

# **Section 32 Evaluation Report for the Proposed Otago Land and Water Regional Plan**

## **Chapter 1: Introduction**

**This Section 32 Evaluation Report should be read together with the Proposed  
Otago Land and Water Regional Plan**



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## Abbreviations

MfE	Ministry for the Environment
ORC	Otago Regional Council
pLWRP	Proposed Otago Land and Water Regional Plan 2024
RPW	Regional Plan: Water for Otago
RPWaste	Regional Plan: Waste for Otago
RMA	Resource Management Act 1991

## 1. Introduction

### 1.1. Purpose

1. When proposing new plans or policy statements, or changes to plans or policy statements, the Resource Management Act 1991 (RMA) requires councils to prepare an evaluation report in accordance with section 32 of the RMA. The purpose of this report is to summarise the evaluation that Otago Regional Council has undertaken of the provisions in the proposed Otago Land and Water Regional Plan (pLWRP).
2. Section 32 requires that the objectives of the pLWRP are examined for their appropriateness in achieving the purpose of the RMA and that the benefits, costs and risks of new provisions (primarily policies and methods, including rules) are clearly identified and assessed. This report documents the analysis under section 32 so stakeholders and decision-makers can understand the rationale for policy choices.

### 1.2. Section 32 Report structure

3. The Section 32 report is structured as follows:

<b>Chapter 1:</b>	Introduction
<b>Chapter 2:</b>	Land and fresh water in Otago
<b>Chapter 3:</b>	Current planning framework
<b>Chapter 4:</b>	Development and engagement
<b>Chapter 5:</b>	Policy context
<b>Chapter 6:</b>	Evaluation of objectives
<b>Chapter 7:</b>	Assessment of provisions
<b>Chapter 8:</b>	Integrated management [IM]
<b>Chapter 9:</b>	Beds of lakes and rivers [BED]
<b>Chapter 10:</b>	Contaminated Land [CL]
<b>Chapter 11:</b>	Damming and diversion [DAM]
<b>Chapter 12:</b>	Earthworks, bores and drilling [EARTH]
<b>Chapter 13:</b>	Environmental flows and levels [EFL]
<b>Chapter 14:</b>	Farming and Forestry [FF]
<b>Chapter 15:</b>	Flood protection and drainage [FLOOD]
<b>Chapter 16:</b>	Other discharges [OTH]
<b>Chapter 17:</b>	Stormwater [SW]
<b>Chapter 18:</b>	Waste and landfills [WASTE]
<b>Chapter 19:</b>	Wastewater [WW]
<b>Chapter 20:</b>	Wetlands [WET]
<b>Chapter 21:</b>	Area specific matters

<b>Chapter 22:</b>	References
<b>Appendix 1:</b>	Freshwater dependence criteria
<b>Appendix 2:</b>	Threatened freshwater dependant species of the Otago Region
<b>Appendix 3:</b>	Aukaha report on engagement with mana whenua on freshwater outcomes for LWRP

### 1.3. Section 32 of the RMA

4. This evaluation report for the pLWRP was prepared in accordance with section 32 of the RMA.<sup>1</sup> Section 32(1) sets out the requirements for an evaluation report, which are to:
  - a. *Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA;*
  - b. *Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –*
    - i. *Identifying other reasonably practicable options for achieving the objectives; and*
    - ii. *Assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
    - iii. *Summarising the reasons for deciding on the provisions; and*
  - c. *Contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.*
5. Section 32(6) provides definitions of “objectives” and “provisions”. “Objectives” assessed under section 32(1)(a) are those objectives contained in the pLWRP. “Provisions” assessed under section 32(1)(b) are the policies or provisions that implement, or give effect to, those objectives.
6. Efficiency and effectiveness are not defined in the RMA. MfE (Ministry for the Environment, 2017) guidance for section 32 reports describes these terms as follows:
  - a. Effectiveness assesses the contribution new provisions make towards achieving the objective, and how successful they are likely to be in solving the problem they were designed to address; and
  - b. Efficiency measures whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society or achieves the highest net benefit to all of society.
2. The MfE guidance goes on to state that although assessing different things, effectiveness and efficiency are closely interconnected (as they are both aimed at assessing what the most appropriate policy choice is), they each put a slightly different (but overlapping) lens on this assessment. Efficiency is discussed further at the start of Chapter 7 of this report.
3. Section 32(2) states that an examination of the appropriateness of the provisions must:

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<sup>1</sup> Clause 5, Schedule 1 to the RMA

- a. *Identify and assess the benefits and costs of the environmental, economic, social and cultural effects anticipated from the implementation of the provisions, including the opportunities for:*
    - i. *Economic growth that are anticipated to be provided or reduced; and*
    - ii. *Employment that are anticipated to be provided or reduced;*
  - b. *If practicable, quantify the benefits and costs; and*
  - c. *Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
4. The evaluation report must also summarise any advice on the proposal received from iwi authorities, including the Council's response to that advice and any provisions that are intended to give effect to the advice.
  5. Where the pLWRP will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of the region.

#### **1.4. Purpose of the pLWRP**

6. The statutory purpose of the pLWRP is to assist ORC in carrying out its functions to achieve the purpose of the RMA to sustainably manage natural and physical resources.<sup>2</sup> Plan provisions must be reviewed if they have not been reviewed or changed during the previous 10 years.<sup>3</sup> The Regional Plan: Water for Otago (RPW) became operative in 2004 and has been subject to many plan changes. However, these have generally been targeted in their scope and there has been no full review of the plan until 2020. The Regional Plan: Waste for Otago (RPWaste) became operative in 1997 and has only been subject to one plan change in 2020 which was very narrowly focused.
7. Regional plans must give effect to operative regional policy statements<sup>4</sup> and have regard to proposed regional policy statements.<sup>5</sup> There have been two regional policy statements prepared since the plans became operative, and neither plan has been amended to implement them. Similarly, there has been a large suite of national direction prepared since the plans became operative, most of which is not implemented in the regional plans.
8. Over the lifetime of both plans, there has been a significant increase in the amount of information available on the quality and quantity of natural resources in the region. This demonstrates that there is degradation in some parts of the region. Given the vital role land and water resources play in supporting the health and well-being of Otago's communities, it is important that these issues are addressed so that future generations can continue to enjoy their benefits.
9. Both plans do not implement higher order direction, and are not adequately responding to degradation of natural resources. The pLWRP aims to replace both plans with one that

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<sup>2</sup> Section 63, RMA.

<sup>3</sup> Section 79, RMA.

<sup>4</sup> Section 67(3)(c) of the RMA

<sup>5</sup> Section 66(2)(a) of the RMA

implements national direction and contains an enduring framework for managing the region's resources for current and future generations.