

Written Submission on Freshwater Planning Instrument Parts of Proposed Otago Regional Policy Statement 2021

Submissions must be received by Otago Regional Council by 3 pm Tuesday 29 November 2022

To: Otago Regional Council

1. **Name of submitter** *(full name of person/persons or organisation making the submission. Note: The submissions will be referred to by the name of the submitter)*

Dunedin City Council

2. This is a submission on the **Freshwater Planning Instrument Parts of Proposed Otago Regional Policy Statement 2021**.
3. DCC **could not** gain an advantage in trade competition through this submission. *(See notes to person making submission)*
4. DCC **is** directly affected by an effect of the subject matter of the submission that
- a. adversely affects the environment; and
 - b. does not relate to trade competition or the effects of trade competition *(See notes to person making submission)*
5. DCC **wishes** to be heard in support of its submission
6. If others make a similar submission, DCC **will** consider presenting a joint case with them at a hearing
7. **Submitter Details**

- a. **Signature of submitter** *(or person authorised to sign on behalf of submitter)*

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- b. **Signatory name, position, and organisation** *(if signatory is acting on behalf of a submitter organisation or group referred to at Point 1 above)*

Name:	Sandy Graham
Position	Chief Executive Officer
Organisation	Dunedin City Council

c. Date

21 October 2021

Address for service of submitter *(This is where all correspondence will be directed)*

d. Contact person *(name and designation, if applicable)*

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8. My submission is:

See attached

GENERAL COMMENTS/QUESTIONS

Introduction

The DCC notes that the entire proposed Otago Regional Policy Statement 2021 (pORPS) was notified in June 2021. The DCC submitted on the notified version of the pORPS on 3 September 2021, made further submissions on 12 November 2021, and DCC staff participated in pre-hearing meetings on specific sections of the pORPS with ORC and other submitters in June 2022. On 22 July 2022 the High Court instructed the ORC to differentiate between the provisions of the pORPS that relate directly to the maintenance or enhancement of freshwater quality or quantity and renotify the freshwater provisions. The re-notified freshwater provisions are the same as they were when originally notified in June 2021.

The DCC submission points on the re-notified freshwater planning instrument parts of the pORPS are very similar to those made in the DCC submission dated 3 September 2021. However, several updates to the original DCC submission points (from September 2021) have been made to reflect developments since the pORPS was first notified in June 2021 (for example, outcomes of the mid-2022 pre-hearing meetings). The updates serve to acknowledge DCC support of other submitters' points of view and some proposed changes in the structure of provisions to provide further clarification.

As the pORPS has now been split into two parts (freshwater and non-freshwater), the DCC has concerns over alignment and cross-referencing of the provisions to ensure that it is a cohesive document that ensures that provisions in different parts of the pORPS are considered in an integrated manner and clearly and appropriately linked.

DCC has made submissions on individual RPS provisions, but it also wishes to make the following broad comments that should be read as applying across all provisions whether mentioned later in the submission or not.

- (1) Concerns about whether the RPS gives effect to the National Policy Statement on Urban Development (NPS-UD) and adequately provides for housing and the infrastructure to support housing in Dunedin.

There are a number of areas where there is lack of clarity in terms of language used, integrated management between competing policies and methods, duplication of other regulatory documents and re-opening of recently settled matters from the partially operative Regional Policy Statement 2019. It is also noted that this RPS looks to be the basis for the as yet non-existent Regional Plan: Land and Water, and while the DCC agrees with the need for this regional direction, considering the policy framework of this RPS without having consulted on the content of the Regional Plan: Land and Water is somewhat problematic.

Overall, the DCC considers that the proposed RPS, as currently drafted, is quite restrictive and does not adequately provide for all the activities necessary for the wellbeing of people and communities, including access to housing or the ability to be affordably serviced for infrastructure. The proposed RPS has a strong emphasis on protection of the environment and in many circumstances seeks to require the total avoidance of certain adverse effects on the environment. While the DCC supports environmental protection outcomes, there is a lack of recognition that in some circumstances a level of effect (e.g. remedying or mitigating effects) should be acceptable when these residual effects are balanced against positive effects or outcomes, for example providing for new housing or infrastructure to meet growth demands.

To a large extent this problem is due to the lack of objective cross-referencing within policies and the attempt to address the balancing of objectives through the content in the Integrated Management section, the content of which exacerbates rather than helps with this issue. This is discussed in more depth later in this submission. It is also due to the policy wording chosen which is also discussed more below.

Some more work is required to achieve the appropriate balance necessary to promote 'sustainable management', and the wellbeing of people and communities, and the environmental bottom lines. This policy evaluation must include consideration of the costs of improved environmental outcomes and the ability of communities to pay (appropriately weighing the costs and benefits of regulation) as required by Section 32 of the Act.

In this regard, DCC considers that the RPS does not fully give effect to the NPS-in that it does not appropriately provide for the infrastructure required to support urban growth and development nor create an appropriate policy framework to direct an adequate range of options for accommodating housing demand to be pursued through plan changes.

Dunedin, along with other parts of Otago, is growing rapidly, and growth will inevitably result in some environmental effects. While these effects must be managed and some environmental bottom lines should be set, there appears to be too high a priority on preventing any adverse effects rather than determining what levels of effects are acceptable to support this growth. The DCC would like the RPS to give greater consideration to how these potential adverse effects may be otherwise mitigated or remedied. Care must be taken to avoid a situation where servicing this growth or providing for people's health and wellbeing through appropriate infrastructure and opportunities for housing is an impossibility within the RPS framework.

Across all content, consider whether any changes to methods are required to reflect proposed changes to the RM system, for example the need to delay timeframes or change references to planning documents (e.g. adding new references to Strategic Spatial Plans) recognising that this RPS is likely to be part of transitional provisions that would under the new system be part of a regional-scale plan.

Consideration of the Treaty of Waitangi

The Dunedin City Council supports the ORC in its consideration of the ToW and its commitment to working with Mana Whenua in its use of Te Mana o te Wai as a national framework.

Use of "avoid"

The DCC has significant concerns around the use of directive policy language that sits at the edges of the policy language spectrum ('avoid' and 'enable'). It is very important to ensure that unconditional wording/directive policies are used sparingly, particularly where they may be in conflict with other policies (e.g. 'avoids impacts on the productive potential of land'). Examples of this are Air-P4, EIT-EN-P5.

The DCC considers that the ORC should exercise caution when using these terms in light of the Supreme Court's decision in the King Salmon case. Based on the outcome of the King Salmon case the drafting of policies and objectives in the RPS now requires greater precision. This is because subordinate plans are required to give effect to the RPS. For example, if the RPS says 'avoid', lower order plans will have to include provisions that avoid those particular activities or effects relevant to that policy or objective. This would have the consequence of making it practically impossible for councils to grant consents where such effects arise. DCC considers it is better practice to include the weighting or balancing within the policy such as has been done in CE-P12 with the use of 'avoid ... unless' language.

The DCC also notes the high bar set by ‘avoid or minimise’ with no qualifier around the practicability (including but not limited to cost) of minimisation (reducing to the smallest extent possible). DCC suggests this should generally be ‘avoid or minimise as far as practicable’ or similar. This is the language used in our district plan and in some but not all places in the RPS.

The DCC also has concerns with the use of the policy wording “avoid, remedy or mitigating other adverse effects”. This wording has led to arguments in DCC’s district plan (2GP) appeals that a district plan cannot set a standard higher than this e.g. that it requires DCC, for that issue, to have a policy that allows applicants to pick the level of management they want and precludes DCC from setting a more specific standard for effects management.

Other policy language inconsistencies

There is an inconsistency in ‘style’ in the drafting of objectives and policies in the RPS that should be reconciled, the DCC has raised a number of submission points in relation to drafting but makes the following broad requests:

1. Objectives should read as ‘end-states’ and should not include policy content (how the end state is to be achieved, or explanations e.g. why it is necessary; and
2. Policies should be a ‘course of action’ and describe how the objectives should be achieved. In general, the DCC prefers policies to be drafted in an active directive way as has been done in NFL-P2 ‘protect outstanding natural features and landscapes by...’. This makes the role of the RPS in directing plan content clearer and easier to interpret. It does not prefer the ‘future perfect’ tense that is used in some places such as EIT-EN-P1 ‘The operation and maintenance of existing *renewable electricity generation activities* is provided for while minimising its adverse *effects*’ and EIT-EN-P3 *The security of renewable electricity supply is maintained or improved in Otago through appropriate provision for the development or upgrading of renewable electricity generation activities and diversification of the type or location of electricity generation activities.*

Clear and accurate drafting is critical to avoid lengthy debates in plan-making processes for plans that sit under the RPS. Policies must be written as if they will be argued to be taken on face value, ‘mean what you say, and say what you mean’ must be paramount.

Conflicts

There is tension between the infrastructure (INF) policies and methods and the coastal environment (CE) and ‘land and freshwater’ (LF) policies and methods. When considering water, wastewater and stormwater infrastructure, the INF policies and methods recognise and provide for the physical infrastructure assets to be installed, maintained etc – so they are enabling policies, however the use of these physical assets for discharging sewage/wastewater/stormwater/contaminants is heavily restricted (or prohibited) by the policies and methods in the CE and LF chapters. The DCC and other asset managers need certainty that infrastructure can be used to discharge stormwater and wastewater, as well as being able to install the pipes, pumping stations, tanks etc.

Scope of content and change from recent partially operative RPS

The RPS development process has consumed a lot of planning resource in the region over the last several years and this latest version comes at a time when there is a need to respond to substantial new national policy direction plus legislative changes. Significant time was spent on the previous RPS getting all parties to agree content. There seems to be significant departure from previously agreed content for no apparent reason in places. In principle, DCC requests that ORC do not amend content that has been agreed through the previous lengthy RPS mediation-appeal process unless there is a compelling reason to do so.

There is also an opportunity for more streamlining to remove content that is otherwise adequately managed via the RMA or national policy direction, or within lower order Regional and District Plans. Content should be confined to matters that have a clear link to matters of regional significance where their inclusion in the RPS is necessary to set a higher order policy direction.

Reducing the scope of the RPS and making it a lean document with only essential matters would avoid duplication and complication and save all parties significant time in needing to resolve matters, including those with a high likelihood of future legislative change/direction.

Other general comments

- Where nationally significant issues are relevant to Otago, they would benefit from being framed in terms of specific impacts in/on Otago.
- There is no reference to ‘noise’ as an amenity issue that should be managed (although reverse sensitivity is mentioned)? Is this intentional?
- The proposed RPS has limited reference to the management of hazardous substances.
- On current reading, climate mitigation appears to be largely absent from the RPS. In several places it is unclear whether the RPS refers to climate change adaptation (preparing for the effects of climate change) and/or climate mitigation (reducing net greenhouse gas emissions). It will be important to undertake both mitigation and adaptation, and therefore refer specifically to both throughout the RPS.

Roles and Responsibilities

Several provisions in the RPS provide direction regarding roles and responsibilities e.g. “territorial authorities led by ORC”. DCC considers that agreements around roles and responsibilities should be negotiated through the triennial agreement and not imposed via the RPS.

Structure and need for more cross-referencing

The DCC is aware that the RPS structure is constrained by the national planning template, however the RPS would be easier to read and interpret if the policies clearly and directly linked to the objectives and overarching issues and methods clearly linked to policies. This should be achieved through cross-referencing to the other related content (rather than rephrasing of the subject matter of that content). This will significantly reduce the risk of inconsistencies in the RPS. It is also difficult to determine the linkages between the issues, domains and topics. It isn’t completely clear for any given issue what objective is being given effect to by which policies, particularly where there is tension/conflict between policies, and how the methods link to the policies. Cross-references between provisions would also assist the reader to make the links between the issue statements and the solutions to address the issues.

Further, it would be useful if sections and subsections could be numbered to make navigation of this large document easier.

The DCC submits that this relief is considered for all content not just where it has been specifically suggested or highlighted.

Process

Regarding the hearing process, DCC considers that it would be useful and efficient to provide the opportunity for pre-hearing mediation and expert caucusing and asks that the Panel consider this request.

Accessible language

The ORC may wish to consider providing explanatory notes when using technical terminology.

The use of Māori language is supported in the RPS. Explanatory notes may be used when necessary to help in the understanding of te Reo Māori

WHOLE RPS

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are: (please enter the relevant objective, policy, method or other provision reference where possible. For example, AIR-01)</i>	<i>I support or oppose the specific provisions or wish to have them amended (please indicate support, oppose or amend)</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority: (Please be as clear as possible – for example, include any alternative wording for specific provision amendments.)</i>
N/A	Entire RPS	Amend	To address the matters raised in the introductory comments.	In addition to the specific requests below, any such necessary, consequential or further relief required to address the concerns identified in the following table, and to: - enable the effective and efficient establishment, operation, use and maintenance of wastewater, stormwater and water supply systems and infrastructure; - enable the use and development of land in accordance with the NPS-UD; - enable a coordinated and collaborative approach between the ORC and territorial authorities on climate change adaption; - ensure that the general comments above are implemented throughout the RPS; and - better achieve the purpose of the Resource Management Act 1991 (RMA).
N/A	Entire RPS – Specification of dates	Amend	There are a number of provisions that contain directions with timeframes, with almost all of these timeframes differing. It would be useful to understand the basis for these timeframes.	Amend RPS as required to ensure district plan change requirement dates are realistic and achievable based on current work programme priorities, most of which are tied to implementing national direction, and staff

				resources available (noting current market constraints in recruiting planning staff). Add content to allow these dates to be changed by mutual agreement in consideration of other priorities. Where possible align dates with the date required to produce a new plan under any replacement legislation being brought forward through the RM System reform.
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PART 2 – RESOURCE MANAGEMENT OVERVIEW

SRMR - Significant resource management issues for the region

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are:</i>	<i>I support or oppose the specific provisions or wish to have them amended</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority:</i>
65/66	SRMR - general	Amend	The purpose of the RPS (page 6) acknowledges solutions are required for entrenched legacy issues. As Otago's largest river, consideration should be given to identifying the damming of the Clutha River/Mata-Au as a regionally significant issue and legacy effect. In particular, damming has a significant impact on sediment delivery down river and to the coast. This may manifest as increased rates of erosion along the Otago coastline due to a loss of sediment supply. It is unclear if any draw-down operations are planned or have ever been considered or completed to mitigate these substantial effects. A number of technical reports on damming the Clutha River conclude the following: • Damming of the Clutha River at Roxburgh in 1956 and Clyde in 1992 has reduced the amount of material reaching the coast by as much as 95% (Hicks et al. 2000). • Damming of the Clutha River has drastically reduced sediment input. • Most authors studying this stretch of coast have recognised the importance of the Clutha River in delivering material to the coast, some	Amend to identify damming of the Clutha River/Mata-Au as a regionally significant issue and legacy effect. Amend to include relevant objectives and policies to address this issue.

			noting its influence extends well to the north of the Otago Peninsula. It is noted this issue impacts both river and coastal processes.	
75/76	SRMR-I5 – Freshwater demand exceeds capacity in some places - Context	Amend	The reference to deemed permits in the context section is supported, however it is not identified as an issue throughout SRMR-I5 and there is no clear identification where this is a key problem in Otago. The Taieri FMU may be the most impacted. High demand may be less of an issue in Queenstown or other areas with access to large lakes or the Clutha River/Mata-Au. Therefore, the impacts may primarily be in Central Otago, but also in Dunedin City as a substantial portion of the city supply is sourced from the Taieri catchment.	Amend to clearly identify where 'deemed permits' are a key problem in Otago.

LF – Land and freshwater

LF-WAI – Te Mana o te Wai

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are:</i>	<i>I support or oppose the specific provisions or wish to have them amended</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority:</i>
122/125	LF-WAI – Te Mana o te Wai	Support and Amend	The DCC supports the introduction of Te Mana o Te Wai as a national framework for managing water through both the NPS-FM 2020 and the broader resource management system, and through the Water Services Bill. The DCC acknowledges local understandings of Te Mana o te Wai will continue to evolve through greater involvement of mana whenua in water management and supports the ORC-Kāi Tahu partnership approach articulated in	Consider amending the pORPS to align the Coastal Environment chapter more closely with the LF-WAI section if/where appropriate. The DCC submits that the aspects of LF-WAI that are relevant to the coastal environment / coastal waters should be clearly articulated in the Coastal Environment chapter to provide clarity.

			LF-WAI-M1. The DCC is working to strengthen its partnership with mana whenua on water management and would welcome opportunities to work together with ORC as part of this. The DCC notes that the LF-WAI section of the pORPS includes references to coastal waters (at LF-WAI-P3) and the New Zealand Coastal Policy Statement (at LF-WAI-PR1). The DCC recognises the interconnectedness of land use and all waters (including both fresh and coastal). Stormwater and wastewater service providers often consider infrastructure and activity options that could impact either fresh water, coastal water, or both. Service providers need to understand how to apply Te Mana o te Wai, including the hierarchy of obligations set out in the NPS-FM 2020 and LF-WAI-P1 of the pORPS, when making decisions on options.	
122	LF-WAI-O1 – Te Mana o te Wai	Support	The DCC supports this objective.	Retain Objective LF-WAI-O1 as notified.
122	LF-WAI-P1 - Prioritisation	Support in principle	The DCC notes the objective does not reflect the tension between development and impacts on water bodies, and what happens when the priorities are in conflict with each other.	Consider providing clarification or adding a new policy on the priorities when there is conflict between them e.g. housing development and water needed for drinking water with potential effects on the health and well-being of a water body.

LF-VM – Visions and management

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are:</i>	<i>I support or oppose the specific provisions or wish to have them amended</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority:</i>
125/126	LF-VM-02 – Clutha Mata-au FMU vision	Amend	The vision does not recognise sediment processes currently being obstructed by large dams.	Amend to include material about mitigation of sediment processes currently being obstructed by large dams.
126	LF-VM-03 – North Otago FMU	Support in principle	The DCC supports this objective in principle but please note the comments on LF-VM-04 which also apply. The DCC looks forward to working with the ORC to develop a policy and rule framework to give effect to this vision through the new Land and Water Regional Plan.	Retain LF-VM-03 as notified.
126/127	LF-VM-04 – Taieri FMU vision	Amend	For (3) DCC supports the restoration of healthy wetlands but considers that modification of some waterbodies might be necessary for drainage purposes and the well-being of communities. Wetlands that have been engineered and significantly enhanced can be employed to treat stormwater and wastewater. Work can be required in these wetlands for public flood control or drainage and it is essential that maintenance works are provided for to ensure the appropriate functioning of these areas for stormwater and flood management. Minor modifications such as erosion protection work, or the installation of culverts might also be necessary.	Amend LF-VM-04 (3) and (7) to address the points raised.

			For (7), the DCC submits that in specific situations such as extreme wet weather events or when a system fault (breakdown, breakage or blockage) has occurred, discharges of treated and/or untreated wastewater from the network and/or wastewater treatment plants to waterbodies can occur. In some cases, the provision of a wastewater overflow may be the best practicable option with minimal environmental effects. Total elimination of overflows is unlikely to be possible in most wastewater systems. The DCC looks forward to working with the ORC to develop a policy and rule framework to give effect to this vision through the new Land and Water Regional Plan.	
127	LF-VM-05 – Dunedin & Coast FMU vision	Amend	There needs to be a clear vision for Dunedin’s urban waterways – in particular the Kaikorai, Leith, Tomahawk Lagoon and Silverstream – in terms of water quality, access, and also the value placed upon them by the community.	Amend the vision, along with the means and timeframes of attaining the vision given some specific catchment challenges, for the Dunedin & Coast FMU to address issues raised.
127	LF-VM-05(3) – Dunedin & Coast FMU vision	Amend	“healthy estuaries, lagoons and <i>coastal waters</i> support thriving mahika kai and downstream coastal ecosystems, and indigenous species can migrate easily and as naturally as possible to and from these areas”. DCC questions whether the land and freshwater chapter is the most appropriate place for this coastal focussed objective and considers this objective and objectives in the Coastal Environment chapter should be amended to address the link between the two.	Amend this objective and the objectives in the Coastal environment chapter to address issues raised. Amend policy CE-P1 – Links with other chapters, to include reference to the land and freshwater chapter.
127	LF-VM-05(4) – Dunedin & Coast FMU vision	Amend	“there is no further modification of the shape and behaviour of the water bodies and opportunities to	Amend as follows: “ there is no further <u>minimise</u> modification of the shape and behaviour of the water bodies and <u>promote</u>

			restore the natural form and function of water bodies are promoted wherever possible” The drafting of this objective statement suggests that modification can only result in a reduction of the natural form and function of a water body. However, in some instances, further modification of an already heavily modified water body (e.g. the concrete-lined sections of the Water of Leith) could provide an opportunity to restore (or partially restore) natural form and function. In addition, DCC has challenges with watercourse management within the stormwater network. In some circumstances, modification of the shape and behaviour of some water bodies might be necessary for the purposes of providing a stormwater drainage system that supports the well-being of communities. This could include minor modifications such as erosion protection work or the installation of culverts.	opportunities to restore the natural form and function of water bodies are promoted wherever possible”. Alternatively, amend the first part of (4) with wording that aligns with clause 3.24(1) of the NPS-FM 2020, which refers to the loss of river extent and values.
127	LF-VM-05(5) – Dunedin & Coast FMU vision	Amend	“discharges of <i>contaminants</i> from urban environments are reduced so that <i>water bodies</i> are safe for human contact.” The DCC submits that a whole-of-catchment approach is required to meet objectives about water quality for human contact. Many water bodies adjacent to urban areas that may be used for human contact have catchments that traverse rural and urban environments. Discharges of contaminants from both rural and urban environments in the catchment need management to ensure water bodies are safe for human contact.	Amend to “discharges of <i>contaminants</i> from urban environments are reduced so that <i>water bodies</i> are safe for human contact.”

128	LF-VM-P5 – <i>Freshwater Management Units (FMUs)</i> and rohe	Amend	The inclusion of the Waikōuaiti River catchment in the North Otago FMU is not supported. DCC agree with Kāi Tahu’s original submission that the catchment would be more appropriately located in the Dunedin and Coast FMU. This would provide for better alignment of management across all catchments that flow into the coastal receiving environment in the East Otago Taiāpure area.	Amend boundaries of North Otago and Dunedin & Coast FMUs so that the Waikōuaiti River catchment is included in the Dunedin & Coast FMU.
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LF-FW - Fresh water

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are:</i>	<i>I support or oppose the specific provisions or wish to have them amended</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority:</i>
130	LF-FW-O8 – Fresh water	Support	The DCC supports this objective.	Retain Objective LF-FW-O8 as notified.
130	LF-FW-O9 – Natural wetlands	Support	The DCC supports this objective.	Retain Objective LF-FW-O9 as notified.
130/131	LF-FW-P7 – Fresh water	Support	The DCC supports this policy.	Retain Policy LF-FW-P7 as notified.
131/132	LF-FW-P9 - Protecting natural wetlands	Oppose	The required content of this policy is set out in clause 3.22 of the NPS for Freshwater Management. However, this clause requires regional councils to include the policy in “its regional plan(s)”, rather than RPS. Does adding this policy to the RPS create a likelihood of future duplication, when the same policy is added to a regional plan? See general comments above about avoiding duplication, under the header “Scope of content and change from recent partially operative RPS”.	Remove this policy from the pORPS and include it in the future Land and Water Regional Plan instead.
132	LF-FW-P10 – Restoring natural wetlands	Support	The DCC supports this policy.	Retain Policy LF-FW-P10 as notified.
133	LF-FW-P15 (general comment)	Amend	The DCC and other submitters provided extensive submissions on policy LF-FW-P15 in 2021. In addition, participated in constructive discussions on this policy at a pre-hearing meeting with ORC and other submitters in June 2022. Based on previous submissions and discussions with the ORC and other submitters, the DCC supports	Retain and amend policy LF-FW-P15 to address the effects of stormwater discharges only. Duplicate policy LF-FW-P15 to create a new policy LF-FW-P15A, and amend wording accordingly to address the effects of

			duplicating LF-FW-P15 into two policies and then amending the wording of each policy accordingly to better reflect the different challenges of managing stormwater and wastewater discharges: • LF-FW-P15 – for stormwater discharges • LF-FW-P15A – for wastewater discharges (including discharges containing sewage and other human waste, trade and industrial waste, and animal effluent). DCC submissions on notified LF-FW-P15 will refer to the two proposed new policies resulting from the split.	wastewater discharges (including discharges containing sewage and other human waste, trade and industrial waste, and animal effluent).
133	LF-FW-P15(1) – Stormwater and wastewater discharges	Amend	The DCC supports duplicating LF-FW-P15 into two policies and then amending the wording of each new policy accordingly to better reflect the different challenges of managing stormwater and wastewater discharges: • LF-FW-P15 – for stormwater discharges • LF-FW-P15A – (for wastewater including discharges containing sewage and other human waste, trade and industrial waste, and animal effluent) For proposed policy LF-FW-P15 (stormwater discharges): As (1) refers to wastewater only, delete (1) from the stormwater policy. For proposed policy LF-FW-P15A (wastewater discharges, including discharges containing sewage	For proposed policy LF-FW-P15 (stormwater discharges): Delete (1), as it does not relate to stormwater discharges. For proposed policy LF-FW-P15A (wastewater discharges, including discharges containing sewage and other human waste, trade and industrial waste, and animal effluent): Amend clause (1) to read “... preferring discharges of wastewater to land over discharges to <u>freshwater</u>...”

			and other human waste, trade and industrial waste, and animal effluent): The start of the policy refers to discharges to ‘fresh water’, but clause (1) refers to discharges to ‘water’. This risks confusion/uncertainty about the application of this policy.	
133	LF-FW-P15 (2)(a) and (2) (b) – Stormwater and wastewater discharges	Amend	The DCC supports duplicating LF-FW-P15 into two policies and then amending the wording of each new policy accordingly to better reflect the different challenges of managing stormwater and wastewater discharges: • LF-FW-P15 – for stormwater discharges • LF-FW-P15A – (for wastewater including discharges containing sewage and other human waste, trade and industrial waste, and animal effluent) In (2)(a) and (b) it is not clear what is meant by ‘available’. The DCC submits that decisions about connection to wastewater and stormwater services should be made by the territorial authority with consideration of the particular situation. District plan zone boundaries help determine territorial authority decisions about what properties should be serviced by public stormwater and wastewater systems and therefore which properties can connect. The DCC prefers (and generally requires) development to connect to reticulated networks in ‘urban’ areas (e.g. residential, commercial and industrial zones), however, in some situations infrastructure may be	For proposed policy LF-FW-P15 (stormwater discharges): Delete (2) (a) as it does not relate to stormwater discharges. Amend (2) (b) to “all <i>stormwater</i> to be <i>discharged</i> into a reticulated system, where one is made available <u>by the operator of the reticulated system, unless alternative treatment and disposal methods will result in improved environmental outcomes,</u>” For proposed policy LF-FW-P15A (wastewater discharges, including discharges containing sewage and other human waste, trade and industrial waste, and animal effluent): Amend (2) (a) to “all <i>wastewater</i> to be <i>discharged</i> into a reticulated system, where one is made available <u>by the operator of the reticulated system, unless alternative treatment and disposal methods will result in improved environmental outcomes,</u>” Delete (2) (b) as it does not relate to wastewater discharges.

			uphill of a development and pumping would be required (whereas most of Dunedin's drainage infrastructure works on gravity) or properties may not have services to the boundary. In some locations there is infrastructure that transports bulk stormwater or wastewater to another location. These 'distribution mains' can be located outside of DCC service area boundaries and are not generally available for individual connections. The Building Act 2004 and other legislation contains specifications about distances to wastewater services and when individual connection can be required. Requiring connections to reticulated systems is sometimes not practical for rural zoned land or some Township and Settlement or Large Lot Residential zones. A definition of 'reticulated system' for stormwater would aid interpretation of this policy. The DCC notes that stormwater is often discharged to privately owned piped or un-piped watercourses that then connect into a territorial authority's stormwater network (which includes both piped infrastructure and the roading network). Stormwater may travel between the private and public network before being discharged to the coast or freshwater. Would private watercourses, the roading network, stormwater detention and retention ponds, and water sensitive urban design features, for example, be considered part of a reticulated system for the purposes of this policy? If not all, which parts would?	
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			There are cases where discharge of stormwater to more natural parts of the stormwater network (rather than piped network) may be preferable or appropriate. If retention ponds, water sensitive urban design features, watercourses etc. were not considered part of the 'reticulation system', a requirement to discharge to the reticulated system would reduce the flexibility for alternative stormwater management that may be more appropriate or necessary in many locations to assist with the performance of the reticulated system and/or to reduce impacts on the environment. Consideration needs to be given to the implications of this policy for landowners that discharge straight to private natural watercourses. There are many areas where there is no reticulated stormwater system (depending on how this is defined) to freshwater or the coast could exacerbate flooding, instability, scouring and erosion.	
133	LF-FW-P15 (2) (c) - Stormwater and wastewater discharges	Amend	The DCC supports duplicating LF-FW-P15 into two policies and then amending the wording of each new policy accordingly to better reflect the different challenges of managing stormwater and wastewater discharges: • LF-FW-P15 – for stormwater discharges • LF-FW-P15A – (for wastewater including discharges containing sewage and other human waste, trade and industrial waste, and animal effluent)	For proposed policy LF-FW-P15 (stormwater discharges): Delete (2) (c) as it does not relate to stormwater discharges. For proposed policy LF-FW-P15A (wastewater discharges, including discharges containing sewage and other human waste, trade and industrial waste, and animal effluent):

			The DCC submits that in specific situations such as extreme wet weather events or when a system fault (breakdown, breakage or blockage) has occurred, discharges of treated and/or untreated wastewater from the network and/or wastewater treatment plants to waterbodies can occur. In some cases, the provision of a wastewater overflow may be the best practicable option with minimal environmental effects. Total elimination of overflows is unlikely to be possible in most wastewater systems.	Amend (2) (c) to: “implementation of <u>appropriate</u> methods to progressively reduce the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring into <u>from</u> reticulated wastewater systems,”
133	LF-FW-P15 (2) (d) - Stormwater and wastewater discharges	Amend	The DCC supports duplicating LF-FW-P15 into two policies and then amending the wording of each new policy accordingly to better reflect the different challenges of managing stormwater and wastewater discharges: • LF-FW-P15 – for stormwater discharges • LF-FW-P15A – (for wastewater including discharges containing sewage and other human waste, trade and industrial waste, and animal effluent) Provision (2) (d) is related to wastewater and would therefore sit under provision LF-FW-P15A	For proposed policy LF-FW-P15 (stormwater discharges): Delete (2) (d) as it does not relate to stormwater discharges. For proposed policy LF-FW-P15A (wastewater discharges, including discharges containing sewage and other human waste, trade and industrial waste, and animal effluent): Retain 2(d) as notified.
133	LF-FW-P15(2)(e) – Stormwater and wastewater discharges	Amend	The DCC supports duplicating LF-FW-P15 into two policies and then amending the wording of each new policy accordingly to better reflect the different challenges of managing stormwater and wastewater discharges: • LF-FW-P15 – for stormwater discharges	For proposed policy LF-FW-P15 (stormwater discharges): <u>Amend</u> (2)(e) to: “stormwater and wastewater discharges to meet any applicable water quality standards

			LF-FW-P15A – (for wastewater including discharges containing sewage and other human waste, trade and industrial waste, and animal effluent) <i>“stormwater and wastewater discharges to meet any applicable water quality standards set for FMUs and/or rohe,”</i> An amendment to the wording is recommended for clarity.	<u>applicable to those discharges</u> set for <i>FMUs</i> and/or rohe” For proposed policy LF-FW-P15A (wastewater discharges, including discharges containing sewage and other human waste, trade and industrial waste, and animal effluent): Amend (2)(e) to: <i>“stormwater and wastewater discharges to meet any applicable water quality standards <u>applicable to those discharges</u> set for <i>FMUs</i> and/or rohe”</i>
134	LF-FW-P15(2)(f) – Stormwater and wastewater discharges	Support and Amend	The DCC supports duplicating LF-FW-P15 into two policies and then amending the wording of each new policy accordingly to better reflect the different challenges of managing stormwater and wastewater discharges: - LF-FW-P15 – for stormwater discharges - LF-FW-P15A – (for wastewater including discharges containing sewage and other human waste, trade and industrial waste, and animal effluent) The DCC supports the inclusion of objectives and/or policies in district plans that encourage the use of water sensitive urban design techniques. The inclusion of “wherever practicable” to the <u>requirement</u> for water sensitive urban design techniques is appreciated, however this will be subjective, and use of water sensitive urban design techniques may not always be beneficial. It may create difficulties as ‘one size does not fit all’ when	For proposed policy LF-FW-P15 (stormwater discharges): Amend (2)(f) by moving it to separate clause and replacing ‘requiring’ with ‘promoting’. Amend to “Wherever practicable <u>and beneficial</u>” Amend to include a definition of ‘water sensitive urban design’ within the pORPS to promote greater clarity. (f) the use of water sensitive urban design techniques to avoid or mitigate the potential adverse <i>effects</i> of <i>contaminants</i> on receiving <i>water bodies</i> from the <i>subdivision</i>, use or development of <i>land</i>, wherever practicable, <u>and beneficial</u>, and”

			it comes to stormwater management. Policies that require use of water sensitive urban design techniques may limit flexibility to assess appropriate stormwater management on a case-by case basis. In some cases discharge straight to the reticulated network may be preferred, such as where there are land instability issues, where removing water from the site is the preferred approach, or where on-site retention is not beneficial or practicable due to the site's location in the catchment.	For proposed policy LF-FW-P15A (wastewater discharges, including discharges containing sewage and other human waste, trade and industrial waste, and animal effluent): Delete (2) (f) as it does not relate to wastewater discharges.
134	LF-FW-M6(3) – Regional plans	Amend	LF-FW-M6(3) explicitly refers to over-allocation in terms of either water quality or quantity. ‘Over-allocation’ is a defined term in the RPS. The definition refers to both the quality and quantity of freshwater. Specifically referencing quality and quantity in LF-FW-M6(3), but not in other clauses that mention ‘over-allocation’, creates potential for confusion.	Amend LF-FW-M6(3) to: “identify <i>water bodies</i> that are <i>over-allocated</i> in terms of either their water quality or quantity. ”
134	LF-FW-M6(4)(f) – Regional plans	Support	DCC supports the inclusion of provision for community drinking water supplies. Defining ‘community drinking water supply’ in the RPS would aid interpretation of this method.	Retain Method LF-FW-M6(4)(f) as notified. Add a definition of ‘community drinking water supply.’
134	LF-FW-M6(5)(a) – Regional plans	Amend	Clause (5)(a) needs more clarity. Setting limits on resource use solely for drinking water (as defined in the RPS) separate from social and economic uses will be difficult to achieve, given that reticulated drinking water supplies are typically used for a wide range of purposes aside from human consumption. Uses of drinking water supplies in communities may include bathing and toileting, rural and stock purposes, irrigation, watering gardens, washing cars, fire-fighting, watering sports fields and parks, and water-intensive commercial and industrial	Amend by replacing ‘<i>drinking water</i>’ with ‘community drinking water supply’. Consider further amendments to address issues raised.

			processes. It is not financially or practically feasible to separate water supply solely for human consumption from water use for purposes that contribute to the social and economic well-being of a community in other ways. In terms of management during water-short periods, the DCC has a Drought Management Plan and discretionary outdoor uses followed by commercial uses are curtailed and water use for health and safety purposes is prioritised.	
135	LF-FW-M6(6) – Regional plans	Amend	A definition of ‘off-stream storage of surface water’ would provide clarity.	Amend by adding a definition of ‘off-stream storage of surface water’.
135	LF-FW-M6(7) – District plans	Amend	Other matters raised in this submission may result in consequential changes to this method.	Amend for consistency with other requested changes in this submission.
135	LF-FW-M6(8) – Action plans	Amend	Other matters raised in this submission may result in consequential changes to this method.	Amend for consistency with other requested changes in this submission.
135	LF-FW-M7(3) – District plans	Amend	Territorial authorities must prepare or amend and maintain their district plans no later than 31 December 2026 to: (3) require, where practicable, the adoption of water sensitive urban design techniques to avoid or mitigate the potential adverse effects of contaminants on receiving water bodies from the subdivision, use or development of land ... What is meant by ‘require’, and in terms of what types of activities? The DCC already has this linked to growth areas but not to every activity managed by the Plan. If this is a permitted activity standard on all development what would it look like (noting	Amend the timeframe to provide flexibility for issues outside the control of territorial authorities. Amend by replacing ‘require’ with ‘promote’. Amend to “Wherever practicable <u>and beneficial</u>”. Amend to include a definition of ‘water sensitive urban design’ within the pORPS to promote greater clarity.

			it would have to be assessable at the time of building consent)? As there are a number of plan changes required to implement the national policy direction, this date may not be feasible. The DCC supports the inclusion of objectives and/or policies in district plans that encourage the adoption of water sensitive urban design techniques or that make them a consideration in stormwater management plans. The inclusion of “wherever practicable” to the requirement for adopting water sensitive urban design techniques is appreciated, however this will be subjective, and water sensitive urban design may not always be beneficial. It may create difficulties as ‘one size does not fit all’ when it comes to stormwater. For example requiring on site storage of rainfall. In urban areas requiring rainwater storage will lead to loss of developable site area (if above ground), and increased cost of development, which needs to be balanced.	
135	LF-FW-M7(4) – District Plans	Amend	The DCC supports reducing the adverse effects of stormwater discharges by managing the subdivision, use and development of land. However, the best way to reduce adverse impacts will vary from site to site, due to factors such as catchment topography and soil types. For this reason, district plans should provide flexibility to territorial authorities to determine the appropriate approach for each site. The objective is generally to ensure post-development flows are as close as possible to pre-development flows.	Amend (4)(a) to “minimise the load of contaminants carried by stormwater needing off-site disposal”. Amend by adding “where appropriate” to end of (4)(c). Amend (4)(d) to “control the area of impermeable surfaces where necessary”.

			The following provisions would restrict the flexibility required by territorial authorities: (4)(a) “minimise the peak volume of stormwater needing off-site disposal” (4)(c) “encourage on-site storage of rainfall to detain peak stormwater flows”	
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LF-LS - Land and soil

<i>RPS Page Number</i>	<i>The specific provisions of the proposal that my submission relates to are:</i> <i>(please enter the relevant objective, policy, method or other provision reference where possible. For example, AIR-01)</i>	<i>I support or oppose the specific provisions or wish to have them amended (please indicate support, oppose or amend)</i>	<i>The reasons for my view are:</i>	<i>I seek the following decision from the local authority:</i> <i>(Please be as clear as possible – for example, include any alternative wording for specific provision amendments.)</i>
138	LF-LS-P18 – Soil erosion	Support	The DCC supports this policy.	Retain Policy LF-LS-P18 as notified.
138	LF-LS-P21 – Land use and fresh water	Amend	Clause (2) gives a very broad mandate to manage land uses that ‘may’ have adverse effects on the flow of water in surface water bodies. In theory this is any land use that creates any impervious surface or has earthworks which is all urban uses. The requirement to ‘Achieve the improvement or maintenance of freshwater quantity or quality to meet environmental outcomes set for Freshwater Management Units and/or rohe’ is a very high bar that is applied to a virtually all urban land uses.	Amend to restrict the application of this policy to a more specific and narrower set of land use activities with a more realistic policy outcome threshold. For example: <u>When considering appropriate areas to enable new urban growth or setting rules to manage land uses, consider how land uses may have adverse effects on the flow of water in surface water bodies or the recharge of groundwater, and ensure that</u>

			There is a question about how this would be implemented, if the ORC were to take a very strict literal interpretation of its objectives and policies, it would create too much uncertainty around what if any urban land uses may be permissible under the RPS.	<u>management approaches will achieve the environmental outcomes set for Freshwater Management Units and/or rohe.</u>
139/140	LF-LS-M11 – Regional plans	Neither support nor oppose	Clause (3) - Refer to concerns about policies mentioned and potential effect on content in the Land and Water Plan.	Note comments about consultation on the yet to be developed Regional Plan: Land and Water.