

Extraordinary Strategy and Planning Committee Agenda 27 July 2022



Meeting will be held in the Council Chamber at Level 2, Philip Laing House
144 Rattray Street, Dunedin - Councillors
[ORC YouTube Livestream - Members of the Public](#)

Members:

Cr Gretchen Robertson, Co-Chair	Cr Carmen Hope
Cr Kate Wilson, Co-Chair	Cr Gary Kelliher
Cr Hilary Calvert	Cr Michael Laws
Dr Lyn Carter	Cr Kevin Malcolm
Cr Michael Deaker	Cr Andrew Noone
Mr Edward Ellison	Cr Bryan Scott
Cr Alexa Forbes	

Senior Officer: Pim Borren, Interim Chief Executive

Meeting Support: Dianne Railton, Governance Support Officer

27 July 2022 03:30 PM

Agenda Topic	Page
1. APOLOGIES No apologies were received prior to publication of the agenda.	
2. CONFIRMATION OF AGENDA Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.	
3. CONFLICT OF INTEREST Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.	
4. MATTERS FOR CONSIDERATION	3
4.1 LWRP GOVERNANCE GROUP REPORT UPDATE The report provides written updates from the most recent Land and Water Regional Plan (LWRP) Governance Group on the LWRP project to the Strategy and Planning Committee.	3
4.1.1 Attachment 1: Governance level project status update July 2022	6
4.2 OVERVIEW OF APPROACH AND TIMING FOR FUTURE CONSULTATION STAGES FOR THE DEVELOPMENT OF THE LWRP The report provides an overview of the ongoing consultation and engagement to inform the development of the proposed Land and Water Regional Plan (LWRP) and advises of steps to ensure communities and key stakeholders are kept both informed and engaged in this work.	8

4.2.1 [Attachment 1: Summary of discussion on NPSFM engagement](#)

19

5. CLOSURE

4.1. LWRP Governance Group Report Update

Prepared for: Strategy and Planning Committee
Report No. SPS2233
Activity: Governance Report
Author: Rachel Currie, Project Manager, Land and Water Regional Plan
Endorsed by: Anita Dawe, General Manager Policy and Science
Date: 27 July 2022

PURPOSE

- [1] The purpose of this report is to provide written updates from the most recent Land and Water Regional Plan (LWRP) Governance Group on the LWRP project to the Strategy and Planning Committee.

EXECUTIVE SUMMARY

- [2] A key role of the LWRP Governance Group is to provide the Strategy and Planning Committee with a progress update on the LWRP programme, including progress on workstreams, issues and risks.
- [3] A progress update on the development of the LWRP against the project plan was provided by staff to the LWRP Governance Group during its meeting on 14 July 2022. This update shows that as of 11 July 2022 the Work is continuing at pace. Background papers considering the issues and options for region-wide topics are being drafted for consideration and consultation with key stakeholders and groups which is scheduled to begin late August 2022.
- [4] The 2022 MfE periphyton guidelines are likely to under protect Otago's stream and rivers. In order to overcome this issue, an Otago specific calibration of the guidance model is being pursued. This puts ORC's ability to deliver the proposed LWRP for notification by the end of 2023 at risk. The implications of the new periphyton guidelines from central government are being considered by the project team so that they can be discussed at project governance level.

RECOMMENDATION

That the Strategy and Planning Committee:

- 1) **Notes** this report and the current tracking of the LWRP project as at 11 July 2022.

BACKGROUND

- [5] The LWRP Governance Group receives project updates in its meetings as part of its role of monitoring the progress of the Land and Water Regional Plan project ('the project'). One of the key roles and responsibilities of the LWRP Governance Group is to report to the Strategy and Policy Committee on the LWRP programme, including on progress of workstreams, issues and risks.

- [6] A report, using the agreed template in dashboard format was tabled and agreed at the 14 July 2022 meeting.

DISCUSSION

- [7] The progress update report is included as Attachment 1 and sets out a progress update on the LWRP project in the agreed template (dashboard format). It tracks the progress of the development of the LWRP against the project plan as of 11 July 2022.
- [8] This progress update was presented at the LWRP Governance Group meeting on 14 July 2022. In presenting this update to the Strategy and Planning Committee the LWRP Governance Group fulfils its responsibility to provide the Strategy and Planning Committee with an update on the progress on the development of the LWRP made against the project plan.
- [9] As of 11 July 2022, the Work is continuing at pace. Policy staff have worked with Council to get direction and feedback on region-wide topics. Policy guidance is now confirmed for all but three topics. A paper with recommended policy guidance for these outstanding topics will be presented to the Strategy and Planning Committee on 10 August 2022. Background papers considering the issues and options for region-wide topics are being drafted. These background papers will be developed with input from relevant staff from various ORC teams and iwi. Afterwards these papers will be workshopped with key external stakeholders. The engagement with key external stakeholders is scheduled to commence late August 2022.
- [10] In June 2022 MfE released its periphyton guidelines. Based on testing of the guidance, it appears the guidelines are likely to under protect Otago's stream and rivers. In order to overcome this issue, an Otago specific calibration of the guidance model is being pursued. The flow-on effect of this change in approach is that the technical work to support the development of options for environmental outcomes and management interventions will not be ready in time for the second round of consultation as initially planned. This puts ORC's ability to deliver the proposed LWRP for notification by the end of 2023 at risk.
- [11] The implications of the new MfE periphyton guidelines from central government are being considered by the project team so that they can be discussed at project governance level.

OPTIONS

- [12] There are no options that require assessment.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [13] There are no strategic framework and policy considerations associated with this report.

Financial Considerations

[14] There are no financial considerations associated with this report.

Significance and Engagement Considerations

[15] This report does not trigger ORC's He mahi rau rika: ORC Significance, Engagement and Māori Participation Policy.

Legislative and Risk Considerations

[16] There are no legislative and risk considerations associated with this report.

Climate Change Considerations

[17] There are no climate change considerations associated with this report.

Communications Considerations

[18] The production of this template and further monthly dashboard reports will provide an efficient and effective way to communicate progress with all governance level parties and the wider public throughout the remainder of the LWRP project.

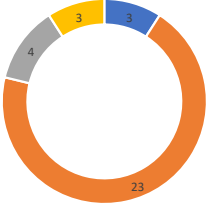
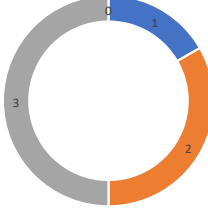
NEXT STEPS

[19] Staff will continue to provide the LWRP Governance Group with these monthly progress reports and once submitted to the Governance Group, present these to the Strategy and Planning Committee.

ATTACHMENTS

1. Governance level project status update July 2022 [4.1.1 - 2 pages]

Land and Water Regional Plan Project Dashboard																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
Project name: Land and Water Regional Plan (LWRP) Project	Status date: 11 July 2022	Overall status: At Risk																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="background-color: #4a7ebb; color: white;">Health Check</th> <td></td> </tr> <tr> <td style="background-color: green; color: white;">Scope</td> <td rowspan="3"> <p>Project commentary: Work is continuing at pace. The implications of new periphyton guidelines from central government are being considered by the project so that they can be discussed at the next governance group meeting. Background papers considering the issues and options for region-wide topics are being drafted for consideration and region-wide consultation with key stakeholders and groups which is scheduled to begin late August in advance of 2nd consultations in FMUs.</p> <p>Health Check comments: Scope: The scope of the project remains as initially agreed. Schedule: The schedule is at risk. We need to revise the consultation timelines and interdependent work following the publication of the new periphyton guidelines. The outcome of these new guidelines is more work required to develop scenarios to consult on. Options for new timelines that begin after this work is completed are being worked on to be discussed at the next governance group meeting, but the time required to take into account these guidelines will delay the notification of the LWRP. Budget: Final expenditure for the 2021/2022 financial year was within budgets for all LWRP work across Policy, Science and Strategy.</p> </td> </tr> <tr> <td style="background-color: red; color: white;">Schedule</td> </tr> <tr> <td style="background-color: green; color: white;">Budget</td> </tr> <tr> <td colspan="2"> <p><small>Green = On track Amber = Variability detected, no effect on outcome Red = At risk, escalation and action required</small></p> </td> </tr> </table>			Health Check		Scope	<p>Project commentary: Work is continuing at pace. The implications of new periphyton guidelines from central government are being considered by the project so that they can be discussed at the next governance group meeting. Background papers considering the issues and options for region-wide topics are being drafted for consideration and region-wide consultation with key stakeholders and groups which is scheduled to begin late August in advance of 2nd consultations in FMUs.</p> <p>Health Check comments: Scope: The scope of the project remains as initially agreed. Schedule: The schedule is at risk. We need to revise the consultation timelines and interdependent work following the publication of the new periphyton guidelines. The outcome of these new guidelines is more work required to develop scenarios to consult on. Options for new timelines that begin after this work is completed are being worked on to be discussed at the next governance group meeting, but the time required to take into account these guidelines will delay the notification of the LWRP. Budget: Final expenditure for the 2021/2022 financial year was within budgets for all LWRP work across Policy, Science and Strategy.</p>	Schedule	Budget	<p><small>Green = On track Amber = Variability detected, no effect on outcome Red = At risk, escalation and action required</small></p>																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
Health Check																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
Scope	<p>Project commentary: Work is continuing at pace. The implications of new periphyton guidelines from central government are being considered by the project so that they can be discussed at the next governance group meeting. Background papers considering the issues and options for region-wide topics are being drafted for consideration and region-wide consultation with key stakeholders and groups which is scheduled to begin late August in advance of 2nd consultations in FMUs.</p> <p>Health Check comments: Scope: The scope of the project remains as initially agreed. Schedule: The schedule is at risk. We need to revise the consultation timelines and interdependent work following the publication of the new periphyton guidelines. The outcome of these new guidelines is more work required to develop scenarios to consult on. Options for new timelines that begin after this work is completed are being worked on to be discussed at the next governance group meeting, but the time required to take into account these guidelines will delay the notification of the LWRP. Budget: Final expenditure for the 2021/2022 financial year was within budgets for all LWRP work across Policy, Science and Strategy.</p>																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
Schedule																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
Budget																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
<p><small>Green = On track Amber = Variability detected, no effect on outcome Red = At risk, escalation and action required</small></p>																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
Schedule Green = on track, Amber = some variability but won't affect final notification, Red = not on track and needs intervention																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th rowspan="2"></th> <th colspan="12">2022</th> <th colspan="12">2023</th> </tr> <tr> <th>Jan</th><th>Feb</th><th>Mar</th><th>Apr</th><th>May</th><th>Jun</th><th>Jul</th><th>Aug</th><th>Sep</th><th>Oct</th><th>Nov</th><th>Dec</th> <th>Jan</th><th>Feb</th><th>Mar</th><th>Apr</th><th>May</th><th>Jun</th><th>Jul</th><th>Aug</th><th>Sep</th><th>Oct</th><th>Nov</th><th>Dec</th> </tr> </thead> <tbody> <tr><td>1st community consultations and analysis</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>Develop science models</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>Scenario development</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>Economics work programme running in parallel</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>Identification of outstanding water bodies</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>Test and implement ePlan tool for publishing LWRP online</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>Preparation of all required maps</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>Council direction on region-wide topics</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>Develop region-wide topics, issues, options</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>key stakeholder, TLA, internal consultation on region-wide topics</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>Region-wide provisions drafting</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>Draft region-wide provisions to Council</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>2nd community consultation planning</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>2nd community consultations</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>FMU chapters drafting</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>3rd community consultation planning</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>3rd community consultations</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>Further LWRP drafting</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>Section 32 drafting</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>Internal, iwi, legal reviews</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>Council workshops & approval</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>LWRP pre-notification process</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>Further LWRP drafting</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>Internal, iwi, legal reviews</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>Council workshops on final draft LWRP</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>Council resolution to notify proposed LWRP</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> <tr><td>LWRP notification</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td><td>Green</td></tr> </tbody> </table>				2022												2023												Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	1st community consultations and analysis	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Develop science models	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Scenario development	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Economics work programme running in parallel	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Identification of outstanding water bodies	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Test and implement ePlan tool for publishing LWRP online	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Preparation of all required maps	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Council direction on region-wide topics	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Develop region-wide topics, issues, options	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	key stakeholder, TLA, internal consultation on region-wide topics	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Region-wide provisions drafting	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Draft region-wide provisions to Council	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	2nd community consultation planning	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	2nd community consultations	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	FMU chapters drafting	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	3rd community consultation planning	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	3rd community consultations	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Further LWRP drafting	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Section 32 drafting	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Internal, iwi, legal reviews	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Council workshops & approval	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	LWRP pre-notification process	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Further LWRP drafting	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Internal, iwi, legal reviews	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Council workshops on final draft LWRP	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Council resolution to notify proposed LWRP	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	LWRP notification	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
	2022												2023																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
1st community consultations and analysis	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Develop science models	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Scenario development	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Economics work programme running in parallel	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Identification of outstanding water bodies	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Test and implement ePlan tool for publishing LWRP online	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Preparation of all required maps	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Council direction on region-wide topics	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Develop region-wide topics, issues, options	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
key stakeholder, TLA, internal consultation on region-wide topics	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Region-wide provisions drafting	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Draft region-wide provisions to Council	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
2nd community consultation planning	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
2nd community consultations	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
FMU chapters drafting	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
3rd community consultation planning	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
3rd community consultations	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Further LWRP drafting	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Section 32 drafting	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Internal, iwi, legal reviews	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Council workshops & approval	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
LWRP pre-notification process	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Further LWRP drafting	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Internal, iwi, legal reviews	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Council workshops on final draft LWRP	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
Council resolution to notify proposed LWRP	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
LWRP notification	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				

Risks	Issues	Decisions/Actions Required
 <p>A donut chart representing risk levels. The segments are: Low (3), Moderate (23), High (4), and Extreme (3). A legend below the chart identifies the colors: Low (blue), Moderate (orange), High (grey), and Extreme (yellow).</p>	 <p>A donut chart representing issue levels. The segments are: Low (1), Med (2), High (3), and Extreme (1). A legend below the chart identifies the colors: Low (blue), Med (orange), High (grey), and Extreme (yellow).</p>	<ol style="list-style-type: none"> 1. Direction required on revised timelines and notification date as a result of the impact on Otago of the new periphyton guidelines released by MfE June 2022 (to be discussed at July meeting) 2. Direction on outstanding regionwide topics 3. Approval of updated LWRP Governance Group Terms of Reference (to be actioned at July meeting)
<p>High and extreme risks being managed:</p> <ol style="list-style-type: none"> 1. Effect of new periphyton guidelines from central government (Extreme) 2. Continued delays to RPS hearing process (Extreme) 3. Changes to RPS through hearing process (Extreme) 4. Affected stakeholders aren't satisfied with level of engagement and outcomes 5. Ongoing staff turnover 6. Workforce shortages mean staff are extremely difficult to recruit - highly competitive market, shortage of experienced and suitably qualified professionals 7. Proposed LWRP does not get approved for notification in time to meet deadline 	<p>High level issues being managed:</p> <ol style="list-style-type: none"> 1. Communications around the activities of the Outstanding Water Bodies work and how data is being collected 2. Competing deadlines for ORC teams required to input into project, and for iwi staff who are heavily involved in RPS pre-hearings work 3. Staff absences due to Covid-19 and winter illness 	

4.2. Overview of approach and timing for future consultation stages for the development of the LWRP

Prepared for:	Strategy and Planning Committee
Report No.	SPS2234
Activity:	Governance Report
Author:	Rachel Currie, Project Manager, Land and Water Regional Plan Tom De Pelsemaeker, Acting Manager Policy
Endorsed by:	Anita Dawe, General Manager Policy and Science
Date:	27 July 2022

PURPOSE

- [1] This paper provides an overview of the ongoing consultation and engagement to inform the development of the proposed Land and Water Regional Plan (LWRP) and advises of steps to ensure communities and key stakeholders are kept both informed and engaged in this work.

EXECUTIVE SUMMARY

- [2] In a report adopted by the Strategy and Planning Committee on 13 May 2020, ORC staff outlined a proposed consultation approach to inform the development of the LWRP. This approach provided for two consultation stages.
- [3] As the work for the development of the proposed LWRP has been progressing staff have identified the need to undertake further consultation and engagement, beyond the two rounds of consultation outlined in the report adopted by the Strategy and Planning Committee on 13 May 2020. These refinements include:
- A final round of community consultation to present a preferred option and discuss with them issues around implementation and transition.
 - Topic-based discussions with key stakeholders and sector representatives to inform the development of the regionwide provisions of the LWRP.
- [4] An interim review of this consultation approach by our external legal provider confirmed that the ORC is well on track to meet the community engagement requirements of the NPS-FM (National Policy Statement for Freshwater Management), if the Council continues to progress its engagement process in the manner proposed.
- [5] The first stage of FMU-community consultation was completed in April 2022. The second phase of consultation was due to commence from August 2022. However, the timing is uncertain due to potential delays in the periphyton modelling following the release of the periphyton guidelines¹ in June 2022. Staff are currently in finalising options for the timing of rounds 2 and 3 of the FMU community consultation. These options will be presented to the Strategy and Planning Committee at its meeting on 10 August 2022.

¹ Guidance on look up tables for setting nutrient targets for periphyton, June 2022, Ministry for the Environment.

RECOMMENDATION

That the Strategy and Planning Committee:

- 1) **Notes** this report.
- 2) **Adopts** the approach for undertaking stakeholder engagement for the development of regionwide provisions for the LWRP.
- 3) **Adopts** the approach for undertaking rounds 2 and 3 of the FMU community consultation for the development of the LWRP.
- 4) **Adopts** the proposal to establish a working party consisting of 3 Councillors and relevant ORC staff to further develop the design of the remaining stages of FMU community consultation.
- 5) **Adopts** the proposal to appoint, for each category of topics & activities within the regionwide provisions workstream, one Councillor who will attend workshops with relevant external stakeholders.
- 6) **Notes** that the timing of rounds 2 and 3 of the FMU community consultation is currently uncertain due to potential delays in the periphyton modelling following the release of the “Guidance on look-up tables for setting nutrient targets for periphyton” in June 2022 by the Ministry for the Environment.
- 7) **Notes** that staff have presented options for the timing of rounds 2 and 3 of the FMU community consultation to the Governance Group on 14 July 2022.
- 8) **Notes** that finalised options for the timing of rounds 2 and 3 of the FMU community consultation will be presented to the Strategy and Planning Committee at its meeting on 10 August 2022.

BACKGROUND

- [6] In 2019, ORC committed to developing and notifying the LWRP, to give effect to relevant National Policy Statements and other higher order planning instruments. That notification is to occur by 31 December 2023.
- [7] In a report presented adopted by the Strategy and Planning Committee on 13 May 2020, ORC staff outlined a proposed consultation approach to inform the development of the LWRP.² This approach provided for two consultation stages.
- [8] The first stage of consultation with key stakeholders, local communities and the wider public would be aimed at identifying community values and getting a better understanding of community aspirations for each Freshwater Management Unit (FMU) or rohe in Otago.³ Following this initial consultation stage, the information would be analysed by staff to develop a decision-making envelope that sets out the range environmental outcomes for identified values in each FMU or rohe and identifying actions and/or interventions for achieving these.

² <https://orc.govt.nz/media/8451/strategy-and-planning-agenda-20200513.pdf>

³ In April 2019 ORC adopted five FMUs for Otago. These five FMUs are the Clutha/Mata-Au, Taieri, North Otago, Dunedin & Coast and Catlins FMU. The Clutha/Mata-Au FMU was further delineated into five smaller areas, called rohe. These five rohe are the Upper Lakes, Dunstan, Manuherekia, Roxburgh and Lower Clutha rohe. The FMUs and rohe were developed in partnership with tangata whenua. The recommending report to Council “Freshwater Management Unit setting and Engagement approach” can be found here: <https://www.orc.govt.nz/media/6677/council-mtg-agenda-20190403.pdf>

- [9] During a second consultation stage, key stakeholders, local communities, and the wider public would be consulted on a range of options for environmental outcomes and management actions or interventions for achieving these outcomes. The draft region-wide provisions would also be shared at this stage.
- [10] After this second consultation stage a preferred management option would be identified and developed into provisions that are then included into the draft LWRP, as well as proposed non-regulatory responses that would be managed by the Environmental Implementation team.
- [11] ORC staff have worked towards implementing the community consultation and engagement approach as adopted by the Strategy and Planning Committee on 13 May 2020. A key milestone has been reached with the first stage of FMU-community consultation completed in April 2022. An overview of the results and learnings from this first stage of community consultation is included in the SPS2226 report presented to the Strategy and Planning Committee on 13 July 2022.
- [12] With the release of the NPSFM in 2020, staff also undertook an additional round of engagement on Freshwater Visions and included those in the proposed Regional Policy Statement.

DISCUSSION

- [13] As the technical and planning work for the development of the proposed LWRP has been progressing staff have identified the need to undertake further consultation and engagement, beyond the two rounds of consultation outlined in the report adopted by the Strategy and Planning Committee on 13 May 2020. These refinements include:
 - a. A final (third) round of community meetings to present to key stakeholders, local communities and the wider public a preferred option and discuss with them issues around implementation and transition.
 - b. Topic-based discussions with key stakeholders and sector representatives to inform the development of the regionwide provisions of the LWRP.
- [14] These refinements have been devised to:
 - a. Ensure that local and wider communities and key stakeholders are provided with better opportunities to provide input into the development of FMU-specific and regionwide provisions; and
 - b. Ensure compliance with the requirements of the National Objectives Framework process set out in Subpart 2 of the NPS-FM.
- [15] The following paragraphs outline the purpose, timing and methods of the different phases of community consultation and stakeholder engagement, and demonstrate how the broader approach to community consultation and engagement gives effect to the relevant process requirements of the NPS-FM.

OPTIONS

- [16] For the development of the regionwide provisions for the LWRP, topic-based discussions are being planned with key stakeholders and sector and/or catchment group representatives. The topic based discussions follow on from a number of workshops with the Strategy and Planning Committee over late 2021 and early 2022 to determine

policy direction. These discussions will focus on the identification and confirmation of issues and options for developing management approaches and planning responses for different categories of activities.

[17] The table below sets out the categories of topics and activities that require management under the LWRP, the various topics and activities within each category, and examples of stakeholders/industry or sector groups that we intend to invite to participate in the discussions on identified topics.

Categories of topics & activities	Topics and activities	Key stakeholders, Sector groups
Environmental flows/levels	<ul style="list-style-type: none"> • Minimum flows • Residual flows • Lake/aquifer levels 	Rural sector, Environmental groups, Territorial authorities
Taking and use of water	<ul style="list-style-type: none"> • Allocation framework (includes phasing out overallocation) • Consumptive water takes (e.g. domestic, community supplies, stock water, irrigation) • Non-consumptive water takes (e.g. hydro-electricity) • Efficiency in allocation/water use (technical efficiency) • Dewatering, drainage • Retakes, flow augmentation • Transfers (of point of take) 	Rural sector, Environmental groups, Territorial authorities
Damming and diversion	<ul style="list-style-type: none"> • Damming of water • Diversion of water • Establishment, maintenance and operation of damming structures 	Rural sector, Energy, Mining, Environmental groups
Group water management	<ul style="list-style-type: none"> • Irrigation schemes • Catchment groups 	Rural sector, Environmental groups
Agricultural discharges	<ul style="list-style-type: none"> • Effluent (liquid and solid) • Pesticides & Herbicides • Fertiliser use • Nutrient discharges 	Rural sector, Environmental groups
Activities on the beds or margins of lakes, wetlands or rivers	<ul style="list-style-type: none"> • Loss of river bed values & extent • Construction, maintenance, upgrade, removal, use of structures • Disturbance of and deposition on the beds of lakes and rivers • Debris clearance, flood protection works, alluvium extraction • Vegetation removal, 	Rural sector, Territorial authorities, Energy, Mining, Environmental groups
Other discharges	<ul style="list-style-type: none"> • Discharges of hazardous substances • Discharges from contaminated land • Swimming pools/spas, greywater • Discharge of water (e.g. dams, races) • Mixing of waters 	Rural sector, Territorial authorities, Fuel companies, Energy, Mining

Landfills and cemeteries	<ul style="list-style-type: none"> • Landfills, greenfills, cleanfills • Farm landfills • Silage & composting • Cemeteries 	Rural sector, Territorial authorities, Environmental groups
Stormwater & wastewater discharges	<ul style="list-style-type: none"> • Reticulated/unreticulated stormwater • Reticulated and on-site wastewater • Long drops, composting toilets • Industrial / trade wastes 	Rural sector, Territorial authorities, Environmental groups
Land use	<ul style="list-style-type: none"> • Development (including forestry) & intensification • Mining • Earthworks & erosion control • Stock access • Intensive winter grazing • Vegetation burning/clearance • Bore construction, maintenance 	Rural sector, Territorial authorities, Environmental groups, Land developers, Forestry

- [18] The discussions with key stakeholders and sector representatives for the development of regionwide provisions will take the form of focus group workshops, similar to the Regional Policy Statement Reference Group meetings. These sessions will be convened over the second half of 2022, with attendees able to choose to attend in person or via Zoom.
- [19] Ahead of each region wide topic discussion with external stakeholders, an Issues and Options paper will be brought to the LWRP GG for discussion. And like the RPS Reference Groups, a Councillor will be sought to be ‘sponsor’ of each topic and sit in on the external stakeholder group discussions.

Overview of refined FMU community consultation process

- [20] Aside from the discussions on the development of regionwide provisions, ORC is also undertaking a wider community consultation process for the development of FMU-specific environmental outcomes and management approaches for achieving these outcomes.
- [21] This FMU community consultation process involves three consultation rounds:
- a. The first round of FMU consultation was designed to:
 - I. Identify what communities know and value most about their lakes, rivers, streams, wetlands, and groundwater;
 - II. Identify the various specific characteristics of these values; and
 - III. Rating the state of identified characteristics.
 - b. The second round of FMU consultation will be designed to:
 - I. Provide an overview of the current state of the environment;
 - II. Present a range of options for environmental outcomes and various management interventions (including limits, regulatory controls, and non-regulatory actions) for achieving these outcomes; and
 - III. Seek feedback on these options.
 - c. The third round of FMU consultation will be to:
 - I. Present the preferred management option for each FMU;

- II. Share how relevant interventions may be expressed within the regionwide and FMU specific provisions of the LWRP; and
- III. Discuss implementation of the preferred options (e.g. transitional arrangements, including time).

- [22] While the first consultation stage was largely confined to an online format due to COVID settings that applied at the time, the two remaining rounds of FMU consultation are being designed to be in-person meetings and workshops in each FMU (subject to appropriate COVID settings allowing this to occur). These future rounds of consultation will provide communities with the opportunity to:
- a. See and understand the options available to ensure the LWRP includes policy rules and other methods that deliver on central government requirements, iwi and local community aspirations;
 - b. Understand the background to these options; and
 - c. Provide direct feedback to staff on the degree to which the options for environmental outcomes reflect community aspirations, and on the workability of the range of management interventions for achieving these options.
- [23] Staff will establish a working party consisting of relevant ORC staff to further develop the design of the remaining stages of FMU community consultation. Staff consider it desirable for up to 3 Councillors to be involved in this working party's proceedings.

Timing of future consultation and engagement

- [24] For the development of the regionwide provisions for the LWRP, topic-based discussions with key stakeholders and sector and/or catchment group representatives are scheduled to occur in the third quarter of 2022.
- [25] The timing of the second round of FMU community consultation was initially planned to occur from late August through to the end of October 2022, with the third round of FMU community consultation scheduled to commence at the beginning of 2023 and conclude by the end of March 2023.
- [26] However, the timing of these two rounds of the consultation is being reconsidered due to impacts on the science modelling associated with the MfE's periphyton guidelines in June 2022. Based on our testing of the guidance, it appears it is likely to under protect Otago's stream and rivers.
- [27] To overcome this issue, an Otago specific calibration of the guidance model is being pursued. The flow-on effect of this change in approach is that the technical work to support the development of options for environmental outcomes and management interventions will not be ready in time for the second round of consultation as initially planned.
- [28] ORC Policy and Science staff are currently finalising options for the timing of rounds 2 and 3 of the FMU community consultation. An initial discussion on options for the timing of these FMU community consultation rounds was held by the Governance Group during its meeting on 14 July 2022. Finalised options will be presented to the Strategy and Planning Committee at its meeting on 10 August 2022.

Meeting the requirements of the NPS-FM.

- [29] Under Clause 3.7(2) of the National Objectives Framework (NOF) in the National Policy Statement for Freshwater Management 2020 (NPS-FM), regional councils are required to undertake the following steps:
- a) Identify FMUs in the region;
 - b) Identify values for each FMU;
 - c) Set environmental outcomes for each value and include them as objectives in regional plans;
 - d) Identify attributes for each value and set baseline states for those attributes;
 - e) Set target attribute states, environmental flows and levels, and other criteria to support the achievement of environmental outcomes; and
 - f) Set limits as rules and prepare action plans to achieve environmental outcomes.
- [30] Under Clause 3.7(1) of NPS-FM ORC must engage with communities and tangata whenua at each step of the NOF process.
- [31] Engagement with communities on FMU boundaries and on the long-term visions for these FMUs and rohe occurred in the period October – November 2020. The FMUs and rohe, and their long-term visions were included in the proposed Regional Policy Statement (pRPS) for Otago that was notified in June 2021.
- [32] The table below shows how the FMU consultation process has been developed to address matters (b) to (f) in paragraph 8.

Description	NOF framework	Status
<p>Stage 1 (1st round of consultation) Confirm/Identify and discuss:</p> <ul style="list-style-type: none"> • values • characteristics (to inform the setting environmental outcomes and selecting attributes for values) 	b) identify values for each FMU;	Complete
<p>Stage 2a (2nd round of consultation) Present and discuss:</p> <ul style="list-style-type: none"> • baseline state for selected attributes • environmental outcomes and target attribute states • management options (including limits and rules to achieve these outcomes) 	c) set environmental outcomes for each value and include them as objectives in regional plans; d) identify attributes for each value and set baseline states for those attributes; e) set target attribute states, environmental flows and levels, and other criteria to support the achievement of environmental outcomes;	Planning in progress
<p>Stage 2b (3rd round of consultation) Present preferred management option</p>	f) set limits as rules and prepare action plans to achieve environmental outcomes.	Planning in progress

[33] An interim review of the community consultation approach was undertaken by ORC’s Policy staff and reviewed by ORC’s external legal provider. In their report back, the legal support team confirmed that the ORC is well on track to meet the community engagement requirements of the NPS-FM, if the Council continues to progress its engagement process in the manner proposed.

[34] A memorandum outlining the legal support team’s key findings is appended to this report as Attachment 1.

OPTIONS

[35] Alternative approaches to consultation and engagement for the development of the LWRP have been suggested by some key stakeholders, including the North Otago FMU rural stakeholder group.⁴ The alternative engagement process proposed by this group includes the following elements:

- a. Establishment of stakeholder group comprising a defined number of representatives from rūnaka and stakeholders, including environmental NGOs, the rural sector, and others within the community.
- b. The stakeholder group’s involvement spans the values identification, objective and limit setting, action development and provision drafting process for relevant FMUs.
- c. Meetings are attended by relevant ORC staff as well an elected Council representative or senior leader, to ensure alignment with the overarching planning approach adopted by the Council, including the requirements of the NPS-FM and other high order planning instruments.
- d. Meetings are facilitated by ORC staff or independent person.

[36] Staff have considered this alternative engagement processes and have compared the (actual and potential) costs and benefits of this proposal with those likely to be associated with the engagement and consultation approach for developing regionwide and FMU-specific plan provisions (in the next paragraphs of this report referred to as the “standard approach”) as outlined above. A summary of this cost benefit analysis is shown in the table below.

	<i>Alternative proposal</i>	<i>Standard approach</i>
Cost/Risks	<p>Staff resourcing</p> <ul style="list-style-type: none"> • More resource intensive than standard approach. (staff resources for delivery of more ‘bespoke’ models tailored to individual communities have not been budgeted). <p>Risk to timely delivery of LWRP:</p> <ul style="list-style-type: none"> • Requires more time than what is available under the current timeframe for completion of the LWRP. 	<p>Reduced opportunities for local community and stakeholder input and for the sharing of local knowledge</p> <ul style="list-style-type: none"> • Under the standard engagement process there are less consultation and engagement events during which stakeholders can contribute to the development of the LWRP and share local knowledge.

⁴ On 11 April 2022, Cr Andrew Noone, the Chair of the Otago Regional Council (ORC) received a letter from the North Otago FMU rural stakeholder group proposing an alternative engagement process.

	<ul style="list-style-type: none"> • Staff will need to be drawn from other LWRP workstreams, thereby jeopardising the timely completion of the LWRP. <p>Setting precedent</p> <ul style="list-style-type: none"> • Agreeing to the delivery of a ‘bespoke’ model for the North Otago FMU could trigger requests for similar approaches elsewhere. This in turn will increase pressure on available resources to support the delivery of the LWRP by the end of 2023. <p>No guarantee for agreed outcomes</p> <ul style="list-style-type: none"> • A “bespoke” engagement model does not guarantee widespread agreement on outcomes or solutions. <p>Reputational risk</p> <ul style="list-style-type: none"> • Council could be perceived to prioritise certain groups or interests within the community. <p>Insufficient to meet the legal requirements for community consultation</p> <ul style="list-style-type: none"> • A consultation process that only relies on engagement with selected stakeholders does not meet the principles of the LGA or the process requirements of the NPSFM. 	
Benefits/opportunity	<p>Strengthened relationships with (certain) stakeholders</p> <ul style="list-style-type: none"> • Likely to contribute to a stronger relationship between ORC and (certain) local stakeholders. 	<p>Less risk to delivery of the LWRP by 2023</p> <ul style="list-style-type: none"> • Staff resources have been budgeted, reducing the risk of delays in delivery of the LWRP. <p>Fair process/less reputational risk</p> <ul style="list-style-type: none"> • Less risk of ORC being perceived to give preferential treatment to some stakeholder groups as involvement in the FMU consultation process is open to all.

- [37] Following the review of ORC's standard approach and consideration of the costs and benefits, staff consider that:
- a. The alternative engagement process has some clear benefits.
 - b. The alternative engagement process by itself is not sufficient to meet the requirements of the NOF process under the NPS-FM.
 - c. The alternative engagement process would be better suited to a plan development process that is not subject to the current time and resourcing constraints; and
 - b. The standard engagement process being implemented by ORC provides stakeholders and sector representatives with diverse opportunities to engage in a meaningful way at various stages of the plan development process and across a range of topics.
- [38] For these reasons and considering the key findings of the cost/benefit analysis outlined in the table above, staff recommend continuing to apply the standard approach when engaging with communities and stakeholders on matters concerning the development of the LWRP.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [39] Regional Council is responsible for implementing the new national direction and regulations and notifying new or updated regional policy statements and regional plans that set out how the region will implement the new NPS-FM. ORC has committed to a work programme with the Minister for the Environment which includes notifying a new LWRP by December 2023.
- [40] The topic-based consultation with key stakeholders for the development of regionwide provisions in the LWRP and Stages 2 and 3 of the FMU community consultation are vital components of ORC's consultation and engagement process, undertaken to inform the development of the LWRP that gives effect to the NPS-FM.
- [41] In addition, the proposed LWRP and the consultation and engagement process that informs its development will contribute to fulfilling Council's objectives of leading environmental management in Otago, in partnership with mana whenua; promoting collaboration with territorial authorities and others to achieve resilient and sustainable communities; and promoting a healthy and resilient environment whose capacity for sustaining life and ecosystem health is enhanced and sustained.

Financial Considerations

- [42] The Policy Team administers existing budgets for the development of the LWRP. Any expenditures associated with the roll-out of the staff proposed consultation and engagement process with tangata whenua and communities are funded from these budgets. Any changes to this process, such as rolling out an alternative consultation and engagement process for the development of the LWRP as the one outlined above in paragraph 26 of this report would require additional funding.

Significance and Engagement Considerations

- [43] The consultation and engagement process that is being undertaken to inform the development of the LWRP will trigger ORC's *He mahi rau rika: ORC Significance, Engagement and Māori Participation Policy*, as this project is likely to have potentially significant impacts on many people.

- [44] Each stage and aspect of this community consultation process is designed to be consistent with *He mahi rau rika: ORC Significance, Engagement and Māori Participation Policy*.

Legislative and Risk Considerations

- [45] The consultation and engagement process that ORC is undertaking to inform the development of the LWRP has been designed and planned to give effect to the relevant requirements of the NPS-FM and will be undertaken in accordance with the First Schedule of the Resource Management Act 1991 (RMA) and the principles of consultation set out in section 82 of the Local Government Act 2002 (LGA).
- [46] As discussed above, an interim progress review of the community consultation approach involving ORC's legal support team confirmed that the ORC is well on track to meet the process requirements of the NPS-FM in terms of community engagement if it continues with the proposed consultation process.

Climate Change Considerations

- [47] Recognition of climate change and its effects on the health and wellbeing of the people and environment is one of the matters to which the LWRP needs to respond to give effect to the NPS-FM, in particular Policy 4 of the NPS-FM: *Freshwater is managed as part of New Zealand's integrated response to climate change*.
- [48] The foreseeable impacts of climate change will be considered in relation to the setting of limits on resource use in the LWRP under Clause 3.14(2)(a)(ii) of the NPS-FM.

Communications Considerations

- [49] Policy and Communications staff will ensure that the community is aware of the process, timelines and how to participate in the future stages of the consultation process, through the various media channels normally used by ORC.

NEXT STEPS

- [50] ORC staff will:
- a. Commence with the scheduling of topic-based consultation with key stakeholders for the development of regionwide provisions in the LWRP, in accordance with the timeframes and principles outlined in this report.
 - b. Establish a working party consisting of 3 Councillors and relevant ORC staff to further develop the design of the remaining stages of FMU community consultation.
 - c. Finalise options for the timing of rounds 2 and 3 of the FMU community consultation and present these to the Strategy and Planning Committee at its meeting on 10 August 2022.

ATTACHMENTS

1. Summary of discussion on NPSFM engagement [4.2.1 - 4 pages]



MEMORANDUM

Date: 2 May 2022
To: Tom De Pelsemaeker
From: Michelle Mehlhopt

SUMMARY OF DISCUSSION ABOUT ENGAGEMENT REQUIREMENTS UNDER THE NPSFM

1. I met with the ORC Freshwater and Land team to share and discuss some of our key learnings of a recent review that we have undertaken of the engagement requirements under the NPSFM and how this might be relevant to ORC's engagement process.
2. We set out below a summary of our key findings and discussion points.
3. We note that the discussion focussed on the requirements for community engagement under the NPSFM, rather than engagement with tangata whenua.

Engagement already undertaken for RPS

4. ORC has already completed some of the key engagement requirements under the NPSFM prior to notification of the proposed Otago Regional Policy Statement (**pORPS**). These include:
 - a. Engaging with communities to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region;
 - b. Engaging with communities and tangata whenua to identify FMUs; and
 - c. Developing long-term visions through engagement with communities and tangata whenua.
5. This engagement will be relevant moving forward, but additional engagement is required under subsequent steps of the NOF process.

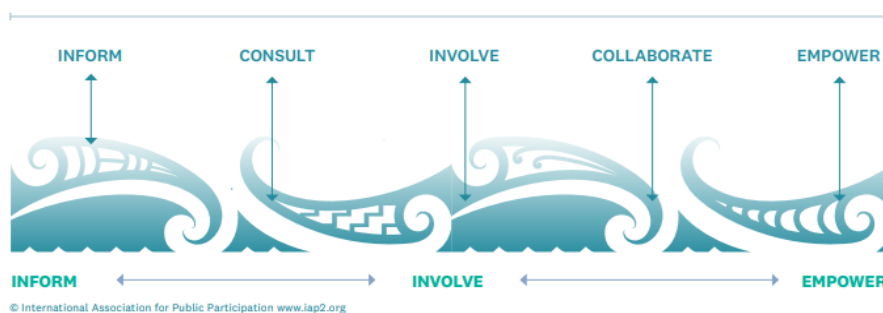
Council must engage with communities and tangata whenua at each step of the NOF process

6. The NPSFM requires the Council to engage with communities and tangata whenua at each step of the NOF process. In summary the NOF process includes the following steps:
 - a. Identify FMUs in the region
 - b. Identify values for each FMU
 - c. Set environmental outcomes for each value and include them as objectives in regional plans
 - d. Identify attributes for each value and set baseline states for those attributes
 - e. Set target attribute states, environmental flows and levels, and other criteria to support the achievement of environmental outcomes
 - f. Set limits as rules and prepare actions plans (as appropriate) to achieve environmental outcomes.

7. Whilst the Council is required to engage at each step, there is no need to necessarily engage on one step before moving on to the other. For example, it would be appropriate to engage with the community on values and environmental outcomes at the same time. This is more efficient and will help prevent engagement fatigue.
8. The NOF process doesn't necessarily lend itself well to community engagement given the technical terms used and the prescriptive steps.
9. We have looked at the Council's website and its proposed three stage approach. We consider that the proposed approach meets the requirements of the NPSFM and that the language used by the Council is appropriate and pitched at the right level. For example, asking the questions:
 - a. What do you value and where? Which aspects of this are important to you (so the characteristics)
 - b. What do you want to achieve for land and water resources in the area?
10. is appropriate for engagement to identify values for each FMU and to set environmental outcomes for each value. The information obtained from this process will then help set attribute and target attributes states and then rules and limits. The 'How are we doing this' diagram used in community powerpoint presentations is particularly effective as it shows that a freshwater vision provides direction on the values and characteristics which help you choose outcomes which help you set attribute and target attribute states which help you develop rules and limits.
11. The messaging is clear that the Council wishes to hear from the community and have them participate in the process and the purpose for the engagement (i.e. what the Council wants to understand) is also clear.

What is engagement?

12. NPSFM uses several different terms and phrases:
 - a. 'must engage with'
 - b. 'be developed through engagement'
 - c. 'actively involve tangata whenua'
 - d. 'work with tangata whenua'
13. However, the NPSFM does not define what 'engagement' means and it is not defined in the RMA. The RMA tends to use the words 'consult' or 'consultation'.
14. Given the use of the different terms in the NPSFM, engagement doesn't necessarily mean 'actively involve' or 'work with'. Likewise, given the use of the term 'engagement' rather than 'consultation', 'engagement' may mean something more than consultation.
15. 'Engagement' is a term used more often in the Local Government Act 2002 (**LGA**). Helpful guidance can be taken from the Council's Significance, Engagement and Māori Participation Policy together with the principles of consultation set out in section 82 of the LGA.
16. There is a spectrum of engagement in the Council's Significance, Engagement and Māori Participation Policy which is particularly helpful:



17. What is required to meet the NPSFM requirements (and also what is appropriate) will depend on the purpose for which the engagement is being undertaken, the likely impact on present and future interests of the community and tangata whenua and the level to which community views are already known.
18. The requirement for Council to engage at each step of the process does not require the Council to run a full public engagement process at each step – and it can include engagement that has occurred in the past. However, there is a risk in relying on past engagement and it is important to consider the context within which that past engagement has occurred and whether the information obtained informs and assists the Council’s decision making or whether further engagement is required.
19. Engagement should occur at an FMU scale (which the Council is doing). For example, the Council is required to consider whether any non-compulsory values apply to an FMU or part of an FMU and identify an environmental outcome for each value that applies to an FMU or part of an FMU. Therefore, it is important to engage at an FMU scale or part of an FMU scale, rather than at a region-wide scale.

Council’s proposed approach to community engagement

20. The Council is proposing a three-stage process for community engagement. Stage 1 is currently underway.
21. Stage 1 is aimed at confirming and identifying the values and characteristics. The outputs of this stage will inform the setting of environmental outcomes, target attribute states, flows, etc.
22. For Stage 1 the Council is relying (due to COVID) on online meetings (to inform people of the process) and online surveys and location mapping (to get community input).
23. Stage 2 of consultation is planned to start in July 2022 and run during much of the second half of 2022. The purpose of Stage 2 is to present communities with an ‘envelope’ of choice and seek feedback on:
 - a. Options for environmental outcomes
 - b. Options for packages of regulatory & non-regulatory actions for achieving these, including environmental flows.
24. This stage is to provide input in the selection of a preferred management option.
25. The Council proposes to use both in person meetings (COVID permitting) and online consultation.

26. Stage 3 is planned to start at the end of 2022 and finish early in 2023. The purpose of Stage 3 is to inform communities of the preferred option (including suggested environmental flows). Again, it is intended that in person meetings (COVID permitting) and online consultation methods be used.
27. The preferred option will be included in the LWRP and persons will have an opportunity to submit on the plan once it is notified.
28. The purpose of the engagement is particularly important and this, together with the level of existing knowledge of the communities' views, will inform what is appropriate. It is clear from your website material that the Council is keeping its communities informed and up to date and also providing opportunities to provide input. The purpose for the engagement and how the information obtained will inform the Council's decision-making is clear.
29. One thing to be mindful of with the three-stage approach is to be really clear that Stage 2 is about presenting communities with an 'envelope' of choices or options and that the feedback received will inform Stage 3 which is when the Council will inform communities of the preferred option.
30. We recommend documenting the process as it is progressed. This will not only record the engagement steps that have been taken but also will enable the Council to review the effectiveness of the process at each stage before moving on to the next. If the process is not achieving a high level of engagement from the community, then the Council may consider some changes to, for example, to reach a part of the community which it has not received feedback from. However, given the time constraints there are only so many opportunities for engagement that the Council can provide.
31. The Council proposes to publish a summary of the feedback received. This is a good idea and will help inform the community and may encourage further engagement at the next stage of the process. We also recommend documenting how the feedback received during Stage 2 has been considered and informed the preferred option. We don't propose that this be published on the Council's website. Rather it is a document that the Council can refer to as part of the decision-making record if there is a challenge to the engagement process.
32. In relation to surveys, there are a couple of things to keep in mind:
 - a. Template responses are common.
 - b. The number of responses doesn't determine the weight to be given to that particular feedback.
 - c. The fact that someone can provide a response on an anonymous basis does not affect the weight to be given to that feedback or the robustness of the survey.
 - d. Each response should be considered and weighed on its merits.

Conclusion

33. If the Council continues to progress its engagement process in the manner proposed, then it is well on track to meet the community engagement requirements of the NPSFM.

Wynn Williams