

13. Item 5: ORC RPS Renotification of Freshwater Planning Instrument submission for retrospective approval

PURPOSE OF THE REPORT | TE TAKE MO TE PURONGO

The purpose of this report is to present the submission made to the Otago Regional Council on its consultation on the Proposed Regional Policy Statement Renotification of the Freshwater Planning Instrument. This report seeks Council's retrospective approval of the submission's content. The submission was made to the Otago Regional Council on 29 November 2022.

RECOMMENDATION | NGA TUTOHUNGA

That Council:

1. **Note** the contents of this report; and
2. **Approve** retrospectively the contents of the Proposed Regional Policy Statement Renotification of the Freshwater Planning Instrument Submission [Attachment A].

	Prepared by:	Reviewed and Authorised by:
Name	Jennifer Fraser	Michelle Morss
Position	Policy Manager	General Manager, Strategy and Policy
Signature		
Date	09/02/2023	09/02/2023

CONTEXT | HOROPAKI

1. The Otago Regional Council (ORC) consulted on its Proposed Regional Policy Statement Renotification of the Freshwater Planning Instrument recently, with submissions closing on 29 November 2022.
2. As a Regional Council, the ORC is obligated to prepare a Regional Policy Statement. This statement provides an overview of the resource management issues in the region, and policies and methods to achieve integrated management of the natural and physical resource of the region.
3. In June 2021, ORC publicly notified its Proposed Regional Policy Statement, and QLDC provided a submission to that process. At that time, the ORC had determined that the whole of the ORC Proposed Regional Policy Statement qualified as a freshwater planning instrument. This claim was reviewed at the High Court, and it was declared that ORC's determination was incorrect.
4. Due to this, the ORC consulted again on the Freshwater Planning Parts of the Proposed Regional Policy Statement.

5. The Queenstown Lakes District Council (QLDC) sent a written submission to the ORC (attached by link below) as part of this consultation process. This submission concerns only the Freshwater Planning parts of the Proposed Regional Policy Statement.

ANALYSIS AND ADVICE | TATARITANGA ME NGA TOHUTOHU

6. QLDC supports the development of the proposed Freshwater Planning Instrument and its overall intent to manage the freshwater resources of Otago.

7. The submission drafted by officers aligns with the content of the previous submission to the ORC in the first consultation of the full Proposed Regional Policy Statement but with further clarification and response to the renotified section.

8. The QLDC Council submission supports the development of the Freshwater Instrument and:

- includes advice relevant to this district, and
- seeks some amendments clarifying wording, and intent of provisions.

9. Councillors have had the opportunity to view and comment on the attached submission in draft form prior to it being lodged. As the submission deadline did not align with a Council meeting, the purpose of bringing this paper retrospectively is to ensure the submission is formally sanctioned by Council and to give transparency to the community.

10. **Option 1:** to retrospectively agree the contents of the attached submission.

Advantages:

11. The submission will remain in the ORC's process and QLDC will have participated effectively.

Disadvantages:

12. There are no clear disadvantages to this option.

13. **Option 2:** to request the withdrawal of the attached submission from the ORC's process.

Advantages:

14. The submission will be withdrawn from ORC's process and any inaccurate representations of QLDC's position will not be considered.

Disadvantages:

15. No aspect of QLDC's position will be represented in the process.

16. This report recommends **Option 1** for addressing the matter (if representative of the council's position) to ensure that QLDC participates effectively in the consultation process.

CONSULTATION PROCESS | HATEPE MATAPAKI

17. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy. This advice deals with a matter of interest to a range of individuals, organisations, groups, and sectors in the community.

18. The persons who are affected by or interested in this matter are all residents and ratepayers of the Queenstown Lakes District communities.

RISK AND MITIGATIONS | NGA RARU TUPONO ME NGA WHAKAMAURUTANGA

19. This matter relates to the Strategic/Political/Reputation. It is associated with RISK00038 within the QLDC Risk Register. This risk has been assessed as having a low inherent risk rating.

20. The approval of the recommended option will support the Council by allowing it to implement additional controls for this risk. This shall be achieved by monitoring future changes in legislation based on the advice to government, in particular addressing those issues that directly affect QLDC and the Queenstown Lakes District community.

FINANCIAL IMPLICATIONS | NGA RITENGA A-PUTEA

21. There are no financial implications.

COUNCIL EFFECTS AND VIEWS | NGA WHAKAAWEAWE ME NGA TIROHANGA A TE KAUNIHERA

22. The following Council policies, strategies and bylaws were considered:

- The outcomes and principles of the Vision Beyond 2050
- The QLDC Spatial Plan
- The QLDC District Plan.

23. The recommended option is consistent with the principles set out in the named policy/policies.

LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KAWANATAKA A-KAIKA

24. Section 10 of the Local Government Act 2002 states the purpose of local government is:

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
(b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

25. The recommended option:

- Can be implemented through current funding under the Ten-Year Plan and Annual Plan and Infrastructure Strategy,
- Is consistent with the Council's plans and policies; and
- Would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council.

ATTACHMENTS | NGA TAPIRIHANGA

Number	Title of Attachment
A.	QLDC Submission on the Otago Regional Council Proposed Regional Statement

	Renotification of the Freshwater Planning Instrument
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