risk of sedimentation in water bodies, resulting from land use activities by: [] (2) maintaining, or re-establishing, vegetative cover on erosion-prone land, and 	 Minimise soil erosion, and the associated risk of sedimentation in water bodies, resulting from land use activities by: (2) maintaining vegetative cover on erosion-prone land, and 	Accept the analysis at [1728] of the s42A report. (The need to re-number the sub-clauses is noted in the s42A report at [1725]).
ſ	discharged to water bodies, including by controlling the timing, duration, scale and location of soil exposure,(2) maintaining vegetative cover on erosion-prone land, and				(1) <u>where vegetation removal is necessary</u> or there is no vegetative cover, implementing effective management	
	(2) maintaining vegetative cover on erosion-prone land, and(3) promoting activities that enhance soil retention.		[Remainder of provision not shown here].	practices to retain topsoil in-situ and minimise the potential for soil to be discharged to water bodies, including		

Submission ID	Provision	Silver Fern Farms' position	Silver Fern Farms' reasons	Relief sought by Silver Ferns Farms	S.42A-recommended text	J Kyle recommendation and reasons
					by controlling the timing, duration, scale and location of soil exposure, and	
					(3) promoting activities that enhance soil retention.	
FSFPI020.006	Meridian Energy FPI016.018:	Support.	t. Silver Fern Farms would support	Insert a new LF-FW policy as		No further amendments required.
	Insert a new LF-FW policy as follows:		provision for development of water storage infrastructure in the RPS, given	recommended by Meridian NZ Ltd:		Accept the analysis at [1557] of the s42A
	Provide for the off-stream storage of surface water where storage will give effect to the objectives and policies of this RPS		recognition of this as 'specified infrastructure' in the NPSFM and the likely need for such infrastructure development to ensure water use is optimised.	Provide for the off-stream storage of surface water where storage will give effect to the objectives and policies of this RPS		report in respect of policy recognition of water storage in the new policy <i>LF-FW-</i> <i>P7A Water allocation and use.</i>