

Presented to Policy and Submissions Committee 25/1/12

Decision:

*That the consultation draft of proposed Plan Change 6A (Water Quality) to the Water Plan as finalised by Committee chairs, Chair and Chief Executive be released for consultation required under clause 3, Schedule 1 of the RMA.*

## REPORT

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Prepared For: Policy and Submissions Committee

Prepared By: Policy Team

Date: 4 April 2012

**Subject: Consultation Draft of Proposed Plan Change 6A (Water Quality) to the Regional Plan: Water for Otago**

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### 1. Précis

A consultation draft for Proposed Plan Change 6A (Water Quality) to the Regional Plan: Water for Otago (Water Plan) has been prepared and it is proposed to release this draft for consultation in accordance with clause 3, Schedule 1 of the Resource Management Act (RMA) 1991.

### 2. Context

The impacts of contaminants in runoff, drainage and leaching (known as non-point source pollution) present one of the most serious freshwater management challenges in New Zealand.

Nationally, the most common approach to addressing non-point source pollution is control of land use activities and nutrient inputs. Despite this, water quality continues to be compromised, particularly where there is significant intensification of land use. This approach can also be costly to land owners and the community.

Otago's freshwater is generally of good quality, however in some areas there has been deterioration. Recent reports to Council have detailed the nature of the problems and possible approaches (Reports 2008/328, 2009/592 and 2010/0977).

In 2010 the Council released the Rural Water Quality Strategy. The strategy proposed an effects-based approach to managing rural discharges to water, with focus on controlling contaminants discharging from land to water, instead of controlling land use activities and nutrient inputs. Maximum discharge limits would be set for common rural contaminants, and discharges from land should achieve those limits. The landholder has the flexibility to implement whatever changes are needed to meet the discharge limits, that best suits their land use and management regime.

Proposed Plan Change 6A (Water Quality) to the Water Plan seeks to implement the regulatory framework described in the Rural Water Quality Strategy by permitting discharges that meet specified limits for nitrogen, phosphorus, *Escherichia coli*, and turbidity. Discharges that have an obvious adverse effect in receiving water, or that damage property, become prohibited, including where they result from land disturbance that risk sediment entering water. Discharges to water from animal waste systems (that do not meet the specified limits), silage storage or composting process are also prohibited. Land use is not controlled.

The proposed plan change is expected to reduce the effects of land use practises on water quality, without imposing unnecessarily cost on land holders by controlling activities and inputs which may be having no or little effect on water quality.

### **3. Review of water quality provisions**

A review of the water quality provisions relating to rural discharges in the Water Plan highlighted that amendment of the water quality framework was needed to implement the Rural Water Quality Strategy. Existing provisions for the management of water quality in the rural environment are simplified and streamlined.

### **4. Summary of the consultation draft**

Proposed Plan Change 6A (Water Quality) seeks to improve management of water quality within Otago, with focus on rural discharges from land. The main amendments proposed are:

#### *Chapter 7: Policies on water quality*

- Policies will be driven by the measures of good water quality proposed in new Schedule 15, which describe narrative and numerical standards for water bodies in Otago to achieve natural and human use values.
- The policy section is re-structured into general discharges; policies for discharges of human sewage, hazardous substances, hazardous wastes and other specified contaminants; and policies for Schedule 16 contaminants (those of most concern in rural areas).
- Removal of the introduction, issues, and anticipated environmental results.

#### *Chapter 12: Rules for water use and management*

- Discharge rules are proposed to be divided into three sections (12.A, 12.B, 12.C).
- Section 12A contains the existing rules in section 12.6 for discharges of human sewage.
- Section 12B contains the existing rules on discharges of stormwater (section 12.4), pesticides (section 12.7), fertiliser (Rule 12.8.1.5), water and tracer dye (Rules 12.11.2.1, 12.11.2.2, and 12.11.3.1). Other point source discharges remain a discretionary activity in this section.
- Section 12C contains new rules for all other discharges, including those of particular concern in rural environments. Certain discharges are prohibited. Discharges of

specific contaminants are permitted provided they meet the limits specified in new Schedule 16.

- Section 12C also proposes to:
  - Remove any allowance for reasonable mixing by requiring that at the point of discharge to water, discharges meet the specified standards.
  - Recognise the effect of rain events on levels of contaminants in discharges.

#### *Chapter 13: Rules for land use on lake or river beds*

- Permitted activity rules are proposed to be amended to enable structures such as culverts and single span bridges to be more easily constructed.
- Structure use rules are proposed to be amended to avoid gross effects on water quality.
- Bed disturbance rules have been refined, including in relation to disturbance by stock.

### **5. Consultation draft of Proposed Plan Change 6A**

The consultation draft of Proposed Plan Change 6A details changes proposed to the Water Plan, attached as Appendix 1. The Section 32 report evaluating alternatives, benefits and costs of the proposed plan change will be finalised prior to notification.

The proposed consultation draft has been referred to Council's lawyer for a legal opinion.

### **6. Consultation already undertaken**

Extensive community consultation has been undertaken on the proposed new regulatory framework. Three Water Forums were held in September and October 2011 at Cromwell, Oamaru and Balclutha, attended by about 200 people. In November and December, a further 15 public meetings were held around the region, attended by about 300 people. Notes from the meetings, and feedback received is attached as Appendix 2.

Informal discussions have been held with the Ministry for the Environment, Ministry for Agriculture and Forestry and the Department of Conservation. Hui with Iwi are ongoing.

### **7. RMA consultation requirements**

The following entities must be consulted with during preparation of a proposed plan change under Clause 3 of Schedule 1 of the RMA:

- The Minister for the Environment.
- Other ministers of the Crown who may be affected.
- Local authorities who may be affected.
- Tangata whenua of the area who may be affected.
- The board of any foreshore and seabed reserve in the area.

The consultation draft of Proposed Plan Change 6A will be sent to those parties for feedback.

## 8. Next steps

Proposed Plan Change 6A will be amended as necessary from feedback received. It is intended that Proposed Plan Change 6A and the Section 32 report be presented to the March 2012 meeting of the Policy and Submissions Committee for notification. A summary of the anticipated progress of the proposed plan change is given below:

Action	Anticipated Date
Formal consultation with statutory agencies and stakeholders	January-February 2012
Public notification of proposed plan change	31 March 2012
Submissions close	2 May 2012
Public notification of decisions requested and call for further submissions	19 May 2012
Further submissions close	1 June 2012
Hold hearings	July-August 2012
Council decision	19 September 2012

## 9. Recommendation

That the consultation draft of Proposed Plan Change 6A (Water Quality) to the Water Plan is released for consultation required under clause 3, Schedule 1 of the RMA.

Graeme Martin  
Chief Executive