



# POLICY COMMITTEE AGENDA

Wednesday, 14 August 2019  
11:45 am

Level 2 Philip Laing House, 144 Rattray Street,  
Dunedin

## **Membership**

Cr Gretchen Robertson	<i>(Chairperson)</i>
Cr Michael Laws	<i>(Deputy Chairperson)</i>
Cr Graeme Bell	
Cr Doug Brown	
Cr Michael Deaker	
Cr Carmen Hope	
Cr Trevor Kempton	
Cr Ella Lawton	
Cr Sam Neill	
Cr Andrew Noone	
Cr Bryan Scott	
Cr Stephen Woodhead	
Mr Edward Ellison	
Mr Tahu Potiki	

## **Disclaimer**

Please note that there is an embargo on agenda items until 48 hours prior to the meeting. Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

*For our future*

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## **1. APOLOGIES**

No apologies noted.

## **2. LEAVE OF ABSENCE**

No leaves of absence requested.

## **3. ATTENDANCE**

## **4. CONFIRMATION OF AGENDA**

*Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.*

## **5. CONFLICT OF INTEREST**

*Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.*

## **6. PUBLIC FORUM**

No requests to address the Committee in Public Forum have been received.

## **7. MATTERS FOR DECISION**

## 7.1. Plan Changes for Water Quality

<b>Prepared for:</b>	Council Policy Committee
<b>Report No.</b>	PPRM1899
<b>Activity:</b>	Regulatory: Policy Development
<b>Author:</b>	Sylvie Leduc, Senior Policy Analyst
<b>Endorsed by:</b>	Andrew Newman, Acting General Manager Policy, Science and Strategy
<b>Date:</b>	14 August 2019

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### PURPOSE

- [1] To consider potential plan changes, to strengthen the Regional Plan: Water for Otago, and support the coming full review of the plan.

### EXECUTIVE SUMMARY

- [2] With Rules 12.C.1.1A (Schedule 16) and 12.C.1.3 (Overseer) of the Regional Plan: Water for Otago (Water Plan) coming into force in April 2020, ORC is expecting to receive a large number of discharge consent applications. This could undermine the effectiveness of the coming full review of the Water Plan and prevent the effective management of the cumulative effect of discharges on water quality.
- [3] In order to better support the full review of the Water Plan, it is proposed to make two successive plan changes ahead of the full review:
- One plan change, to be notified in October 2019, focusing on aligning the timing of Rules 12.C.1.1A (Schedule 16) and 12.C.1.3 (Overseer) with subsequent plan changes;
  - A second plan change, to be notified in March 2020, to strengthen the Water Plan, better promote good farm management practices, and address other important issues
- [4] The full sequence of plan changes for each of the region's freshwater management unit (FMU) that commences with the Arrow, Cardrona and Manuherikia catchments will then complete the implementation of the NPS for Freshwater Management.

### RECOMMENDATION

*That the Council:*

- Approves** the staging and preliminary scope of the water quality plan changes as described in this report.
- Notes** the engagement and communication plan for the development of the water quality plan changes (in Appendix 1).
- Notes** that ORC will continue its education and enforcement programme for water quality.

## BACKGROUND

- [5] Overall, water quality across Otago is variable, with some areas such as the Upper Clutha and the Taieri having excellent water quality, with other areas, such as urban streams in the Dunedin locale, intensified catchments in North Otago and some tributaries of the Pomahaka having poor water quality. The intensification of land uses, both rural and urban, creates the risk of further degradation of water quality in the region.
- [6] The Water Plan sets the conditions at which discharges to water and to land are permissible. In 2014, a new set of rules targeting discharges from rural land uses became operative: those rules implemented an effects-based approach and focused on the effects of the discharge on water quality.
- [7] Since these rules became operative, ORC has carried out an active education and enforcement programme to manage the effects of poor farming practices on water quality. This programme has included the monitoring of high-risk activities (e.g. through dairy inspections, winter grazing flyovers, and forestry monitoring), resource consent monitoring; incident response; and active communication on the Water Plan's rules. ORC has also completed several catchment studies, to inform local communities of the impact of land use on water quality in their catchments.
- [8] From 1 April 2020, any rural discharge which does not meet maximum discharge contaminant concentration conditions (specified in rule 12.C.1.1A Schedule 16) and a maximum nitrogen leaching rate as calculated using OVERSEER version 6 (rule 12.C.1.3) will require consents (unless prohibited).
- [9] In 2018, Council decided to undertake a full review of the Water Plan, in order to satisfy its duty under RMA s79, and fully implement the National Policy Statement for Freshwater Management (2014 amended 2017) (NPS-FM).
- [10] In accordance with the NPS-FM requirements, ORC will define objectives and limits for each of the region's freshwater management unit (FMU) and develop the rules and policies to achieve those objectives. Those FMU processes will form the basis of the full review of the Water Plan, and will take several years to complete.

## ISSUE

- [11] Some significant issues with the Water Plan have been identified. Those could undermine the effectiveness of the new management framework developed as part of the full review of the plan; and fail to manage significant water management issues adequately.

### **Implementation of rules 12.C.1.1A (Schedule 16) and 12.C.1.3 (Overseer)**

- [12] Despite the positive changes in farming practices ORC staff have observed since 2014, a large number of consent applications can be expected, mostly because of the rules' uncertainty and ambiguity:
  - a. Land users cannot in practice ensure that the discharge contaminant thresholds set out in Schedule 16 are met everywhere on their property, at all times when the flow at the relevant flow sites is below median flow.

- b. There are practical difficulties in locating where discharges should be sampled to check compliance with rule 12.C.1.1A (Schedule 16);
- c. Rule 12.C.1.3 (Overseer) does not specify over what time scale nitrogen leaching rates should be estimated.
- d. It does not address Overseer version changes, and land users cannot foresee whether their operations would remain permitted should a version change occur.

[13] Relying on consent applications for the management of water quality is neither effective nor efficient:

- a. Many land users are likely to seek consents to ensure they can continue their activities, even when their discharges have minor environmental effects. This comes at a cost for those land users.
- b. The discharge policies in the Water Plan are vague and do not provide much guidance over when consents should be granted and under what conditions. Without strong policy guidance, consent decisions cannot adequately manage the cumulative effects of discharges on water quality.
- c. Consents are not affected by changes to rules and policies during their terms, unless Council calls them in for a review: relying on consents can undermine the effectiveness of the coming review of the Water Plan.

**Other issues with the Regional Plan: Water**

[14] Since the full review of the Water Plan will take a few years to be completed, there is value in identifying whether some changes are required in the short term, to ensure the Water Plan remains fit for purpose while the full review progresses.

[15] Effectiveness and efficiency issues were identified in a series of internal meetings with Consent, Compliance and Rural Liaison staff. The table below lists all the issues which were identified as part of those meetings.

<b>VALUE PROTECTION</b>
<ul style="list-style-type: none"> <li>▪ The Schedules identifying catchment values are out of date</li> <li>▪ Sensitive areas and areas of significant biodiversity values should be better identified and protected</li> </ul>
<b>WATER ALLOCATION</b>
<ul style="list-style-type: none"> <li>▪ The water allocation policies do not provide enough guidance on efficiency of use, consent duration, domestic use etc.</li> <li>▪ The management of “augmented water” with respect to minimum flows is not clear</li> <li>▪ Policies on the transfer of takes need to be assessed.</li> <li>▪ Some water users use multiple permitted activity rules as permission to take</li> <li>▪ Clear metering requirements would support</li> </ul>
<b>EFFLUENT MANAGEMENT</b>
<ul style="list-style-type: none"> <li>▪ Farm effluent are a significant source of contamination in some of Otago’s catchments<sup>1</sup></li> <li>▪ Some farms in Otago have insufficient storage capacity and/or leaky effluent ponds. The Water Plan rules has not allowed ORC to take action in all cases.</li> </ul>
<b>SEDIMENT FROM EARTHWORKS</b>
<ul style="list-style-type: none"> <li>▪ With rapid urban expansion, there are significant environmental risks from earthworks and sediment running off to water. Sediment is a key contaminant: it smothers aquatic habitat, affects fish’s feeding, and binds other contaminants (phosphorus, metals etc.)</li> </ul>

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<sup>1</sup> R.W. McDowell, R. Monaghan, R.W. Muirhead and N. Cox (2011) “Water quality of the Pomahaka River catchment: scope for improvement”. Report prepared for ORC.

<ul style="list-style-type: none"> <li>▪ The Water Plan focuses on the discharges' effects on water clarity and colour, and on sedimentation, and does not set controls on volumes and areas of land disturbance, distance from water bodies and drains and any other mitigation practices.</li> <li>▪ District plans in Otago vary widely in their requirements on earthworks: whilst QLDC imposes clear conditions to reduce risks of sediment runoffs, the Central Otago's and Dunedin City's district plans are more lenient.</li> </ul>
<b>DISCHARGE POLICIES</b>
<p>The discharge policies fail to provide adequate direction for the consenting of discharges, both rural and urban, including for:</p> <ul style="list-style-type: none"> <li>▪ Rural discharges in breach of 12.C.1.1A (Schedule 16) and 12.C.1.3 (Overseer)</li> <li>▪ Discharges of stormwater, and of untreated wastewater to stormwater</li> <li>▪ Discharges from community wastewater treatment plants</li> </ul>
<b>OTHER OBJECTIONABLE DISCHARGES</b>
<ul style="list-style-type: none"> <li>▪ Rule 6.6.2 of the Waste Plan permits the discharge of waste oil on roads, as a dust suppressant. The conditions it imposes are lenient.</li> <li>▪ Waste oil contains a large number of hazardous contaminants which are picked up when the oil is used in engines and transmissions, including a number of carcinogens. These contaminants are known to be hazardous to both human health and the environment. These contaminants can be transferred to the environment during application of the waste oil as a dust suppressant or once the surface of the oiled road breaks down. This breakdown causes the road to become dusty again, the contaminants bind to the dust, which can be blown into the air or shifted by traffic or water flow.</li> </ul>
<b>SEDIMENT TRAPS</b>
<p>Any bed disturbance for the purpose of installing or maintaining a sediment trap requires a consent, while other works in the bed of rivers, with similar adverse effects, are permitted. The consent costs are often a large portion of the installation costs.</p>
<b>STOCK ACCESS</b>
<p>Stock access to rivers, lakes, or wetlands has significant adverse effects on water quality. Rules 13.5.1.8A and 13.5.1.8B of the Water Plan permit bed disturbances by livestock, providing it does not result in noticeable slumping, pugging or erosion, or in a visual change of the colour or clarity of water.</p> <p>Because of the challenges in identifying breaches to these rules, and the lack of specificity of their conditions, the Water Plan does not incentivise the fencing of water bodies well enough.</p>
<b>ON-SITE DOMESTIC WASTEWATER</b>
<p>Current permitted activity rules permit high risk discharges, including discharges which have been observed to result in direct human contact with partially treated or untreated human effluent. They fail to ensure that on-site systems are appropriately maintained, and that their density is adequate for the receiving environment and risks to human health.</p>
<b>URBAN STORMWATER</b>
<p>The Water Plan does not address urban stormwater's impact on water quality of it is not visually noticeable, and does not set any condition on stormwater's impact on groundwater, or on its concentration in heavy metals etc. The rule conditions on risks of flooding or erosion resulting from urban development and urban stormwater lack specificity and fail to address the cumulative effects of multiple developments over time.</p>
<b>STRUCTURES</b>
<p>Rules on the installation, maintenance or removal of structures on the bed of a river, lake, or wetlands, have not been substantially reviewed since the Water Plan first became operative (in 2004). They are not aligned to the latest New Zealand fish passage guidelines (2018); and are based on definitions which are unclear or not specific enough (e.g. "dams").</p> <p>There should be better integration between those rules and water allocation management, in particular with regard to the damming of water.</p>
<b>WETLAND PROTECTION</b>

The Water Plan identifies and protects “Regionally Significant Wetlands”. It does not extend the same level of protection to other wetlands, which can be lawfully drained under rule 12.3.2.2.

Moreover, the protection of regionally significant wetlands has been affected by:

- Rule conditions which protect all fauna in regionally significant wetlands, hence preventing pest management work in those wetlands
- The lack of definition of “nationally or regionally important infrastructure”.  
Policy 10.4.2 of the Water Plan requires that adverse effects on regionally significant wetlands be avoided, and only provides for the mitigation or remediation of those effects where the activity is nationally or regionally important infrastructure. Not defining what “nationally or regionally important infrastructure” is leads to argument on a case-by-case basis and is neither effective nor efficient.

**INTERNAL CONSISTENCY OF PLANS**

- Rules in the Water Plan and Regional Plan: Waste overlap, especially with regard to discharges from offal pits, farm landfills, composting or silage production.
- The Water Plan contains different set of rules for:
  - Discharges of human wastewater;
  - Discharges from industrial or trade premises, discharges containing hazardous substances, and stormwater discharges; and
  - “Other” discharges (otherwise known as “rural” discharges).
- There are overlaps and inconsistencies between those set of rules and permitted activity conditions.

**OPTIONS**

- [16] Some of the issues outlined above require urgent actions, in order to support the effectiveness of the full plan review and ensure the Water Plan is fit for purpose while the full plan review is completed.
- [17] Irrespective of how ORC addresses the issues above, ORC will continue with its commitment to enforce the operative Water Plan rules, including prohibited activity rules 12.C.0.1 to 12.C.0.3, and to support rural land users in adopting good management practices.

**Implementation of Rules 12.C.1.1A (Schedule 16) and 12.C.1.3 (Overseer)**

- [18] As highlighted above, Council is likely to receive a large number of consent applications, in anticipation of Rules 12.C.1.1A (Schedule 16) and 12.C.1.3 (Overseer) coming into force.
- [19] To manage risks of ineffectiveness from those consent applications, Council could either:
- a. Align the time at which Rules 12.C.1.1A (Schedule 16) and 12.C.1.3 (Overseer) come into force, to support the full review of the Water Plan (**Option 1**); or
  - b. Strengthen the policy framework to manage discharge consents effectively (**Option 2**).
- [20] Options 1 and 2 are examined in the table below.

COSTS	BENEFITS
<b>Option 1: Align timeframes</b>	
<ul style="list-style-type: none"> <li>• Reinforces the gaps in the Water Plan’s rule framework: this is not in line with the overall NPS-FM direction</li> <li>• Creates uncertainty over ORC’s intentions on</li> </ul>	<ul style="list-style-type: none"> <li>• Plan change can be notified before most consent applications are received.</li> <li>• Avoids the influx of consents applications, including for discharges that have “no more</li> </ul>

<ul style="list-style-type: none"> <li>rural discharge management</li> <li>Short-term pressure on policy team: could affect the team's ability to deliver on other priorities.</li> <li>Plan change funded by general rates (vs. enforcement and consents focused on land users)</li> </ul>	<ul style="list-style-type: none"> <li>than minor" adverse environmental effects</li> <li>Allows more time to resolve the implementation issues those two rules raise</li> <li>Increases the chance that future plan reviews will be effective, as there will be fewer discharges allowed by consents</li> </ul>
<b>Option 2: Strengthen discharge policies</b>	
<ul style="list-style-type: none"> <li>Requires more time to implement than Option 1: a large number of consents are likely to be received before the plan change can realistically be notified</li> <li>The policy framework may not align with FMU processes' outcomes, unless ORC relies on short-term consents</li> </ul>	<ul style="list-style-type: none"> <li>Clarifying and strengthening policies strengthens the plan overall, which is consistent with the NPS-FM direction</li> <li>Provides continuity with ORC's approach to water quality.</li> </ul>

[21] In Option 2, many consent applications would likely be received before notification of the plan change. Option 1 is therefore the most effective and efficient option to deal with those implementation issues, providing the plan change is notified by October 2019.

[22] However, because aligning timeframe is likely to result in fewer restrictions to rural discharges (see details in Appendix 2), a further plan change will be required to address some of the rule gaps, and effectively incentivise good farm management practices. This plan change can also address some of the other issues with the Water Plan described above.

[23] This second plan change will be notified in March 2020, to ensure the Water Plan is fit for purpose as soon as possible.

#### Other issues with the Water Plan

[24] The table below sets out reasons for including/excluding specific matters from the second water quality plan change. Those recommendations are based on the significance and urgency of the issues, and on the ability to develop new provisions in a short timeframe. based on the following criteria.

[25] This assessment determines a preliminary scope of a plan change, to be notified in March 2020. The development of the plan change, and associated consultation, could result in changes to this preliminary scope.

ISSUE	IN/OUT	REASON
<b>Value protection</b>	Out	The FMU process that will form the basis of the full plan review is specifically designed to better identify and target the values of Otago's catchments.
<b>Water allocation</b>	Out	Allocation matters are best dealt with at an FMU scale, once the freshwater objectives and limits for each water body are defined.
<b>Effluent management</b>	In	This is a significant environmental issue. Key stakeholders have expressed the wish to see the rules changed urgently, indicating a high level of support for the change.
<b>Sediment from earthworks</b>	In	The environmental risks from this activity justifies

		including this matter in the plan change's scope. New rules and policies will be developed in close consultation with city and district councils, to avoid unnecessary overlaps between the regional plan and district plans.
<b>Discharge policies</b>	In	Strong policies are an essential component to effective plans. New policies can be developed reasonably quickly.
<b>Other objectionable discharges</b>	In	Developing new rules on the use of waste oil as a dust suppressant can be reasonably fast, to align them to better practices.
<b>Sediment traps</b>	In	Developing a new rule aligned with other rules can be reasonably fast.
<b>Stock access</b>	In	Central Government may set national rules regulating stock access to water bodies. This issue is significant: unless Central Government sets sufficiently strong rules, the Water Plan's rules will have to be revised relatively quickly.
<b>On-site domestic wastewater</b>	Out	The management of on-site domestic wastewater must be adapted to the receiving environment's values and assimilative capacity. This is best dealt with during the coming FMU processes.
<b>Urban stormwater</b>	Out	Similarly, the management of urban stormwater is best developed at a catchment scale, and will be best addressed during FMU processes.
<b>Structure</b>	Out	The review of all provisions relating to structures on the beds of lakes, rivers or wetlands will require a significant amount of work, especially to integrate them to other water management provisions and the effective protection of waterbodies' values. It is more appropriate to revise those rules as part of the full plan review.
<b>Wetland protection</b>	Partially in	Central government may issue national rules on the draining of wetlands. This could strengthen the protection of wetlands in Otago. ORC has committed to consider including a specific definition of "regionally important infrastructure" in the Water Plan in the next few months. ORC can satisfy this commitment through the plan change.
<b>Internal consistency of plans</b>	Partially in	Some rule overlaps, especially between the Waste Plan and the Water Plan, can be addressed relatively quickly, and will add significant certainty to the rule framework. However, inconsistencies relating to the structure of the Water Plan are more difficult to address and could have significant effects on users. They would therefore require more time, and will be better addressed through the FMU process.

### Summary of recommendations

- [26] In summary, it is recommended to notify two plan changes:
- a. A first plan change, to be notified in October 2019, focusing on the timeframes for rules 12.C.1.1A (Schedule 16) and 12.C.1.3 (Overseer);
  - b. A second plan change, notified in March 2020, addressing:

- i. Gaps in the current discharge rule framework, for the adoption of good farm management practices in Otago
- ii. Stock effluent management
- iii. Sediment control from earthwork activities
- iv. Discharge policy framework, including for discharges of wastewater-contaminated stormwater; or discharges from municipal wastewater treatment plants;
- v. Permission to install and maintain sediment traps
- vi. Stock access to water bodies
- vii. The lack of definition of “regionally important infrastructure”
- viii. Permission to discharge waste oil on road as dust suppressants and
- ix. Overlaps between the Water Plan and the Waste Plan.

## **CONSIDERATIONS**

### **Policy Considerations**

- [27] As recommended, the plan changes are part of a transition towards full compliance with the NPS-FM (2014 amended 2017); and a new water and land management framework, which may depart significantly from ORC’s current water management approach.
- [28] The first plan change will not in itself strengthen the Water Plan: to satisfy its obligations, ORC must commit to strengthening the plan in a second plan change, and to continue enforcing the plan’s rules and supporting the community in adopting good farm management practices.
- [29] ORC will continue enforcing the Water Plan’s rules actively. It will strengthen liaison with the rural community and industry groups to support and encourage farmers to manage the effects of their activity on water quality proactively (e.g. by developing and implementing Farm Management Plans) and adopt good farm management practices.

### **Financial Considerations**

- [30] The plan changes will be funded under the budget for the Regional Plan: Water.

### **Significance and Engagement**

- [31] Robust stakeholder and community engagement will be essential to ensure that the changes to the Plan are effective and efficient. A detailed engagement process is proposed in Appendix 1.
- [32] To be notified in October 2019, consultation the first plan change will be limited to the consultation required in Schedule 1 of the Resource Management Act (1991).
- [33] A more extensive consultation approach is proposed for the second plan change, where the more substantial changes to the plan will be discussed.

### **Legislative Considerations**

- [34] The recommendation is in line with Council’s purpose and functions.

### **Risk Considerations**

- [35] MfE will be consulting on changes to the NPS-FM and the new NES this month: this will allow ORC to anticipate some of the changes to national legislations. Any inconsistency between those changes and the two recommended plan changes will be addressed either during the plan change processes, or during the full plan review.
- [36] Plan change processes, as set out in the RMA, ensure that there is enough scrutiny from third parties to identify issues with the lawfulness, efficiency and effectiveness of proposed plan changes.

### **NEXT STEPS**

- [37] The next steps are:
- a. To seek approval to notify the first plan change at the 25 September Council meeting
  - b. To engage with stakeholders and the community on the second plan change, as outlined in Appendix 1.
  - c. Continue to implement education, behaviour change and monitoring and enforcement activity to encourage land owners to take responsibility for improving water quality.

### **ATTACHMENTS**

1. Appendix 1 - Communication and Engagement Plan final [7.1.1 - 3 pages]
2. Appendix 2 - Rule overview [7.1.2 - 2 pages]
3. Appendix 3 - Plan Making Timeline [7.1.3 - 1 page]

## 8. CLOSURE

## Policy Committee 20190814 Attachments

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# COMMUNICATIONS AND ENGAGEMENT PLAN

## Water Plan changes (rural rules) 2019-2020

### Background

In 2014, ORC adopted a Water Plan change that focussed on rural land users managing the effects of their activities on water quality without needing to get a resource consent. This plan change is known as Plan Change 6A. It pre-dates the National Policy Statement for Freshwater Management 2014 (NPSFM).

It has become apparent that some parts of the plan are difficult to enforce or need to be strengthened. To create a robust water management framework for Otago, ORC has agreed to make urgent improvements to this section of the Water Plan, while continuing work on the full Water Plan review and FMU process (refer to separate communications plan - *Freshwater Management Units and Priority Catchments*).

### Objectives

- To let key stakeholders know about the proposed water plan changes and why the changes are being proposed.
- To give stakeholders an opportunity to give feedback on the changes and to get their buy-in.

### Audiences

- Statutory organisations – MfE, MPI, Iwi, DOC, city and district councils
- Fish & Game, Forest & Bird, Federated Farmers, DairyNZ, Beef + Lamb, DINZ, irrigation companies, landcare groups, catchment groups
- Land users (farmers, horticulturalists, viticulturalists, tourism operators)
- Developers and the construction industry
- ORC staff and councillors
- General public

### Key messages

- Improving water quality across Otago is a critical issue and one of ORC's priorities.
- ORC has committed to the staged review of the Water Plan to comprehensively address both water allocation and water quality – starting with the Arrow, Cardrona and Manuherekia catchments and progressively working through each Freshwater Management Unit (FMU) across the rest of the region. Each FMU's water management plan will essentially become a chapter of the revised Water Plan.

- The FMU process will allow communities to have input into water management in their area. ORC is proposing to make some required adjustments to the Water Plan ahead of the FMU process.
- While the majority of the rules in the Water Plan will remain operative, some aspects of the rural water quality rules brought in in 2014 (known as Plan Change 6A) are ambiguous, unenforceable and uncertain.
- This uncertainty for land owners may result in multiple consent applications that could be costly, time consuming and may not provide an effective way to protect waterways.
- We are also concerned that new discharge resource consents could get in the way of more effective water quality rules.
- National approaches to regulation and management of water quality, in particular the NPSFM, have moved away from the approach that underpinned Plan Change 6A.
- We expect the proposed changes to the Water Plan will strengthen ORC's water quality framework and may include requirements for Farm Environment Plans, rules around stock exclusion and dairy effluent pond requirements.
- The policy team is making a recommendation to Council on 14 August to review certain rules in our Water Plan that are due to come into effect on 1 April 2020. These rules relate to contaminant thresholds in water discharges and a nitrogen leaching limit as calculated by Overseer.
- We know that these rules have caused some uncertainty for landholders and for ORC staff.
- The staff recommendation to Council is/The Council has agreed to undertake a **three-step plan change** process:
  1. In October 2019, we will notify a **plan change to extend the deadline** for the rules that relate to contaminant thresholds in water discharges and the Overseer nitrogen leaching limit that would otherwise have taken effect on 1 April. This will **prepare the ground** for subsequent changes.
  2. In March 2020, we will notify a **second plan change which will establish strong, clear, enforceable rules**. We'll be consulting with the rural community and industry groups about this change.
  3. A staged notification of **Freshwater Management Unit (FMU) plan changes**, starting with Arrow, Cardrona (March 2020) and Manuherekia (August 2020). Other FMU-based area plan changes will follow over the next five years, with a revised Water Plan notified in 2025.
- The prohibited activity rules in the current Water Plan will remain enforceable. Along with education and encouraging good practice, enforcing these rules remains a key priority for the Council.
- We know the farming community has made huge efforts towards good practice and improving water quality and we encourage them to keep this up.
- A reminder that there is a still a requirement to collect nitrogen leaching data from your farm and that this information can be requested by ORC at any time.

## Communication and engagement tactics/approach

Prior to bringing the recommendation to Council, inform key stakeholders (MfE, Fish & Game, Kai Tahu, Doc, Forest & Bird, Dairy NZ, EDS, DINZ, Federated Farmers, Landcare and Beef+Lamb NZ) staff and media of proposed approach (*this has now been actioned*).

If approved by Council, we will update these parties, along with territorial authorities, including details of proposed stakeholder and community engagement. We'll also update the rural community and general public via media communications and our own channels (web, social, newsletters etc).

<b>Consultation – October plan change</b>			
Mid-late August	Getting feedback on the draft plan change and s32 evaluation	Email for written feedback	Statutory stakeholders City and district councils
Early-mid September	Pre-notification to iwi authority	Email for written feedback	Kai Tahu
28 September	Plan change notification following Council approval	Online and written submissions	All
<b>Consultation – March plan change</b>			
November	Getting feedback on the options, and input on option evaluation	Consultation forums x 2 on proposed plan change	Key affected parties – rural Key affected parties - urban
November	Consultation on the definition of regionally important infrastructure	Email or meeting as required	Forest and Bird, infrastructure providers
Jan/Feb 2020	Public consultation on proposed changes	Summer edition of Waterlines  YourSay page  Advertising/promotions  Public meetings (Oamaru, Taieri, Balclutha, Alexandra, Queenstown, Wanaka)  Rural Liaison Team stand at Waimumu Field Days  Utilising industry channels (B+L, DairyNZ, Fed Farmers, DINZ etc)	General public/ rural communities.

# Discharge rules – “Rural”

The two tables below show how the recommended plan changes may affect the current operative rules for “rural” discharges (Section 12.C of the Regional Plan: Water). The coming plan changes being in development, this comparison is preliminary.

STATUS QUO – OPERATIVE RULES
<b>CURRENT</b>
<p><b>Prohibited activity rules (Rules 12.C.0.1 to 12.C.0.3)</b></p> <p>Discharges of contaminants that produce an objectionable odour or a conspicuous grease film, scum or foam in a water body are prohibited</p> <p>Discharges from animal waste systems, silage storage or composting process are prohibited if they are to a water body, to a drain going to a water body or the coast, or to land in proximity of water body; or if they are to saturated land or result in ponding.</p> <p>Discharges of sediment from disturbed land to water in a water body or in a drain flowing to a water body or the coast are prohibited if no sediment runoff mitigation measure has been taken.</p>
<p><b>Permitted activity rules (Rules 12.C.1.1 to 12.C.1.3)</b></p> <p>Discharges of water or contaminant to water or to land in circumstances which may result in a contaminant entering water are permitted with conditions relating to:</p> <ol style="list-style-type: none"> <li>1. Sediment and changes to the colour and visual clarity of the receiving water resulting from the discharge</li> <li>2. The presence of floatable or suspended material in the discharge</li> <li>3. Oil, grease film, scum or foam;</li> <li>4. Effects on flooding, erosion, land instability or property damage</li> <li>5. Effects on the water level range and hydrological function of regionally significant wetlands</li> <li>6. The mixing of water from one catchment to another.</li> </ol> <p>Discharges from small dams or water races are exempt of the condition on oil, grease film, scum or foam, providing the race or dam operator has not caused any contaminant to be discharged to the dam or race.</p> <p>Discharges of nitrogen to land are permitted if a record of all inputs, or Overseer reports, are provided to Council.</p>
<b>FROM MARCH/APRIL 2020</b>
<p><b>In addition to the above:</b></p> <p>Discharges of water or contaminant to water or to land in circumstances which may result in a contaminant entering water are permitted if:</p> <ol style="list-style-type: none"> <li>1. They meet the conditions above and</li> <li>2. They meet the maximum contaminant thresholds defined in Schedule 16A when the receiving water is at or below the reference flow (<i>median flow</i>) at the reference flow site.</li> </ol> <p>Discharges of nitrogen to land are permitted if the nitrogen leaching rate does not exceed a specified limit, as calculated using OVERSEER version 6 for the total area of land managed by a landholder.</p>

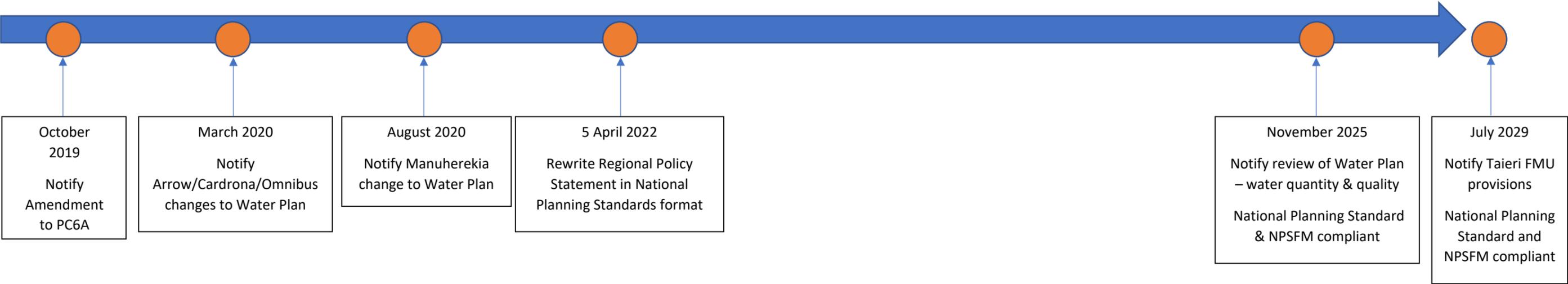
RECOMMENDATION
<b>CURRENT</b>
<p><b>Unchanged</b> (Prohibited and permitted activity rules apply)</p>
<b>FROM MARCH/APRIL 2020</b>
<p><b>In addition to the above:</b> <b>[From second plan change to be notified in March 2020<sup>1</sup>]</b></p> <p>Additional requirements on:</p> <ul style="list-style-type: none"> <li>• Farm effluent management. Those may relate to: effluent storage, and pond sealing.</li> <li>• Sediment runoff from earthworks. Those could include conditions on slope, areas and volumes of land disturbed and/or distance from water bodies.</li> </ul> <p>New conditions to promote good farm management practices, which could include requirements on farm management plans, intensive winter grazing etc.</p>
<b>FROM MARCH/APRIL 2023 [Tentative date]</b>
<p><b>In addition to the above:</b> <b>[From second plan change to be notified in October 2019]</b></p> <p>Discharges of water or contaminant to water or to land in circumstances which may result in a contaminant entering water are permitted if:</p> <ol style="list-style-type: none"> <li>1. They meet the conditions above and</li> <li>2. They meet the maximum contaminant thresholds defined in Schedule 16A when the receiving water is at or below the reference flow (<i>median flow</i>) at the reference flow site.</li> </ol> <p>Discharges of nitrogen to land are permitted if the nitrogen leaching rate does not exceed a specified limit, as calculated using OVERSEER version 6 for the total area of land managed by a landholder.</p>

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<sup>1</sup> In accordance with sections 86D and 20A of the RMA, the notified rules will be in effect immediately after notification. However, if as a result of a proposed plan change, a previously “permitted” activity requires a resource consent, the activity can continue without a resource consent until the plan change becomes operative. A resource consent application must then be received within 6 months after the plan change becomes operative.

Otago Regional Council  
Proposed Plan Making Timeline

Timeline Assuming No RMA Amendments



Timeline Assuming RMA Amendments

