

Form 5
Submission on notified proposal for policy statement or plan, change or variation

To: The Environmental Protection Authority

Name of Submitter: Otago Regional Council (ORC)

1. This is a staff submission on proposed Plan Change 8 (Water Quality) to the Regional Plan: Water for Otago.
2. Otago Regional Council is not a person who could gain an advantage in trade competition through this submission
3. The specific parts of proposed Plan Change 8, the decisions sought and the reasons for the submission are set out in the table attached as Appendix One.



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Signed on behalf of the Otago Regional Council

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Submission on Otago Regional Council Omnibus Plan Change – Plan Change 8 (Water Quality) to the Regional Plan: Water for Otago
Appendix One

Provision	Support / Oppose	Decision requested	Reasons
Policy 7.D.7(b)(ii)	Support in part	Amend 7.D.7(b)(ii) as follows: Include contingency measures to prevent discharges <u>of effluent to a water body, an artificial watercourse, or the coastal marine area, either directly or indirectly to water</u> in the case of equipment or system failure;	Proposed Policy 7.D.7 provides guidance for the operation and management of animal waste systems, along with proposed Rules 14.7.1.1 and 14.7.2.1 which require management plans with contingency measures to prevent direct or indirect discharges of effluent to a surface water body, an artificial watercourse, or the coastal marine area. The amendment of proposed Policy 7.D.7(b)(ii) clarifies that it is discharges of effluent that are the issue and provides consistency with Rule 14.7.1.1.
Policy 7.D.7(b)	Support	Amend 7.D.7(b)(ii) as follows: (ii) (iii) Are operated in accordance with an operational management plan for the system that is based on best practice guidelines and inspected regularly;	There is an error in the numbering of proposed Policy 7.D.7 resulting in two subclauses (ii).
Policy 7.D.7(c)	Support in part	Amend 7.D.7(c) as follows: Avoiding the discharge of animal waste to: <u>(i) water bodies, artificial watercourses, bores and soak holes, the coastal marine area; and</u> <u>(ii) saturated land in a manner that results in ponding or overland flow to water, including to frozen land; and</u>	i The policy does not include bores and soak holes which are listed in prohibited activity Rule 12.C.0.4, that gives effect to this policy.

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		<p><u>(iii) land when the soil moisture exceeds field capacity; and</u></p>	<p>ii The wording in the policy direction to avoid discharges to saturated land is a narrower scope than the subsequent prohibited activity Rule 12.C.0.4 which prohibits any discharges to land that result in ponding or overland flow to water, including to frozen land.</p> <p>iii “Field Capacity” is an understood term that measures the amount of soil moisture held in the soil after excess water has drained away.</p> <p>The amendments to proposed Policy 7.D.7(c) will provide greater clarity and better align the wording of the proposed policy with proposed Rule 12.C.0.4.</p>
Rule 12.C.0.4	Oppose in part	<p>Amend 12.C.0.4 as follows: The discharge of animal waste from an animal waste system <u>to</u>:</p> <p>(i) To aAny lake, river or Regionally Significant Wetland; or (ii) To aAny drain or water race that goes to a lake, river, Regionally Significant Wetland or coastal marine area; or (iii) ToThe bed of any lake, river or Regionally Significant Wetland; or (iv) To aAny bore or soak hole; or (v) ToLand within 50 metres of: (a) Any lake, river or Regionally Significant Wetland; or (b) Any bore or soak hole; or</p>	<p>The amendments will provide greater clarity and align the wording of the proposed Rule with amendments requested for proposed Policy 7.D.7(c) and proposed Rule 12.C.1.4.</p> <p>Subclause (vii) is unnecessary because subclauses (i), (ii) and (vi) prohibit discharges to:</p>

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		<p>(vi) To Land in a manner that results in ponding or overland flow to water, including to frozen land; or</p> <p><u>(viii) Land when the soil moisture exceeds field capacity</u></p> <p>(vii) That results in any of the following effects in receiving waters, after reasonable mixing:</p> <p>(a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or</p> <p>(b) any conspicuous change in the colour or visual clarity; or</p> <p>(c) any emission of objectionable odour; or</p> <p>(d) the rendering of fresh water unsuitable for consumption by farm animals; or</p> <p>(e) any significant adverse effects on aquatic life;</p> <p>is a prohibited activity</p>	<ul style="list-style-type: none"> any lake, river, or Regionally Significant Wetland; any drain or water race that go to any of the above waterbodies; land in a manner that results in overland flow to water. <p>The deletion of 12.C.0.4(vii) will provide more clarity and certainty for plan users.</p>
Rule 12.C.1.4	Support in part	<p>Add a new clause (d):</p> <p><u>(d) There is no discharge to frozen land or to land when the soil moisture exceeds field capacity.</u></p>	<p>The amendment will provide greater clarity and align the wording of the proposed Rule with the amendments requested for proposed Policy 7.D.7(c) and proposed Rule 12.C.0.4.</p>
Rule 12.C.2.5(a)	Support in part	<p>Amend 12.C.2.5(a) as follows:</p> <p>The discharge is not prohibited under Rule 12.C.0.4<u>2A</u></p>	<p>Rule 12.C.2.5(a) incorrectly refers to Rule 12.C.0.2A. It should refer to Rule 12.C.0.4.</p>
Rule 14.7.1.1 Rule 14.7.1.2 Rule 14.7.2.1 Rule 14.7.3.1	Support in part	<p>Amend 14.7.1.1, 14.7.1.2, 14.7.2.1, 14.7.3.1 as follows:</p> <p>The use of land for the use and maintenance of an animal waste system (including storage pond(s) and ancillary structures) ...</p>	<p>The words “(including storage pond(s) and ancillary structures)” are unnecessary because the definition of animal waste system includes “the collection, conveyance, storage, treatment, disposal or application of liquid or solid animal waste”.</p>

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Rule 14.7.1.1(c)(i)	Support in part	Amend 14.7.1.1(c)(i) as follows: Pond drop tests of the storage pond(s) every three years, <u>where (b) (i), (ii) or (iv) applies;</u>	Pond drop tests cannot be carried out on above ground tanks.
Footnotes 1 and 2 to Rule 14.7.2.1(c)	Support in part	<u>Amend the web address as follows:</u> 1 Available from Otago Regional Council's website at https://www.orc.govt.nz/media/8233/ipenz-practice-note-21-farm-dairy-effluent-ponds.pdf 2 Available from Otago Regional Council's website at https://www.orc.govt.nz/media/8234/ipenz-practice-note-27-dairy-farm-infrastructure.pdf	The web address needs to be updated to link to the IPENZ practice notes.
New Definition		<u>Add a new definition:</u> <u>Field capacity: means the moisture content of soil when the addition of further water would result in saturation or drainage from the soil.</u>	A definition of Field Capacity will provide clarity and certainty for plan users.
New Definition		<u>Add a new definition:</u> <u>Animal waste storage means the storage of liquid or solid animal waste, but excludes any ancillary structures for the collection, conveyance, treatment, disposal or application of liquid or solid animal waste, such as sumps, stone traps, weeping walls.</u>	A definition of Animal Waste Storage will provide clarity and certainty for plan users.
New Definition		<u>Add a new definition:</u> <u>Low-rate effluent application means a method of applying effluent or animal waste to land at a rate of no more than ten millimetres per hour.</u>	A definition of Low-rate effluent application will provide clarity and certainty for plan users.
Definition of Dairy Effluent Storage Calculator	Support in part	Amend the web address in the definition as follows: Available from Otago Regional Council's website at http://www.orc.govt.nz https://www.dairynz.co.nz/environment/effluent/effluent-storage/dairy-effluent-storage-calculator-desc/	The web address is to the ORC website and needs to be amended to link to the DairyNZ website.

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Rule 13.5.1.8A(b)	Oppose	<p>Delete the amendments to Rule 13.5.1.8A relating to stock exclusion from waterways.</p> <p>Add an advice note to section 13.5 of the Regional Plan: Water for Otago as follows:</p> <p>For regulations on stock exclusion from waterways refer to the Resource Management (Stock Exclusion) Regulations 2020</p>	<p>Now that the Essential Freshwater package of regulations has been gazetted, some of the provisions of Plan Change 8 are out of step with the Resource Management (Stock Exclusion) Regulations 2020.</p> <p>ORC requests that the proposed changes in Plan Change 8 that are covered in the Stock Exclusion Regulations are deleted to avoid duplication and confusion, and an advice note that directs Plan users to the Stock Exclusion Regulations is added.</p>
Rule 14.6.1.1 Rule 14.6.1.2 Definition: Intensive grazing	Oppose	<p>Delete proposed Rules 14.6.1.1 and 14.6.1.2 and the definition of Intensive grazing.</p> <p>Add an advice note to section 14 of the Regional Plan: Water for Otago as follows:</p> <p>For rules applying to the use of land on a farm for intensive winter grazing refer to the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 Subpart 3.</p>	<p>Now that the Essential Freshwater package of regulations has been gazetted, some of the provisions of proposed Plan Change 8 are out of step with the NES for Freshwater 2020.</p> <p>ORC requests that the specific provisions of Plan Change 8 that are covered in the NES for Freshwater are deleted to avoid duplication and confusion, and an advice note that directs plan users to the NES is added.</p>
Note 2 under 14.5	Support in part	Amend note 2 as follows:	The requested amendment ensures that discharges from

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Earthworks for residential development		<i>Discharges resulting from earthworks for residential development are addressed only through rules in section 14.5.</i>	earthworks associated with activities other than residential development are still subject to the rule framework in other sections of the Water Plan, including section 12.C.