

Appendix 1:

Overview of key issues raised in feedback received through internal and legal reviews or community & stakeholder engagement on the draft Land and Water Regional Plan - Part I

Topic	What we are trying to achieve	Feedback received / issues with the draft provisions	Commentary	Options or changes suggested
<p>BED (activities on the beds of lakes and rivers): Consent requirement for suction dredge mining</p>	<p>Policy 1 of The National Policy Statement for Freshwater Management (NPS-FM) requires that freshwater is managed in a way that 'gives effect' to Te Mana o te Wai.</p> <p>Policy 7 of the NPS-FM requires that the loss of river extent and value is avoided to the extent practicable.</p> <p>Policy 9 of the NPS-FM requires that the habitats of indigenous freshwater species are protected.</p> <p>Clause 3.24 of the NPS-FM further requires that the loss of river extent and values is avoided, unless the council is satisfied there is a functional need for the activity in that area and the effects are managed by applying the effects management hierarchy.</p>	<p>The following views have been expressed in feedback from the consultation:</p> <ul style="list-style-type: none"> ○ The permitted activity rule in the RPW for suction dredging should be retained. ○ Rather than requiring resource consent for all activities, Schedule 7 of the RPW, which details water bodies sensitive to suction dredge mining, should be expanded. ○ The effects of suction dredge mining on the bed and aquatic ecology have been proven to be minor and, in some cases, positive on the river biota. ○ The effects of suction dredge mining are likely of no greater harm to aquatic life than existing strong currents. ○ Sediment removal from suction dredge mining can restore and improve habitat for invertebrates and increase water flow and oxygen levels. ○ In the 1990's it was agreed that suction dredge mining has minimal impacts on the water body. ○ No consent for suction dredge mining has been declined, even in Schedule 7 waterbodies. ○ The consent requirement for suction dredge mining is supported. 	<ul style="list-style-type: none"> ○ Based on the current rule framework, suction dredging is often permitted, however associated aspects, such as discharges of sediment to water, and the take and discharge of water are likely to require consent. These associated activities may continue go unconsented if consent is not required for the suction dredging itself. ○ The current framework for managing suction dredge mining in the RPW has created a situation where the effects of the activity have not been monitored and the impacts of these activities are often unknown. ○ Suction dredge mining can affect river values, particularly when undertaken in sensitive waterbodies or those with sensitive species. This activity can also have an adverse impact on benthic communities/food sources and result in the entrainment of fish in the dredge pipe. ○ Clause 3.24 of the NPS-FM requires off-setting and compensation for residual effects, and it is unclear how that is being achieved for suction dredging. 	<p>The following options are proposed:</p> <p>Option 1: Maintain draft framework.</p> <p>Option 2: Include permitted activity rule, but reduce scope of rule from Water Plan, by reducing the extent of mining that can occur as a permitted activity.</p> <p>Option 3: Restricting the activity where it occurs in certain areas (e.g. water bodies with outstanding ecological values, habitats of threatened species).</p>
<p>BED (activities on the beds of lakes and rivers): Gravel extraction - 5m³/pa permitted activity threshold.</p>	<p>Policy 1 of The National Policy Statement for Freshwater Management (NPS-FM) requires that freshwater is managed in a way that 'gives effect' to Te Mana o te Wai.</p> <p>Policy 7 of the NPS-FM requires that the loss of river extent and value is avoided to the extent practicable, while policy 9 requires the protection of habitats of indigenous freshwater species.</p> <p>Clause 3.24 of the NPS-FM further requires that the loss of river extent and values is avoided, unless the council is satisfied there is a functional need for the activity in that area and the effects are managed by applying the effects management hierarchy.</p> <p>The Environmental Science and Policy (ESP) Committee provided policy guidance in support of a two-stage approach to gravel extraction, with direction to have a more</p>	<p>Feedback from the consultation has highlighted the following matters and concerns:</p> <ul style="list-style-type: none"> ○ The permitted activity rule should allow for a of gravel greater volume to be extracted across the board, or in certain river types, as 5 m³/yr is too low. ○ The permitted activity volume should be tailored to specific sites, with more targeted rules for where you can and cannot take it. ○ Rule framework should be more lenient, so it is easier to manage build-up of gravel around bridges and other structures. ○ Gravel extraction outside of spawning season should be allowed in order to keep rivers/streams within banks and protect structures, particularly as more erosion occurs when water spreads out of the main stem. 	<ul style="list-style-type: none"> ○ There is currently insufficient data to provide river-specific permitted activity volumes. ○ The development of a gravel management strategy and code of practice have been identified as a means to simplify gravel consenting in the future. ○ The extraction of up to 20 m³ per year, in combination with other conditions, has been reviewed as acceptable from a water quality and ecology perspective. However, gravel extraction also impacts river function in terms of flood flow capacity and the degradation or aggradation of gravel in the bed. ○ The extraction of gravel can impact river values, particularly when more gravel is taken than is considered sustainable. A more conservative threshold is needed until more information on sustainable volumes is available. 	<p>The following options are proposed:</p> <p>Option 1: Retain 5m³/year limit</p> <p>Option 2: Increase permitted activity volume to 20 m³/year.</p> <p>Option 3: Include rule that provides straight forward consenting pathway for larger extractions, provided they comply with a yet to be developed code of practice for gravel extraction.</p>

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	restrictive framework initially if the current rules are not fit for purpose. In the second stage, facilitated through a plan change, more river specific information would be available, which may enable greater permitted extractions in certain areas. ¹			
OTH (Other discharges): Use of agrichemicals and vertebrate toxic agents (VTAs)	<p>Policy 1 of The National Policy Statement for Freshwater Management (NPS-FM) requires that freshwater is managed in a way that 'gives effect' to Te Mana o te Wai.</p> <p>To prioritise the health of water bodies, the intent of the provisions is to:</p> <ul style="list-style-type: none"> ○ Prevent broad-scale eradication of riparian vegetation, and ○ Reduce contaminants lost to water as a result of discharges to land, especially if those contaminants are from substances not approved for use in aquatic environments. 	<p>Feedback from the consultation has highlighted the following matters and concerns:</p> <ul style="list-style-type: none"> ○ There is support for management and consideration of cumulative impact of chemicals entering waterways leading to improved water quality outcomes. ○ There is significant confusion and opposition regarding possible barriers to undertaking pest management and biosecurity activities. This includes aerial spraying and release of VTAs and agrichemicals. ○ The 20m setbacks from water bodies have been cited as being highly impractical for a range of different conservation and pest management activities. ○ There is opposition to rules meaning permission is required for using agrichemicals not safe for use in the aquatic environment within the 20m setback, limiting riparian management options as a result from a range of submissions. ○ There is confusion regarding discharging to air and resulting pathways to freshwater and land. <p>There is a need to consider and mention of environmental or ecological exposure limits for receiving environments requested.</p>	<ul style="list-style-type: none"> ○ Riparian margins provide important contaminant capture and filtering functions, even if their vegetation is comprised of grass and weeds. The intent of the 20m setback was to ensure that agrichemicals not approved for aquatic use do not enter water and vegetation in margins is not eradicated by broad-scale spraying. ○ It was not intended to unnecessarily restrict biosecurity activities, particularly weed control in margins that have been planted with indigenous vegetation. Enabling these activities will be important for achieving the objectives of the Pest Management Plan. <p>On balance, the risk of preventing effective biosecurity and weed control activities by implementing a 20m setback may outweigh the potential risks of agrichemicals entering water. There have been ongoing discussions with the ORC Environmental Implementation team regarding options for permitting activities for pest management within the riparian zone regarding the 20m set back rule.</p>	<p>The following options are proposed:</p> <p>Option 1: Maintain draft framework.</p> <p>Option 2: Remove 20m setback requirement but require additional controls to be implemented within the 20m buffer, such as:</p> <ul style="list-style-type: none"> • Only using spot-spraying application methods. • Restricting the application to pest species (those identified in the Regional Pest Management Plan). • Limiting the volume that can be discharged. <p>Option 3: Remove 20m setback requirement but retain requirement that the discharge does not occur within a drinking water protection zone.</p>

¹ Report no. SPS2319 (p65) in the Agenda for the Otago Regional Council meeting on 26 July 2023. <https://www.orc.govt.nz/media/14742/agenda-council-20230726.pdf>

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<p>Strategic direction: Resolving overallocation²</p>	<p>Policy 11 of the NPS-FM requires all existing over-allocation of water quantity and quality to be phased out and future over-allocation avoided.</p> <p>The Environmental Science and Policy (ESP) Committee provided direction on three principles to underpin actual reductions in resource use:</p> <ul style="list-style-type: none"> ○ Prioritise uses of water that benefit local communities over those that benefit people and businesses outside local communities; and ○ Uses must be prioritised in accordance with higher order planning instruments, including the NPS-FM; and ○ Uses with greater economic benefit should be prioritised over those with little economic benefit; and ○ Provide flexibility by allowing for voluntary actions to occur in the phasing out of over-allocation.³ <p>These were used to draft a policy in the strategic direction part of the LWRP which requires applying these principles when resolving over-allocation.</p>	<p>Internal review of the draft provisions⁴ has highlighted potential implementation issues with the principles for resolving over-allocation. These issues are:</p> <ul style="list-style-type: none"> ○ It is unclear how benefits to local communities are to be weighted against benefits to people and businesses outside local communities.⁵ ○ It is unclear whether economic benefits are limited to direct impacts or also include flow-on effects⁶. ○ Prioritising uses that benefit local communities would make it difficult to grant consent for activities associated with hydro-electricity generation (which delivers regionally and nationally significant benefits) and is unlikely to give effect to the National Policy Statement for Renewable Electricity Generation (NPS-REG). ○ Preferring uses that provide the greatest economic return may mean that projects that provide for environmental enhancement or restoration or social and cultural benefits are considered lower priority than those without those benefits due to the lower economic returns. ○ Future applicants are likely to be required to undertake significantly more economic impact analysis in support of resource consent applications than is currently the case, which is likely to result in an increase of consent application costs. ○ “Prioritising” uses can be difficult when only one application is received as there is no way to compare that use against any other proposed use for the resource. <p>Additionally, the strategic direction on resolving over-allocation is not consistent with the approach proposed in the draft LWRP for resolving water quantity over-allocation (see below).</p>	<p>Implementing the current policy direction may not implement national direction (particularly for renewable electricity generation) and may also result in unintended consequences arising from the focus on local benefits and economic return.</p> <p>The principles could be revised to ensure that:</p> <ol style="list-style-type: none"> 1. the consideration of local benefits and economic return is appropriately situated within the hierarchy of obligations in the NPS-FM; and 2. hydro-electricity generation is excluded from the “prioritisation” principle. <p>This would address the key issues with giving effect to higher order direction, but will not resolve the difficulties with determining the weighting of different types of benefits and the information requirements to support comparative economic analyses, or how the principles are to be applied when only one application is received.</p> <p>An alternative option would be to make the amendments above, but remove the focus on local benefits and economic return and instead broaden the considerations to all types of benefits for both communities and the environment.</p> <p>In line with the ESP committee principles, all options should recognise the role of voluntary action within communities.</p>	<p>The following options are proposed:</p> <p>Option 1: Retain original ESP Committee prioritisation principles in the LWRP’s strategic directions framework.</p> <p>Option 2: Revise the draft LWRP’s strategic directions framework to ensure consistency with higher order documents and refocus the principles on local benefits and economic return as described. This could include broadening the considerations to all types of benefits and recognise the role of voluntary actions.</p> <p>Option 3: Revise the draft LWRP’s strategic directions framework to ensure consistency with higher order documents and remove the principles aimed at prioritising local benefits and economic return.</p> <p>Options 1 and 2 will require additional criteria and methodology to be developed in order to support implementation.</p>

² ‘Strategic direction’ refers to the provisions in the IM – Integrated management and LF – Land and freshwater chapters of the LWRP which sit above the remainder of the plan and provide overarching objectives and policies, including LF-P6 which provides direction on how existing over-allocation will be phased out and future over-allocated avoided.

³ Report no. 2303 (p46) in the Agenda for the Otago Regional Council meeting on 28 June 2023. <https://www.orc.govt.nz/media/14504/council-meeting-agenda-28-june-2023.pdf>

⁴ This review was undertaken by the ORC consents team and involved the testing of the draft LWRP provisions against resource consent application scenarios.

⁵ For example, it ¹⁵ unclear how this principle is to be considered in a situation where an application for resource consent is made for an activity undertaken by a business which is situated in Otago and employs Otago residents but is owned by non-Otago residents.

⁶ Flow-on effects may include increased business-to-business transactions and/or increases to local spending as a result of higher household incomes.

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<p>EFL (water quantity): Policy direction for phasing out over-allocation</p>	<p>Policy 11 of the NPS-FM and Policy LF-FW-P7A in the “reply”- version of the proposed Regional Policy Statement (RPS) for Otago⁷ requires all existing over-allocation of water quantity and quality to be phased out and future over-allocation avoided.</p> <p>Method LF-FW-M8 in the “reply”- version of the proposed pRPS requires that the LWRP identifies methods and timeframes for phasing out over-allocation (including through environmental flows and levels and limits) within the timeframes required to achieve the relevant freshwater visions.</p>	<p>Feedback received during the community consultation has highlighted the following concerns:</p> <ul style="list-style-type: none"> ○ The phased (i.e. 2-staged) approach for addressing over-allocation is generally supported, but different views exist on the appropriate time frames for transitioning. ○ Council should take a lead role in reducing over-allocation, rather than leaving it to communities. Leaving it to communities to decide could affect social cohesion and cause tension within communities. ○ For the bespoke circumstance, success will rely on setting clear goals and direction for the consent holders to work towards.⁸ ○ In addition to considering the maximum instantaneous rate of take to determine the adverse effects on water bodies and communities, other crucial information that is critical to understanding the nature and scale of impacts should be considered. This information includes: <ul style="list-style-type: none"> • How often the maximum rate of take is reached; and • What rate of take the abstraction normally operates at; and • When and for how long abstraction takes place. <p>The LWRP should allow for consideration of these factors when setting allocation limits and phasing out over-allocation.</p>	<p>The draft LWRP provisions provide for a phased (i.e. 2-staged) and bespoke (i.e. unique to each catchment) approach to setting take limits in over-allocated catchments. This means the approach allows all relevant factors for the catchment to be taken into account, including appropriate time frames for transitioning in each catchment.</p> <p>To reduce over-allocation in all catchments, the proposed region-wide provisions require:</p> <ul style="list-style-type: none"> ○ reductions in the rate and volume of take to the lowest of: <ul style="list-style-type: none"> • reasonable and efficient use, or • actual use based on historical data; and ○ from a specified date for each catchment, a reduction in the rate and volume of take proportionate to the overall reduction required for the catchment, unless consent holders want to put forward an alternative approach to reducing over-allocation in the catchment. <p>The draft LWRP provisions that allow for an approach to reducing over-allocation that is developed by local communities or consent holders does not prevent ORC from participating in, facilitating or guiding this process. ORC’s level of involvement can be determined through future engagement with these communities during the LWRP implementation stages and may vary between catchments.</p> <p>This approach does not currently adopt the ESP committee principles discussed above due to the difficulties with implementing the direction.</p>	<p>No changes to the drafted provisions are suggested. Confirm that councillors are comfortable with maintaining the draft plan framework. Note that additional amendments may be required depending on the direction provided above in relation to over-allocation.</p>

⁷ <https://www.orc.govt.nz/media/15345/porps-reply-version-final-10-10-23.pdf>

⁸ If the goals are vague, for example: ‘provide for the health and well-being of water bodies’, then there will be significant debate about what flows are required for the direction to be achieved.

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<p>EFL (water quantity): Allocation framework for taking water at high flows</p>	<p>Policy 1 of The National Policy Statement for Freshwater Management (NPS-FM) requires that freshwater is managed in a way that 'gives effect' to Te Mana o te Wai.</p> <p>Policy 4 of the NPS-FM requires that freshwater is managed as part of New Zealand's integrated response to climate change.</p> <p>Policy 15 of the NPS-FM enables communities to provide for their social, economic, and cultural wellbeing in a way that is consistent with the objective of the NPSFM.⁹</p> <p>Clause 3.16 of the NPS-FM requires that environmental flows and levels are applied to the damming, diversion, taking or discharge of water that achieve the environmental outcomes for the river and any connected and receiving environments.</p> <p>Clause 3.17 of the NPS-FM requires that take limits are set that provide for flow or level variability, safeguard ecosystem health and provide for life cycle needs of aquatic life.</p> <p>Previous policy direction provided by ESP Committee sought to encourage off stream storage where water is available and discourage on stream storage.¹⁰</p>	<p>Internal review of the draft provisions and feedback from the consultation has highlighted the following matters and concerns:</p> <ul style="list-style-type: none"> ○ The taking of water during high flows is seen as critical to: <ul style="list-style-type: none"> ● provide for water storage, ● adapt to new flow and allocation regimes (i.e. higher minimum flows and lower take limits for primary allocation), and ● mitigate the potential effects of climate change. ○ There is need for greater clarity around the allocation framework for supplementary takes (i.e. takes at higher flows). The framework for setting minimum flows for supplementary allocation and setting supplementary block sizes is uncertain, and it is not clear whether this framework will enable or prevent water storage options ○ In catchments where the total primary allocation is at or above allocation limits, there should be restrictions in place to ensure that water harvesting is used to replace low flow water abstraction. ○ There is a need for strong policy direction for water harvesting on tributaries so that the quantity of water harvested at high flows is proportional to the size of the water body. ○ There is support for a framework that enables water harvesting and storage during periods of high flow, rather than during low flow periods, but maintains flow patterns in river and stream that are reflective of their natural patterns of variability. Care must be taken to ensure that such taking does not remove peak flows from these systems. 	<ul style="list-style-type: none"> ○ Quantifying the impact of high-flow harvesting on in-stream values is difficult and will vary across different river systems. ○ High flows often play an important role in maintaining river health and reductions in the magnitude or frequency of high-flow events can result in: <ul style="list-style-type: none"> ● changes in composition of riparian vegetation. ● alteration to river channel morphology. ● reduction in periphyton-removing high flow events or grazing macroinvertebrates. ● Impacts on life stages of native freshwater species.¹¹ 	<p>The following option is proposed for allocating water at high flows:</p> <p>Option 1: For catchments with low hydrological modification (i.e. low water demand & use) a default method will be used based on the following principles:</p> <ul style="list-style-type: none"> ○ High flow is allocated in blocks, subject to a 3:1 flow-sharing regime with the river to ensure 75% of the natural flow always remains in the river.¹² ○ The 3:1 flow-sharing ratio applies to takes across the whole catchment, including takes from tributaries. <p>For catchments with high hydrological modification (i.e. high water demand & use) water will be allocated at high flows as follows:</p> <ul style="list-style-type: none"> ○ Through bespoke minimum flows and take limits for high flow harvesting taking into account: <ul style="list-style-type: none"> ● the characteristics of that catchment, ● the existing consented takes. <p>These bespoke flow and allocation limits for high flow harvesting are yet to be determined but will be set before the consents in these catchments are renewed.</p> ○ In the interim, it is proposed to apply a conservative framework for allocating water at higher flows. This can be based on a 4:1 flow-sharing ratio and allows for high flow harvesting when flows are above the median naturalised flow. <p>It is noted that the proposed framework for managing water taking at high flows is similar to the framework for managing primary allocation takes.</p>

⁹ Clause 2.1 of the NPS-FM states the objective of the NPS-FM, which is to ensure that natural and physical resources are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

¹⁰ Report no. SPS2227 (p420) in the Agenda for the Otago Regional Council Strategy and Planning Committee meeting 13 July 2022. <https://www.orc.govt.nz/media/12595/agenda-strategy-and-planning-20220713.pdf>

¹¹ High-flow harvesting Part 1: influence on New Zealand in-stream values. Prepared by NIWA for Aqua Intel Aotearoa. February 2023.

¹² Under the recommended 3:1 flow sharing regime, for every allocation block of water abstracted, three equivalent blocks must be left in the river

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EFL (water quantity): Allocation framework for the Clutha main stem	<p>Policy 1 of The National Policy Statement for Freshwater Management (NPS-FM) requires that freshwater is managed in a way that 'gives effect' to Te Mana o te Wai.</p> <p>Clause 3.16 of the NPS-FM requires that environmental flows and levels are applied to the damming, diversion, taking or discharge of water that achieve the environmental outcomes for the river and any connected and receiving environments.</p> <p>Clause 3.17 of the NPS-FM requires that take limits are set that provide for flow or level variability, safeguard ecosystem health and provide for life cycle needs of aquatic life.</p> <p>Policy E2 of the NPS-REG requires that regional plans provide for the development, operation, maintenance, and upgrading of new and existing hydro-electricity generation activities to the extent applicable to the region or district.</p>	<p>During the public consultation feedback was sought on proposed take limits and environmental flows for the Clutha Mata-au. These proposed take limits and environmental flows applied to the Clutha Mata-au main stem (and the hydro-lakes and source lakes only), but did not factor in the existing allocation and proposed limits for many of the Clutha Mata-au main stem's tributaries. Although only limited feedback was received on this matter, there was general support for the setting of environmental flows and take limits for the main stem.</p> <p>However, internal and external feedback shows that with respect to the setting of a take limit for the Clutha Mata-au main stem consideration needs to be given to the following matters:</p> <ul style="list-style-type: none"> the Clutha Mata-au freshwater vision in the proposed RPS recognises that the Clutha Mata-au is a single connected system Clause 3.2 of the NPS-FM requires that an integrated approach, ki uta ki tai, is adopted to the management of freshwater <p>Therefore, it is considered that the allocation framework that provides for taking from the Clutha Mata-au main stem should take into account the allocation regimes that apply to wider catchment.</p>	<ul style="list-style-type: none"> The operative Regional Plan Water (RPW) does not set a take limit or minimum flow/level for: <ul style="list-style-type: none"> the Clutha Mata-au and Kawarau river main stems, the Hāwea River (take limit only) Lakes Whakatipu, Wānaka and Hāwea Lakes Roxburgh and Dunstan The Clutha Mata-au main stem is characterised by the following: <ul style="list-style-type: none"> high and unique values (natural character and river form, recreational and cultural) an inverse ecological habitat/flow relationship (less water = more habitat) The Kawarau Water Conservation Order seeks to recognise and protect the outstanding amenity or intrinsic values of the Kawarau River and Lake Whakatipu. The Lake Wānaka Preservation Act 1973 seeks to prevent the natural flow rate between the outlet of the lake and the confluence of the Clutha Mata-au and the Cardrona River from being varied and preserve, as far as possible, the water levels of the lake and its shoreline in their natural state. The Mata-Au and its source and hydro-lakes are statutory acknowledgement areas under the Ngai Tahu Claims Settlement Act 1998 The Kawarau River and parts of the Clutha Mata-Au main stem have been identified as a potential Outstanding Water Body. The current consented allocation from the Clutha Mata-au catchment is estimated to be 63,000 L/s.¹³ However, the RPW allows for the taking of water from the Clutha Mata-au main stem, the Kawarau river, Lakes Whakatipu, Wānaka and Hāwea and Lakes Roxburgh and Dunstan of up to a rate of up to 100 l/s as a permitted activity. The lack of information around the incidence and scale of water taking under the permitted activity rules in the RPW and s14(3)(b) of the RMA, is a key reason why there is uncertainty around the total amount of water taken from the Clutha Mata-au. 	<p>The following options are proposed:</p> <p>Option 1: retain the take limits and environmental flows and levels for the Clutha Mata-au mainstem limits as included in the draft LWRP and previously consulted on.¹⁴</p> <p>Option 2: Set an allocation framework based on the following principles:</p> <ul style="list-style-type: none"> Recognising the connections between different parts of the catchment Taking into account the allocation from different parts of the Clutha Mata-au catchment. Setting a total take limit for Clutha Mata-au catchment based on 30% of the catchment's estimated naturalised 7-day MALF at Balclutha. Split the allocation across 3 reaches: <ul style="list-style-type: none"> Kawarau Catchment Upper Clutha catchment u/s Clyde Dam Clutha catchment d/s Clyde Dam <p>Two sub-options exist:</p> <table border="1"> <thead> <tr> <th>Option 2A</th> <th>Option 2B</th> </tr> </thead> <tbody> <tr> <td colspan="2">Kawarau Catchment¹⁵ Take limit: 8,800 L/s</td> </tr> <tr> <td>Upper Clutha cu/s Clyde Dam¹⁶ Take limit: 17,400L/s</td> <td>Upper Clutha catchment u/s Clyde Dam Take limit: 23,800L/s</td> </tr> <tr> <td>Clutha catchment d/s Clyde Dam¹⁷ Take limit: 63,200L/s</td> <td>Clutha catchment d/s Clyde Dam Take limit: 56,800L/s</td> </tr> </tbody> </table> <p>Option 2 proposes the same environmental flow regime as that proposed under option 1.</p>	Option 2A	Option 2B	Kawarau Catchment ¹⁵ Take limit: 8,800 L/s		Upper Clutha cu/s Clyde Dam ¹⁶ Take limit: 17,400L/s	Upper Clutha catchment u/s Clyde Dam Take limit: 23,800L/s	Clutha catchment d/s Clyde Dam ¹⁷ Take limit: 63,200L/s	Clutha catchment d/s Clyde Dam Take limit: 56,800L/s
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¹³This Includes consented takes that are both consumptive and non-consumptive.

¹⁴ <https://www.orc.govt.nz/plans-policies-reports/land-and-water-regional-plan/proposed-changes-to-rules-and-regulations/clutha-mata-au-main-stem>

¹⁵ Est. 7day-MALF of the Kawarau catchment is 88,500 L/s, while the consented allocation is estimated to be 5,000 L/s.

¹⁶ Est. 7day-MALF of the Clutha main stem below the Cardrona Confluence is 115,900 L/s, while the consented allocation is estimated to be 14,700 L/s

¹⁷ Est. 7day-MALF of the Clutha main stem at Balclutha is 298,000 L/s, while the consented allocation is estimated to be 43,000 L/s

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EFL (water quantity): Allocation framework for the Waikōuaiti River	<p>Policy 1 of The National Policy Statement for Freshwater Management (NPS-FM) requires that freshwater is managed in a way that 'gives effect' to Te Mana o te Wai.</p> <p>Clause 3.16 of the NPS-FM requires that environmental flows and levels are applied to the damming, diversion, taking or discharge of water that achieve the environmental outcomes for the river and any connected and receiving environments.</p> <p>Clause 3.17 of the NPS-FM requires that take limits are set that provide for flow or level variability, safeguard ecosystem health and provide for life cycle needs of aquatic life.</p>	<p>Not applicable. No minimum flow and take limit was included in the draft LWRP consulted on between 18 September and 6 November 2023.</p>	<ul style="list-style-type: none"> ○ The Waikōuaiti River is a Statutory Acknowledgement area under the Ngai Tahu Claims Settlement Act 1998. ○ The Waikōuaiti River was granted mātaītai status in 2016 under the Fisheries (South Island Customary Fishing) Regulations 1999, which provides for Ngāi Tahu Whānui to exercise their customary use and management rights. ○ The Waikōuaiti River has been identified as a potential Outstanding Water Body. ○ The RPW does not include a minimum flow for the Waikōuaiti River, although the three main consumptive takes have resource consent conditions requiring maintenance of residual flows. ○ The current primary allocation for the Waikōuaiti River catchment is 129.2 l/s. ○ Available water metering data shows that the average combined rate of take ranged from 36 l/s (January) to 10.5 l/s (July) while the maximum observed combined rate of take from the Waikōuaiti River ranged from 91-97 l/s (October-April) to 37-38 l/s (June-July). 	<p>The following option is proposed for setting a take limit and minimum flow for the Waikōuaiti catchment¹⁸:</p> <p>Option 1:</p> <ul style="list-style-type: none"> ○ minimum flow of 225 L/s as measured at the flow recorder at the flow monitoring site 200 metres d/s of the Dunedin City Council (DCC) water supply. This site is located approximately 2.8 km upstream of where the river enters the Estuary. ○ take limit of 50 L/s. <p>It is proposed that stakeholders (including consent holders) are provided with an opportunity to comment on the proposed allocation regime prior to the start of the pre-notification consultation under CI3 of the First schedule of the RMA.</p>
EFL (water quantity): Fish barriers	<p>The NPS-FM requires that fish passage is maintained or improved by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats.</p>	<p>Feedback from the consultation has highlighted the following concern:</p> <ul style="list-style-type: none"> ○ Opposition to fish barriers being required, largely due to the cost. 	<ul style="list-style-type: none"> ○ In some catchments, increasing minimum flows will result in salmonids being able to access reaches of tributaries that they currently cannot, increasing the risk of predation on indigenous species (particularly galaxiids). To address this, it has been recommended to install fish barriers prior to increasing minimum flows. 	<p>This issue cannot be addressed though the rule framework of the LWRP and does not require an amendment to the provisions of the draft LWRP, however it is an issue of concern to communities.</p> <p>This matter can be addressed by non-regulatory initiatives or measures at a later date.</p>
WET: Wetlands	<p>Policy 6 of the NPS-FM requires that there is no further loss of extent of natural inland wetlands and that their values are protected, and their restoration is promoted. This is supported by regulations in the National Environmental Standards for Freshwater (NESF), which restrict various activities within natural inland wetlands, with some exemptions for particular types of activities (such as infrastructure and mining).</p> <p>The proposed provisions adopt the approach set out in the NPS and NESF for natural inland wetlands but also introduce restrictions on some particularly damaging activities in 'natural wetlands' – a wider category than 'natural inland wetlands'. Specific management of these additional wetland types is required through Freshwater Farm Plans (FWFPs)</p>	<p>Feedback from the consultation has highlighted the following matters and concerns:</p> <p>Feedback in opposition</p> <ul style="list-style-type: none"> ○ Opposition to controls that are additional and/or more stringent than the NES-F. ○ Concern over the application of controls to a broader range of wetlands than defined in national direction, especially in terms of the role of FWFPs. ○ Stock exclusion provisions that go beyond national direction are a concern – these should be covered in FWFPs. ○ Inclusion of wetlands in the definition for 'critical source area' is an issue – should be consistent with national direction. 	<ul style="list-style-type: none"> ○ The majority of the feedback seeks to either only implement the NES-F requirements and no more; or to go even further than the draft LWRP to protect wetlands, such as by prohibiting drainage and requiring wetland extent to be restored. ○ A number of items of feedback opposed the fencing requirements and the exclusion of sheep – the draft LWRP does not require either of these things, as it relies on the Stock Exclusion Regulations for fencing. ○ The technical matters, such as mapping, have been raised across topics and so will be addressed separately. 	<p>No changes to the drafted provisions are suggested. Confirm that councillors are comfortable with maintaining the draft plan framework.</p>

¹⁸ Est. naturalised 7day-MALF of the Waikouaiti River at the flow monitoring site 200 metres d/s of the Dunedin City Council (DCC) water supply is 251 L/s.

Topic	What we are trying to achieve	Feedback received / issues with the draft provisions	Commentary	Options or changes suggested
		<ul style="list-style-type: none"> ○ Fencing requirements are impractical and will potentially result in wetlands overgrown with weeds and hinder recreational uses of wetlands. <p>Feedback in support</p> <ul style="list-style-type: none"> ○ Support for the protection of wetlands, but provisions need to go further such as prohibiting any drainage of wetlands. ○ Support for reinstating wetlands wherever possible, including a suggested target of 20% of historic extent reinstated. <p>Feedback on technical matters</p> <ul style="list-style-type: none"> ○ The public should be able to access GIS data for wetlands and other exclusion zones. ○ Ground truthing for wetlands is needed to ensure mapping is accurate and unintended consequences for landowners are avoided. ○ Landowners need to see how they are affected and identify which areas can be excluded from flight paths for fertiliser/spraying. 		
<p>General matters: Outstanding water bodies (OWBs): Providing for existing activities</p>	<p>Policy 8 of the NPS-FM requires protecting the significant values of OWBs.</p> <p>The NPS-FM defines OWBs as water bodies with one or more outstanding values.</p>	<p>Feedback from the consultation has highlighted the following matters and concerns:</p> <ul style="list-style-type: none"> ○ General concern and uncertainty about what the impacts are of a water body being identified as outstanding. ○ Concern that artificial water bodies (such as reservoirs) have been included in the assessments. ○ Strong feedback that existing activities within outstanding water bodies should be able to continue, particularly use of existing water take, storage and conveyancing infrastructure. 	<ul style="list-style-type: none"> ○ Engagement material could have more clearly outlined how outstanding water bodies would be managed. Generally, the approach taken in the draft plan is that permitted activities continue to be permitted within OWBs, with limited exceptions (i.e. placement of new structures in OWBs with outstanding natural character). ○ New or existing activities that are not permitted will require consent and policy direction in the plan is to protect values by: <ul style="list-style-type: none"> ● Requiring applicants to demonstrate that there are no practical alternative locations, methods or routes for the proposed activity, ● Providing for activities that will not have material adverse effects on values, ● Enabling activities that would enhance or restore the values, ● For nationally and regionally significant infrastructure, applying the effects management hierarchy as required by the NPSFM, and ● Otherwise, avoiding adverse effects that would result in permanent loss of values. ○ This approach is considered to address the concerns raised in feedback. 	<p>No changes to the drafted provisions are suggested. Confirm that councillors are comfortable with maintaining the draft plan framework.</p>

Topic	What we are trying to achieve	Feedback received / issues with the draft provisions	Commentary	Options or changes suggested
<p>General matters: Drinking water protection zones</p>	<p>At a national level, drinking water is largely managed by the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007(NES-DW). The NES-DW requires regional councils to ensure that the effects of activities on drinking water sources are considered in decisions on resource consents and in regional plans.</p> <p>The NPS-FM directs that the health needs of people (such as drinking water) are a second priority, below ecosystem health and above other uses of water and lists drinking water supply as an ‘other value’ that must be considered in Appendix 1B of this policy statement.</p> <p>Amendments to the NES-DW are in development. The objectives of the proposed amendments are to strengthen protection of source water, by improving:</p> <ul style="list-style-type: none"> ○ How at-risk source water areas are delineated; ○ How activities that pose risks to source water are regulated or managed; and ○ Protecting all registered water supplies <p>Previous direction from Council has been that the LWRP should give effect to the hierarchy of obligations set out in the NPS-FM and that human drinking water needs to be protected against impacts of land use and land development on water quality.</p>	<p>Feedback from the consultation has highlighted the following matters and concerns:</p> <ul style="list-style-type: none"> ○ Concern about the impacts of the drinking water protection zones on land holders. ○ Opposition to the provisions that seek to protect drinking water supplies from the impacts of activities in the absence of a definition or mapping of drinking water protection zones. 	<ul style="list-style-type: none"> ○ Public interest in drinking water supplies has been grown since the 2016 outbreak of gastroenteritis in Havelock North. Examples of drinking water contamination in Otago include the norovirus outbreak in the Cardrona township in 2013 and the recent contamination of the Queenstown drinking water supply. ○ Data collated through ORC’s State of the Environment (SoE) monitoring network cast doubt over the effectiveness of the RPW in maintaining water quality, or improving it where it is currently degraded. ○ The draft LWRP seeks to protect all drinking water supplies that were registered with Taumata Arowai on 1 July 2023 by having standard conditions on all discharges from a wide range of activities and land uses, as well as some works in riverbeds, including: <ul style="list-style-type: none"> ● A 20m setback from all bores. ● Restrictions on activities extending 5 metres into land from the river’s edge over a reach that encompasses 1000m upstream and 100m downstream from any surface water or directly connected groundwater take on rivers. ● Restrictions on activities within a 500m radius of any surface water or directly connected groundwater take from a lake. ○ The drinking water protection zones are not mapped but the location of the drinking water intakes registered with Taumata Arowai on 1 July 2023 but the narrative descriptions of the extent of the drinking water protection zones will be included in the LWRP. 	<p>No changes to the drafted provisions are suggested. Confirm that councillors are comfortable with maintaining the draft plan framework.</p>