

Proposed Plan Change 6AA

Regional Plan: Water for Otago

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5 October 2019

Introduction

In 2014, Otago Regional Council (ORC) introduced a new set of rules managing discharges from land uses (predominately rural land uses). Those rules include conditions on discharges' contaminant concentration and nitrogen leaching, which were intended to come into force on 1 April 2020.

ORC now expects that, due to the rules' ambiguity and uncertainty, a large number of land users will have to apply for discharge consents. This will likely undermine the effectiveness of the revised rule framework soon to be developed as part of the full review of the Regional Plan: Water for Otago (Water Plan).

Plan Change 6AA is the first of two plan changes¹ which will strengthen the Water Plan's existing policy framework and address significant issues with the operative Water Plan, in advance of the comprehensive plan review.

Plan Change 6AA proposes to postpone the date at which conditions on discharge contaminant concentration and on nitrogen leaching come into force, from 1 April 2020 to 1 April 2026. It is expected that the full review of the Water Plan will be completed, and a new Plan in place, before 1 April 2026.

This change affects:

- Policy 7.D.2
- Rule 12.C.1.1
- Rule 12.C.1.1A
- Rule 12.C.1.3 and
- Schedule 16A

No other change to the Regional Plan: Water for Otago is proposed as part of this plan change.

This document should be read in conjunction with the *Section 32 Report – Consideration of alternatives, benefits and costs*.

Note to the reader

Proposed Plan Change 6AA is a plan change of limited scope. The proposed plan change is shown in this document replicates the relevant provisions of the Water Plan and shows changes to those provisions. Where new text has been added, it is shown in underlined text. Where text has been deleted it is shown in ~~struckthrough~~ text. Text that is neither struck through or underlined is not within the scope of this plan change.

¹ On 14 August 2019, ORC committed both to notifying a plan change to strengthen the Water Plan's discharge rules in early 2020, supported by a non-regulatory framework.

Any person may make submissions on this proposed plan change. You may do so by sending written submissions to the Otago Regional Council. The submission must be in Form 5, as prescribed by Schedule 1 of the Resource Management Act 1991. Copies of this form are available by phoning the Council on 0800 474 082, or can be found on the ORC website www.orc.govt.nz. When making a submission, please ensure you clearly state the provision you are submitting on by using the appropriate reference number.

Post to	Otago Regional Council Private Bag 1954 Dunedin 9054		
Fax to	(03) 479 0015		
Email to	policy@orc.govt.nz		
Deliver to	70 Stafford Street Dunedin	William Fraser Building Dunorling Street Alexandra	The Station, First Floor Cnr Shotover and Camp Streets Queenstown

If you have any questions concerning this process:

Telephone	(03) 474 0827; 0800 474 082
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Submissions close at 5 pm on 4 November 2019.

7

Water Quality



7.A to 7.C 7.1 to 7.5 *[Unchanged]*

7.A to 7.C *[Unchanged]*

7.D Policies for discharges of water and contaminants, excluding those discharges provided for in 7.C

7.D.1 *[Unchanged]*

7.D.2 Schedule 16 discharge thresholds apply to permitted activities, from 1 April 2026 ~~1 April 2020~~, at or below the reference flows set in Schedule 16B based on median flows.

7.D.3 to 7.D.5 *[Unchanged]*

12

Rules: Water Take, Use and Management



12.0 to 12.3 *[Unchanged]*

12.A to 12.B *[Unchanged]*

12.C Other discharges

12.C.A General Rules for section 12.C *[Unchanged]*

12.C.0 Prohibited activities: No resource consent will be granted *[Unchanged]*

12.C.1 Permitted activities: No resource consent required

12.C.1.1 The discharge of water or any contaminant to water, or onto or into land in circumstances which may result in a contaminant entering water, is a *permitted* activity, providing:

(a) to (f) *[Unchanged]*

(g) From 1 April 2026 ~~1 April 2020~~, the discharge also complies with 12.C.1.1A.

Figures 5 to 7: *[Unchanged]*

12.C.1.1A From 1 April 2026 ~~1 April 2020~~, in addition to Rule 12.C.1.1, when the water flow at the relevant representative flow monitoring site is at or below the reference flow in Schedule 16B, the following conditions apply:

(a) to (c) *[Unchanged]*

Figures 8 to 13: *[Unchanged]*

12.C.1.2 *[Unchanged]*

12.C.1.3 The discharge of nitrogen² onto or into land in circumstances which may result in nitrogen entering groundwater, is a *permitted* activity, providing:

(a) From 1 April 2026 ~~01 April 2020~~, the nitrogen leaching rate does not exceed:

(i) to (iii) *[Unchanged]*

(b) (i) From 1 May 2014 to 31 March 2026 ~~31 March 2020~~, the landholder for outdoor pork, fruit (excluding grapes), berry and rotational vegetable production will keep a record of all inputs into the farm system and evidence that practices complied with the relevant industry good management practices and provide Council upon request with that

² For the purpose of Rule 12.C.1.3, nitrogen comprises of organic nitrogen, ammoniacal nitrogen, nitrite nitrogen and nitrate nitrogen forms.

information. From 1 April 2026 ~~1 April 2020~~,
12.C.1.3(b)(ii) will apply; and

(ii) *[Unchanged]*

12.C.2 Restricted discretionary activities: Resource consent required *[Unchanged]*

12.C.3 Discretionary activities: Resource consent required *[Unchanged]*

20

Schedules



16 Schedule of permitted activity discharge thresholds for water quality

Schedule 16 describes the thresholds that apply to discharges permitted under Rule 12.C.1.1A in the catchments of each discharge threshold area. Discharge Threshold Areas 1 and 2 catchments are shown on the J-series Maps.

16A Permitted activity discharge thresholds for water quality by discharge threshold area

Discharge Threshold Area 1 Catchments	Nitrate-nitrite nitrogen	Dissolved reactive phosphorus	Ammoniacal nitrogen	<i>Escherichia coli</i>
Timeframe	1 April 2026 2020			
<ul style="list-style-type: none"> ▪ Catlins ▪ Careys Creek ▪ Kaikorai ▪ Leith ▪ Mokoreta (within Otago) ▪ Owaka ▪ Pomahaka, downstream of Glenken ▪ Tahakopa ▪ Tokomairiro ▪ Tuapeka ▪ Waitahuna ▪ Waitati ▪ Waiwera ▪ Any unlisted tributary on the true right bank of the Clutha/Mata-Au, south of Judge Creek ▪ Any unlisted tributary on the true left bank of the Clutha/Mata-Au, south of the Tuapeka ▪ Any unlisted catchment that discharges to the coast, south of Taieri Mouth 	3.6 mg/l	0.045 mg/l	0.2 mg/l	550 cfu/100 ml

RULES: WATER TAKE, USE AND MANAGEMENT

Discharge Threshold Area 2 Catchments	Nitrate-nitrite nitrogen	Dissolved reactive phosphorus	Ammoniacal nitrogen	<i>Escherichia coli</i>
Timeframe	1 April 2026 2020			
<ul style="list-style-type: none"> ▪ Cardrona ▪ Clutha/Mata-Au (above Luggate) ▪ Clutha/Mata-Au and any unlisted tributary (Luggate to mouth, including Lake Roxburgh, and excluding tributaries described in Discharge Threshold Catchment Area 1) ▪ Fraser ▪ Kakanui ▪ Kawarau ▪ Lake Dunstan ▪ Lake Hayes ▪ Lake Hawea and any tributary ▪ Lake Johnson ▪ Lake Onslow ▪ Lake Tuakitoto ▪ Lake Waipori & Waihola ▪ Lake Wakatipu and any tributary ▪ Lake Wanaka and any tributary ▪ Lindis ▪ Luggate ▪ Manuherikia ▪ Mill Creek (tributary to Lake Hayes) ▪ Pomahaka, upstream of Glenken ▪ Shag ▪ Shotover ▪ Taieri ▪ Trotters ▪ Waianakarua ▪ Waikouaiti ▪ Waipori ▪ Waitaki tributaries within Otago ▪ Any unlisted catchment that discharges to the coast, north of Taieri Mouth 	1.0 mg/l	0.035 mg/l	0.2 mg/l	550 cfu/100 ml

mg/l = milligrams per litre

cfu/100 ml = colony-forming units per 100 millilitres