

# Proposed Land and Water Regional Plan

## Introductory paper

### for Environmental Science and Policy Committee briefings

### 22 and 29 November 2023

#### **Purpose of this paper**

1. The purpose of this paper is to prepare councillors and iwi representatives on the Otago Regional Council's Environmental Science and Policy (ESP) Committee for two upcoming Committee workshops on 22nd and 29th November 2023.
2. These workshops will focus on a discrete set of substantive issues or concerns that have been raised in feedback received either through internal and legal reviews or during the most recent stage community and stakeholder engagement on the draft Land and Water Regional Plan (LWRP) for Otago.

#### **Background**

3. At the end of July 2023, policy staff from ORC, along with iwi partners and external consultants, worked on an early set of draft provisions for the LWRP. This initial drafting built on technical advice sourced from both internal teams (including the science, consents and compliance and the regulatory data and systems teams) and external specialists (consultants).
4. Following this, whilst undergoing initial internal and legal reviews, ORC staff also sought feedback on the draft provisions from a broad range of external stakeholders, and then wider community during a third and final round of engagement on the LWRP. This round of engagement commenced on 18 September and concluded on 6 November 2023.
5. During this third round of engagement staff from various ORC teams (including policy, science, environmental implementation, consents, communications and compliance) and from Aukaha attended 10 in person drop-in sessions across all Freshwater Management Units and rohe in the region, while also hosting 2 public online sessions and 4 targeted stakeholder sessions for specific interest groups ( which were farming sector, forestry, territorial authorities and environmental interest groups)
6. By the end of the engagement period written feedback on the draft LWRP provisions was received from approximately 570 individuals or organisations, either via email or via a survey tool on the ORC's website. A substantial proportion of this feedback focused on the draft provisions in the primary production (PP) chapter (approx. 60%). Other parts of the draft LWRP that garnered lots of

feedback were the provisions in the water quantity (EFL) chapter (approx. 25%) and the provisions for the management of activities in the Beds of Lakes and Rivers (BED) chapter (approx. 25%).<sup>1</sup>

7. Finally, a considerable number of people and organisations also commented on the draft provisions in the Damming and Diversions (DAM), Earthworks and Drilling (EARTH), Other Discharges chapter (OTH) and Wetlands (WET) chapters and the provisions for managing Outstanding Water Bodies. Approximately 10 % of respondents commented on each of these topics.

### **Purpose and structure of the ESPC Committee briefings 22 and 29 November 2023**

8. ORC policy staff and planning consultants are currently analysing the feedback received during the internal and legal reviews and community engagement and are updating the draft LWRP provisions where appropriate.
9. Many issues raised in the feedback do not require amendments to the drafting (e.g. concerns around process) or can be addressed through minor drafting changes.
10. Staff have identified several substantive issues or recurring themes raised in the feedback that require further input from or discussion with Council. These concerns either centre around:
  - a. substantive issues with the drafting that require re-consideration of the overall management approach; or
  - b. plan provisions that garnered a lot of attention during the engagement but where the bulk of the concerns can be resolved through better communication or minor amendments to the drafting to clarify the intent of the provisions.
11. Staff intend to discuss these matters with ESP Committee members over the course of two ESP Committee workshops, taking place on 22nd and 29th November 2023. These discussions with the committee will be topic based.
12. An overview of how staff propose to spread the different topic discussions across the two workshops is shown in table 1 below.
13. During the workshops ORC staff and planning consultants will present ESP Committee members for each of the above discussion topics with an overview of the following:
14. Issue description
  - The overall outcome sought, including outcomes sought in higher order planning instruments (proposed Regional Policy Statement, and relevant National Policy Statements) and in the strategic direction previously set by ORC councillors
  - High level summary of feedback received
  - Overview of the broader context (including technical information available)
  - Where appropriate, options for finalising or refining the draft provisions.

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<sup>1</sup> The percentages refer to the percentage of respondents that commented on a specific topic. It should be noted that various respondents provided feedback on a range of topics.

**Table 1: Overview of topics**

Briefing Date	Topic
22 November (3hrs)	<p><b>Activities on the beds of lakes and river</b></p> <ul style="list-style-type: none"> <li>• Management framework for suction dredge mining</li> <li>• Management framework for gravel extraction</li> </ul> <p><b>Discharges of agrichemicals and vertebrate toxic agents (VTAs)</b></p> <ul style="list-style-type: none"> <li>• Use of agrichemicals and vertebrate toxic agents for pest control.</li> </ul> <p><b>Strategic direction:</b></p> <ul style="list-style-type: none"> <li>• Principles for resolving over-allocation</li> </ul> <p><b>Water quantity</b></p> <ul style="list-style-type: none"> <li>• Policy direction for phasing out over-allocation</li> <li>• Allocation framework for taking water at high flows</li> <li>• Management regimes for the Clutha Mata-au and Waikouaiti River</li> <li>• Installation of fish barriers</li> </ul> <p><b>Wetlands</b></p> <ul style="list-style-type: none"> <li>• Management framework for natural inland wetlands and other wetlands</li> </ul> <p><b>Outstanding water bodies</b></p> <ul style="list-style-type: none"> <li>• Provisions for managing activities in outstanding water bodies.</li> </ul> <p><b>Drinking water protection zones</b></p> <ul style="list-style-type: none"> <li>• Mapping and definition</li> <li>• Setbacks that apply to activities near registered drinking water supplies</li> </ul>
29 November (3hrs)	<p><b>Water quantity</b></p> <ul style="list-style-type: none"> <li>• Management regime for the Manuherehia catchment</li> </ul> <p><b>Primary production – farming</b></p> <ul style="list-style-type: none"> <li>• Regionwide setback requirements from water bodies</li> <li>• FMU-specific setbacks from water bodies and stock exclusion</li> <li>• Consenting requirement for dairy/dairy support, incl. thresholds for Synthetic N fertiliser and cow/ha thresholds</li> <li>• Silage</li> <li>• Farm landfills</li> <li>• Freshwater farm plans</li> </ul> <p><b>Primary production - forestry</b></p> <ul style="list-style-type: none"> <li>• Setback requirements and management of activities associated with forestry.</li> <li>• Consenting requirement</li> </ul> <p><b>Vegetation removal</b></p> <ul style="list-style-type: none"> <li>• Management framework</li> </ul>

15. A summary table with an overview of the above matters for each of the topics to be discussed at the 22nd November workshop is appended to this introductory paper (Appendix 1). A summary table providing an overview for each of the topics to be discussed at the 29th November workshop will be provided to ESP Committee members by Friday 24 November 2023.
16. At the 22nd of November workshop ESP committee members will also be provided with the opportunity to make suggestions around any other topics they would like to see discussed during the 29th November workshop.

### **Next steps**

17. In parallel with these workshops, staff are working on a council paper with a summary of the feedback received during round 3 of public engagement on the LWRP. This paper will be presented to the Council meeting on 6 December 2023.
18. A further briefing is scheduled for 14 December which is subject to legal professional privilege and will not be a public briefing. This briefing will be to discuss the draft LWRP for pre notification consultation which is scheduled for 2024.
19. Staff will also set out the timeline from January 2024 to June 2024 at the 14 December briefing.

### **Appendices**

- Appendix 1: Summary table with overview of topics for the 22nd of November ESP Committee workshop.