

Presented to Council 22/6/11

Decision:

1. *That Council note the recommendation from the Policy and Submissions Committee to incorporate Policy A4.1 into the Regional Plan: Water for Otago.*
2. *That Council resolve that NPS Policy A4 be included into the Plan as 7.6.4 with the wording amended to read:*
“Policy 7.6.4
 1. *When considering any application for a discharge the Council will have regard to the following matters:*
 - a) *the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and*
 - b) *the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.*
 2. *This policy applies to the following discharges (including a diffuse discharge by any person or animal):*
 - a) *a new discharge or*
 - b) *a change or increase in any discharge – of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.*
 3. *This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management takes effect on 1 July 2011.”*
3. *That Policy 7.6.4 take effect on 1 July 2011.*
4. *That Council publicly notify this amendment on Friday 24 and Saturday 25 June 2011.*

REPORT

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Prepared For: Council

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Date: 16 June 2011

Subject: National Policy Statement for Freshwater Management 2011

1. Background

The Policy and Submissions Committee received Report 2011/0836 - National Policy Statement for Freshwater Management 2011 including the recommendation that Policy A4.1 of the National Policy Statement (NPS) be included into the Regional Plan: Water for Otago (Water Plan) and to take effect from 1 July 2011.

The policy statement addresses both quality and quantity of water and while the Water Plan adequately addresses the matters raised in the NPS for water quantity, it is only work in progress now which fully encumbers the intent of the policy statement in relation to water quality. Accordingly, the Committee felt it was appropriate to include Policy A4.1 into the Water Plan as an interim measure. This report addresses the inclusion of that policy into the Water Plan.

2. Regional Plan: Water for Otago

Within the construction of the Water Plan is Chapter 7 entitled 'Water Quality'. The chapter contains a single objective relating to maintaining or enhancing the quality of water with subsidiary policies relating to enhancing water in specified bodies for primary contact recreation, macro-invertebrate health, and aquatic ecosystems. The chapter contains policies in relation to point source discharges and then non-point source discharges.

Given the generic nature of the application of Policy Statement Policy A4.1, it is appropriate that it is incorporated into the Plan ahead of the sections relating to point sources then non-point source discharges.

While the Committee recommendation related to NPS Policy A4.1, inclusion of A4.2 and A4.3 is appropriate to ensure consistent plan administration. A4.2 identifies the types of discharges involved while A4.3 limits the use of A4.1 to applications received after the effective date.

Accordingly, it is recommended that the inclusion of NPS Policy A4 (in its entirety) is incorporated into the Plan as Policy 7.6.4. Consequently this policy can then be read ahead of and therefore relate to both point and non-point source discharge resource consents.

In incorporating the policy into the Plan, it is suggested that the reference to 'The Consent Authority' must be replaced with the word 'Council'.

The wording to be incorporated into the Water Plan would then read:

“Policy 7.6.4

1. When considering any application for a discharge the Council will have.....”

3. Recommendations

1. That Council note the recommendation from the Policy and Submissions Committee to incorporate Policy A4.1 into the Regional Plan: Water for Otago.

2. That Council resolves that NPS Policy A4 be included into the Plan as 7.6.4 with the wording amended to read:

“Policy 7.6.4

1. When considering any application for a discharge the Council will have regard to the following matters:
 - a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and
 - b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.
 2. This policy applies to the following discharges (including a diffuse discharge by any person or animal):
 - a) a new discharge or
 - b) a change or increase in any discharge –
of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.
 3. This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management takes effect on 1 July 2011.”
3. That Policy 7.6.4 takes effect on 1 July 2011.
 4. That Council publicly notify this amendment on Saturday 25 June 2011.



Fraser McRae
Director Policy and Resource Planning