## Appendix 2: Overview of key issues raised in feedback received through internal and legal reviews or community & stakeholder engagement on the draft Land and Water Regional Plan – Workshop 2, 29 November 2023

*Note: topics shaded blue below have been copied over from Appendix 1, which was provided to support the workshop on 22 November.*

| Topic | What we are trying to achieve | Feedback | Commentary | Options or changes suggested |
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| **EFL (water quantity): Allocation framework for the Clutha Mata-Au main stem** | Policy 1 of The National Policy Statement for Freshwater Management (NPS-FM) requires that freshwater is managed in a way that 'gives effect' to Te Mana o te Wai.<br><br>Clause 3.16 of the NPS-FM requires that environmental flows and levels are applied to the damming, diversion, taking or discharge of water that achieve the environmental outcomes for the river and any connected and receiving environments.<br><br>Clause 3.17 of the NPS-FM requires that take limits are set that provide for flow or level variability, safeguard ecosystem health and provide for life cycle needs of aquatic life.<br><br>Policy E2 of the National Policy Statement -Renewable Energy Generation (NPS-REG) requires that regional plans provide for the development, operation, maintenance, and upgrading of new and existing hydro-electricity generation activities to the extent applicable to the region or district. | During the public consultation feedback was sought on proposed take limits and environmental flows for the main stem of the Clutha Mata-au and the Hawea and Kawarau rivers (and the hydro-lakes and source lakes). These proposed take limits and environmental flows did not factor in the existing allocation and proposed limits for many of the Clutha Mata-au main stem's tributaries.<br><br>Although only limited feedback was received on this matter, there was general support for the setting of environmental flows and take limits for the main stem.<br><br>However, internal and external feedback also shows that with respect to the setting of a take limit for the Clutha Mata-au main stem consideration needs to be given to the following matters:<br>• the Clutha Mata-au freshwater vision in the proposed RPS recognises that the Clutha Mata-au is a single connected system<br>• Clause 3.2 of the NPS-FM requires that an integrated approach, ki uta ki tai, is adopted to the management of freshwater<br><br>Therefore, a second option for setting take limits and environmental flows for the main stem of the Clutha Mata-au and the Hawea and Kawarau rivers has been developed that takes into account the allocation regimes that apply to wider catchment. | ○ The operative Regional Plan Water (RPW) does not set a take limit or minimum flow/level for:<br>• the Clutha Mata-au and Kawarau main stems,<br>• the Hāwea River (take limit only)<br>• Lakes Whakatipu, Wānaka and Hāwea<br>• Lakes Roxburgh and Dunstan<br>○ The Clutha Mata-au main stem is characterised by the following:<br>• high and unique values (natural character and river form, recreational and cultural)<br>• an inverse ecological habitat/flow relationship (less water = more habitat)<br>○ The Kawarau Water Conservation Order seeks to recognise and protect the outstanding amenity and intrinsic values of the Kawarau River and Lake Whakatipu.<br>○ The Lake Wānaka Preservation Act 1973 seeks to prevent the natural flow rate between the outlet of the lake and the confluence of the Clutha Mata-au and the Cardrona River from being varied and preserve, as far as possible, the water levels of the lake and its shoreline in their natural state.<br>○ The Mata-Au and its source and hydro-lakes are statutory acknowledgement areas under the Ngai Tahu Claims Settlement Act 1998<br>○ The Kawarau River and parts of the Clutha Mata-Au main stem have been identified as a potential Outstanding Water Body.<br>○ The current consented allocation from the Clutha Mata-au catchment is estimated to be 63,000 L/s.[1] The RPW also allows for the taking of water from the Clutha Mata-au main stem, the Kawarau River and Lakes Whakatipu, Wānaka, Hāwea, Roxburgh and Dunstan of up to 100 l/s as a permitted activity. The lack of info around the incidence and scale of water taking | The following options are proposed:<br>**Option 1**: retain the take limits and environmental flows and levels for the Clutha Mata-au mainstem limits as included in the draft LWRP and previously consulted on.[2]<br><br>**Option 2**: Set an allocation framework based on the following principles:<br>• Recognising the connections between different parts of the catchment<br>• Taking into account the allocation from different parts of the Clutha Mata-au catchment.<br>• Setting a total take limit for Clutha Mata-au catchment based on 30% of the catchment's estimated naturalised 7-day MALF at Balclutha.<br>• Split the allocation across 3 reaches:<br>○ Kawarau catchment<br>○ Upper Clutha catchment u/s Clyde Dam<br>○ Clutha catchment d/s Clyde Dam<br><br>Under option 2 two sub-options exist:<br><table><tr><th>Option 2A</th><th>Option 2B</th></tr><tr><td colspan="2">Kawarau catchment[3]<br>Take limit: 8,800 L/s</td></tr><tr><td>Upper Clutha catchment u/s Clyde Dam[4]<br>Take limit: 17,400L/s</td><td>Upper Clutha catchment u/s Clyde Dam<br>Take limit: 23,800L/s</td></tr><tr><td>Clutha catchment d/s Clyde Dam[5]<br>Take limit: 63,200L/s</td><td>Clutha catchment d/s Clyde Dam<br>Take limit: 56,800L/s</td></tr></table><br>Option 2 proposes the same environmental flow regime as that proposed under option 1. |

[1] This Includes consented takes that are both consumptive and non-consumptive.
[2] https://www.orc.govt.nz/plans-policies-reports/land-and-water-regional-plan/proposed-changes-to-rules-and-regulations/clutha-mata-au-main-stem
[3] Est. 7day-MALF of the Kawarau catchment is 88,500 L/s, while the consented allocation is estimated to be 5,000 L/s.
[4] Est. 7day-MALF of the Clutha main stem below the Cardrona Confluence is 115,900 L/s, while the consented allocation is estimated to be 14,700 L/s.
[5] Est. 7day-MALF of the Clutha main stem at Balclutha is 298,000 L/s, while the consented allocation is estimated to be 43,000 L/s.

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| | | | under the permitted activity rules in the RPW and s14(3)(b) of the RMA, is a key reason why there is uncertainty around the total amount of water taken from the Clutha Mata-au. | |
| **EFL (water quantity): Allocation framework for the Waikōuaiti River** | Policy 1 of the NPS-FM requires that freshwater is managed in a way that 'gives effect' to Te Mana o te Wai.<br><br>Clause 3.16 of the NPS-FM requires that environmental flows and levels are applied to the damming, diversion, taking or discharge of water that achieve the environmental outcomes for the river and any connected and receiving environments.<br><br>Clause 3.17 of the NPS-FM requires that take limits are set that provide for flow or level variability, safeguard ecosystem health and provide for life cycle needs of aquatic life. | Not applicable.<br>No minimum flow and take limit was included in the draft LWRP consulted on between 18 September and 6 November 2023. | ○ The Waikōuaiti River is a Statutory Acknowledgement area under the Ngai Tahu Claims Settlement Act 1998.<br>○ The Waikōuaiti River was granted mātaitai status in 2016 under the Fisheries (South Island Customary Fishing) Regulations 1999, which provides for Ngāi Tahu Whānui to exercise their customary use and management rights.<br>○ The Waikōuaiti River has been identified as a potential Outstanding Water Body.<br>○ The RPW does not include a minimum flow for the Waikōuaiti River, although the three main consumptive takes have resource consent conditions requiring maintenance of residual flows.<br>○ The current primary allocation for the Waikōuaiti River catchment is 129.2 l/s.<br>○ Available water metering data shows that the average combined rate of take ranged from 36 l/s (January) to 10.5 l/s (July) while the maximum observed combined rate of take from the Waikōuaiti River ranged from 91-97 l/s (October-April) to 37-38 l/s (June-July). | The following option is proposed for setting a take limit and minimum flow for the Waikōuaiti catchment[6]:<br>**Option 1:**<br>○ minimum flow of 225 L/s as measured at the flow recorder at the flow monitoring site 200 metres d/s of the Dunedin City Council (DCC) water supply. This site is located approximately 2.8 km upstream of where the river enters the Estuary.<br>○ take limit of 50 L/s.<br><br>It is proposed that stakeholders (including consent holders) are provided with an opportunity to comment on the proposed allocation regime prior to the start of the pre-notification consultation under Cl3, Schedule 1 of the RMA. |
| **EFL (water quantity) Environmental flow for the Manuherekia rohe** | Policy 1 of the NPS-FM requires that freshwater is managed in a way that 'gives effect' to Te Mana o te Wai.<br><br>Clause 3.16 of the NPS-FM requires that environmental flows and levels are applied to the damming, diversion, taking or discharge of water that achieve the environmental outcomes for the river and any connected and receiving environments. | The following views have been expressed in feedback from water users:<br>• Water users seek that the proposed flow limits in the Manuherekia Catchment Group's (MCG) Catchment Management Plan (CMP)[7] be adopted, rather than the minimum flows proposed in the draft LWRP. The flow limits proposed by the MCG include:<br>○ A minimum flow of 1,100 l/s at Alexandra Campground, rather than 1,200 l/s as included in the draft LWRP; and<br>○ Residual flows for five major tributaries.<br>Suggested timing to implement the 1,100 l/s minimum flow varies, ranging from: | ○ The principles behind the proposed flow regime are:<br>• Te Mana o te Wai and the hierarchy of obligations<br>• The minimum flow should reflect where a river's range naturally sits.<br>○ The proposed flows for the Manuherekia River in the draft LWRP are:<br>• 900 l/s at notification.<br>• 1,200 l/s by 1 January 2030.<br>• 2,500 l/s by 1 January 2040.<br><br>No tributary residual flows are proposed in the draft LWRP, these will be considered further once metering is in place and more information is available. | The following options are proposed[8]:<br>**Option 1**: Retain the environmental flows for the Manuherekia River as included in the draft LWRP and previously consulted on.[9]<br>***Option 2****: Amend the environmental flows or the Manuherekia River to incorporate the following minimum flows:*<br>○ *1,100 l/s by 1 July 2026 and tributary residual flows, as proposed by the Manuherekia Catchment Group;*<br>○ *2,500 l/s by 1 July 2040.*<br><br>There are potential environmental benefits to implementing a minimum flow of 1,100 l/s sooner than 2030, although it is difficult to quantify the difference in environmental effects between 1,100 l/s in 2026, and 1,200 l/s in 2030. |

[6] Est. naturalised 7day-MALF of the Waikouaiti River at the flow monitoring site 200 metres d/s of the Dunedin City Council (DCC) water supply is 251 L/s.
[7] Manuherikia Catchment Group Incorporated. Overview of Proposed Catchment Management Approach (2021). Submitted in support of resource consent applications to dam, take and use water from the Manuherekia River.
[8] Options 2 and 3 have been amended in this version of Appendix 2 from the version provided to the members of the Environmental Science and Policy Committee on Friday 24 November 2023. The paragraphs that have been amended are shown in italics.
[9] https://www.orc.govt.nz/plans-policies-reports/land-and-water-regional-plan/proposed-changes-to-rules-and-regulations/manuherekia-rohe

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| | | ○ 2030 (as proposed in the draft LWRP for 1,200 l/s); or<br>○ At the time of notification of the LWRP (by end of June 2024) to improve the health of the river as soon as possible, and allow monitoring to determine the impacts of the new flow regime before the next step up to 2,500 l/s is required.<br>• Informal feedback was also received that 1 January is a difficult date to implement a new minimum flow and that 1 July is considered to be a more appropriate date (more consistent with the start of the irrigation season).<br>• The step up to a minimum flow of 2,500 l/s in 2040, which is included in the draft LWRP, is not supported by water users. | | The 2026 timeframe for implementing the 1,100 l/s minimum flow allows time for the installation of infrastructure necessary for compliance with a higher minimum flow, while still providing for improvements to the river sooner than 2030.<br><br>***Option 3:*** *Amend the environmental flows to as follows:*<br>○ *1,100 l/s by 1 July 2026 and tributary residual flows, as proposed by the Manuherekia Catchment Group[10], to apply on notification of the LWRP from:*<br>• *Dunstan Creek (0.25 $m^3$/s irrigation season, 1.0 $m^3$/s winter)*<br>• *Lauder Creek (0.1 $m^3$/s irrigation season, 0.36 $m^3$/s winter)*<br>• *Thomsons Creek (0.07 $m^3$/s irrigation season, 0.18 $m^3$/s winter)*<br>• *Chatto Creek (0.1 $m^3$/s irrigation season, 0.25 $m^3$/s winter)*<br>• *Manor Burn (0.015 $m^3$/s irrigation season, 0.05 $m^3$/s winter)*<br>○ *2,500 l/s by 1 July 2040.*<br><br>There are potential environmental benefits to implementing residual flows on the five major tributaries sooner, but it is uncertain whether these will be the most appropriate residual flows when more information is available. |
| **EFL (water quantity): Fish barriers** | Clause 3.26 of the NPS-FM requires that regional council makes or changes its regional plan so that fish passage is maintained or improved by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats. | Feedback from the consultation has highlighted the following concern:<br>○ Opposition to fish barriers being required, largely due to the cost. | In some catchments, increasing minimum flows will result in salmonids being able to access reaches of tributaries that they currently cannot, increasing the risk of predation on indigenous species (particularly galaxiids). To address this, it has been recommended to install fish barriers prior to increasing minimum flows. | This issue cannot be addressed though the rule framework of the LWRP and does not require an amendment to the provisions of the draft LWRP, however it is an issue of concern to communities.<br><br>This matter can be addressed by non-regulatory initiatives or measures at a later date. |
| **WET: Wetlands** | Policy 6 of the NPS-FM requires that there is no further loss of extent of natural inland wetlands and that their values are protected, and their restoration is promoted. This is supported by regulations in the National Environmental Standards for Freshwater (NES-F), which restrict various activities within natural inland wetlands, with some exemptions for particular types of activities (such as infrastructure and mining). | Feedback from the consultation has highlighted the following matters and concerns:<br>**Feedback in opposition**<br>○ Opposition to controls that are additional and/or more stringent than the NES-F.<br>○ Concern over the application of controls to a broader range of wetlands than defined in national direction, especially in terms of the role of FW-FPs.<br>○ Stock exclusion provisions that go beyond national direction are a concern – these should be covered in FW-FPs. | ○ The majority of the feedback seeks to either only implement the NES-F requirements and no more; or to go even further than the draft LWRP to protect wetlands, such as by prohibiting drainage and requiring wetland extent to be restored.<br>○ A number of items of feedback opposed the fencing requirements and the exclusion of sheep – the draft LWRP does not require either of these things, as it relies on the Stock Exclusion Regulations for fencing. | No changes to the drafted provisions are suggested. Confirm that councillors are comfortable with maintaining the draft plan framework. |

[10] The proposed tributary residual flows are outlined in detail in the Manuherikia Catchment Group's Overview of Proposed Catchment Management Approach (2021).

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| | Previous direction from Council has been that the LWRP should adopt the approach set out in the NPS-FM and NES-F for natural inland wetlands but also introduce restrictions on some particularly damaging activities in 'natural wetlands' – a wider category than 'natural inland wetlands'.<br><br>It is noted that specific management of these additional wetland types is required through Freshwater Farm Plans (FW-FPs). | ○ Inclusion of wetlands in the definition for 'critical source area' is an issue – should be consistent with national direction.<br>○ Fencing requirements are impractical and will potentially result in wetlands overgrown with weeds and hinder recreational uses of wetlands.<br>**Feedback in support**<br>○ Support for the protection of wetlands, but provisions need to go further such as prohibiting any drainage of wetlands.<br>○ Support for reinstating wetlands wherever possible, including a suggested target of 20% of historic extent reinstated.<br>**Feedback on technical matters**<br>○ The public should be able to access GIS data for wetlands and other exclusion zones.<br>○ Ground truthing for wetlands is needed to ensure mapping is accurate and unintended consequences for landowners are avoided.<br>○ Landowners need to see how they are affected and identify which areas can be excluded from flight paths for fertiliser/spraying. | ○ The technical matters, such as mapping, have been raised across topics and so will be addressed separately. | |
| **General matters: Drinking water protection zones** | At a national level, drinking water is largely managed by the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007(NES-DW). The NES-DW requires regional councils to ensure that the effects of activities on drinking water sources are considered in decisions on resource consents and in regional plans.<br><br>The NPS-FM directs that the health needs of people (such as drinking water) are a second priority, below ecosystem health and above other uses of water and lists drinking water supply as an 'other value' that must be considered in Appendix 1B of this policy statement.<br><br>Amendments to the NES-DW are in development. The objectives of the proposed amendments are to strengthen protection of source water, by improving: | Feedback from the consultation has highlighted the following matters and concerns:<br>○ Concern about the impacts of the drinking water protection zones on land holders.<br>○ Opposition to the provisions that seek to protect drinking water supplies from the impacts of activities in the absence of a definition or mapping of drinking water protection zones. | ○ Public interest in drinking water supplies has been grown since the 2016 outbreak of gastroenteritis in Havelock North. Examples of drinking water contamination in Otago include the norovirus outbreak in the Cardrona township in 2013 and the recent contamination of the Queenstown drinking water supply.<br>○ Data collated through ORC's State of the Environment (SoE) monitoring network cast doubt over the effectiveness of the RPW in maintaining water quality, or improving it where it is currently degraded.<br>○ The draft LWRP seeks to protect all drinking water supplies that were registered with Taumata Arowai on 1 July 2023 by having standard conditions on all discharges from a wide range of activities and land uses, as well as some works in riverbeds, including:<br>• A 20m setback from all bores.<br>• Restrictions on activities extending 5 metres into land from the river's edge over a reach that encompasses 1000m upstream and 100m downstream from any surface water | No changes to the drafted provisions are suggested. Confirm that councillors are comfortable with maintaining the draft plan framework. |

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| | ○ How at-risk source water areas are delineated;<br>○ How activities that pose risks to source water are regulated or managed; and<br>○ Protecting all registered water supplies.<br><br>Previous direction from Council has been that the LWRP should give effect to the hierarchy of obligations set out in the NPS-FM and that human drinking water needs to be protected against impacts of land use and land development on water quality. | | or directly connected groundwater take on rivers.<br>• Restrictions on activities within a 500m radius of any surface water or directly connected groundwater take from a lake.<br>○ The drinking water protection zones are not mapped but the location of the drinking water intakes registered with Taumata Arowai on 1 July 2023 but the narrative descriptions of the extent of the drinking water protection zones will be included in the LWRP. | |
| **Forestry (region-wide)**<br>• **Major issue: 50m setback from all waterbodies.**<br>• **General aversion to consenting or rules (as opposed to relying on NES for Commercial Forestry).** | Policy 1 of the NPS-FM requires that freshwater is managed in a way that 'gives effect' to Te Mana o te Wai.<br><br>The draft provisions of the LWRP seek to give effect to the NPS-FM by:<br>• Requiring the establishment or maintenance of healthy riparian buffers to protect water quality and habitat, especially during planting and harvesting stages.<br>• Encouraging permanent indigenous forestry over exotic forestry, particularly for riparian areas and carbon sink forestry.<br><br>The draft LWRP has no intent of 'banning' forestry, but rather seeks to allow for the setting of conditions that consider local circumstances. | The following views have been expressed in feedback from the forestry sector:<br>• Opposition to provisions that are additional to or more stringent than the national direction. The National Environmental Standards for Commercial Forestry (NES-CF), previously National Environmental Standards for Plantation Forestry (NES-PF), has years of science, technical evidence, and consultation behind it, and we have yet to see the full benefits of those controls.<br>• Clarity is required on what constitutes a water body large enough to trigger a 50m setback.<br>• Otago is characterised by low erosion susceptibility risk, so is not comparable to the North Island east coast and unlikely to experience similar slash issues.<br>• Nearly all forestry land is on >10-degree slope, so 50m setbacks will apply universally, indicating an average loss of productive forest land of 37% - estimated forest value of more than $320 million – with dire effects on the industry.<br>• There are unintended consequences of setbacks (including herbicide spraying setbacks) such as increased likelihood of wildings, noxious weeds and pests in unplanted riparian margins, and impact on recreational fishing activities.<br>• Inequity with other rural land uses – fertilising allowed within 3m of a waterway; winter grazing allowed to 10m | ○ There have been changes to the NES-CF since these provisions were suggested. Further analysis of this revised NES-CF suggests the environmental protections remain relatively low (especially at harvesting time), and the NES rules will be hard to enforce or retain considerable discretion to foresters.<br>○ The 50m setback applies to a wide range of waterbodies, including ephemeral rivers. It is questionable whether a minimum 50m setback is needed as requirement to manage adverse effects, especially on ephemeral rivers. More recent science advice is that 20m likely to be adequate for heathy waterbodies (based on Quinn report[11]), and that is likely that we can rely on NES-CF for ephemeral waterbodies. This advice has recognised that erosion risk is not as high as some parts of the country, but still requires good practices and management to reduce sediment run-off.<br>○ The setback acts as a trigger for resource consent, not as a prohibition. The resource consent process provides for a site-based assessment of whether or not smaller setbacks will achieve the desired outcomes. This means that the comments about the loss of productive forest land are over-stated.<br>○ The Taieri FMU has a timeframe of 2050 and the Catlins has a timeframe of 2030. Both FMUs have significant plantations forestry activity. Carbon forestry is also significant in the North Otago FMU. The timeframe for achieving the North Otago FMU freshwater visions (and achieving | The following suite of changes are proposed:<br>**Change 1:** Setbacks for permitted activity rule reduced to 20m from waterways that are permanently or intermittently flowing (i.e. have water in them for more than 3 continuous months of the year). Other waterways, gullies and ephemeral streams to be treated as critical source areas, much like farming.<br><br>**Change 2:** Merge plantation forestry rules with carbon forestry rules, as the NES-PF/NES-CF no longer differentiates between different forest types.<br><br>**Change 3:** Have in the LWRP separate rules for:<br>a) Restricted Discretionary Activity resource consent required for planting/replanting/establishment or more than 10ha of forest (focus for consenting on water yield, planting plans, sediment control); and<br>b) Controlled Activity resource consent for harvesting<br>c) Discretionary Activity status if standards are not complied with.<br><br>Options for Change 1 include:<br>• Setbacks of 10m, 20m or 50m could be considered.<br><br>Options for Change 3 include:<br>• treating Forestry Plans similarly to Freshwater Farm Plans (FW-FPs), and requiring their certification or approval; or<br>• requiring replanting/grassing after harvesting so that soils are not left bare for years. |

[11] Quinn J., 2005, Effect of rural land use (especially forestry) and riparian management on stream habitat.

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| | | and no slope restrictions; 20m setback for discharge of agricultural waste.<br>• There are significant benefits to waterways from forestry, e.g. shading, cooling water, increasing oxygen levels.<br>• The draft provisions give insufficient direction regarding land preparation for planting or protections needed at harvest.<br>• Definition of 'permanent forest' should align with NES-CF definition of 'commercial forest,' and definition of 'indigenous forest' should align with NES-CF. | healthy water quality and riparian margins) is 2050. | |
| **Freshwater Farm Plans**<br>• **Use as an alternative to resource consent** | Make the best possible use of the Freshwater Farm Plans (FW-FP) to achieve the environmental outcomes sought under the LWRP, create farmer buy-in and reduce the risk of inefficiencies or extra cost for farmers and Council by avoiding overregulation or unnecessary resource consent requirements. | The following views have been expressed in feedback from the farming sector:<br>• The LWRP needs to work in combination with FW-FPs, as it seems as though there is significant duplication between the plan and what is in the FW-FPs.<br>• Enable wider use of FW-FPs for activities that do not meet permitted activity rules, or delete the LWRP regulatory framework for farming land uses and rely entirely on the FW-FP regulations, with the certification and auditing process to manage the risks associated with the region's primary production activities.<br>• Remove the additional information required for FW-FPs information on farm type and size. This information is available through rating information or publicly available data.<br>• Concern about the purpose of the data, and about security and privacy issues associated with the collection and storage of the data.<br>• If the ORC requires more information over and above what's currently proposed in the FW-FP regulations, then request an amendment to the FW-FP regulations.<br>• Nutrient budget insistence for all farms in FW-FPs are very expensive for smaller farms to do and the money can be spent more in a more (environmentally) beneficial manner. | ○ An FW-FP could be a viable alternative to resource consents for farming activities, particularly where:<br>• There is a structured process for the certifier; and<br>• The certification is an alternative to a permitted activity threshold, such as a riparian setback.<br>○ FW-FPs could be used to provide an alternative to a resource consent, if a certifier certifies that the effects are the same as complying with the rules. Examples where this could be used are for:<br>• Setbacks for most activities, such as cultivation, stock exclusion, fertiliser and herbicide use.<br>• Critical source area management for winter grazing<br>• Wintering – covering winter grazing, sacrifice paddocks and baleage wintering<br>• Performance standards for farm waste.<br>○ FW-FPs may not be an appropriate tool to drive reductions beyond Good Management Practice (GMP) outside of a resource consent process. For example, if specific reductions in losses are required in a catchment, an individual FW-FP probably cannot be relied on to achieve this, and does not have adequate reporting mechanisms built into it to confirm achievement of outcomes.<br>○ Significant question remains as to what happens if the certification is 'wrong' or in practice the adverse environmental effects are unacceptable.<br>○ If FW-FPs do not achieve sufficient progress in implementing environmental actions then a future plan will need to be even more stringent | The following options are proposed:<br>**Option 1:** Maintain draft framework.<br>**Option 2:** Add FW-FPs as an alternative pathway to specified permitted activity standards (as set out in pervious column – this could be limited or extensive, depending on preferred use of FWFP).<br>**Option 3:** Add FW-FPs as an alternative pathway for all rules, including intensity/reductions.<br><br>Additional component to Options 2 and 3:<br>Add a structured process for FW-FP certifiers that sets out what certifiers need to consider and a power to revoke certification if there are material deficiencies in the certification. |

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| | | | to ensure that targets and outcomes are achieved within the timeframes for each FMU. | |
| **Consent for Dairy / Dairy support (overallocated FMUs)**<br>• **General aversion to consenting an existing activity** | Policy 1 of the NPS-FM requires that freshwater is managed in a way that 'gives effect' to Te Mana o te Wai.<br><br>Policy 3 of the NPS-FM requires that freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments. | The following views have been expressed in feedback from the farming sector:<br>• Farming should generally be provided for as a permitted activity with a certified FW-FP, meeting regionally relevant minimum standards, annual reporting requirements, monitoring, and audit.<br>• A permitted activity pathway could be supported by:<br>○ The proposed provisions relating to land use intensification.<br>○ Proposed controls on/conditions for activities deemed high risk.<br>○ The management of nitrogen through FMU/Rohe/catchment action plans.<br>○ Implementation of risk management practices, industry standards and farmer aspirations through certified and audited FW-FP.<br>• Any requirements for consenting dairy should be staged.<br>• Having to constantly apply for short term consents (anything under 25 years) is costly and time consuming and starts to distort farm sales as people look to buy farms with time left on the consent.<br>• Existing dairy support is already managed as part of the requirements for Intensive Winter Grazing (IWG).<br>• Manage dairy support through FW-FPs.<br>• Clarification is required on how this consenting requirement would work for mixed farming systems. An allowance should be made for the short-term use of pasture as dairy support land, allowing sheep to be switched short term to more at-risk areas (such as gullies) with the dairy support cows put on the better land previously grazed by the sheep. | ○ Water quality baselines and targets, along with improvements generated from adoption of GMP actions, indicate that GMP will be insufficient to reach those targets and achieve the visions.<br>○ In some FMUs and rohe more substantial reductions are required. However, in some areas where substantial reductions are required GMP actions as well as additional actions (GMP +) are unlikely to achieve reductions required to reach targets and achieve visions.<br>○ The dairy/dairy support rule has been developed to further reduce the "gap"<br>○ Alternative rules were considered but have been discarded following feedback received during consultation 2 (e.g. wintering barns, on-off grazing).<br>○ Removing the ability to require larger reductions from dairying/dairy support may require us to either consider management actions not previously consulted on (e.g. off-setting) or more actively pursue land retirement.<br>○ The limits on increasing dairy/dairy support in all FMUs will reduce the risk of the activity and effects shifting to a different area to avoid consenting. | The following options are proposed:<br>**Option 1**: Maintain draft framework (Consents for dairy/dairy support in specific FMUs)<br>**Option 2:** Consent only required for new dairy/dairy support – either:<br>a. Regionwide; or<br>b. FMU/rohe specific<br>**Option 3:** All dairy/dairy support subject to consent requirement (controlled activity with reduction expectation).<br><br>For all options:<br>1. Require FW-FP for implementation<br>2. Staging of consents in three tranches over 18 months: North Otago/South Otago/Other. |
| **Dairy thresholds (overallocated FMUs)**<br>• **Greater than 2.5 cows/ha requiring discretionary consent.**<br>• **Less than 2.5 cows/ha requiring** | Policy 1 of The National Policy Statement for NPS-FM requires that freshwater is managed in a way that 'gives effect' to Te Mana o te Wai.<br><br>Policy 3 of the NPS-FM requires that freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of- | The following views have been expressed in feedback from the farming sector:<br>• The proposed stocking rate is too broad brush and should be different for different FMUs.<br>• The stocking rate should be based on factors such as:<br>a) land capability<br>b) liveweight of animals and breed | ○ Dairy and dairy support are significant contributors to degraded water quality in some FMUs and rohe where substantial reduction in N and P are required. The threshold is intended to provide an easy path for lower-intensity dairy and requiring more substantial reductions from the activities with the highest losses.<br>○ The timeframe for achieving healthy waterbodies and habitats varies between FMUs and rohe but | The following options are proposed:<br>**Option 1**: Permitted activity for lower stocked (≤ 2.5 (2.6/2.7) cows/ha), consent required if above that threshold.<br>**Option 2**: Shift to a Stock Units/ha or liveweight/ha measure instead of cows/ha. |

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| **controlled activity consent.** | catchment basis, including the effects on receiving environments. | c) other livestock carried<br>d) fairness when comparing farmers with runoffs and those without<br>e) farm management ability and mitigations (e.g. winter barns etc)<br>• Stocking rate is part of a farm system that should be included and audited in FWFPs.<br>• Keeping my cows on for winter will potentially increase the annual natural nitrogen loading when normally the farm would be rested for 8 to 10 weeks, and the herd is wintered on lower risk land.<br>• All potential alternatives will have their limitations but using a liveweight per hectare number that includes all livestock (e.g. young stock) and including dairy support areas where animals are grazed off.<br>• Clarity required on what cow stocking rate is based on:<br>  • effective area, total farm area, or dairy platform – particularly for a mixed farm supplier.<br>  • is a run-off block included in the calculation.<br>• Clarity required regarding what 2.5 cows means, for example:<br>  • 400kg jersey cows or 650kg Friesian cows.<br>  • calves are smaller than dairy cows for dairy support.<br>  • stocking rates vary across and within years. | ranges from 2030 – 2050. For the North Otago FMU, this timeframe is 2050.<br>○ The stocking rate was included as a proxy for farming intensity. The stocking rate of 2.5 cows per hectare (2.5 cows is roughly equal to 20+ livestock units – a ewe with a lamb at foot) is based on what the absolute maximum stocking rate might be for a farm if it was self-sufficient in terms of feed (e.g., if it was a Class 7 finishing sheep and beef farm the stocking rate may be around 18 stock units). It is intended to be a generous interpretation of the basic level needed for efficient pasture management. In doing so it recognises that efficient pasture management is an important consideration. It is not intended to be representative of current stocking rates, which vary across the region. At or below this level, a controlled activity resource consent will be required (likely to be those farms where less than 20% of feed is imported i.e., system 1 to system 3 dairy farms[12]). A controlled activity means consent must be granted, and we can impose conditions on the matters identified as being controlled.<br>○ It is worth keeping in mind that this stocking rate is for a farm's total area, not effective area. We agree that it may not be best to use a single threshold across all areas of Otago, and welcome suggestions of alternatives.<br>○ More stringent requirements are needed for more intense land uses (likely to be those where 20% or more of feed is imported i.e. some system 3, system 4 and system 5 dairy farms). More focussed reduction of losses is likely to be required from farming that has higher risk or losses.<br>○ Science supports a change to a stock units measure, as opposed to a cows/ha threshold. | |
| **Fertiliser threshold (overallocated FMUs)**<br>• **Dairy use over 100kgN/ha/pa requiring discretionary consent.** | Policy 1 of the NPS-FM requires that freshwater is managed in a way that 'gives effect' to Te Mana o te Wai.<br><br>Policy 3 of the NPS-FM requires that freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of- | The following views have been expressed in feedback from the farming sector:<br>• The limits on application of synthetic nitrogen (N) should align with national direction.<br>• Restricting the application of synthetic N to 100kg/ha will reduce the ability to produce some crops, such as summer barley. | ○ Dairy and dairy support are significant contributors to degraded water quality in some FMUs where substantial reduction in N and phosphorus (P) are required. Threshold is intended to provide an easy path for lower-intensity dairy and requiring more substantial reductions from the activities with the highest losses. | The following options are proposed:<br>**Option 1**: Maintain existing framework.<br>**Option 2**: Set a higher threshold, recognising the dairying average of 125-140kgN/ha/pa.<br>**Option 3**: Set a firm 'cap' at 150kgN/ha/pa[13].<br>**Option 4**: Apply to all farming activities at a higher threshold of 125kgN/ha/pa.<br>**Option 5**: Remove N controls and rely on FW-FPs to manage. |

[12] System 1 is all grass self-contained, System 2 is between 1% and 10% of total feed is imported, and System 3 is between 10% and 20%.
[13] The NES-Freshwater has an effective 'cap' at 190kg/N/ha/yr – it is very difficult, if not impossible to exceed a cap. Conversely a 'threshold' is a level at which a resource consent is required and can be considered on its merits.

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| | catchment basis, including the effects on receiving environments. | • 130kg N/ha/yr may be a better limit, as the need for N is unpredictable and 100kg N/ha/yr is too restrictive.<br>• Limits on application of synthetic N should be covered in the FWFPs instead.<br>• If the limit is kept at 100kg N/ha/yr, a transition time is required for farmers to come down to that limit.<br>• N management is better than a cap:<br>  • application, nutrient mapping allows farmers to only put N where needed<br>  • timing - soil temperature etc.<br>  • a max. Overseer number should be used for areas with more significant water quality issues.<br>  • setbacks and planting are a more sustainable and reasonable way of managing loss to waterways than N limits. | ○ The timeframe for achieving healthy waterbodies and habitats varies between FMUs, but ranges from 2030 – 2050.<br>○ Water quality baselines and targets, along with improvements generated from adoption of GMP actions, indicate that GMP will be insufficient to reach those targets and achieve the visions. In some FMUs more substantial reductions, especially of N and P are required. The fundamental question remains whether and how to achieve reductions beyond GMP.<br>○ Possible to set a fertiliser limit separately to a dairy rule, so it applies to any activity, including commercial vegetable growing, dairy support, intensive winter grazing and arable. However, setting this kind of limit on commercial vegetable growing and arable would risk driving growers into a resource consent framework which severely restricts necessary crop rotation and moving to different sites annually. | |
| **Farming setbacks (Overallocated FMUs)**<br>• **Inclusion of sheep in stock exclusion requirements.** | Policy 1 of the NPS-FM requires that freshwater is managed in a way that 'gives effect' to Te Mana o te Wai.<br><br>The draft provisions of the LWRP seek to give effect to the NPS-FM by requiring the establishment or maintenance of healthy riparian buffers to protect water quality, habitat, and indigenous biological diversity. | The following views have been expressed in feedback from the farming sector:<br>• Fencing off sheep rule is too broad brush. The Council could look at basing it on stocking rate. Sheep should only need to be kept from water ways when they are intensively grazed as in winter.<br>• Under less intensive grazing sheep do very little damage to waterways. Sheep do not stand in the water like cattle do.<br>• Sheep should still be able to graze to edge of banks to control vegetation but can't if has to be fenced 3m from waterway.<br>• This also takes quite a bit of acreage from usable grazable area.<br>• In winter water in troughs can freeze in inland areas. Sheep need access to running water.<br>• Why is sheep fencing required on the main stem of the Clutha River- Mata-au, when upstream, in a different Rohe, it's not required. What is the environmental effect in the Clutha River? The river should be managed consistently from top to bottom. | ○ All FMUs and rohe have issues with E.Coli, and although sheep generally do not enter waterways willingly, this does occur particularly in dry conditions.<br>○ The Resource Management (Stock Exclusion) Regulations 2020 do not apply to sheep.<br>○ The NES-F regulates intensive winter grazing, and specifies stock exclusion. The NES-F intensive winter grazing rules apply to all stock, including sheep.<br>○ Land use in all FMUs and rohe includes substantial sheep farming. | The following options are proposed:<br>**Option 1**: Maintain existing framework.<br>**Option 2**: Remove setback requirements for sheep.<br>**Option 3**: Require setbacks for sheep only if on a forage crop, or mob-stocking – as a region-wide rule (in addition to the NES-F requirements for sheep when intensive winter grazing).<br>**Option 4**: Enable sheep access to waterbodies to be managed through a FWFP. |

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| **Farming setbacks (Overallocated FMUs)**<br>• **10m stock exclusion.**<br>• **10 year transition time to move existing fences** | Policy 1 of the NPS-FM requires that freshwater is managed in a way that 'gives effect' to Te Mana o te Wai.<br><br>The draft provisions of the LWRP seek to give effect to the NPS-FM by requiring the establishment or maintenance of healthy riparian buffers to protect water quality, habitat, and indigenous biological diversity. | The following views have been expressed in feedback from the farming sector:<br>• Setbacks need to be more nuanced and/or FMU-specific, based on soil type, water body type (especially ephemeral or flowing), and risk.<br>• Setbacks should be consistent with national level regulations. Adding rules is confusing and costly.<br>• Well-managed 5m setbacks are better than poorly managed 10m setbacks, where weeds become a problem.<br>• There hasn't been time to see the impact / results from fencing and planting that has already gone in<br>• There needs to be clarity regarding what point the setback is measured from.<br>• Existing fences should not have to be moved, and a 10-year transition is too short to do so. Good fences should last 50 years. The Stock Exclusion Regulations provide for existing fencing to be retained if it is effective at excluding stock from rivers and lake.<br>• Having to move fences penalises early adopters and those that have had large capital input into erecting stock exclusion fences existing fences.<br>• Going from 3 to 5 metres is not going to make much difference on flat land and flood waters will was away up to 50m - just enforcing the 3m will get an environmental improvement.<br>• Greater setbacks are going to cause issues with weeds.<br>• Permanent fencing is an issue in flood prone areas. | ○ For land <10 degrees, 10m is recommended to reduce nutrient and other contaminant loss. Various studies show reducing contaminant run-off with larger setbacks, with decreasing reductions between about 5 and 10m (Zhang etc)[14]. Tasman District Council also has a comprehensive report that has been considered.<br>○ Land use in the Catlins FMU includes sheep and beef farming, and the FMU has a timeframe of 2030 for healthy water bodies and freshwater ecosystems.<br>○ Where compliance with the 10m stock exclusion requirement is not achieved a consent pathway would remain under the draft LWRP provisions. | The following options are proposed:<br>**Option 1**: Maintain draft framework.<br>**Option 2**: Set expectation and require management through FW-FP.<br>**Option 3**: Set different requirements for new vs existing – give existing a longer life before required to shift.<br>**Option 4**: New = 3, 5 or 10 metre setbacks?<br><br>For all options: encourage / promote riparian planting for setback areas. |
| **Silage (region-wide)**<br>• **Permitted activity storage volumes.** | Policy 1 of the NPS-FM requires that freshwater is managed in a way that 'gives effect' to Te Mana o te Wai.<br><br>Policy 3 of the NPS-FM requires that freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments. | The following views have been expressed in feedback from the farming sector:<br>• Permitted silage pit volumes are too small and may inadvertently promote poor behaviour by encouraging multiple silage pits.<br>• t is not the size, but the leachate and location that is the issue.<br>• Location should be restricted to certain underlying ground strata (i.e. clay, rock etc) and proximity to surface water or | ○ Key issue is collecting and managing the leachate, so any volume/size is acceptable if it is part of an appropriately designed system.<br>○ Leachate from silage is known to be highly toxic to aquatic life and contains high levels of nitrogen and phosphorus.<br>○ The timeframe for achieving healthy waterbodies and habitats varies between FMUs, but ranges from 2030 – 2050. | The following options are proposed:<br>**Option 1**: Maintain draft framework.<br>**Option 2**: Revised framework of:<br>a. Permitted activity for silage pit with impermeable base and leachate is contained (setbacks retained).<br>b. Inspection of impermeable base through FW-FPs.<br>c. Restricted Discretionary consent required if conditions cannot be met. |

[14] Zhang et al. 2010 A Review of Vegetated Buffers and a Meta-analysis of Their Mitigation Efficacy in Reducing Nonpoint Source Pollution.

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| | The draft provisions of the LWRP seek to give effect to the NPS-FM by reducing the risks of loss of contaminants to both surface water and groundwater. | ground water - consider groundwater risk by avoiding silage pits on gravel & sand soils.<br>• Should be managed through FW-FPs.<br>Internal staff feedback is:<br>• Permitted activity conditions around appropriate site selection, distances from water bodies, impermeable base, plus adequate storage for the leachate is advised. | | |
| **Farm landfills (region-wide)**<br>• **Separation from offal pits.**<br>• **50km from municipal/council site.** | Policy 1 of the NPS-FM requires that freshwater is managed in a way that 'gives effect' to Te Mana o te Wai.<br><br>Policy 3 of the NPS-FM requires that freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.<br><br>The draft provisions of the LWRP seek to give effect to the NPS-FM by reducing the risks of loss of contaminants to both surface water and groundwater.<br>Reducing the loss of contaminants to both surface water and groundwater. | Feedback raised the following concerns and suggestions:<br>• 50km is a significant distance from a transfer station. Only reasonable if rubbish service is pick up from the farm gate<br>• Not all municipal landfills accept farm waste.<br>• The provision should focus on the type of waste being disposed of rather than the distance from a municipal site.<br>• Location should be restricted to certain underlying ground strata (i.e. clay, rock etc) and proximity to surface water or ground water - consider groundwater risk by avoiding silage pits on gravel & sand soils.<br>• The size of farm landfills is too small so ORC should make it bigger, or remove the volume restriction as it is unnecessary.<br>• Remove the restriction that applies to landholdings under 20ha, if the landholding can establish a farm landfill that meets all of the other relevant conditions of the permitted activity, the risks, or potential adverse effects associated with the landfill, will be being effectively managed.<br>• Should be managed through FW-FP.<br>• Remove the clause restricting the dumping of carcasses in farm landfills | ○ Farm landfills are a major means of waste disposal on Otago farms. Farm landfills need careful management to prevent water, land or air contamination. Poorly sited or managed farm landfills can have significant adverse effects on the environment and human and animal health.<br>○ Key management issues are:<br>• location, in particular away from surface water, groundwater and hazard areas;<br>• construction: constructed so that leachate does not enter any water body and water does not seep in;<br>• the type of waste permitted to be buried.<br>○ Encouraging minimisation methods such as reuse and recycling are non-regulatory options to be considered.<br>○ The timeframe for achieving healthy waterbodies and habitats varies between FMUs, but ranges from 2030 – 2050. | The following options are proposed:<br>**Option 1**: Maintain draft framework.<br>**Option 2**: Remove or reduce requirement for 50km separation from municipal/ council site.<br>**Option 3**: Do not enable farm landfills where local authority waste collection is available.<br>**Option 4**: Remove requirement for separation of waste types (offal vs general waste). |