

Council Meeting 9 April 2020

Meeting will be held electronically via Zoom and live streamed to the web.



Members:

Hon Marian Hobbs, Chairperson	Cr Gary Kelliher
Cr Michael Laws, Deputy Chairperson	Cr Kevin Malcolm
Cr Hilary Calvert	Cr Andrew Noone
Cr Michael Deaker	Cr Gretchen Robertson
Cr Alexa Forbes	Cr Bryan Scott
Cr Carmen Hope	Cr Kate Wilson

Senior Officer: Sarah Gardner, Chief Executive

Meeting Support: Liz Spector, Committee Secretary

09 April 2020 01:00 PM

Agenda Topic	Page
1. APOLOGIES No apologies were received prior to publication of the agenda.	
2. ATTENDANCE Staff present will be identified.	
3. 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.	
4. 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.	
5. CONFIRMATION OF MINUTES The Council will consider minutes of the 11 March 2020 Council Meeting as a true and accurate record, with or without changes.	3
5.1 Minutes of the 11 March 2020 Council Meeting	3
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8.3	NOTIFY PLAN CHANGE 8 TO THE WATER PLAN AND PLAN CHANGE 1 TO THE WASTE PLAN	24
	This paper is provided to approve the notification of Proposed Plan Change 8 (Discharge Management) to the Regional Plan: Water for Otago, and Proposed Plan Change 1 (Dust Suppressants and Landfills) to the Regional Plan: Waste for Otago.	
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	That the public be excluded from consideration of the following item:	
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Minutes of an ordinary meeting of Council held in the
Council Chamber on
Wednesday 11 March 2020 at 1:00 pm

Membership

Hon Marian Hobbs	<i>(Chairperson)</i>
Cr Michael Laws	<i>(Deputy Chairperson)</i>
Cr Hilary Calvert	
Cr Alexa Forbes	
Cr Michael Deaker	
Cr Carmen Hope	
Cr Gary Kelliher	
Cr Kevin Malcolm	
Cr Andrew Noone	
Cr Gretchen Robertson	
Cr Bryan Scott	
Cr Kate Wilson	

Welcome

The Hon Cr Marian Hobbs welcomed Councillors, members of the public and staff to the meeting at 01:13 pm.

For our future

70 Stafford St, Private Bag 1954, Dunedin 9054 | ph (03) 474 0827 or 0800 474 082 | www.orc.govt.nz

1. APOLOGIES

There were no apologies.

2. ATTENDANCE

Sarah Gardner	<i>(Chief Executive)</i>
Nick Donnelly	<i>(General Manager Corporate Services and CFO)</i>
Gavin Palmer	<i>(General Manager Operations)</i>
Sally Giddens	<i>(General Manager People, Culture and Communications)</i>
Richard Saunders	<i>(General Manager Regulatory)</i>
Gwyneth Elsum	<i>(General Manager Policy, Strategy and Science)</i>
Liz Spector	<i>(Committee Secretary)</i>

Other staff present included: Anita Dawe (Acting Manager Policy), Anne Duncan (Manager Strategy), Peter Constantine (Consultant Planner), Simon Wilson (Manager Consents Systems and Administration), Rebecca Borland (Team Leader Communications and Engagement), Lisa Glog (Manager Communications and Engagement), and Mike Roesler (Manager Corporate Planning).

3. CONFIRMATION OF AGENDA

Cr Wilson asked the Council to consider an urgent request to support a Central Otago District Council application to support the development of a fast charge network between Dunedin and Central Otago. Cr Hobbs agreed to add Council consideration of this request to the agenda.

4. CONFLICT OF INTEREST

No conflicts of interest were advised at this point of the meeting.

5. PUBLIC FORUM

Mr Lloyd McCall (Pomahaka Water Care Group) addressed the Councillors and spoke about the proposed changes to the Omnibus Plan. He expressed concern that there has been limited input from industry and landowners on the proposed changes. The Councillors had questions for Mr McCall. Cr Hobbs thanked Mr McCall for his information and for coming to the meeting.

6. CONFIRMATION OF MINUTES

Resolution

That the minutes of the (public portion of the) Council meeting held on 26 February 2020 be received and confirmed as a true and accurate record.

Moved: Cr Hope
Seconded: Cr Wilson
CARRIED

7. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

The Councillors were updated on outstanding actions of Council resolutions.

8. MATTERS FOR COUNCIL DECISION

After Cr Hobbs accepted the request to add consideration of an urgent item to the agenda, Cr Wilson moved:

Resolution

That the ORC supports a CODC application (supported by ChargeNet and the DCC) to the EECA Low Emissions Vehicle Fund (March round) to support the development of the fast charge network between Dunedin and Central Otago/Queenstown Lakes via SH87.

Moved: Cr Wilson

Seconded: Cr Forbes

CARRIED

8.1. ORC's proposed submission on the draft National Policy Statement for Indigenous Biodiversity

Gwyneth Elsum (GM Strategy, Policy and Science), Anita Dawe (Acting Manager Policy) and Anne Duncan (Manager Strategy) were present to speak to the report. After questions and deliberations, Cr Noone moved to amend the recommendation by including a statement recognising the NPS may have an impact on extractive industries. Cr Malcolm seconded the amendment and it was put to a vote and carried. The motion was then added to the substantive motion.

Cr Deaker noted the requirement that TAs identify Significant Natural Areas and suggested that ORC could partner with them and/or mana whenua to create a regional park. The Councillors agreed to add this to the substantive motion as item 5. The recommendations were taken separately.

Resolution

That the Council:

- 1) **Receives** this report.

Moved: Cr Hope

Seconded: Cr Forbes

CARRIED

That the Council:

- 2) **Notes** the ORC staff position supports the NPSIB but records its limitations by excluding aquatic and coastal marine environments.

Moved: Cr Robertson

Seconded: Cr Forbes

CARRIED

That the Council:

- 3) **Approves** the Chief Executive on or before 5pm on 14 March 2020 to lodge the attached draft submission, with changes made today, under delegation from the Otago Regional Council.

Moved: Cr Hobbs
Seconded: Cr Wilson
CARRIED

That the Council:

- 4) **Recognises** in this submission the NPS may have an impact on extractive industries.

Moved: Cr Noone
Seconded: Cr Malcolm
CARRIED

That the Council:

- 5) **Includes** in the submission (after para 25) that: *ORC notes that an area of significant indigenous biodiversity to Otago in the shape of a regional park may be identified and established by the Council, possibly in partnership with a TLA or mana whenua.*

Moved: Cr Deaker
Seconded: Cr Forbes
CARRIED

*Cr Laws left the meeting at 01:34 pm.
Cr Laws returned to the meeting at 01:42 pm.*

8.2. Annual Plan 2020-21

Mike Roesler (Manager Corporate Planning) and Nick Donnelly (GM Corporate Services) were present to answer questions about the draft financial forecasts that were recommended to Council by the Finance Committee at its 26 February meeting. There was a general discussion of the report and Cr Noone noted that the 2020/2021 Annual Plan should be approved for consultation per the Finance Committee recommendation. Cr Laws noted his opposition to the consultation approach and Cr Hobbs reminded Council it had been approved by the Finance Committee at its previous meeting. After a discussion, Cr Noone moved the recommendation, with item 4 being considered separately upon Councillor Laws' request.

Resolution

That the Council:

- 1) **Approves** the draft 2020-21 financial forecasts and associated Council activity as recommended by the Finance Committee at its 26 February 2020 meeting.
- 2) **Approves** changes to the Council's Revenue and Financing Policy as defined in the 'Financial Considerations' section of this report.
- 3) **Agrees** that the changes to the Council's Revenue and Financing Policy as defined in 'Financial Considerations' section of this report are not material or significant.
- 4) **Notes** the consultation document as the basis for communicating the Council's expenditure and funding intentions for the 2020-21 financial year and as circulated separately to this report.

- 5) **Notes** that this report corrects the rating information under paragraph 30 of the 'Annual Plan 2020-21' report as provided to the 26 February 2020 Finance Committee.

Moved: Cr Noone
Seconded: Cr Kevin Malcolm
CARRIED

Resolution

That the Council:

- 4) **Approves** the consultation approach as recommended by the Finance Committee at its 26 February 2020 meeting.

Moved: Cr Noone
Seconded: Cr Deaker
CARRIED

9. MATTERS FOR NOTING

9.1. Port Otago Strategic Asset Review

Mr Carl Blanchard, PwC Partner and Mr Ben Ford, PwC Director were present to speak to the PwC strategic asset review of the Port Otago Asset. After a discussion of the review of the returns generated by the report and potential ownership options, Cr Noone moved an amendment to the recommendation.

Amendment:

- 1) That Council send the review to the Finance Committee to consider next steps of the review of the Port of Otago
- 2) That staff conduct a workshop for Council to work through consideration of dividend changes and other issues

Moved: Cr Noone
Seconded: Cr Kevin Malcolm
CARRIED

After further discussion of the report, Cr Calvert moved the recommendation.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) Sends the review to the Finance Committee to consider next steps of the review of the Port of Otago
- 3) Requests staff to conduct a workshop for Council to work through consideration of dividend changes and other issues

Moved: Cr Calvert
Seconded: Cr Scott
CARRIED

Cr Laws left the meeting at 02:42 pm.

Cr Laws returned to the meeting at 02:51 pm.

10. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS HELD ON 26 FEBRUARY 2020

10.5. Recommendations of the Public Portion of the Finance Committee Resolution

That the Council:

Adopts the recommendations made at 26 February 2020 Finance Committee meeting

Moved: Cr Wilson
Seconded: Cr Noone
CARRIED

11. RESOLUTION TO EXCLUDE THE PUBLIC

After a discussion, the Councillors decided to consider the previously public-excluded agenda item, 1.1 Water Permits Plan Change, publicly and asked staff to remove the legal advice that was included as an attachment to the report prior to making public. Cr Noone then moved:

Resolution

That the Council:

Consider the Water Permits Plan Change in public, subject to removal of any confidential legal advice from the public agenda.

Moved: Cr Noone
Seconded: Cr Kevin Malcolm
CARRIED

Cr Hobbs then adjourned the meeting for 15 minutes prior to consideration of the Water Permits Plan Change item.

8.3. Water Permits Plan Change

Cr Hobbs called the meeting back into order at 3:30 p.m. Cr Gary Kelliher and Cr Kate Wilson declared a Conflict of Interest on the Water Permits Plan Change deliberations and removed themselves from consideration and left the meeting.

Cr Hobbs welcomed Peter Constantine (Consultant Planner), Anita Dawe (Acting Manager Policy) and Gwyneth Elsum (GM Strategy, Policy and Science) to the table. Cr Laws asked questions about the Sec 32 report. Mr Constantine noted that ORC did not want to encourage expenditure now on the part of a water user, when the use of that expenditure might be frustrated in five years through the Land and Water Plan Review. He said that will come out in the community consultation as well as through science.

Cr Malcolm asked how a water user with a current deemed permit that may not have been using the full allocation of water over the past three to five years for various reasons, could get the same allocation under the new regime. Mr Constantine said the consent holder would have to reapply under the alternative pathway. Ms Dawe noted the consent holder could get what they

used over that period. Chief Executive Gardner said if someone holds a water permit and took no water in five years against that permit, the permit lapses automatically under current rules.

Cr Noone noted key dates in the proposed policy and noted the cap of six years for the duration of short-term consents in the policy. He asked, based on the Land and Water Plan not being operative by 31 December 2025, what happens to the six-year cap. Mr Constantine said if a permit is granted today, it will be in effect for six years from today and if a permit is granted in two years, it will be in effect for six years from that date. He said this is an attempt to get water users inside the new plan regime in a fit for purpose plan, prior to the Land and Water Plan being due for its first review in 2025.

Cr Laws asked what would occur if a permitted user wants to change their land use, from raising lambs to starting a cherry orchard, for instance. Ms Dawe said that would not be permitted as a controlled activity under the new regime, but any user could apply for such a change as a non-complying activity on the basis that the adverse effects would be no more than minor.

There was further general discussion. After questions were completed, Cr Scott moved receipt of the report. Upon request from Cr Calvert, the recommendations were considered separately.

Resolution

That the Council:

- 1) **Receives** this report.

Moved: Cr Scott

Seconded: Cr Noone

CARRIED

That the Council:

- 2) **Adopts proposed Plan Change 7 (Water Permits Plan Change) to the Regional Plan: Water for Otago, and the Section 32 Evaluation Report.**

Moved: Cr Hobbs

Seconded: Cr Forbes

A Division was called:

For: Cr Deaker, Cr Forbes, Cr Hobbs, Cr Noone, Cr Robertson, Cr Scott

Against: Cr Calvert, Cr Hope, Cr Laws, Cr Malcolm

CARRIED: 6 – 4

That the Council:

- 3) **Approves proposed Plan Change 7 (Water Permits Plan Change) to the Regional Plan: Water for Otago and the Section 32 Evaluation Report for public notification on 18 March 2020.**

Moved: Cr Hobbs

Seconded: Cr Robertson

A Division was called:

For: Cr Deaker, Cr Forbes, Cr Hobbs, Cr Malcolm, Cr Noone, Cr Robertson, Cr Wilson

Against: Cr Calvert, Cr Hope, Cr Laws

CARRIED: 7 – 3

That the Council:

- 4) **Notes** that the rules contained in proposed Plan Change 7 will have immediate legal effect in accordance with Section 86B(3)(a) of the Resource Management Act 1991 from the date of public notification because those rules protect or relate to water.

Moved: Cr Hobbs
Seconded: Cr Robertson
CARRIED

12. CLOSURE

There was no further business and Cr Hobbs declared the meeting closed at 04:51 pm.

Chairperson

Date

Outstanding Actions from Resolutions of the Council Meeting

2019-2022 triennium

2016-2019 triennium

REPORT TITLE	MEETING DATE	RESOLUTION	STATUS	UPDATE
11.3 Delegations	3 April 2019	Direct CE to bring a review of delegations for Council decision.	IN PROGRESS – Regulatory/Governance	Underway for reporting in early 2020.
11.3 Disposal of Poison Services Assets	15 May 2019	ORC to consult with community on proposed sale of poison services assets and include the Galloway land as part of a proposed sale	ASSIGNED - Operations	Part of 2020/21 Annual Plan process.
11.3 Finalise Biodiversity Action Plan	26 June 2019	Develop business case options for resourcing biodiversity and biosecurity activities to inform the next LTP (2021 - 2031) and enable implementation of the Biodiversity Action Plan.	IN PROGRESS - Operations	Underway for reporting in March 2020.
10.5 Lake Hayes Culvert	25 Sept 2019	Invite QLDC, DoC and NZTA to co-fund with ORC scoping investigation and establishment of a target water level range for Lake Hayes and scoping the investigation, consenting, design, construction, maintenance and funding of infrastructure to manage the lake level to that range. This will require incorporation of activity and	IN PROGRESS - Operations	Consultant preparing cost estimate for scoping exercise. QLDC, DoC and NZTA have been contacted. A reply from DoC is still pending.

		funding of ORC's share of the costs into draft Annual Plans.		
9.1 Decision Making Structure	13 Nov 2019	That a review of the committee structure including membership be reviewed at 6-months.	ASSIGNED - Governance	Report will be brought to Council in May 2020.
10.3 Ratifying Otago Local Authorities Triennial Agmt	29 January 2020	That issues for potential consideration by the Mayoral Forum be considered at the next Strategy and Planning meeting.	IN PROGRESS – Governance	Report will be included in the next Strategy and Planning Committee Agenda.
9.1 Port Otago Strategic Asset Review	11 March 2020	That staff conduct a workshop for Council to work through consideration of dividend changes and other issues for Port Otago Ltd	IN PROGRESS – Corporate Services	
9.1 Port Otago Strategic Asset Review	11 March 2020	Refer the PwC strategic asset review to the Finance Committee to consider next steps.	IN PROGRESS – Corporate Services	The next Finance Committee meeting is scheduled for 6 June 2020.

7.1. Chairperson's Report

Note: This report was written prior to the COVID-19 lockdown.

Prepared for: Council
Activity: Governance Report
Author: Cr Marian Hobbs, Chairperson
Date: 18 March 2020

PURPOSE

- [1] To provide an opportunity for the Chairperson to brief the Councillors on ORC business she has undertaken during the period 16 Feb to 18 March 2020.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.

EXECUTIVE SUMMARY

- [2] Meeting with Youth: Four councillors attended the EnviroSchools hui, with senior students from around the province. It was full of energy.
- [3] Later that week I met with between 10 and 12 students from Otago University and the Polytechnic. We began by describing the work that ORC does. Then I gathered the areas that they were interested in and with your agreement I would like to invite them to workshops. Gradually I want to build a group of informed young people, who can lead debates in our communities and from whom there may well be candidates for the future.
- [4] Local Government NZ: I had two meetings in Wellington, one with Chairs and CEs from all the regional councils. We focussed on the coming Freshwater NPS and how we might handle this. We heard from the Chair of the Scientists' panel, particularly on water quality issues. We also discussed the future of farm plans for every farm. The Strategy meeting was focussed on the Three Waters work. This is of particular importance for us given two different problems: failing systems and expansion to meet growth.
- [5] I attended the Otago Conservation Board in Alexandra. There were positive words about our Biodiversity Hui, held around Otago. But the Conservation Board is seeking what are the next steps in Biodiversity leadership from ORC. To that end Gretchen, Bryan and I met with the ORC Biodiversity team to understand next steps.
- [6] It was good to see three other councillors at the Predator Free Dunedin meeting that was held with its partners. This was a meeting to report on the three major areas where the teams are working. That was my last job as retiring Chair of PFD.
- [7] Responding positively to an invitation from Simon Davies I spent several hours with him on his farm at Tokomairiro Mouth. We had some lively conversations!
-

- [8] I also had a visit from Mark Patterson, NZ First MP, exploring the future of Falls Dam.
- [9] I met the with the Cosy Homes team who had concerns about where we were with our air quality work and on the subsidy we had been offering, Clean Heat/ Clean Air. They have been working with NIWA, who have been in contact with Alexa.
- [10] The travelling has stopped! Thank goodness. So, it was a community phone call with the Minister for the Environment on the Freshwater progress. Again, the focus was water quality and farm plans.
- [11] A very successful Mana to Mana meeting was held. We discussed how we might better work together. Ngāi Tahu are our partners and not just another group with a point of view. Ngai Tahu indicated there are scheduling issues making attendance at every catchment meeting challenging, so we are working with them to make sure they have every opportunity to provide input.
- [12] The Wild Dunedin Festival was launched at NHNZ studios/offices. I was asked to speak, given the role of ORC in sponsoring (one of the originals) the festival.
- [13] Meeting cancellations are coming in fast and furious - from a Fonterra staffer no longer able to travel to meet with me, the Manuherekia meeting, a meeting with the Minister of Finance; Otago Anniversary Day dinner; a meeting in Perth...so I am seeing things a little differently from some of you.

ATTACHMENTS

Nil

7.2. Chief Executive's Report

This report was written prior to the COVID-19 lockdown

Prepared for: Council
Activity: Governance Report
Author: Sarah Gardner, Chief Executive
Date: 20 March 2020

KEY MEETINGS ATTENDED

- [1] 28 February – met with DINZ and B + L NZ.
- [2] 10 March – Mana to Mana meeting.
- [3] 11 March – Committee and Council meetings.
- [4] 12 March – Strategic Directions workshop.
- [5] 12 March – Connecting Dunedin presentation.
- [6] 12 March – Otago CDEM Joint Committee.
- [7] 13 March – Otago Mayoral Forum.
- [8] 13 March – Post CEG strategy day discussion with Otago CEO's.
- [9] 17 March – catch-up meeting with Mike Hanff from Friends of Lake Hayes.
- [10] 17 March – catch-up meeting with Ian Hadland from Fish & Game Otago.
- [11] 18 March – Meeting as CEG Chair with Manager CDEM re COVID-19.

OTAGO MAYORAL FORUM

- [12] The forum met with Karen Adair, Deputy Chief Executive for the Ministry of Primary Industries (MPI) and Jason Tibble, Regional Commissioner for the Ministry of Social Development (MSD). Karen and Jason both have additional responsibilities for Government relationships in Otago. Karen is the Senior Regional Official responsible for supporting the Provincial Growth Fund in Otago and Jason chairs the Social Group for Otago for Government that includes agencies like the MSD, the Police and Oranga Tamariki who are to deliver a report on key social issues for Otago and priorities to Government later this year.
- [13] Karen explained that she is one of several SRO's across New Zealand. Those SRO's can make decisions collectively on PGF applications up to a maximum limit. She also shared some information about some specific MPI funding available for access that is focused on sustainable food and fibre futures.
- [14] Mayors had previously been unclear about the roles performed by Karen and Jason and it was useful to understand them further and how local government might interact in that capacity. It was a positive step towards building these relationships.

RECOMMENDATION

That the Council:

- 1) **Receives this report.**

8.1. Consider Establishment of Port Otago Liaison Group and Appoint Members

Prepared for:	Council
Report No.	GOV1914
Activity:	Governance Report
Author:	Amanda Vercoe, Executive Advisor
Endorsed by:	Cr Marian Hobbs, Chairperson
Date:	3 April 2020

PURPOSE

- [1] To establish a Port Otago Liaison Group.

EXECUTIVE SUMMARY

- [2] Council has previously established a Port Otago Liaison Group. One of the key functions of this group is to oversee the Director appointment process for Port Otago Limited and make appointment recommendations to Council.
- [3] There are currently five Directors on the Board of Port Otago and it is desirable to appoint an additional Director as soon as possible.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Approves** the establishment of a Port Otago Liaison Group and the proposed membership as outlined below.

BACKGROUND

- [4] The Board of Port Otago comprises six independent Directors. Following the retirement of Dave Faulkner in December 2019 the Board currently has a membership of five. If the membership drops below five the Board can only act for the purpose of summoning a meeting of shareholders (Port Otago Constitution cl 10.1). Given the current national pandemic there is an increased level of urgency to ensure an additional Director is appointed as soon as possible.
- [5] In the past the Port Otago Liaison Group has overseen the Director recruitment process, formed the interview panel for short listed candidates and recommended appointments to Council. Re-establishing the Port Otago Liaison Group will allow that to occur quickly and efficiently. A meeting will be convened in the coming week where the Group can decide on the process and instruct staff how to proceed.

DISCUSSION

Port Otago Liaison Group

- [6] The proposed purpose and membership are:

Purpose:

To liaise with the Port Otago Chair and Chief Executive and report to Council. To undertake Director recruitment processes and make appointment recommendations to Council.

Membership:

Chair: Cr Marian Hobbs.

Membership: Cr Andrew Noone, Cr Hilary Calvert, Cr Kevin Malcolm, CE Sarah Gardner.

Meets: As and when required.

OPTIONS

- [7] Appoint a Port Liaison Group.

CONSIDERATIONS

Policy Considerations

- [8] Not applicable.

Financial Considerations

- [9] Not Applicable.

Significance and Engagement

- [10] Not Applicable.

Legislative Considerations

- [11] Not applicable.

Risk Considerations

- [12] Not applicable.

NEXT STEPS

- [13] The next steps are for the Port Liaison Group to meet.

ATTACHMENTS

Nil

8.2. Lake Wakatipu Public Water Ferry Service Consultation

Prepared for: Council
Report No. PT1905
Activity: Transport: Public Passenger Transport
Author: Garry Maloney, Manager Transport
Endorsed by: Gavin Palmer, General Manager Operations
Date: 3 April 2020

PURPOSE

- [1] The purpose of this report is to enable Council to approve the Lake Wakatipu Public Water Ferry 18-month trial option for community consultation. This includes consideration and approval of the consultation approach.

EXECUTIVE SUMMARY

- [2] In January 2020, the Council provided direction on implementing a Lake Wakatipu water ferry service as a longer-term 18-month trial in 2020/21, dependent on public consultation as part of 2020/21 Annual Plan decision-making.
- [3] On 11 March 2020, Council staff further refined the assumptions of the above and tested options with Council in terms of the service levels that the community will be consulted upon to enable those decisions later in the year.

RECOMMENDATION

That the Council:

- 1) **Approves** for consultation, Option S1 as outlined in this paper for the Lake Wakatipu public water ferry service.
- 2) **Approves** for consultation, Option F1 as outlined in this paper to fund the Lake Wakatipu public water ferry service.
- 3) **Agrees** that the proposed introduction of a trial ferry service and the funding required to enable that to take place, is not material or significant.
- 4) **Approves** the consultation approach and next steps, as outlined in this paper.

BACKGROUND

- [4] In January 2020, the Council provided direction on implementing a Lake Wakatipu water ferry service by making decisions including:
- endorsement of the business case preferred ferry service option;
 - contracting for the provision of a ferry service trial from January 2021;
 - providing additional funding in the Draft 2020/21 Annual Plan to enable the above to be implemented; and

- amending the Regional Public Transport Plan to comply with the legislation and enable Council to contract for a ferry service.
- [5] Subsequent to that meeting, Council staff further refined the assumptions of the above and tested options with Council in terms of the service levels that the community will be consulted upon to enable Annual Plan decisions to be made.
- [6] On 23 March 2020, Queenstown Ferries made the decision to cease operating its service that day in response to New Zealand moving to alert level 3.

SERVICE LEVEL OPTIONS

- [7] On 11 March 2020, Council staff workshopped the following service level options with members:
- Option S1 – pick-ups/drop-offs at the Hilton, Bayview and Queenstown Bay. Seven day a week service. Sixty-minute frequency all day (fills the gaps in the current timetable). Hours of service will be approximately 8:00 am to 10:00 pm Sunday to Thursday and to 11:00 pm on Friday and Saturday. Fares will be \$9 one-way, \$15.00 for a return trip and \$4.00 per trip for card/concession holders.
 - Option S2 - pick-ups/drop-offs at the Hilton, Bayview and Queenstown Bay. Seven day a week service. Sixty-minute frequency all day (fills the gaps in the current timetable). Hours of service will be approximately 8:00 am to 10:00 pm Sunday to Thursday and to 11:00 pm on Friday and Saturday. Fares will be \$2.00 per trip for all.
 - Option S3 – pick-ups/drop-offs at the Hilton, Bayview and Queenstown Bay. Seven day a week service. Sixty-minute frequency all day (fills the gaps in the current timetable). Hours of service will be approximately 8:00 am to 10:00 pm Sunday to Thursday and to 11:00 pm on Friday and Saturday. Fares will be \$9 one-way, \$15.00 for a return trip and \$2 per trip for card/concession holders.
- [8] In essence, the only difference in the three service options above, relates to the level of fare.
- [9] Option S1 is the recommended option because:
- The Kelvin Heights peninsula currently has access to a similar level of public bus service to the ferry service. Adding a publicly funded public transport ferry service doubles the public transport modes available to the community and given the travel time on the ferry is quicker than by bus, offers a premium service (hence why option 1 is favoured over options 2 and 3).
 - The business case assumes the ferry service is patronised by a greater proportion of visitors than residents (about 3 to 1) and it is more equitable that they pick up a greater share of the cost to provide the service (through a higher cash fare).

FUNDING OPTIONS

- [10] Council staff also workshopped the following funding options with members:
- Option F1 – apply the existing public transport benefit zone to meet the additional cost of contracting for a ferry (see Figure 1 below).

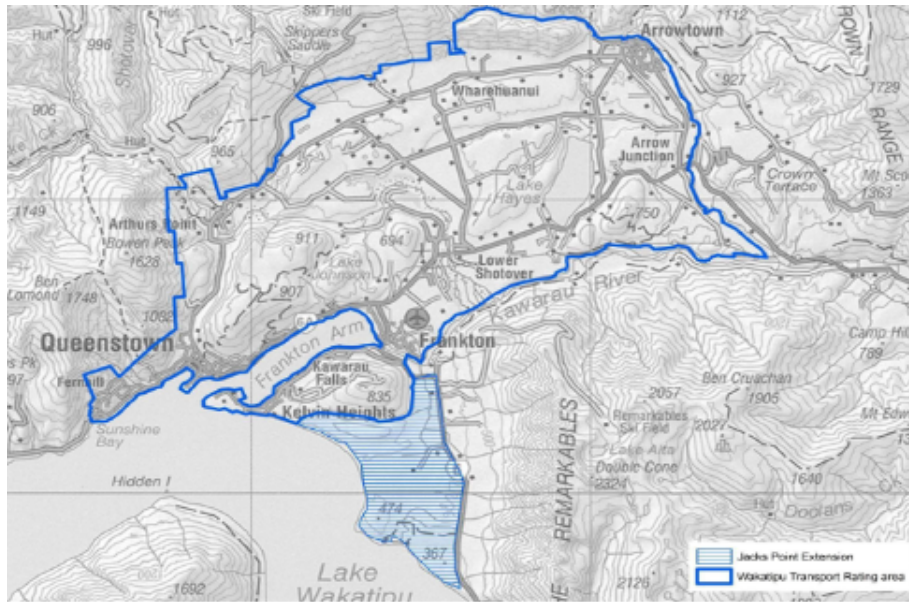


Figure 1: Option F1 – Current Wakatipu Transport Rating Area

- Option F2 – apply a new water ferry public transport benefit zone to meet the additional cost of contracting for a ferry (shown in light blue shading in Figure 2 below).

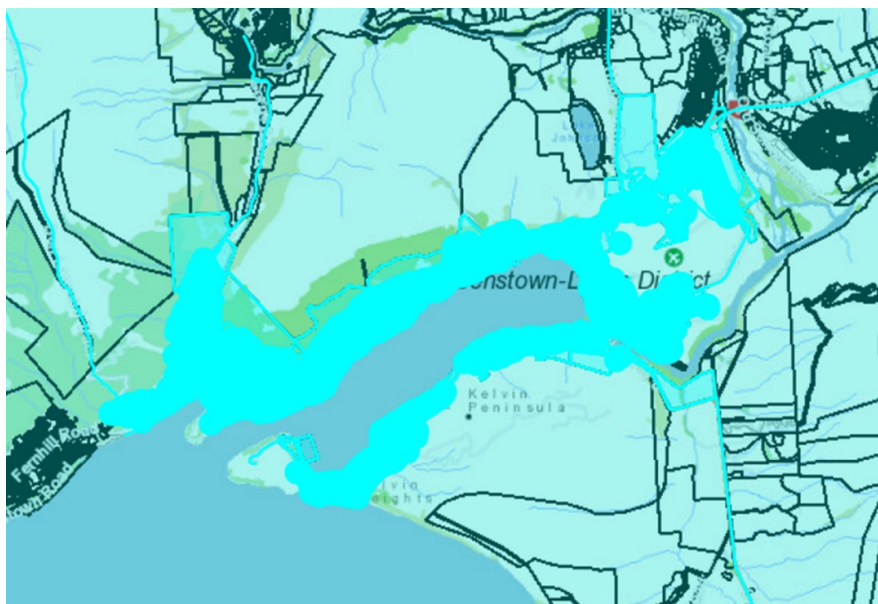


Figure 2: Option F2 – New Wakatipu Water Ferry Transport Rating Area

- Option F3 – apply a new sub-regional general rate over the whole Queenstown Lakes District.

[11] All three options assume co-investment from the New Zealand Transport Agency and the Queenstown Lakes District Council.

- [12] Option F1 is the recommended option primarily because it is estimated the current public transport benefit zone will contain more people (road users) that benefit from ferry users not using their cars than a smaller water ferry public transport benefit zone. Similarly, a new district-wide sub-regional general rate would place the funding burden on a larger group, a significant number of which would be unlikely to benefit.

CONSULTATION

- [13] Council staff have acted on the direction provided at the Council workshop. As outlined at that workshop, the proposed consultation will include:
- primarily digital approach to consultation (Council website, social media, e-mail, etc), with a small print run of a consultation document similar to previous consultation on the 2017 introduction of the Orbus service;
 - likely to include:
 - background;
 - suggested service levels;
 - preferred funding option;
 - Yoursay digital engagement platform link; and
 - next steps.

CONSIDERATIONS

Policy Considerations

- [14] As Council agreed to amend the proposed Regional Public Transport Plan (RPTP or the Plan) change in February 2020, the decisions sought of Council in this paper are enabled and consistent with that earlier decision.

Financial Considerations

- [15] As outlined in the January 2020 Council paper and further refined for the 11 March workshop, contracting for a Frankton Arm ferry service will require additional investment.
- [16] Based on a number of assumptions (such as patronage and fare revenue, co-investment, etc), the impact of the three funding options is shown below in Figure 3.

FUNDING SUMMARY		Option S1		Option S2		Option S3	
ORC rates required per annum		GST Excl	\$110,000	GST Excl	\$170,000	GST Excl	\$100,000
	Rate						
	Units	Examples	GST Incl	Examples	GST Incl	Examples	GST Incl
Option F1							
Targeted Rate							
Existing PT benefit zone	14,696	Average	\$8.61	Average	\$13.30	Average	\$7.83
Class A (Hotel/Retail)	706	CV \$5m	\$53.61	CV \$5m	\$82.85	CV \$5m	\$48.74
Class B (All Other)	13,990	CV \$0.7m	\$3.75	CV \$0.7m	\$5.80	CV \$0.7m	\$3.41
Option F2							
Targeted Rate							
New WF (reduced) zone	3,610	Average	\$35.04	Average	\$54.16	Average	\$31.86
Class A (Hotel/Retail)	222	CV \$5m	\$126.73	CV \$5m	\$195.86	CV \$5m	\$115.21
Class B (All Other)	3,388	CV \$0.7m	\$8.87	CV \$0.7m	\$13.71	CV \$0.7m	\$8.06
Option F3							
General rate							
Sub regional QLDC	26,351	Average	\$4.80	Average	\$7.42	Average	\$4.36
Low		CV \$0.7m	\$2.62	CV \$0.7m	\$5.29	CV \$0.7m	\$3.80
High		CV \$5m	\$16.98	CV \$5m	\$27.48	CV \$5m	\$16.86

Figure 3: Funding Options

- [17] The above assumes the co-investment required of Queenstown Lakes District Council would match the "ORC rates required per annum" values in Figure 3.

Significance and Engagement

- [18] The Plan change enabling the proposed contracting of a ferry service was assessed under the Regional Public Transport Plan's significance policy (a requirement of the Land Transport Management Act) as part of Council's consideration of this matter in January 2020 (attached) and determined not to be significant.
- [19] In order to vary the Plan, the Council undertook a consultation in line with Local Government Act principles and processes, including providing for those that are consulted to make submissions and be heard.
- [20] With respect to the community's appetite to fund a trial service, the proposed level of service and funding required are outlined in this paper. As such, the proposed introduction of a trial ferry service and the funding required to enable that to take place, is not considered to be material or significant.

Legislative Considerations

- [21] As the Council has now changed the Plan, from a transport legislative compliance position, the way is clear to enable it to contract a Lake Wakatipu Frankton Arm water ferry service.
- [22] Consulting with the community on its appetite to fund a ferry trial as an input to 2020/21 Annual Plan decisions will meet Local Government Act requirements.

Risk Considerations

- [23] The proposal does have some risks, that staff consider to be of low likelihood and consequence.

- [24] As noted earlier in the report, the financial case for the proposed ferry trail is based on assumptions that time may demonstrate to be incorrect (and of course one of the risks is the assumption around co-investment may not be realised). That may increase the cost to Council. Similarly, it will only be when Council tests the market seeking a service supplier that it will have certainty in regard to the cost of the service.
- [25] A further risk relates to the existing operator deciding not to re-establish its service before the trial commences, especially given its current decision in response to the Covid-19 situation.
- [26] At the very least the virus may significantly impact patronage and therefore fare revenue. As it was anticipated that the trial would be a gross contract, that risk would sit with Council, rather than the contractor.
- [27] In the event any of the assumptions regarding service cost and / or funding alter through the procurement and implementation phase of trial, Council may need to reassess the level of rate funding required and depending on the amount additional consultation with the community may be required.

NEXT STEPS

- [28] The next steps include:
- Council staff finalise the consultation documentation;
 - complete implementation of the communication approach with public consultation mid-April to mid-May 2020 (as proposed pre Covid-19);
 - hearings alongside the Annual Plan Hearings in late May; and
 - Council Adoption of the Annual Plan 2020-21 in late June 2020.

ATTACHMENTS

Nil

8.3. Notification Plan Change 8 to the Water Plan and Plan Change 1 to the Waste Plan

Prepared for:	Council
Report No.	P&S1840
Activity:	Governance Report
Author:	Tom De Pelsemaeker, Team Leader Fresh water and Land and Ann Yang, Economic Analyst
Endorsed by:	Gwyneth Elsum, General Manager Strategy, Policy and Science
Date:	6 April 2020

PURPOSE

- [1] To approve the notification of Proposed Plan Change 8 (Discharge Management) to the Regional Plan: Water for Otago, and Proposed Plan Change 1 (Dust Suppressants and Landfills) to the Regional Plan: Waste for Otago.

EXECUTIVE SUMMARY

- [2] This report recommends notification of Proposed Plan Change 8 (Discharge Management) to the Regional Plan: Water for Otago (Water Plan) and Proposed Plan Change 1 (Dust Suppressants and Landfills) to the Regional Plan: Waste for Otago (Waste Plan), in accordance with Clause 5 of Schedule 1 of the Resource Management Act 1991 (RMA). These proposed plan changes were previously referred to as the Omnibus Plan Change, or the Water Quality Plan Changes for working title purposes.
- [3] Proposed Plan Change 8 to the Water Plan (PC8) and Proposed Plan Change 1 to the Waste Plan (PC1) introduce a range of amendments targeting:
- specific issues or activities known to be, or likely to be contributing to water quality issues in parts of Otago; and
 - significant gaps in the rule and policy framework for managing contaminant discharges to water.
- [4] The proposed plan changes seek to address these issues and management gaps by introducing practical, targeted solutions that will ensure better alignment with all relevant requirements. In doing so, these proposed plan changes can be easily incorporated into a new Land and Water Regional Plan (LWRP) which is programmed to be notified by 31 December 2023. They are also a step towards giving full effect to the National Policy Statement for Freshwater Management 2014 (amended 2017), hereafter referred to as NPSFM.
- [5] The requirements relating to pre-notification consultation under Clauses 3 and 4A of Schedule 1 of the RMA have been satisfied for both plan changes. Therefore, both proposed plan changes are now ready for Council approval to be publicly notified.

- [6] From the date of public notification, the rules proposed by both plan changes will have legal effect because they relate to the protection of water, air and soil under Section 86(3) of the RMA.
- [7] The process for progressing these plan changes past public notification remains uncertain as Council has requested that the Minister for the Environment call in both this and the Water Permits (notified on 18th March 2020) plan change proposals. Irrespective of which organisation processes the plan changes, progressing to notification is the next step in line with the commitment made by ORC to the Minister for the Environment in December 2019.
- [8] It should be noted that postponement of the last Council meeting due to COVID19 means that the commitment made in December 2019 to notify the “Omnibus” plan change by the end of March 2020 has not been met.
- [9] This paper proposes an extended period prior to the notification and submission period to allow sufficient time for ORC to public notify the proposal, and the community to make submissions due to the current impacts of COVID19.

RECOMMENDATION

That the Council:

- 1) **Receives this report.**
- 2) **Has particular regard** to the Section 32 evaluation report in deciding whether to adopt proposed Plan Change 8 to the operative Regional Plan: Water for Otago and proposed Plan Change 1 to the operative Regional Plan: Waste for Otago.
- 3) **Has particular regard** to the advice received on proposed Plan Change 8 to the operative Regional Plan: Water for Otago and proposed Plan Change 1 to the operative Regional Plan: Waste for Otago from the relevant iwi authorities in accordance with Clause 4A(1)(b) of Schedule 1 to the Resource Management Act 1991.
- 4) **Adopts** proposed Plan Change 8 (Water Quality) to the Regional Plan: Water for Otago and **adopts** proposed Plan Change 1 (Dust Suppressants and Landfills) to the operative Regional Plan: Waste for Otago.
- 5) **Adopts** the Section 32 evaluation report on proposed Plan Change 8 and proposed Plan Change 1.
- 6) **Approves** public notification of proposed Plan Change 8 to the Regional Plan: Water for Otago, proposed Plan Change 1 to the Regional Plan: Waste for Otago and the accompanying Section 32 evaluation report no earlier than 15 working days from the date of adoption of these proposed plan changes by this Council, unless the proposed Plan Changes the Minister for the Environment directs that they are to be called in.

- 7) **Makes available** for public inspection on the date of public notification proposed Plan Change 8 to the operative Regional Plan: Water for Otago and proposed Plan Change 1 to the operative Regional Plan: Waste for Otago and the evaluation report prepared pursuant to Section 32 of the Resource Management Act 1991.
- 8) **Adopts** the Implementation Plan for proposed Plan Change 8 to the operative Regional Plan: Water for Otago and proposed Plan Change 1 to the operative Regional Plan: Waste for Otago.
- 9) **Notes** that all of the new rules and amendments to rules in the proposed Plan Change 8 to the Regional Plan: Water for Otago and proposed Plan Change 1 to the Regional Plan: Waste for Otago take immediate legal effect from the date of notification pursuant to section 86B(1)(a) and (3) of the Resource Management Act 1991.

BACKGROUND

- [10] In October 2018, ORC approved the commencement of a full review of the Water Plan, which was followed in 2019 by a review of ORC's planning framework by Minister for the Environment, Hon. David Parker.
- [11] As a result of the Ministerial review, a work programme was agreed, which included a recommendation to notify a new fit for purpose Land and Water Regional Plan (LWRP) in accordance with the requirements of the NPSFM, by 31 December 2023.
- [12] While ORC remains committed to notifying a new LWRP by the agreed date, there are known deficiencies within the current planning framework for managing water quality in Otago that require urgent intervention.
- [13] To address these deficiencies ORC has proposed three plan changes:
- Proposed Plan Change 6AA to the Water Plan;
 - Proposed Plan Change 8 (Discharge management) to the Water Plan; and
 - Proposed Plan Change 1 (Dust suppressants and landfills) to the Waste Plan.
- [14] As committed to in a letter of response to Minister Parker dated 16 December 2019 Council was to publicly notify these proposed plan changes by 31 March 2020. The deadline was not met due to a deferral of the Council meeting seeking adoption and notification which was to occur on 25 March, when the country moved into Level 4 restrictions. However, in line with recent advice from the Ministers' office, staff are continuing to progress the plan changes through to Council for approval. The Minister for the Environment has also confirmed that planning functions are an essential service and are to be continued.
- [15] Proposed Plan Change 6AA to the Water Plan (PC6AA) has postponed the date when certain rules controlling discharge contaminant concentration and rules on nitrogen leaching come into force until 1 April 2026. The Council's Decision on PC6AA was notified on Saturday 8 February 2020, with the appeal period closing on or about the

24th March. As no appeals on PC6AA were received within the statutory appeal period, the plan change is now effectively operative. A separate report, proposing to publicly notify the date on which the Plan Change will become operative, will be prepared by staff for consideration by Council at its meeting on 22nd April 2020.

- [16] PC8 and PC1 both seek to introduce a range of amendments targeting specific activities and land management practices known to be contributing to the degradation of water quality.
- [17] This paper addresses the changes proposed under proposed PC8 and proposed PC1.

ISSUE

- [18] There are known deficiencies in the existing framework of the operative Water Plan and operative Waste Plan for managing rural and urban contaminant discharges and water quality.
- [19] While Plan Change 6AA resolves the issues associated with implementing ambiguous rules in the short term it also creates additional gaps in the Plan for managing discharges to water.
- [20] PC8 and PC1 seek to address these and other management gaps in the policy and rule framework for managing contaminant discharges by introducing practical, targeted solutions that can be easily incorporated into a new LWRP in the future.

DISCUSSION

Overview of key aspects of the proposed plan changes

- [21] Proposed PC8 seeks to introduce a range of new provisions and amendments to the Water Plan in order to strengthen the Plan's ability to effectively manage some types of discharges. The proposed new provisions and amendments seek to achieve the following:
- A strengthened and clarified policy direction for assessing resource consent applications for discharges of stormwater, wastewater and contaminants from rural land uses (e.g. introduction of new policy aimed at reducing the adverse effects of discharges of human sewage from reticulated wastewater systems);
 - Improved minimum standards for effluent storage systems and discharges of effluent to land (e.g. introduction of new rule requiring new storage ponds to be sized appropriately and constructed in a manner that minimises the risk of leakage);
 - Targeted minimum standards and good farming practices for high-risk practices (e.g. introduction of new permitted activity rule for intensively grazed areas with conditions relating to size and minimum setbacks from water bodies; amendment to the existing stock access rule to exclude dairy cattle and pigs from water bodies);
 - Enabling the installation and maintenance of sediment traps as a permitted activity, subject to standards (i.e. introduction of new permitted activity rule

for the establishment and maintenance of sediment traps in intermittently flowing or ephemeral rivers);

- Strengthened provisions for managing sediment loss from earthworks for residential development (e.g. introduction of new permitted activity rule for earthworks for residential development with conditions that seek to avoid or minimise the risk of resulting discharges of sediment to water); and
- Clarification of one policy relating to the establishment of regionally important infrastructure in wetlands (i.e. amendment to existing Policy 10.4.2 to include reference to regionally significant infrastructure).

[22] Proposed PC1 seeks to amend the Waste Plan, as follows:

- By introducing improved controls on the use of dust suppressants, including prohibiting the use of waste oil as a dust suppressant (e.g. new prohibited activity rule for the discharge of waste oil to water or water); and
- By strengthening the policy direction for assessing resource consent applications for landfills (i.e. introduction of new policy aimed at minimising the adverse effects of discharges from new and operating landfills).

[23] Proposed PC8 and PC1 are attached as Attachments 1 and 2 respectively. The accompanying evaluation report prepared under Section 32 of the RMA, which examines the extent to which these proposed plan changes are considered the most appropriate way to achieve the purpose of the RMA and evaluates alternative options, benefits and costs, is attached as Attachment 3.

Scope of the proposed plan changes

[24] The scope of the proposed plan changes has been determined through discussions with Council beginning in August 2019.

[25] In particular, on 14 August 2019 staff presented a paper to the ORC's Policy Committee on proposed changes to strengthen the provisions of the Water Plan for managing water quality. The paper recommended initiating two plan changes:

- a first plan change (to be notified by October 2019) to amend the date when certain rules controlling discharge contaminant concentration and rules on nitrogen leaching would come into force (Plan Change 6AA);
- a second plan change (to be notified in March 2020) to ensure the Water Plan would be more effective in addressing activities with a high risk of having adverse impacts on water quality.

[26] The paper recommended the following matters be included within the preliminary scope of the second plan change:

- Addressing gaps in the current discharge rule framework;
- Adoption of good farm management practices in Otago;
- Managing stock effluent;
- Controlling sediment discharges from earthwork activities;

- Amending the policy framework for managing discharges of wastewater, contaminated stormwater and discharges from municipal wastewater treatment plants;
- Providing for the installation and maintenance of sediment traps;
- Managing stock access to water bodies;
- Defining “regionally important infrastructure”;
- Managing the discharge of waste oil on road as dust suppressants; and
- Addressing overlaps between the Water Plan and the Waste Plan.

[27] These matters were identified considering the following two criteria:

- Significance and urgency of the issue; and
- Ability to develop new provisions in a short timeframe.

[28] Following the adoption of the preliminary scope of the plan change proposal by Council, staff developed, in conjunction with consultants and key stakeholders, a proposal for a high-level framework for managing these activities. This proposed management framework was presented to Council during a workshop on 29 January 2020.

[29] During the January 2020 workshop Councillors expressed support for:

- Strengthening the policies for assessing resource consent applications for discharges of stormwater, wastewater and discharges from rural land uses;
- Setting minimum standards for effluent management systems and effluent application to land through the development of new rules and policies;
- Improving controls on the use of dust suppressants, including prohibiting the use of waste oil as a dust suppressant and encouraging the use of more sustainable alternatives;
- Strengthening the policy direction for assessing resource consent applications for landfills;
- Developing new provisions for the management of intensive grazing and amending the provisions relating to stock access;
- Enabling the use of sediment traps; and
- Strengthening the provisions for managing sediment discharges from earthworks.

Pre-notification consultation during the plan change development phase

[30] Consultation with the community during the development phase of the plan changes has been targeted to key stakeholders only, due to the requirement for the proposed plan changes to be developed and notified in a short timeframe and the narrow scope of the proposed changes.

[31] The targeted consultation with key stakeholders in the development phase involved the following:

- From October 2019 to January 2020: discussions with members of the dairy industry regarding the need for greater direction on acceptable minimum standards for the storage and application of animal waste.

- On 21 November 2019: Meeting with staff from Dunedin City Council, Central Otago District Council, Queenstown-Lakes District Council, Clutha District Council and Waitaki District Council to discuss the current issues with sediment management in Otago, clarify the various district council controls and discuss potential regulatory and non-regulatory solutions.
- On 16 December 2019: Email to the Department of Conservation, Forest and Bird and Aukaha seeking feedback on options for resolving the issues with the reference to nationally and regionally important infrastructure in the Water Plan Policies for Regionally Significant Wetlands.
- On 23 January 2020: Discussion with staff from the Dunedin City Council's Three Waters Department regarding the proposed changes to the policies for managing stormwater and wastewater discharges and landfills.

[32] In addition, staff from Aukaha have been involved in internal meetings and workshops on the development of the Plan Changes.

Pre-notification Consultation on the proposal to Incorporate Material by Reference

[33] Proposed PC8 and proposed PC1 both seek to incorporate materials by reference in the Water Plan and Waste Plan. The reference materials proposed to be included in these plans are the following:

- IPENZ practice note 21: Farm dairy effluent ponds;
- IPENZ practice note 27: Farm dairy infrastructure;
- Waste Minimisation Institute (2018), Technical Guidelines for Disposal to Land;
- Massey University Dairy effluent storage calculator; and
- Auckland Council (2016) Erosion and Sediment Control guidelines for land disturbing activities in the Auckland Region

[34] Pursuant to Clause 34(2)(c) of Schedule 1 of the RMA, Council has consulted with the public on the proposal to incorporate materials by reference in the Water Plan and Waste Plan. A public notice to that effect was placed in the Otago Daily Times on 17 February 2020. These reference materials were also made available for public inspection at the Otago Regional Council offices and online via the ORC website.

[35] Comments on the proposal to incorporate these materials by reference were received from two oil companies, Fulton Hogan and Louise Croot.

[36] The comments received indicated general support for the principle of incorporating industry guidelines and best practices into ORC's planning documents. However, through this consultation process the following concerns or issues were raised:

Erosion & Sediment Control guidelines for land disturbing activities in the Auckland Region

- The guidelines contain a degree of prescription about current market brands and specifications.

Technical Guidelines for Disposal to Land

- Currently under review by the Ministry for the Environment;

- Not supported by the Oil companies (Concerns with Chapter 6 (Waste Acceptance and Monitoring) and associated appendices and the hydrocarbon restrictions); and
- Language used is at times euphemistic.

Other

- Mapping of waste disposal sites with location, dates and monitoring is crucial for future planning;
- Closed landfills need more monitoring; and
- Need to engage the private sector in the implementation.

- [37] No amendments were made to proposed plan changes in response to these concerns. However, in response to the request for implementation support, ORC has developed an implementation plan that provides for the development of materials to support implementation of the Plan Changes, including factsheets and guidance. This implementation plan is attached as Attachment 4 to this paper.
- [38] All other matters raised during this consultation process will remain relevant to the planned development of the new LWRP.

Pre-notification Consultation under Clause 3, Schedule 1 of the RMA

- [39] The RMA requires Council to undertake two separate sets of pre-notification consultation. The first is Clause 3 consultation which must be undertaken with specified Ministers of the Crown, local authorities, tangata whenua (through iwi authorities), and anyone else the Council considers should be consulted.
- [40] In this instance, and because of the time constraints associated with the development and notification of the proposed plan changes, the consultation was only undertaken with the mandatory parties as follows:
- The Minister for the Environment;
 - The Minister for Agriculture;
 - The Minister of Conservation;
 - Constituent territorial authorities;
 - Adjacent regional councils; and
 - Ngai Tahu and Otago iwi authorities.
- [41] Each of the parties listed above was provided with consultation drafts of the proposed plan changes on 17 February 2020, with feedback received from the Director General of Conservation (DGC), and Aukaha, on behalf of Nga Rūnanga and Te Rūnanga o Ngai Tahu.
- [42] Both Aukaha and the DGC expressed support of the proposed changes, with some amendments to wording of the draft proposals requested. The changes requested by these parties were largely aimed at the following:
- Giving greater recognition to Iwi values within the proposed provisions;
 - Strengthening the wording of the proposed provisions;

- Improving the consistency between the proposed new plan provisions, as well as the consistency between the proposed new plan provisions and those already included in the operative Water Plan; and
- Extending the range of activities to which the proposed provisions will apply (e.g. sediment control and stock exclusion).

[43] Many of the changes outlined in Clause 3 consultation were adopted, in order to increase the effectiveness and clarity of the proposed provisions. However, no changes were made where the requested amendments would have resulted in an expansion in the scope of the proposed plan changes.

[44] Some of the feedback received will be relevant to the development of the new LWRP.

Pre-notification Consultation under Clause 4A, Schedule 1 of the RMA

[45] A second round of pre-notification consultation with Iwi authorities is required under Clause 4A of Schedule 1 to the RMA. Council is required to have particular regard to any advice received on a draft proposed policy statement or plan from those Iwi authorities.

[46] Iwi authorities were provided with amended consultation drafts of the proposed plan changes on 9 March 2020.

[47] Feedback from Aukaha focused on strengthening the proposed provisions for managing effluent; and avoiding the risk of adverse impacts on dust suppressants on water quality.

[48] Further changes have been made to the proposed provisions addressing the discharge of dust suppressants as a result, however no amendments were made in relation to the effluent provisions.

Section 32 Evaluation report

[49] As required by Section 32 of the RMA, an evaluation report on the proposed plan changes has been prepared. This report is attached as Attachment 3 to this paper.

[50] The Section 32 evaluation report sets out the background and context for the proposed plan changes, the consultation undertaken (and Council's response to that consultation) and an evaluation of the effectiveness and efficiency of the proposals.

[51] The section 32 report concludes that proposed PC8 and proposed PC1 are the most effective and efficient way of achieving the objectives of the Water and Waste Plans. This will, in turn, better achieve the outcomes sought by the NPSFM, RPS 1998, PORPS 2016 and PORPS 2019, as well as the purpose of the RMA.

OPTIONS

[52] There are limited options for changing what is being proposed under these proposed plan changes. Council has three basic options in respect of this matter:

- Option A: Adopt the draft plan changes and the Section 32 evaluation report and proceed with their public notification no earlier than 5 May 2020; or

- Option B: Seek amendments to the draft plan changes and Section 32 report; or
Option C: Not proceed with the proposed plan changes and instead rely on the operative provisions of the Water Plan and Waste Plan.

- [53] Proceeding with Option A fulfils Council's commitment to the Minister for the Environment outlined in ORC's letter of response to the Minister dated 16 December 2019.
- [54] Option B, which provides for amending the proposed plan changes at this time, is technically feasible, but would require some additional work on the Section 32 evaluation report. It would also require starting the pre-notification consultation again. The overall risks associated with this option are:
- A delay in the work programme;
 - Failure to achieve the timeframe committed to by Council in its response to the Minister for the Environment; and
 - Risk of reduced effectiveness of the proposed plan changes in delivering suitable outcomes for better managing water quality in the Otago region.
- [55] Not proceeding with the proposed plan change would mean that the ORC must rely on its existing Water and Waste Plans to manage water quality. As has previously been noted, there are known gaps within the rule and policy frameworks for managing water quality and contaminant discharges within these existing plans. Not addressing these gaps is likely to result in further water quality degradation in Otago. In addition, not proceeding with the proposed plan change will place ORC at risk in terms of further Ministerial intervention.
- [56] Staff also note that Council wrote to the Minister for the Environment requesting he consider calling in Plan Change 7 and 8 to the Regional Plan: Water, and Plan Change 1 to the Regional Plan: Waste. This request has set an expectation of plan changes being approved and able to be called in and has resulted a workstreams in the Ministry and the Environmental Protection Authority to provide advice to the Minister for the Environment.

NOTIFICATION

- [57] In accordance with Clause 5, Schedule 1 of the RMA, it is proposed to notify Proposed Plan Change 8 to the Water Plan and Proposed Plan Change 1 to the Waste Plan, as well as the accompanying Section 32 evaluation report no earlier than 15 working days from the date of adoption by this Council, unless the Minister for the Environment directs the call-in of the proposed Plan Changes. In practice, this means that public notification will not occur earlier than Tuesday 5 May and is most likely to occur on Saturday 9 May.
- [58] Clause 5(3)(b) of Schedule 1 of the RMA provides for a submission period of at least 20 working days after public notification. Given the likelihood of continued disruptions caused by the COVID-19 crisis, it is proposed to extend the submission period by an additional 10 working days. This provides for a total submission period of 30 working days. This is consistent with Government actions, which have extended submission time

frames for both the National Environment Standard for Tyres, and the National Environment Standard for Air Quality.

LEGAL EFFECT

- [59] As the proposed plan changes relate to water, the amendments to rules will take immediate legal effect from the date of notification pursuant to section 86B(1)(a) and (3) of the RMA. This means that, from the date of notification, when considering an activity to which any of the rules proposed under PC8 to the Water Plan and PC1 to the Waste Plan, a consents planner will be required to consider both the rules that are in the Operative Plans, and any rules notified in the proposed plan changes.
- [60] Because of the potential implications of the proposed plan changes for the management of the freshwater quality, soil conservation and air quality within Otago, it is appropriate that this is the case.

IMPLEMENTATION

- [61] ORC staff have developed an implementation plan to ensure smooth transition to the new rules. This report is attached to this paper as Attachment 4.
- [62] The key components of the implementation plan are:
- Training of staff on new rules and when they take effect.
 - Provision of advice to applicants on the new and amended rules and implementing new provisions (new forms, report templates and conditions to be drafted).
 - Enforcement and/or checking compliance with new provisions.
 - Preparation and distribution of information on both the process (submissions etc) and the proposed new rules to the public through newsletters, brochures, factsheets, website, radio and social media.
 - Provision of information to customer services and other staff who interact with the public.
 - Two livestream events to provide information and answer questions on the proposed plan changes.
- [63] It is also important to note that section 20A of the RMA provides for circumstances when a land use activity is currently permitted and, as a result of a plan change, it will require consent. In some circumstances, those activities are able to continue to operate until the proposed new rule is 6 months beyond operative. This would apply, for example, to land uses for effluent ponds. If landowners can satisfy the requirements in section 20A, they will not need to apply for a land use consent until the associated rule has been operative for 6 months
(<http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM232526.html>).

CONSIDERATIONS

Policy Considerations

- [64] There are deficiencies in the existing framework of the operative Water Plan and Waste Plan for managing contaminant discharges and water quality. Furthermore, the policies in these plans do not provide adequate guidance to assist consent staff to process consents, leading to uncertainty and potentially inconsistency.
- [65] PC8 and PC1 are intended to address known deficiencies within the current planning framework for managing water quality that require urgent intervention, while a new, fit-for purpose planning framework for managing freshwater is being developed, set in the new LWRP to be notified by 31 December 2023.
- [66] Providing for a more certain and robust policy and rule framework in the Water and Waste Plans to manage the effects of discharges from land use on water quality will assist both internal and external users of the plans.

Financial Considerations

- [67] The proposed plan changes, if adopted, come at a financial cost for ORC. However, the immediate cost is expected to be short-term and moderate (given the limited scope of the proposed plan changes).
- [68] The proposed plan changes will be funded from the existing Water Plan budgets and proposed annual plan budgets. The costs to date have been largely staff time and planning consultant work. Going forward, and assuming no direction to call in the plan changes, there will be costs associated with:
- Notification;
 - Administering the submission process;
 - Preparation of a Section 42A report;
 - Hearing;
 - Appeals; and
 - Implementation.

Significance and Engagement

- [69] Both proposed plan changes, if adopted by Council and publicly notified, will trigger ORC's Significance and Engagement Policy (SEP) as this project is likely to have potentially significant impacts on many landholders, infrastructure providers and land developers.
- [70] The notification of these proposed plan changes will involve the roll-out of a formal plan change process prescribed by Schedule 1 of the RMA, through which affected or interested parties can partake in the submissions, hearing and appeal process. In

addition to this, key messaging around the proposed plan changes' purpose and next steps will be released via our website, social media and as a press-release.

Legislative Considerations

- [71] Since the provisions of the Waste Plan and Water Plan for managing water quality and contaminant discharges have become operative, there have been several changes to the legislative planning context, including amendments to the NPSFM in 2014 and 2017. Further changes to the legislative context have been announced recently, which includes a proposed new NPSFM and a new National Environmental Standard for Freshwater.
- [72] As a result of these legislative changes, the current Water Plan and waste Plan no longer give effect to Central Government direction.
- [73] Proposed PC8 and proposed PC1 address gaps in the planning framework for managing water quality in Otago by strengthening existing policy and rule framework in the Water Plan and Waste Plan. In doing so these plan changes will ensure better alignment with all relevant requirements and will be a step towards giving full effect to the NPSFM 2014.
- [74] Both Plan Changes are consistent, or not contrary to any relevant national legislation, and are not contrary to the operative or proposed RPS.

Risk Considerations

- [75] The inadequacy of the existing rules and policies in the operative Water Plan and Waste Plan to manage contaminant discharges poses the risk that the desired environmental outcomes for the region's water bodies are not being achieved. The proposed plan changes seek to address this risk by strengthening the Plans' existing policy and rule framework for managing discharges and their effect on water quality. Given that PC6AA postpones the date when certain rules controlling discharge contaminant concentration and rules on nitrogen leaching come into force, and that the community is expecting ORC to amend its existing framework for managing water quality, failure to adopt these plan changes could further compromise water quality in Otago and harm ORC's reputation.
- [76] The process for undertaking these plan changes has several risks associated with it. A key risk to be addressed ensuring that the plan changes can be made operative well in advance of the notification of the new LWRP in order to:
- halt the potential for further water quality degradation in Otago; and
 - guarantee that ORC's resources remain focussed on the development of a long-term planning framework that will sit in the LWRP, rather than tied up into the plan change processes that seek to fix current gaps in the rule and policy framework of the Water Plan and Waste Plan.
- [77] There is a risk of the proposed plan changes being appealed to the Environment Court if the Minister for the Environment does not call in the proposal. There are limited opportunities to mitigate this, however the messaging as for the above point is that

resources are best focused on the long-term plan framework and genuinely engaging in the development of the LWRP rather than litigating to achieve outcomes that are inconsistent with the broader goal of moving towards giving full effect to the NPSFM.

Implications on communities affected by the COVID-19 crisis and on subsequent recovery

- [78] On 25 March 2020 alert level 4 restrictions came into force across New Zealand to try to stop the spread of coronavirus (C-19). This placed the country in lockdown for a period lasting at least four weeks. As a result of that, schools and non-essential services and businesses (e.g. hospitality, entertainment, tourism and recreation), were required to close their face-to-face function. Only a limited number of services and businesses, providing the necessities of life for everyone, have been allowed to continue to operate under Level 4 restrictions.
- [79] While farming and services associated with the agricultural sector (including food processors, diagnostics, farm suppliers, freight and trucking) can continue to operate as essential services and businesses under Level 4, the impact of the lockdown on rural communities and wider regional economy is expected to be significant.
- [80] Locally the rural sector has been lobbying to have Plan Change 8, and Plan Change 1 slowed down, including a request from the main industry groups for notification not to occur until May. Nationally, the rural sector groups have reportedly requested to Ministers that the work programme on water continue, in order that landowners have certainty. There is also considerable lobbying for the plan changes to continue and be notified.
- [1] In 2017 agriculture contributed \$621 million (5.3%) to Otago's Gross Regional Productivity (GRP) and is the region's eighth largest sector.¹ Of the 3,333 farm holdings, the majority focus on livestock (i.e. sheep/lamb and cattle). Prior to the C-19 lock down there were some impacts on agriculture through the impacts of the crisis in China, our largest trading partner, however this had already started to bounce back in mid-February, and trading figures for both the meat and dairy sector for January and February 2020 were up on the same time last year.² Agriculture can be compared to the construction industry, which is Otago's largest sector by productivity and contributed over 1 billion dollars to GRP or (8.8%) in 2017.³ Private producer groups are the major contributors of this sector; it is estimated that at the national scale, private producer enterprises represented 50% (\$12.8 billion) of the total national construction productivity (\$25.4 billion) in 2019.⁴

¹ MBIE <https://www.mbie.govt.nz/business-and-employment/economic-development/regional-economic-development/modelled-territorial-authority-gross-domestic-product/2019-release/>

² Stats NZ <http://archive.stats.govt.nz/infoshare/>

³ MBIE <https://www.mbie.govt.nz/business-and-employment/economic-development/regional-economic-development/modelled-territorial-authority-gross-domestic-product/2019-release/>

⁴ Stats NZ <http://archive.stats.govt.nz/infoshare/>

- [2] Economists are predicting that the agriculture sector will be more resilient to the impact of C-19 than other sectors, and indeed will be an important sector to drive overall recovery. This is because the China market is rebounding, our food products continue to be in global demand and the NZD/USD exchange rate has weakened which has had a cushioning effect on lower market prices. The main recovery question in relation to the sector (as for every industry) is supply chain disruption, which might restrict access to tools and parts for agricultural machinery, as China re-builds its production capacity. In contrast to the agriculture sector, much of the work of the construction sector has stopped entirely during the C-19 lockdown and the impact is significant.
- [3] Economist Shamubeel Eaqub, in a presentation to Economic Development NZ on 1 April, noted the resilience of the primary sector and the likely reliable global demand for NZ produce.^[5] He also discussed the impacts on the construction sector: as well as a likely drop in demand, there will be supply chain issues as well as limited ability to access finance. In the context of the Otago economy this makes the agriculture sector important in stimulating local economies, through continuing to operate and spend, as the economy bounces back towards a business as usual scenario into the rebuilding phase. Finally, Eaqub referred to the importance of continued public expenditure on construction and other projects as important drivers of local recovery.
- [4] In estimating the impacts of the proposed plan changes on Otago's communities and evaluating whether these plan change proposals are likely to generate additional stresses on them or hamper the economic recovery from C-19 the following matters should be considered:
- Plan Change 6AA has postponed the requirement for rural landholders to achieve the discharge contaminant concentration limits and nitrogen leaching rates set in the Operative Water Plan (or apply for resource consent where these standards cannot be met) from 1 April 2020, to 1 April 2026.
 - None of the provisions proposed under Plan Change 8 are likely to require significant capital expenditure in the immediate term. Constructing or upgrading effluent management systems may require in some cases significant investment in on-farm infrastructure, but the proposed framework provides for a staged implementation to spread the cost and effort required to plan and apply for resource consents over a three-year period. Timeframes for carrying out any required infrastructure works can then further be determined on a case-by-case basis through consent applications.
 - On many farms, implementing good farming practices, such as providing for setbacks for intensive winter grazing, is unlikely to require significant expenditure, as the proposed standards for intensive winter grazing can be achieved through a change in farm management practice.
 - The proposed stock exclusion rules for dairy cattle and pigs do not take effect until 2022 and published reports from the dairy sector industry indicate that

^[5] <http://www.sense.partners/shamubeel-eaqub>

many dairy farms have already undertaken significant steps towards achieving this goal.³

- For smaller residential developments, the proposed controls on sediment discharges from earthworks are likely to allow these activities to continue to occur as a permitted activity provided good management practices are implemented. Furthermore, it should be noted that some territorial authorities in Otago already have provisions controlling adverse environmental impacts from earthworks in their district plans, while others have proposed similar or identical earthworks controls as part of their plan review process.
- As the agricultural sector is expected to play a crucial role in the economic recovery post C-19, investment in this sector is expected to increase over the next months or years. Investing now in infrastructure, farming systems and practices that allow for good environmental outcomes is likely to make more sense from an economic and financial perspective than retrofitting these systems at a later stage to achieve these outcomes.

[5] In light of these considerations and in the context of the economic scenario described in paragraphs 77 and 78, there is nothing to suggest that there are likely to be any particular economic benefits of relaxing environmental standards or changing planned directions towards sustainable water management, as a contribution to local recovery. Indeed lessons from previous economic crises and disasters have indicated that it is important to provide certainty for business in terms of the operating context and to also look for opportunities for improvement and innovation as a source of economic stimulus.^{4,5} And in addition, the better balancing of short term pragmatic policy responses with long term outcome improvements, as part of recovery efforts, has been identified as an important lesson to learn from past crises.⁶ In the current situation the potential negative impact of policy responses to C-19 on environmental protection is a real emerging issue and one which ORC must actively consider and balance in the regional context.⁷

³ Under the *Sustainable Dairying: Water Accord* launched in 2013 the dairy industry has committed to working with dairy farmers to ensure stock is permanently excluded by May 2017 from lakes, significant wetlands identified in a Regional Plan or Policy Statement, and permanently flowing rivers, streams, drains and springs, more than a metre wide and 30cm deep. The Water Accord Progress Report for the 2017/2018 season (Dairy NZ) indicates that at that time stock were permanently excluded from 98.3% of the total length of all Accord waterways (24,249km in total).

<https://www.dairynz.co.nz/environment/sustainable-dairying-water-accord/>

⁴ Davey, K. (2011) ed. *Local Government in Critical Times: Policies for Crisis, Recovery and a Sustainable Future*, Council of Europe, Strasbourg (post GFC analysis)

⁵ Gjerde, M and de Sylva S. (2018). *Governance and recovery: comparing recent disaster recoveries in Sri Lanka and New Zealand*. *Procedia Engineering* 212: 527-534. DOI: 10.1016/j.proeng.2018.01.068

⁶ <https://www.theguardian.com/environment/2020/mar/24/covid-19-economic-rescue-plans-must-be-green-say-environmentalists>; <http://opiniojuris.org/2020/03/30/covid-19-symposium-the-covid-19-pandemic-and-the-limits-of-international-environmental-law/>

⁷ <https://www.theguardian.com/environment/2020/mar/24/covid-19-economic-rescue-plans-must-be-green-say-environmentalists>; <http://opiniojuris.org/2020/03/30/covid-19-symposium-the-covid-19-pandemic-and-the-limits-of-international-environmental-law/>

NEXT STEPS

- [6] Following adoption by Council, the proposed PC8 to the Water Plan and proposed PC1 to the Waste Plan and the accompanying Section 32 evaluation report will be publicly notified in accordance with Clause 5, Schedule 1 of the RMA. The public notification will be no earlier than 15 working days from the date of adoption of the plan changes by this Council, unless the proposed Plan Changes are directed by the Minister for the Environment to be called in. The period for making submissions will not expire less than 30 working days following the date of public notification.

- [7] At the conclusion of the period for making submissions, and subject to the proposed Plan Changes not being called in by the Minister for the Environment, Council is required to prepare a summary of the decisions requested, publicly notify the availability of that summary and call for further submissions (in support of, or opposition to, those original submissions).

- [8] After the conclusion of the period for making further submission Council will prepare a report that evaluates the decisions sought through the submissions and makes recommendations regarding any appropriate amendments. This report becomes Council's evidence to the hearing panel.

- [9] If the Minister for the Environment directs the call in of both proposed Plan Changes submissions and Council's evidence will be heard by either an independent Board of Inquiry or the Environment Court.

ATTACHMENTS

- 1. Proposed Plan Change 8 to the Regional Plan Water for Otago [8.3.1 - 80 pages]
- 2. Proposed Plan Change 1 to Waste Plan [8.3.2 - 32 pages]
- 3. Section 32 evaluation report [8.3.3 - 82 pages]
- 4. Draft Implementation Plan [8.3.4 - 7 pages]

Attachment 1

Regional Plan: Water for Otago

Proposed Plan Change 8 (Discharge management)

ISBN 978-0-908324-59-0



<Date for notification to be inserted>

Introduction

The Otago Regional Council has prepared Proposed Plan Change 8 (Discharge management) to the Regional Plan: Water for Otago. Proposed Plan Change 8 amends existing, and introduces new provisions for:

- Managing, through enhanced policy direction, decision-making on stormwater, wastewater and rural discharges;
- Effluent storage and application to land through new minimum standards;
- Promoting good farming practices, including better managing contaminant loss from intensive grazing and stock access to water bodies as well as incentivising the use of small in-stream sediment traps;
- Improving management of sediment loss from earthworks for residential development, and
- Clarifying provision for nationally and regionally significant infrastructure in wetlands.

This document should be read in conjunction with:

- Section 32 Evaluation Report; and
- Regional Plan: Water for Otago (operative as at *<Date to be inserted>*).

Amendments to the Regional Plan: Water for Otago as a result of Proposed Plan Change 8 are shown as follows:

- additions underlined
- deletions ~~struck out~~

Any person may make comments on this proposed plan change. You may do so by sending written comments to the Otago Regional Council, or by telephone.

Post to	Otago Regional Council Private Bag 1954 Dunedin 9054		
Fax to	(03) 479 0015		
Email to	policy@orc.govt.nz		
Deliver to	Otago Regional Council 70 Stafford Street Dunedin	William Fraser Building Dunorling Street Alexandra	The Station, First Floor Cnr Shotover and Camp Streets Queenstown
Telephone	(03) 474 0827; 0800 474 082		

Submissions will be received until 5pm on *<Date to be inserted>*.

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Part A: Discharge policies

Relevant provisions:

Amended Policy 7.C.5.....	4
Amended Policy 7.C.6.....	5
New Policy 7.C.12.....	6
Amended Policy 7.D.5.....	6
New Policy 7.D.6.....	7

7

Water Quality



W A T E R Q U A L I T Y

- 7.1 Introduction** *[Unchanged]*
- 7.2 Issues in general** *[Repealed – 1 May 2014]*
- 7.3 Issues related to point source discharges to water** *[Repealed – 1 May 2014]*
- 7.4 Issues related to non-point source discharges to water** *[Repealed – 1 May 2014]*
- 7.5 Objective** *[Repealed – 1 May 2014]*
- 7.A Objectives** *[Unchanged]*
- 7.B Policies general** *[Unchanged]*
- 7.C Policies for discharges of human sewage, hazardous substances, hazardous wastes, specified contaminants, and stormwater; and discharges from industrial or trade premises and consented dams**
- 7.C.1 – 7.C.4** *[Unchanged]*
- 7.C.5** **Minimise the adverse environmental effects of discharges** ~~With respect to discharges from any new stormwater reticulation system, or any extension to an existing stormwater reticulation system, to require:~~ **by requiring:**
- (a) **The separation of sewage and stormwater; and**
 - (b) **Measures to prevent contamination of the receiving environment by industrial or trade waste; and**
 - (c) **The use of techniques to trap debris, sediments and nutrients present in runoff.**

Explanation

In terms of the Plan's rules for permitted and discretionary activities for new discharges, or extensions to the catchment area of existing discharges from reticulated stormwater systems, the requirements of (a) to (c) will apply, as required.

Principal reasons for adopting

This policy is adopted to reduce the potential for contaminants to be present in new stormwater discharges. This is intended to mitigate the impact on the water quality of receiving water bodies in urbanised areas or other areas served by a stormwater reticulation system.

Rules: 12.B.3.1

Other methods: 15.2.5.1, 15.4.2.1, 15.4.2.2.

7.C.6 Reduce the adverse environmental effects from existing stormwater reticulation systems by:

- (a) Requiring the progressive upgrade of stormwater reticulation systems to minimise the volume of sewage entering the system and the frequency and volume of sewage overflows; and**
- (b) ~~To promote~~ Promoting the progressive upgrading of the quality of water discharged from existing stormwater reticulation systems, including through:**
 - (i) The separation of sewage and stormwater; and**
 - (ii) Measures to prevent contamination of the receiving environment by industrial or trade waste; and**
 - (iii) The use of techniques to trap debris, sediments and nutrients present in runoff.**

Explanation

The Otago Regional Council will ~~encourage~~ require the operator of any existing stormwater reticulation system to improve the quality of stormwater discharged from the system. ~~Measures that can be taken to achieve this improvement include:~~

- ~~(a) The separation of sewage and stormwater;~~
- ~~(b) Measures to prevent contamination of the receiving environment by industrial or trade waste; and~~
- ~~(c) The use of techniques to trap debris, sediments and nutrients present in runoff.~~

Priority will be given to improving discharges to those water bodies where natural and human use values are adversely affected. Such measures may not be necessary where an existing discharge is having no more than a minor adverse effect on any natural or human use value supported by an affected water body.

Principal reasons for adopting

This policy is adopted to reduce the level of contaminants present in existing stormwater discharges. This is intended to mitigate the impact on the water quality of receiving water bodies in urbanised areas or other areas served by a stormwater reticulation system.

Rules: 12.B.3.1

Other methods: 15.2.5.1, 15.4.2.1, 15.4.2.2.

7.C.7 – 7.C.11 [Unchanged]

W A T E R Q U A L I T Y

7.C.12 Reduce the adverse effects of discharges of human sewage from reticulated wastewater systems by:

- (a) Requiring reticulated wastewater systems to be designed, operated, maintained and monitored in accordance with recognised industry standards; and**
- (b) Requiring the implementation of measures to:**
 - (i) Progressively reduce the frequency and volume of wet weather overflows; and**
 - (ii) Minimise the likelihood of dry weather overflows occurring; and**
- (c) Preferring discharges to land over discharges to water, unless adverse effects associated with a discharge to land are greater than a discharge to water; and**
- (d) Having particular regard to any adverse effects on cultural values.**

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

7.D.1 – 7.D.4 *[Unchanged]*

7.D.5 When considering any discharge under section 12.C, ~~including the duration of any consent,~~ have regard to:

- (a) The effects, including cumulative effects, of the discharge on water quality and natural and human use values, including Kāi Tahu cultural and spiritual beliefs, values and uses; and**
- (b) The physical characteristics and any particular sensitivity of the land and any receiving water; and**
- (c) The quality and performance of the discharge management system used, or proposed to be used, and in particular, options to be employed to reduce any adverse environmental effects of the activity discharge and monitoring of the performance of the discharge management system; and**
- (d) Any staged timeframe and any environmental management plan to achieve:**
 - (i) Compliance with the permitted activity rules and Schedule 16 discharge thresholds during the duration of the consent; or**
 - (ii) The ongoing reduction of adverse environmental effects of the discharge, ~~where the permitted activity rules and Schedule 16 discharge thresholds cannot be met;~~ and**
- (e) Trends in the quality of the receiving water relative to the Schedule 15 freshwater characteristics, limits, and targets; and**
- (f) The extent to which ~~the risk of potentially significant, adverse effects arising from the discharge activity may be adequately managed through review conditions~~ are avoided; and**

W A T E R Q U A L I T Y

- (g) The value of the existing investment in infrastructure; and
- (h) The current state of technical knowledge and the use of industry best practice for managing environmental effects; and
- (i) The extent to which co-ordinating the discharges across multiple landholdings enables water quality objectives to be more effectively met; and
- (j) ~~Recognising t~~ The social, cultural and economic value of the use of land and water that gives rise to the discharge.

7.D.6 When considering applications for resource consent for discharges of nitrogen under Rule 12.C.3.2:

- (a) Restrict the duration of resource consents to a term of no more than 10 years; and
- (b) Have particular regard to:
 - (i) The water quality of the receiving water body; and
 - (ii) Any adverse effects on the natural or human use values of the receiving water body as set out in Schedule 1; and
 - (iii) Any adverse effects on Kāi Tahu cultural and spiritual beliefs, values and uses; and
 - (iv) The expected reduction in nitrogen discharged over the term of the resource consent, particularly from changes to land management practices or infrastructure; and
 - (iv) The administrative benefits of aligning the expiry date with other resource consents for the same activity in the surrounding area or catchment.

7.D.7 – 7.D.8 *[New Part – Part B]*

7.D.9 *[New Part – Part C]*

7.D.10 *[New Part – Part G]*

7.6 Policies for the enhancement of water quality *[Repealed – 1 May 2014]*

7.7 Policies for point source discharges *[Repealed – 1 May 2014]*

7.8 Policies for non-point source discharges *[Repealed – 1 May 2014]*

7.9 Anticipated environmental results *[Repealed – 1 May 2014]*

Part B: Animal waste storage and application

Relevant provisions:

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Amended Rule 12.C.0.2.....	16
New Rule 12.C.0.4 (discharge – prohibited)	17
New Rule 12.C.1.4 (discharge – short term permitted)	17
New Rule 12.C.2.5 (discharge – restricted discretionary)	18
New Rule 14.7.1.1 (land use – permitted)	20
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7

Water Quality



W A T E R Q U A L I T Y

- 7.1 **Introduction** *[Unchanged]*
- 7.2 **Issues in general** *[Repealed – 1 May 2014]*
- 7.3 **Issues related to point source discharges to water** *[Repealed – 1 May 2014]*
- 7.4 **Issues related to non-point source discharges to water** *[Repealed – 1 May 2014]*
- 7.5 **Objective** *[Repealed – 1 May 2014]*
- 7.A **Objectives** *[Unchanged]*
- 7.B **Policies general** *[Unchanged]*
- 7.C **Policies for discharges of human sewage, hazardous substances, hazardous wastes, specified contaminants, and stormwater; and discharges from industrial or trade premises and consented dams**
 - 7.C.1 – 7.C.4 *[Unchanged]*
 - 7.C.5 – 7.C.6 *[Amended - Part A]*
 - 7.C.7 – 7.C.11 *[Unchanged]*
 - 7.C.12 *[New - Part A]*
- 7.D **Policies for discharges of water and contaminants, excluding those discharges provided for in 7.C**
 - 7.D.1 – 7.D.4 *[Unchanged]*
 - 7.D.5 *[Amended - Part A]*
 - 7.D.6 *[New - Part A]*
 - 7.D.7 **Ensure the appropriate management and operation of animal waste systems by:**
 - (a) Requiring animal waste systems to be designed, constructed and located appropriately and in accordance with best practice; and**
 - (b) Ensuring that all animal waste systems:**
 - (i) Have sufficient storage capacity to avoid the need to dispose of effluent when soil moisture or weather conditions may result in run-off entering water; and**
 - (ii) Include contingency measures to prevent discharges to water in the case of equipment or system failure; and**

12

Rules: Water Take, Use and Management



R U L E S : L A N D U S E O N L A K E O R R I V E R B E D S O R
R E G I O N A L L Y S I G N I F I C A N T W E T L A N D S

12.0 - 12.B *[Unchanged]*

12.C Other discharges

- 12.C.A.1 Discharge rules in section 12.C apply to any discharge not provided for in sections 12.A, 12.B or 13.5.
- 12.C.A.2 Within section 12.C, prohibited activity rules prevail over any permitted, controlled, restricted discretionary and discretionary activity rules.

Note: Rules applying to plantation forestry:

- Refer to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017:
<http://www.legislation.govt.nz/regulation/public/2017/0174/latest/whole.html>
- Refer to Schedule 17: Rules applying to plantation forestry in Otago.
- Rules that apply: 12.C.1.1 (d) (e) (f), excluding (iii); 12.C.2.1; 12.C.2.2; 12.C.2.4; 12.C.3.2.

12.C.0 Prohibited activities: No resource consent will be granted

12.C.0.1 *[Unchanged]*

12.C.0.2 The discharge of any contaminant from ~~an animal waste system,~~ silage storage or a composting process:

- To any lake, river or Regionally Significant Wetland; or
- To any drain or water race that goes to a lake, river, Regionally Significant Wetland or coastal marine area; or
- To the bed of any lake, river or Regionally Significant Wetland; or
- To any bore or soak hole; or
- To land in a manner that results in overland flow entering any:
 - Lake, river, Regionally Significant Wetland or coastal marine area that is not permitted under Rule 12.C.1.1 or 12.C.1.1A; or
 - Drain or water race that goes to any lake, river, Regionally Significant Wetland or coastal marine area that is not permitted under Rule 12.C.1.1 or 12.C.1.1A; or
- To land within 50 metres of:
 - Any lake, river or Regionally Significant Wetland; or
 - Any bore or soak hole; or

R U L E S : L A N D U S E O N L A K E O R R I V E R B E D S O R
R E G I O N A L L Y S I G N I F I C A N T W E T L A N D S

- (vii) To saturated land; or
- (viii) That results in ponding,
is a *prohibited* activity.

12.C.0.3 [Unchanged]

12.C.0.4 The discharge of animal waste from an animal waste system:

- (i) To any lake, river or Regionally Significant Wetland; or
 - (ii) To any drain or water race that goes to a lake, river, Regionally Significant Wetland or coastal marine area; or
 - (iii) To the bed of any lake, river or Regionally Significant Wetland; or
 - (iv) To any bore or soak hole; or
 - (v) To land within 50 metres of:
 - (a) Any lake, river or Regionally Significant Wetland; or
 - (b) Any bore or soak hole; or
 - (vi) To land in a manner that results in ponding or overland flow to water, including to frozen land; or
 - (vii) That results in any of the following effects in receiving waters, after reasonable mixing:
 - (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
 - (b) any conspicuous change in the colour or visual clarity;
or
 - (c) any emission of objectionable odour; or
 - (d) the rendering of fresh water unsuitable for consumption by farm animals; or
 - (e) any significant adverse effects on aquatic life;
- is a *prohibited* activity.

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

12.C.1.1 - 12.C.1.3 [Unchanged]

12.C.1.4 Notwithstanding any other rule in this Plan, the discharge of animal waste, or water containing animal waste, from an animal waste system onto or into land is a *permitted* activity providing:

- (a) The animal waste system is permitted under Rule 14.7.1.2; and
- (b) The discharge is not prohibited under Rule 12.C.0.4; and
- (c) The discharge does not occur within 50 metres of the boundary of the property on which the animal waste is generated, or beyond that boundary.

R U L E S : L A N D U S E O N L A K E O R R I V E R B E D S O R
R E G I O N A L L Y S I G N I F I C A N T W E T L A N D S

12.C.2 Restricted discretionary activities: Resource consent required

12.C.2.1 – 12.C.2.4 [Unchanged]

12.C.2.5 The discharge of animal waste, or water containing animal waste, from an animal waste system onto or into land is a **restricted discretionary** activity provided:

(a) The discharge is not prohibited under Rule 12.C.0.2A; and

(b) The discharge is not permitted under Rule 12.C.1.4;

In considering any resource consent under this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

(i) The application depth and rate;

(ii) Size and location of the disposal area, including separation distances from lakes, rivers, Regionally Significant Wetlands, bores, soak holes, water supply for human consumption and dwellings;

(iii) Measures to avoid, remedy or mitigate adverse effects on water quality, taking into account the nature and sensitivity of the receiving environment;

(iv) Measures to avoid, remedy or mitigate adverse effects on Kāi Tahu cultural and spiritual beliefs, values and uses;

(v) Duration of consent and any review conditions;

(vi) Quality of, and compliance with, a management plan for the animal waste system; and

(vii) Any information and monitoring requirements.

12.C.3 Discretionary activities: Resource consent required

12.C.3.1 & 12.C.3.2 [Unchanged]

14

Rules: Land Use other than in Lake or River Beds



RULES: LAND USE OTHER THAN IN LAKE OR RIVER BEDS

14.1 - 14.4 [Unchanged]

14.5 [New – Part G]

14.6 [New – Part D]

14.7 Animal Waste Systems

14.7.1 Permitted activities: No resource consent required

14.7.1.1 The use of land for the use and maintenance of an animal waste system (including storage pond(s) and ancillary structures) that was constructed prior to 25 March 2020 is a *permitted* activity providing:

- (a) The storage pond is sized in accordance with the Dairy Effluent Storage Calculator; and
- (b) The storage pond is either:
 - (i) Fully lined with an impermeable synthetic liner and has a leak detection system underlying the storage pond which is inspected not less than monthly, there is no evidence of any leakage, and a written record is kept recording the results of each inspection; or
 - (ii) Of impervious concrete construction; or
 - (iii) An above-ground tank; or
 - (iv) Certified by a Suitably Qualified Person within the last five years as:
 - (1) Structurally sound and without any visual defects; and
 - (2) Meeting the relevant pond drop test criteria in Schedule 18; and
- (c) A management plan for the animal waste system is prepared and implemented that requires:
 - (i) Pond drop tests of the storage pond(s) every three years; and
 - (ii) Implementation of contingency measures to prevent the discharge of animal waste to a surface water body, an artificial watercourse, or the coastal marine area, either directly or indirectly, in the event of power outage or the failure of equipment; and
- (d) Upon written request by the Regional Council a written statement or certificate from a Suitably Qualified Person is provided to show compliance with Conditions (a) to (c).

RULES: LAND USE OTHER THAN IN LAKE OR RIVER BEDS

Note: Rule 14.7.1.1 does not manage discharges of animal waste to land. Animal waste systems that comply with Rule 14.7.1.1 will require resource consent under Rule 12.C.2.5 for the discharge of animal waste to land.

14.7.1.2 The use of land for the use and maintenance of an animal waste system (including storage pond(s) and ancillary structures) that was constructed prior to 25 March 2020 and does not comply with the conditions of Rule 14.7.1.1 is a *permitted* activity until the application date specified in Schedule 19.

14.7.2 Controlled activities: Resource consent required

14.7.2.1 The use of land for the construction, use and maintenance of an animal waste system (including storage pond(s) and ancillary structures) constructed after 25 March 2020 is a *controlled* activity provided the following conditions are met:

- (a) The storage pond is sized in accordance with the Dairy Effluent Storage Calculator; and
- (b) The storage pond is either:
 - (i) Fully lined with an impermeable synthetic liner and has an effective leak detection system that underlies the storage pond; or
 - (ii) Of concrete construction; or
 - (iii) Is an above-ground tank; and
- (c) The design of the animal waste system has been certified as being in accordance with IPENZ Practice Note 21¹ and IPENZ Practice Note 27;² and
- (d) The animal waste system is not located:
 - (i) Within 50 metres of any lake, river or regionally significant wetland; or
 - (ii) Within 90 metres of any water supply used for human consumption; or
 - (iii) Within 50 metres of any bore or soak hole; or
 - (iv) Within 50 metres of the property boundary; or
 - (v) Above subsurface drainage (other than a leak detection system); and
- (e) A management plan for the animal waste system is prepared and implemented that requires:
 - (i) For ponds that are fully lined with an impermeable synthetic liner and has an effective leak detection system that underlies the storage pond, inspections not

¹ Available from Otago Regional Council's website at <http://www.orc.govt.nz>

² Available from Otago Regional Council's website at <http://www.orc.govt.nz>

RULES: LAND USE OTHER THAN IN LAKE OR RIVER BEDS

- less than monthly with a requirement to keep a written record of the results of each inspection; and
- (ii) Pond drop tests of the storage pond(s) every three years; and
 - (iii) Implementation of contingency measures to prevent the discharge of animal waste to a surface water body, an artificial watercourse, or the coastal marine area, either directly to water or onto or into land in circumstances which may result in these contaminants entering water, in the event of power outage or the failure of equipment; and
 - (iv) If a leak is detected by the leak detection system, an assessment is undertaken by a Suitably Qualified Person within two months of the detection to determine whether the leak is within the normal operating parameters of the pond.

In granting any resource consent under this rule, the Otago Regional Council will restrict the exercise of its control to the following:

- (a) The design and construction of the system, including storage capacity, nature of the animal waste and the anticipated life of the system; and
- (b) The design, construction and adequacy of ancillary structures that are components of the animal waste system; and
- (c) The height of embankments and the placement and orientation relative to flood flows and stormwater run-off; and
- (d) Methods to protect the system from damage by animals and machinery; and
- (e) Quality of, and implementation of, a management plan for the animal waste system which requires pond drop tests of the system's storage pond(s) every three years; and
- (f) Potential adverse effects of construction, maintenance and use on water bodies, drains, groundwater, bores, drinking water supplies, the coastal marine area, stop banks, dwellings, places of assembly and urban areas; and
- (g) Location of the animal waste system; and
- (h) Measures to avoid, remedy or mitigate adverse effects on Kāi Tahu cultural and spiritual beliefs, values and uses.

14.7.3 Discretionary activities: Resource consent required

14.7.3.1 The use of land for the construction, upgrade, use or maintenance of an animal waste system (including storage pond(s) and ancillary structures) is a *discretionary* activity provided it is not:

- (a) Permitted under Rules 14.7.1.1 or 14.7.1.2; or

(b) Provided for by Rule 14.7.2.1.

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Schedules



RULES: LAND USE OTHER THAN IN LAKE OR RIVER BEDS

Schedules 1 - 17 [Unchanged]

18. Schedule of storage pond drop test requirements and criteria

This schedule outlines the requirements for undertaking pond drop tests on storage ponds that are part of an animal waste system and the pass criteria for drop test results.

Requirements

- Testing is undertaken over a minimum period of 48 hours.
- Testing recording equipment is to be accurate to 0.8 mm or less.
- Continuous readings are to be taken over the entire test period at not more than 10 second intervals.
- Any change in pond fluid level over the test period needs to be accounted for.
- Ponds must be at or over 75% design depth before a test can be undertaken.
- The pond has been de-sludged in the 12 months prior to the test being undertaken and there is no sludge or crust on the pond surface during the test.
- The pond surface is not frozen during any part of the testing.
- An anemometer is installed for the duration of the test and wind speed is at 10 metres per second or less for at least 24 hours during the test.

Criteria

When tested in accordance with the requirements above, the pond is considered to meet the pond drop test criteria if the maximum pond level drop does not exceed the following:

<u>Maximum depth of pond (m) excluding freeboard</u>	<u>Maximum allowable pond level drop (mm per 24 hours)</u>
<u><0.5</u>	<u>1.2</u>
<u>0.5 to 1.0</u>	<u>1.4</u>
<u>1.0 to 1.5</u>	<u>1.6</u>
<u>1.5 to 2.0</u>	<u>1.8</u>
<u>>2.0</u>	<u>2.0</u>

SCHEDULES

19. Schedule of progressive implementation of animal waste storage requirements

Many animal waste systems in Otago will need to be upgraded to meet the requirements of this Plan. The intent of this Schedule is to stage implementation of the Plan’s requirements according to the environmental risk posed by existing systems. To assess this risk, Schedule 19 provides two calculations that will determine the current storage volume available on a landholding (in days) as follows:

- Schedule 19A sets out the calculations required to determine days of storage available on a landholding.
- Schedule 19B sets out the date by which a complete resource consent application must be lodged with the Otago Regional Council under Rule 14.7.3.1 (and correspondingly Rule 14.7.1.2 ceases to apply). A complete application is one that is not determined as being incomplete by the Otago Regional Council pursuant to section 88 of the Resource Management Act 1991.

19A Storage calculation

Two calculations are required to determine the current minimum number of days of animal waste storage available on a landholding. These are set out below.

Step One: Daily waste volume

To calculate the daily waste volume per farm, use the following formula:

$$\frac{\text{Daily waste volume (m}^3\text{)}}{\text{}} \equiv \frac{\text{Maximum number of cows milked per day}}{\text{}} \times 0.05^{\wedge} \times \frac{\text{Maximum number of times per day that cows are milked during milking season}}{\text{}}$$

^ being 0.05 cubic metres (50 litres per cow per day)

For example:

During milking season, Farm A milks 500 cows twice per day. Using the formula above:

$$\frac{\text{Daily waste volume (m}^3\text{)}}{\text{}} \equiv 500 \times 0.05 \times 2$$

$$\frac{\text{Daily waste volume (m}^3\text{)}}{\text{}} \equiv 50$$

Step Two:

To calculate the minimum number of days of storage available, use the following formula:

$$\frac{\text{Days of storage available}}{\text{available}} \equiv \frac{\text{Actual storage volume (m}^3\text{)}^\wedge}{\text{Daily waste volume (m}^3\text{)}}$$

^ determined assuming that the storage facility is empty.

For example:

As calculated above, Farm A has a daily waste volume of 50 m³. The farm has a storage pond with a storage volume of 1000 m³. Using the formula above:

$$\frac{\text{Days of storage available}}{\text{available}} \equiv \frac{1000}{50}$$

$$\frac{\text{Days of storage available}}{\text{available}} \equiv 20$$

Using the table in Schedule 19B, Otago Regional Council must receive a complete resource consent application under Rule 14.7.3.1 from Farm A no later than two years from the date Plan Change 8 is made operative.

19B Application dates

The following table sets out the dates by which complete resource consent applications must be received under Rule 14.7.3.1 (and correspondingly Rule 14.7.1.2 ceases to apply). The “application date” is the date Plan Change 8 is made operative, plus the number of years in the “year” column below.

<u>Days of storage available as calculated in accordance with Schedule 19B</u>	<u>Year</u>
<u>0 – 10</u>	<u>0.5</u>
<u>11 – 40</u>	<u>2</u>
<u>41+</u>	<u>3</u>

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The table below only contains the Plan's definitions which are particularly relevant for this plan change

Proposed Plan Change 8 (Discharge management) to the Regional Plan: Water for Otago
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Agricultural waste	Waste from an agricultural process or premises that is derived from primary agricultural production. This includes animal waste and animal dip material.
Animal waste	Faeces or urine from any animal.
Animal waste system	Includes <u>Means the</u> collection, conveyance, storage, treatment, disposal or application of liquid or solid animal waste.
<u>Dairy Effluent Storage Calculator</u>	<u>Means the Dairy Effluent Storage Calculator available from Otago Regional Council's website at http://www.orc.govt.nz/</u>
<u>Suitably Qualified Person</u>	<u>A person that has been assessed and approved by the Otago Regional Council as being appropriately qualified, experienced and competent in the relevant field of expertise.</u>

Part C: Good farming practices

Relevant provisions:

New Policy 7.D.9.....	33
New Definition: Critical source area.....	37
Deleted Definitions: Feed pad, Sacrifice paddock, Stand off pad	37

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Water Quality



- 7.1 Introduction** *[Unchanged]*
- 7.2 Issues in general** *[Repealed – 1 May 2014]*
- 7.3 Issues related to point source discharges to water** *[Repealed – 1 May 2014]*
- 7.4 Issues related to non-point source discharges to water** *[Repealed – 1 May 2014]*
- 7.5 Objective** *[Repealed – 1 May 2014]*
- 7.A Objectives** *[Unchanged]*
- 7.B Policies general** *[Unchanged]*
- 7.C Policies for discharges of human sewage, hazardous substances, hazardous wastes, specified contaminants, and stormwater; and discharges from industrial or trade premises and consented dams**
- 7.C.1 – 7.C.4 *[Unchanged]*
- 7.C.5 – 7.C.6 *[Amended - Part A]*
- 7.C.7 – 7.C.11 *[Unchanged]*
- 7.C.12 *[New - Part A]*
- 7.D Policies for discharges of water and contaminants, excluding those discharges provided for in 7.C**
- 7.D.1 – 7.D.4 *[Unchanged]*
- 7.D.5 *[Amended - Part A]*
- 7.D.6 *[New - Part A]*
- 7.D.7– 7.D.8 *[New - Part B]*
- 7.D.9 Enable farming activities while reducing their adverse environmental effects by:**
- (a) Promoting the implementation of good management practices (or better) to reduce sediment and contaminant loss to water bodies; and**
- (b) Managing stock access to water bodies to:**
- (i) Progressively exclude stock from lakes, wetlands, and continually flowing rivers; and**

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- (ii) Avoid significant adverse effects on water quality, bed and bank integrity and stability, Kai Tahu values, and river and riparian ecosystems and habitats; and**
- (c) Setting minimum standards for intensive grazing; and**
- (d) Managing the risk of sediment run off from farming activities by:**
 - (i) Implementing setbacks from water bodies and establishing riparian margins, and**
 - (ii) Limiting areas and duration of exposed soil; and**
- (e) Promoting the identification and management of critical source areas within individual properties, to reduce the risk of nutrient or microbial contamination and sediment run-off.**

7.D.10 *[New Part – Part G]*

- 7.6** **Policies for the enhancement of water quality** *[Repealed – 1 May 2014]*
- 7.7** **Policies for point source discharges** *[Repealed – 1 May 2014]*
- 7.8** **Policies for non-point source discharges** *[Repealed – 1 May 2014]*
- 7.9** **Anticipated environmental results** *[Repealed – 1 May 2014]*

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The table below only contains the Plan's definitions which are particularly relevant for this plan change

Proposed Plan Change 8 (Discharge management) to the Regional Plan: Water for Otago
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<u>Critical source area</u>	<u>Means a landscape feature such as a gully, swale, or depression that accumulates runoff from adjacent flats and slopes and delivers it to surface water body such as rivers and lakes, artificial waterways, and field tiles.</u>
Feed pad	Any confined, uncovered structure, located on production land, which is designed for the purpose of controlled intensive feeding of stock with supplementary feed.
Sacrifice paddock	Any paddock which is set aside for the prolonged confinement and the controlled, intensive feeding of stock with supplementary feed, in order to avoid damage to their usual pasture.
Stand-off pad	Any purpose built uncovered area, located on production land, for the confinement of stock in order to avoid damage to their usual pasture.

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Part D: Intensive grazing

Relevant provisions:

New Rule 14.6.1.1 (land use – permitted).....	41
New Rule 14.6.2.1 (land use – discretionary).....	41
New Definition – Intensive grazing.....	43

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Rules: Land Use other than in Lake or River Beds



14.1 - 14.4 [Unchanged]

14.5 [New – Part G]

14.6 Rural land uses

14.6.1 Permitted activities: No resource consent required

14.6.1.1 The use of land for intensive grazing is a *permitted* activity providing:

- (a) The total cumulative area of the landholding used for intensive grazing is the lesser of:
 - (i) 100 hectares; or
 - (ii) 10% of the total cumulative area of the landholding.
- (b) There is no intensive grazing in any critical source area; and
- (c) Stock are progressively grazed (break-fed or block-fed) from the top of a slope to the bottom of a slope; and
- (d) A vegetated strip of at least 10 metres is maintained between the intensively grazed area and any water body, and all stock are excluded from this strip during intensive grazing.

14.6.2 Discretionary activities: Resource consent required

14.6.2.1 Except as provided by Rule 14.6.1.1, the use of land for intensive grazing is a *discretionary* activity.

14.7 [New – Part B]

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The table below only contains the Plan's definitions which are particularly relevant for this plan change

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Intensive grazing Means grazing of stock on forage crops (including brassica, beet and root vegetable crops), excluding pasture and cereal crops.

Part E: Stock access to water

Relevant provisions:

Amended Rule 13.5.1.8A.....	47
New Definition – Dairy cattle.....	50

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Rules: Land Use on Lake or River Beds or Regionally Significant Wetlands



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- Note: 1. Where the rules in this chapter provide for any activity in the bed of a lake or river, or in any Regionally Significant Wetland, a resource consent may also be required for activities associated with it, such as discharges to water, takes of water, damming or diversion of water, bed disturbance or structures.
2. A wetland may include open water which is part of a lake.

13.1 - 13.4 *[Unchanged]*

13.5 Alteration of the bed of a lake or river, or of a Regionally Significant Wetland

13.5.A **General rules for section 13.5** *[Unchanged]*

13.5.1 **Permitted activities: No resource consent required**

13.5.1.1 - 13.5.1.7 *[Unchanged]*

13.5.1.8 *[Repealed – 1 May 2014]*

13.5.1.8A The disturbance of the bed of any lake or river, or any Regionally Significant Wetland by livestock, excluding intentional driving of livestock, and any resulting discharge or deposition of bed material, is a **permitted** activity, providing ~~it does not~~:

(a) It does not

- (i) Involve feeding out on that bed or wetland; or
- ~~(bii)~~ Cause or induce noticeable slumping, pugging or erosion; or
- ~~(eiii)~~ Result in a visual change in colour or clarity of water; or
- ~~(div)~~ Damage fauna, or New Zealand native flora, in or on any Regionally Significant Wetland; and

(b) From 2022:

- (i) All dairy cattle and pigs are excluded from the beds of lakes, continually flowing rivers wider than 1 metre and Regionally Significant Wetlands; and
- (ii) where stock are excluded under (i), a setback of five metres from the beds of lakes, continually flowing rivers wider than 1 metre and Regionally Significant Wetlands is implemented.

RULES: LAND USE ON LAKE OR RIVER BEDS OR REGIONALLY SIGNIFICANT WETLANDS

Note: 1. <u>For the purposes of Rule 13.5.1.8A(b), a continually flowing river is considered to be wider than 1 metre if the river is wider than 1 metre at any point within the boundary of a landholding at its annual fullest flow without overtopping its banks.</u>
2. <u>For the purposes of Rule 13.5.1.8A(b)(ii), setbacks are measured from the edge of the wetted bed of a lake or river wider than 1 metre or Regionally Significant Wetland and are averaged across the landholding.</u>

13.5.1.8B *[Unchanged]*

13.5.1.9 *[Unchanged]*

13.5.1.10 *[New Part F]*

13.5.2 & 13.5.3 *[Unchanged]*

13.6 & 13.7 *[Unchanged]*

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The table below only contains the Plan's definitions which are particularly relevant for this plan change

Proposed Plan Change 8 (Discharge management) to the Regional Plan: Water for Otago
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Dairy cattle

Means cattle farmed for milk production and includes dairy cows, weaned and unweaned calves of dairy cows, and non-milking dairy cattle such as youngstock and bulls.

Part F: Sediment traps

Relevant provisions:

New Rule .5.1.10.....	53
New Definition – Sediment trap.....	57

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Rules: Land Use on Lake or River Beds or Regionally Significant Wetlands



RULES: LAND USE ON LAKE OR RIVER BEDS OR
REGIONALLY SIGNIFICANT WETLANDS

- Note: 1. Where the rules in this chapter provide for any activity in the bed of a lake or river, or in any Regionally Significant Wetland, a resource consent may also be required for activities associated with it, such as discharges to water, takes of water, damming or diversion of water, bed disturbance or structures.
2. A wetland may include open water which is part of a lake.

13.1 - 13.4 *[Unchanged]*

13.5 Alteration of the bed of a lake or river, or of a Regionally Significant Wetland

13.5.A General rules for section 13.5 *[Unchanged]*

13.5.1 Permitted activities: No resource consent required

13.5.1.1 - 13.5.1.7 *[Unchanged]*

13.5.1.8 *[Repealed – 1 May 2014]*

13.5.1.8A *[Amended – Part E]*

13.5.1.8B *[Unchanged]*

13.5.1.9 *[Unchanged]*

13.5.1.10 The disturbance of the bed of any ephemeral or intermittently flowing river for the purpose of constructing or maintaining a sediment trap is a **permitted** activity providing:

- (a) The construction or maintenance of the sediment trap is undertaken solely for sediment control purposes or to maintain the capacity and effective functioning of the sediment trap; and
- (b) The construction or maintenance does not result in destabilisation of any lawfully established structure or cause increased risk of flooding or erosion; and
- (c) The works do not occur in flowing water; and
- (d) The sediment trap cannot be accessed by livestock; and
- (e) Any build-up of sediment and other debris (including vegetation) within the sediment trap is removed as soon as practicable; and
- (f) All reasonable steps are taken to minimise the release of sediment to the ephemeral or intermittently flowing river during the disturbance and there is no conspicuous change in the colour or clarity of the water body beyond a distance of 200 metres downstream of the disturbance; and

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- (g) No lawful take of water is adversely affected as a result of the disturbance; and
- (h) There is no change to the water level range or hydrological function of any Regionally Significant Wetland; and
- (i) There is no damage to fauna or New Zealand native flora in or on any Regionally Significant Wetland.

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The table below only contains the Plan's definitions which are particularly relevant for this plan change

Proposed Plan Change 8 (Discharge management) to the Regional Plan: Water for Otago
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Sediment trap

An excavated area in the bed of an ephemeral or intermittently flowing river designed and constructed solely for the purpose of slowing water velocity to allow sediments to drop from the water column.

Part G: Sediment from earthworks for residential development

Relevant provisions:

New Policy 7.D.10.....	61
New Rule 14.5.1.1 (land use and discharge – permitted).....	65
New Rule 14.5.2.1 (land use and discharge – restricted discretionary).....	65
New Definition – earthworks	69

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Water Quality



- 7.1 Introduction** *[Unchanged]*
- 7.2 Issues in general** *[Repealed – 1 May 2014]*
- 7.3 Issues related to point source discharges to water** *[Repealed – 1 May 2014]*
- 7.4 Issues related to non-point source discharges to water** *[Repealed – 1 May 2014]*
- 7.5 Objective** *[Repealed – 1 May 2014]*
- 7.A Objectives** *[Unchanged]*
- 7.B Policies general** *[Unchanged]*
- 7.C Policies for discharges of human sewage, hazardous substances, hazardous wastes, specified contaminants, and stormwater; and discharges from industrial or trade premises and consented dams**
- 7.C.1 – 7.C.4 *[Unchanged]*
- 7.C.5 – 7.C.6 *[Amended - Part A]*
- 7.C.7 – 7.C.11 *[Unchanged]*
- 7.C.12 *[New - Part A]*
- 7.D Policies for discharges of water and contaminants, excluding those discharges provided for in 7.C**
- 7.D.1 – 7.D.4 *[Unchanged]*
- 7.D.5 *[Amended - Part A]*
- 7.D.6 *[New - Part A]*
- 7.D.7– 7.D.8 *[New Part B]*
- 7.D.9 *[New Part – Part C]*
- 7.D.10 The loss or discharge of sediment from earthworks is avoided or, where avoidance is not achievable, best practice guidelines for minimising sediment loss are implemented.**
- 7.6 Policies for the enhancement of water quality** *[Repealed – 1 May 2014]*
- 7.7 Policies for point source discharges** *[Repealed – 1 May 2014]*

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7.8 Policies for non-point source discharges [*Repealed – 1 May 2014*]

7.9 Anticipated environmental results [*Repealed – 1 May 2014*]

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Rules: Land Use other than in Lake or River Beds



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14.1 - 14.4 [Unchanged]

14.5 Earthworks for residential development

Note: 1. The rules in Section 14.5 do not apply to earthworks or soil disturbances covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.
 2. Discharges resulting from earthworks are addressed only through rules in section 14.5.

14.5.1 Permitted activities: No resource consent required

14.5.1.1 The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water, for earthworks for residential development is a *permitted* activity providing:

- (a) The area of exposed earth is no more than 2,500 m² in any 12-month period per landholding; and
- (b) Earthworks do not occur within 10 metres of a water body, a drain, a water race, or the coastal marine area; and
- (c) Exposed earth is stabilised upon completion of the earthworks to minimise erosion and avoid slope failure; and
- (d) Earthworks do not occur on contaminated or potentially contaminated land; and
- (e) Soil or debris from earthworks is not placed where it can enter a water body, a drain, a race or the coastal marine area; and
- (f) Earthworks do not result in flooding, erosion, land instability, subsidence or property damage at or beyond the boundary of the property where the earthworks occur; and
- (g) The discharge of sediment does not result in any of the following effects in receiving waters, after reasonable mixing:
 - (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
 - (ii) any conspicuous change in the colour or visual clarity;
or
 - (iii) any emission of objectionable odour; or
 - (iv) the rendering of fresh water unsuitable for consumption by farm animals; or
 - (v) any significant adverse effects on aquatic life.

14.5.2 Restricted discretionary activities: Resource consent required

14.5.2.1 Except as provided by Rule 14.5.1.1, the use of land, and the associated discharge of sediment into water or onto or into land

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where it may enter water, for earthworks for residential development is a *restricted discretionary* activity.

In considering any resource consent under this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (a) Any erosion, land instability, sedimentation or property damage resulting from the activities; and
- (b) Effectiveness of the proposed erosion and sediment control measures in reducing discharges of sediment to water or to land where it may enter water; and
- (c) Compliance with the *Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005)*; and
- (d) Any adverse effect on water quality, including cumulative effects, and consideration of trends in the quality of the receiving water body; and
- (e) Any adverse effect on any natural or human use value, and on use of the coastal marine area for contact recreation and seafood gathering; and
- (f) Measures to avoid, remedy or mitigate adverse effects on Kāi Tahu cultural and spiritual beliefs, values and uses.

14.6 [New – Part D]

14.7 [New – Part B]

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Glossary

The table below only contains the Plan's definitions which are particularly relevant for this plan change

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Earthworks

Means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.

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**Part H: Nationally or regionally important
infrastructure**

Relevant provisions:

Amended Policy 10.4.2.....73

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Wetlands



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10.1 Introduction *[Repealed – 1 October 2013]*

10.2 Issues *[Repealed – 1 October 2013]*

10.3 Objectives *[Unchanged]*

10.4 Policies

10.4.1 & 10.4.1A *[Unchanged]*

10.4.2 Avoid the adverse effects of an activity on a Regionally Significant Wetland or a regionally significant wetland value, but allow remediation or mitigation of an adverse effect only when the activity:

- (a) Is lawfully established; or
- (b) Is nationally or regionally significant ~~important~~ infrastructure, and has specific locational constraints; or
- (c) Has the purpose of maintaining or enhancing a Regionally Significant Wetland or a regionally significant wetland value.

10.4.2A *[Unchanged]*

10.4.3 - 10.4.5 *[Repealed – 1 October 2013]*

10.4.6 *[Unchanged]*

10.4.7 *[Repealed – 1 October 2013]*

10.5 Anticipated Environmental Results *[Repealed – 1 October 2013]*

MONITORING AND REVIEW

Table of minor and consequential changes

Plan Provision	Detail of proposed change			
Page numbers	Update page numbers.			
Footers	Change footer to read “ <u>Regional Plan: Water for Otago (Updated to <date to be inserted>)</u> ”.			
Title page	Change the date to read “ <u>Updated to <date to be inserted></u> ”.			
ISBN number	Obtain new ISBN numbers for Regional Plan: Water for Otago.			
Chronicle of key events	Add the following to the end of table:			
	Key event	Date notified	Date decisions released	Date operative
	<u>Plan Change 8 (Discharge management) to the Regional Plan: Water</u>	<Date to be inserted>	<Date to be inserted>	<Date to be inserted>
section 1.4	<u>Proposed Plan Change 8 (Discharge management) introduced a range of amendments targeting specific activities and land management practices known to be contributing to the degradation of water quality. It was notified on ..., and a total of ... submissions and ... further submissions were received. Following the hearing, decisions on submissions received were released on Plan Change 8 was made operative on</u>			

Attachment 2

Regional Plan: Waste for Otago

Proposed Plan Change 1 (Dust suppressants and landfills)

ISBN 978-0-908324-60-6



<Date for notification to be inserted>

Introduction

The Otago Regional Council has prepared Proposed Plan Change 1 (Dust suppressants and landfills) to the Regional Plan: Waste for Otago. Proposed Plan Change 1 (Dust suppressants and landfills) amends existing provisions for:

- o Use of dust suppressants and waste oil, and
- o Minimum standards for new landfills.

This document should be read in conjunction with:

- Section 32 Evaluation Report; and
- Regional Plan: Waste for Otago (operative as at <Date to be inserted>).

Amendments to the Regional Plan: Waste for Otago as a result of Proposed Plan Change 1 (Dust suppressants and landfills) are shown as follows:

- additions underlined
- deletions ~~struck out~~

Any person may make comments on this proposed plan change. You may do so by sending written comments to the Otago Regional Council, or by telephone.

Post to	Otago Regional Council Private Bag 1954 Dunedin 9054
Fax to	(03) 479 0015
Email to	policy@orc.govt.nz
Deliver to	Otago Regional Council 70 Stafford William Fraser The Station, First Floor Street Building Cnr Shotover and Camp Dunedin Dunorling Street Streets Alexandra Queenstown
Telephone	(03) 474 0827; 0800 474 082

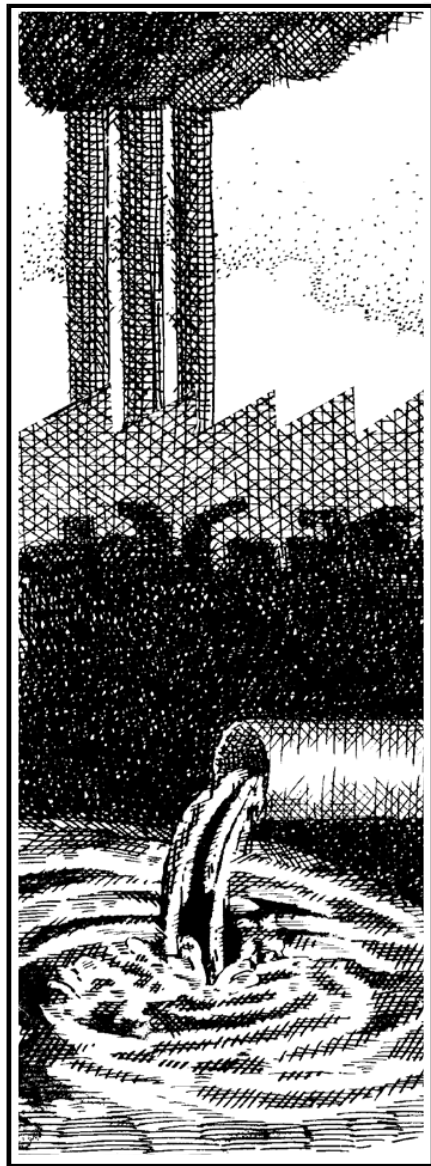
Submissions will be received until 5pm on <Date to be inserted>.

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<Date to be inserted>

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6

Hazardous Substances and Hazardous Wastes



H A Z A R D O U S S U B S T A N C E S A N D H A Z A R D O U S W A S T E S

6.1 Introduction [Unchanged]

6.1.1 [Unchanged]

6.1.2 Types of hazardous wastes

Typical types of hazardous waste identified in the Otago region include:

6.1.2.1 [Unchanged]

6.1.2.2 Waste lubricating oil

Waste ~~lubricating~~ oil accounts for possibly the largest quantity of low toxicity waste generated. All motor vehicle users generate waste oil and it is also produced wherever machinery is used. Oil has adverse environmental effects on any receiving waters or land. The toxicity of oil derives from heavy metal additives or combustion products.

The Waste Lubricating Oil Survey of Otago (Otago Regional Council 1991) estimated that 700,000 litres of waste ~~lubricating~~ oil are generated in Otago annually. Of this, 250,000 litres are re-refined for fuel, and a further 200,000 litres are re-refined for lube use. Due to the availability of cheaper overseas oil the volume re-refined for lube use in Otago has significantly decreased over recent years. There are also problems in the refining process, as disposal of acid tar is required.

Over 200,000 litres of waste ~~lubricating~~ oil per year is disposed of by inappropriate or unknown methods, or is being stored prior to treatment or disposal. Waste ~~lubricating~~ oil has been disposed of into the ground, burnt, or spread over roads as a dust suppressant.

Re-refining waste ~~lubricating~~ oil for use as a fuel for industrial use can potentially use much of the waste ~~lubricating~~ oil produced in the South Island.

6.1.2.3 - 6.1.2.5 [Unchanged]

6.1.3 [Unchanged]

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H A Z A R D O U S S U B S T A N C E S A N D H A Z A R D O U S W A S T E S

6.2 Hazardous substances and hazardous waste issues

6.2.1 – 6.2.4 [*Unchanged*]

6.2.5 Hazardous substances and hazardous wastes have an adverse effect on the environment.

Explanation

Adverse environmental effects, such as the contamination of water or soils, can result from spills, unsuitable storage, inappropriate usage and disposal. This includes agricultural chemicals and the spreading of waste oil on roads.

Objectives 6.3.1, 6.3.2

Policies 6.4.1 - 6.4.12

6.2.6 [*Unchanged*]

6.3 Hazardous substances and hazardous waste objectives

6.3.1 To avoid, remedy and mitigate the risk to the environment and human health from hazardous substances and hazardous wastes.

Explanation

Otago's environment, including its communities, must be protected from the adverse effects of hazardous substances and hazardous wastes, associated with legitimate activities, or which arise by way of accidents.

Policies 6.4.1 - 6.4.12

Methods 6.5.1 - 6.5.25

Rules 6.6.1 - 6.6.4~~3~~

6.3.2 [*Unchanged*]

Principal reasons for adopting hazardous substances and hazardous wastes objectives [*Unchanged*]

H A Z A R D O U S S U B S T A N C E S A N D H A Z A R D O U S W A S T E S

6.4 Hazardous substances and hazardous waste policies

6.4.1 - 6.4.9 *[Unchanged]*

6.4.10 To ~~discourage~~ prevent waste oil being used as a dust suppressant and provide for the use of safer alternatives.

Explanation

In parts of ~~Central~~-Otago, waste oil is has historically been used as a dust suppressant on roads. This practice can give rise to environmental contamination as a consequence of heavy metals and other noxious elements within the oil entering the ground in the areas treated, and water bodies where runoff occurs. Wind or traffic derived dust can spread the contamination and, depending on the nature of the substances, these can be a hazard to public health. Present technologies identify lead concentrations to be of greatest concern. With safer alternatives now more readily available, waste oil should no longer be applied as a dust suppressant.

~~In the absence of other practical alternatives, continuation of this practice is expected. As the activity does involve a discharge to land, and in some cases results in contamination of water, it is a practice that should be undertaken with care.
Methods 6.5.3, 6.5.22, 6.5.25~~

6.4.11 - 6.4.12 *[Unchanged]*

6.5 Hazardous substances and hazardous waste methods

In meeting the objectives and in carrying out the policies relating to hazardous substances and hazardous wastes the Otago Regional Council will:

6.5.1 - 6.5.5 *[Unchanged]*

6.5.6 Advocate to central government to promote the recycling and reuse of waste ~~engine~~ oil by the removal of positive disincentives (duty and tax) and the adoption of policies to promote reuse, on the basis of environmental damage resulting from dumping of this hazardous waste;

6.5.2 - 6.5.22 *[Unchanged]*

6.5.23 Include a rule in this Plan which controls the discharge of ~~oil as a~~ dust suppressants ~~on to formed roads~~;

6.5.24 - 6.5.25 *[Unchanged]*

HAZARDOUS SUBSTANCES AND HAZARDOUS WASTES

6.6 Hazardous substances and hazardous waste rules**6.6.1** *[Unchanged]***6.6.2** Discharge of dust suppressants ~~oil or substances containing oil~~ (permitted activity)

The discharge of ~~oil or substances containing oil~~ as a dust suppressant onto or into land on formed roads is a permitted activity, provided that:

- (a) The dust suppressant is not a hazardous substance; or has a lead concentration of less than 100 mg/L; and
- (b) The dust suppressant is approved under the Hazardous Substances and New Organisms Act 1996 and the use and discharge of dust suppressant is undertaken in accordance with all conditions of the approval to be applied to the road at a rate and manner whereby there is no run-off from or ponding on the surface of the road; and
- (c) The discharge does not produce an objectionable odour, or a conspicuous oil or grease film, scum or foam in any:
 - (i) Lake, river or Regionally Significant Wetland; or
 - (ii) Drain or water race that flows to a lake, river, Regionally Significant Wetland or coastal marine area; or
 - (iii) Bore or soak hole; and
- (d) The discharge is not undertaken in a manner that results in ponding or overland flow that enters any:
 - (i) Lake, river, Regionally Significant Wetland or coastal marine area; or
 - (ii) Drain or water race that goes to any lake, river, Regionally Significant Wetland or coastal marine area.

6.6.3 Discharge of dust suppressants ~~oil or substances containing oil~~ (discretionary activity)

The discharge of ~~oil or substances containing oil~~ as a dust suppressant onto or into land on formed roads not in accordance with Rule 6.6.2 is a discretionary activity where:

- (a) The discharge is not permitted by Rule 6.6.2; and
- (b) The dust suppressant is not waste oil.

6.6.3.1 Assessment matters

In considering any application under this rule, in addition to the matters listed in Section 104 of the Resource Management Act, the Otago Regional Council will have regard to, but not be restricted by, the following matters:

Proposed Plan Change 1 to the Regional Plan: Waste for Otago
<Date to be inserted>

H A Z A R D O U S S U B S T A N C E S A N D H A Z A R D O U S W A S T E S

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

(e) Means by which the above matters will be monitored, including land adjoining areas being sprayed, any water body, ~~oil in the immediate locality~~, including the frequency and locations of monitoring.

6.6.4 Discharge of waste oil

Except as provided for by Rules 6.6.1, 7.6.1 or 7.6.2, the discharge of waste oil onto or into land or into water is a prohibited activity.

Principal reasons for adopting hazardous substances and hazardous wastes rules

The discharge of hazardous wastes into or onto land, and into water and air, can have a significant adverse effect on Otago's natural and physical resources. Because of the potential for significant adverse effects to occur, the discharge of such hazardous wastes requires control.

~~The discharge of oil onto roads, because of the potential for heavy metals and other noxious elements within the oil to enter into ground and surface water resources, can also have adverse effects which requires control in order to ensure that the adverse effects are avoided, remedied or mitigated.~~

6.7 Anticipated environmental results

6.7.1 - 6.7.5 [*Unchanged*]

6.7.6 The use of waste oil as a dust suppressant is avoided, and the adverse effects of the use of other waste lubricating oil as a dust suppressants are avoided, remedied or mitigated.

7

Landfills



7.1 Introduction *[Unchanged]*

L A N D F I L L S

7.2 Landfill issues**7.2.1 [Unchanged]****7.2.2 There are inappropriately sited landfills in Otago.****Explanation**

Landfills, have been located in inappropriate places, such as close to water bodies, above groundwater supplies, adjacent to incompatible activities or in areas where there is a considerable adverse effect on the amenities of the area. Discharges from landfills are potential sources of contamination. In many cases there is a lack of knowledge of what has been placed into these landfills and as a consequence there may be a need to monitor some sites.

~~The siting of landfills is a land use issue that territorial authorities are required to consider, and this will be undertaken through district plans.~~

Objectives 7.3.1, 7.3.2

Policies 7.4.3, 7.4.7, 7.4.11

7.2.3 Some landfills in Otago are not managed to appropriate standards.**Explanation**

Management of Otago's landfills must ensure the avoidance, remedy and mitigation of adverse environmental effects that could occur from unwise management. These include discharges to land, water and air. While this Plan seeks to manage all discharges arising from landfills, the complex nature of discharges to air, and the need for a consistent approach across activities, means that detailed standards relating to such discharges will be subject to the provisions of the Regional Plan: Air for Otago.

In part some of the inappropriate management practices undertaken at existing landfills arise because there is insufficient awareness and implementation of landfill management guidelines. Improved landfill management procedures have been developed, for example by the Ministry for the Environment, to minimise the adverse environmental effects of landfills. If the adverse environmental effects are to be avoided, remedied or mitigated then the adoption and use of appropriate management practices as set out in guidelines will be required. Particular attention needs to focus on hazardous wastes, such as medical wastes, and methods used to pre-treat them, and either store them or dispose of them. In some instances, however, landfill managers are not familiar with appropriate methods of landfill management.

Objectives 7.3.1, 7.3.2

Policies 7.4.3, 7.4.4, 7.4.6, 7.4.7, 7.4.11

7.2.4 - 7.28 *[Unchanged]*

7.3 Landfill objectives

7.3.1 To avoid, remedy or mitigate the adverse environmental effects arising from the discharge of contaminants at and from landfills.

Explanation

Adverse environmental effects may occur through toxic leachate or gases which originate from landfills. Such leachate can move into surface or groundwater supplies as well as onto adjacent land or into the air, rendering these resources unsuitable for other uses, or unsafe. The adverse environmental effects of landfills can be avoided by adopting methods for disposal other than landfills. The adverse effects can be remedied or mitigated by siting landfills appropriately, and implementing sound management practices. Some material such as offal is inappropriate to dispose of into landfills other than offal pits, and alternative means are required to deal with this issue.

Policies 7.4.1 - ~~7.4.10~~11

Methods 7.5.1 - 7.5.16

Rules 7.6.1 - 7.6.11

7.3.2 To eliminate illegal, uncontrolled, unmanaged, poorly managed and poorly located landfill sites.

Explanation

The illegal dumping of waste is an offence against the Resource Management Act. As with uncontrolled and unmanaged landfills, illegal dumping can give rise to adverse effects, such as discharges and visual unsightliness. Sites that are poorly located or poorly managed can also give rise to adverse effects. Where action cannot be taken to improve the operation of such landfills in the future, it is appropriate to seek their closure and the construction of more environmentally acceptable facilities.

Policies 7.4.2, 7.4.3, 7.4.6 - 7.4.9, 7.4.11

Methods 7.5.1 - 7.5.3, 7.5.10, 7.5.11, 7.5.14, 7.5.16

Rules 7.6.1 - 7.6.11

7.3.3 *[Unchanged]*

Principal reasons for adopting landfill objectives *[Unchanged]*

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LANDFILLS

7.4 Landfill policies

7.4.1 – 7.4.10 [Unchanged]

7.4.11 To minimise the adverse effects of discharges from new and operating landfills by requiring that:

- (a) the siting, design, construction, operation and management of new and operating landfills is in accordance with the Waste Minimisation Institute New Zealand’s Technical Guidelines for Disposal to Land (August 2018) and**
- (b) a site-specific management plan is prepared and implemented in accordance with the Waste Minimisation Institute New Zealand’s Technical Guidelines for Disposal to Land (August 2018) that includes (but is not limited to):**
 - (i) methods for leachate management, collection, treatment and disposal;**
 - (ii) methods for stormwater capture and control from both off-site and on-site sources; and**
 - (iii) methods to minimise contamination of the receiving environment; and**
 - (iv) controls to manage hazardous waste and avoid any discharge of hazardous wastes or the leaching of contaminants from hazardous wastes.**

Principal reasons for adopting landfill policies [Unchanged]

7.5 Landfill methods

In meeting the objectives and in carrying out the policies relating to landfills, silage production and composting the Otago Regional Council will:

7.5.1 - 7.5.6 [Unchanged]

7.5.7 Require ~~landfill development~~ and management plans for all landfills (excluding cleanfill landfills, offal pits on production land, farm landfills and greenwaste landfills) and for offal pits on industrial or trade premises, excluding factory farms, describing the methods to be taken to avoid, remedy or mitigate any adverse environmental effects;

7.5.8 - 7.5.16 [Unchanged]

Principal reasons for landfill methods [*Unchanged*]

7.6 Landfill rules

Discharges of waste onto or into land except as permitted by or under this Plan, a resource consent, or regulation, are non-complying activities.

7.6.1 New or operating landfills [excluding cleanfill landfills, offal pits, farm landfills and greenwaste landfills] (discretionary activities)

- 1 The discharge of any contaminant into or onto land; or**
- 2 The discharge of any contaminant or water into water; or**
- 3 The discharge of any contaminant into air,**

as a result of the operation of any landfill (except for a cleanfill landfill, offal pit, farm landfill, or greenwaste landfill covered by Rules 7.6.3 to 7.6.11) are discretionary activities, provided that no burning of waste is undertaken.

7.6.1.1 Information requirements

In addition to the information required by Section 88 of the Resource Management Act, the following information is required to be submitted with an application for resource consent under this rule:

- (a) If the landfill is to close by 1 October 1997 a landfill closure plan in the form prescribed by Appendix 3; or
- (b) ~~Otherwise a landfill development and management plan in the form prescribed in Appendix 2;~~ a site-specific management plan prepared in accordance with the Waste Minimisation Institute New Zealand's *Technical Guidelines for Disposal to Land* (August 2018).

7.6.1.2 Assessment matters

In considering any application under this rule, in addition to the matters listed in Section 104 of the Resource Management Act, the Otago Regional Council will have regard to, but not be restricted by, the following matters:

- (a) Odour control;
- (b) Potential contamination of soil or water;
- (c) Means to monitor the above;
- (d) The extent to which the landfill proposal reflects the industry standard for landfills, as represented in the Waste Management

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Institute New Zealand's Technical Guidelines for Disposal to Land (August 2018) Ministry for the Environment Landfill Guidelines 1994, or their update or other industry standards which are current at the time of application for a resource consent;

- (e) The location of the landfill relative to any water body, areas prone to erosion, inundation or subsidence, and areas of cultural, conservation or historic significance;
- (f) The characteristics, composition and volume of substances being discharged and of any likely by-products occurring from the degradation of these substances;
- (g) The characteristics of the receiving environment including the current and likely future uses of that environment;
- (h) The mitigation measures, safeguards, and contingency plans to be undertaken to prevent or reduce the actual and potential adverse environmental effects;
- (i) Provisions for the handling of any noxious waste, including medical waste, and the degree of pre treatment that will be required prior to accepting such wastes; and
- (j) The landfill development and management plan or landfill closure plan prepared for the site.

7.6.2 - 7.6.5 [Unchanged]

7.6.6 Offal pits on industrial or trade premises, excluding factory farms (controlled activity)

- 1 The discharge of any contaminant into or onto land;**
- 2 The discharge of any contaminant or water into water; or**
- 3 The discharge of any contaminant to air,**

when occurring as the result of an offal pit on industrial or trade premises (excluding factory farms) is a controlled activity, provided that:

- (a) It is dug in a manner so as to avoid groundwater seepage into the pit;**
- (b) It is not constructed within 100 metres, horizontally, of a well used to provide water for domestic purposes or drinking water for livestock;**
- (c) Leachate from the offal pit does not enter any water body;**
- (d) It is not constructed within 50 metres, horizontally, of any river, lake, stream, pond, wetland or mean high water springs;**
- (e) The offal pit shall not be used for the disposal of hazardous wastes or any other toxic matter, sewage, or animal effluent;**

- (f) **Only offal generated on the property is to be disposed of into the pit;**
- (g) **It is not dug within 50 metres, horizontally, of a property boundary; or**
- (h) **The offal pit does not cause a nuisance and is not noxious, dangerous, offensive, or objectionable beyond the boundaries of the property.**

7.6.6.1 Information requirements

In addition to the information required by Section 88 of the Resource Management Act, the following information is required to be submitted with an application for resource consent under this rule:

- (a) If the offal pit is to close by 1 October 1997 a landfill closure plan in the form prescribed by Appendix 3;
- (b) Otherwise a ~~landfill development and~~ management plan in the form prescribed in Appendix 2.

7.6.6.2 Assessment Matters

In considering an application under this rule the Otago Regional Council will exercise its control over the following matters:

- (a) The adverse effects on land, water and air arising from any discharges;
- (b) The location of the offal pit relative to any water body, areas prone to erosion, inundation or subsidence, and areas of cultural, conservation or historic significance;
- (c) The action that is to be taken to avoid, remedy or mitigate any adverse effects of any discharges;
- (d) The monitoring programme to be implemented; and
- (e) The means to advise prospective purchasers of the property about the landfill operation.

7.6.7 Control of offal pits not in accordance with Rules 7.6.5 or 7.6.6 (discretionary activity)

- 1 The discharge of any contaminant into or onto land;**
- 2 The discharge of any contaminant or water into water; or**
- 3 The discharge of any contaminant to air,**

when occurring as the result of an offal pit operated other than in accordance with Rule 7.6.5 or Rule 7.6.6 is a discretionary activity.

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7.6.7.1 Information requirements

For industrial and trade premises, excluding factory farms, in addition to the information required by section 88 of the Resource Management Act, the following information is required to be submitted with an application for a resource consent under this rule:

- (a) If the offal pit is to close by 1 October 1997 a landfill closure plan in the form prescribed by Appendix 3;
- (b) Otherwise a ~~landfill development and~~ management plan in the form prescribed in Appendix 2.

7.6.7.2 Assessment Matters

In considering any application under this rule, in addition to the matters listed in Section 104 of the Resource Management Act, the Otago Regional Council will have regard to, but not be restricted by, the following matters:

- (a) The adverse effects on land, water and air arising from any discharges;
- (b) The location of the offal pit relative to any water body, areas prone to erosion, inundation or subsidence, and areas of cultural, conservation or historic significance;
- (c) The action that is to be taken to avoid, remedy or mitigate any adverse effects of any discharges; and
- (d) The monitoring programme to be implemented.

7.6.8 - 7.6.15 *[Unchanged]*

Principal reasons for adopting landfill rules *[Unchanged]*

7.7 Anticipated environmental results *[Unchanged]*

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Glossary

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Terms marked with a ϕ are terms defined in the Resource Management Act 1991

The Act	Unless expressly stated otherwise, means the Resource Management Act 1991 (including any amendments thereto).
Amenity valuesϕ	Means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.
ANZECC	Australia and New Zealand Environment and Conservation Council, comprising ministers for the environment of Australian states, New Zealand and Papua New Guinea.
BOD	Biochemical Oxygen Demand. Used as a measure of organic pollution. The measured amount of oxygen required by acclimatised micro-organisms to biologically degrade the organic matter in wastewater.
Cleanfill	Generally a natural material such as clay, soil, and rock, and such other materials as concrete, brick or demolition products that are free of combustible or organic materials and are therefore not subject to biological or chemical breakdown.
Cleanfill landfill	A landfill used solely for the disposal of cleanfill.
Cleaner production	The conceptual and procedural approach to production that demands that all phases of the lifecycle of a product or of a process should be addressed with the objective of prevention or minimisation of short and long-term risks to humans and to the environment.
Closed landfill	A landfill which is no longer receiving waste.
COD	Chemical Oxygen Demand.
Co-disposal	The disposal of appropriate hazardous wastes by mixing them, in an informed and pre-determined manner, with municipal refuse, so as to use the attenuation and biochemical processes operating within the landfill to reduce the environmental impact from the mixed waste to an insignificant level.

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Co-disposal landfill	A landfill used for the disposal of special hazardous wastes in combination with community wastes. Leachate and gaseous emissions from a co-disposal landfill should not be materially different from those generated from an operating landfill managed by a territorial authority.
Composting	The biological reduction of organic waste to a relatively stable product.
Contaminant^ϕ	Includes any substance (including gases, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat: <ul style="list-style-type: none"> (a) When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or (b) When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.
Contaminated site	A contaminated site is a site at which hazardous substances occur at concentrations above background levels and where assessment indicates it poses, or is likely to pose an immediate or long term hazard to human health or the environment.
Controlled activity^ϕ	An activity which - <ul style="list-style-type: none"> (a) Is provided for, as a controlled activity, by a rule in a plan or proposed plan; and (b) Complies with standards and terms specified in a plan or proposed plan for such activities; and (c) Is assessed according to matters the consent authority has reserved control over in the plan or proposed plan; and (d) Is allowed only if a resource consent is obtained in respect of that activity.
Discharge^ϕ	Includes emit, deposit and allow to escape.
Discharge permit	A consent to do something (other than in the coastal marine area) that otherwise would contravene Section 15 [of the Resource Management Act 1991].

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- Discretionary activity^φ** Any activity -
- (a) Which is provided for, as a discretionary activity, by a rule in a plan or proposed plan; and
 - (b) Which is allowed only if a resource consent is obtained in respect of that activity; and
 - (c) Which may have standards and terms specified in a plan or proposed plan; and
 - (d) In respect of which the consent authority may restrict the exercise of its discretion to those matters specified in the plan or proposed plan for that activity.
- Ecosystem** A dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.
- Effect^φ** Unless the context otherwise requires, the term “effect” includes:
- (a) Any positive or adverse effect; and
 - (b) Any temporary or permanent effect; and
 - (c) Any past, present, or future effect; and
 - (d) Any cumulative effect which arises over time or in combination with other effects -
regardless of the scale, intensity, duration, or frequency of the effect, and also includes -
 - (e) Any potential effect of high probability; and
 - (f) Any potential effect of low probability which has a high potential impact.
- Environment^φ** Includes:
- (a) Ecosystems and their constituent parts, including people and communities; and
 - (b) All natural and physical resources; and
 - (c) Amenity values, and
 - (d) The social, economic, aesthetic and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.

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Eutrophication	Process by which water (usually freshwater) becomes rich in nutrients, causing excessive plant growth which kills animal life by deprivation of oxygen.
Farm landfill	A landfill situated on production land in which the disposal of waste generated from that land takes place, not including any dead animal material or any waste generated from any industrial or trade process on that production land.
Greenwaste	Vegetative material. The material may include soil that is attached to plant roots and shall be free of hazardous substances and wastes.
Groundwater	Water that occupies or moves through pores, cavities, cracks, and other spaces in crustal rocks.
Hazardous substance	<p>Any substance:</p> <p>(a) With one or more of the following intrinsic properties:</p> <ul style="list-style-type: none"> (i) Explosiveness; (ii) Flammability; (iii) A capacity to oxidise; (iv) Corrosiveness; (v) Toxicity, (both acute and chronic); (vi) Ecotoxicity, with or without bioaccumulation; or <p>(b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.</p>
Hazardous waste	<p>Includes:</p> <ul style="list-style-type: none"> (a) A hazardous substance which has not been used and requires disposal; or (b) The residue of a hazardous substance which has been used and requires disposal; or (c) Waste material containing a hazardous substance.

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Highly hazardous substance or waste	Any substance or waste belonging to any of the categories described in Appendix 4 of this Plan, unless such wastes or substances do not possess any of the hazardous characteristics listed in Appendix 5 of this Plan.
Industrial or trade premises^ϕ	Means: <ul style="list-style-type: none"> (a) Any premises used for any industrial or trade purposes; or (b) Any premises used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; or (c) Any other premises from which a contaminant is discharged in connection with any industrial or trade process - <p>and includes any factory farm; but does not include any production land.</p>
Intractable waste	Any hazardous waste that does not degrade naturally into non-hazardous residues over time when released into the environment, and for which there is no present environmentally acceptable method of treatment or disposal currently available in New Zealand. It should be noted that not all hazardous wastes are intractable wastes.
Kai Tahu	Descendants of Tahu, the tribe.
Kaitiakitanga^ϕ	The exercise of guardianship and, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.
Landfill	A site used for the deposit of solid wastes onto or into land.
Leachate	A liquid contaminant resulting from the liquid being exuded from or percolated through some more-or-less solid matter.
Local authority	A regional council or territorial authority.
Manawhenua	Those with rangatiratanga for a particular area of land or district.
Method	The practical action by which a policy is implemented.

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Mitigate	To make or become less severe or harsh. To moderate.
New landfill	A site to be used as a landfill.
Non-complying activity	An activity (not being a prohibited activity) which: <ul style="list-style-type: none"> (a) Contravenes a rule in a plan or proposed plan; and (b) Is allowed only if a resource consent is obtained in respect of that activity.
Non-point source discharge	Runoff or leachate from land, onto or into land, air, a water body or the sea.
Objective	The desired result, end state, situation or condition that is aimed for.
Offal	Waste comprised of dead animal matter.
Offal pit	A disposal hole excavated for the purpose of disposing of offal.
Operating landfill	Any landfill that is currently accepting solid waste for disposal.
PCB	Polychlorinated biphenyl.
PCP	Pentachlorophenol.
Permitted activity^ϕ	Any activity that is allowed by a plan without a resource consent if it complies in all respects with any conditions (including any conditions in relation to any matter described in Section 108 or Section 220 [of the Resource Management Act]) specified in the plan.
Point source discharge	A discharge from a specific and identifiable source, onto or into land, air, a water body or the sea.
Policy	The course of action to achieve the objective.
Production land^ϕ	<ul style="list-style-type: none"> (a) Means any land and auxiliary buildings used for the production (but not processing) of primary products (including agricultural, pastoral, horticultural, and forestry products) (b) Does not include land or auxiliary buildings used or associated with prospecting, exploration, or mining for minerals or used for factory farming, - and “Production” has a corresponding meaning.

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- Recycling** The return of discarded waste materials to the production system for utilisation in the manufacture of goods, with a view to the conservation as far as practicable of non-renewable and scarce resources.
- Resource consent^ϕ** Means:
- (a) A consent to do something that otherwise would contravene Section 9 or Section 13 (in [the Resource Management] Act called a “land use consent”);
 - (b) A consent to do something that otherwise would contravene Section 11 (in [the Resource Management] Act called a “subdivision consent”);
 - (c) A consent to do something in a coastal marine area that otherwise would contravene any of Sections 12, 14 and 15 (in the [Resource Management] Act called a “coastal permit”);
 - (d) A consent to do something (other than in a coastal marine area) that otherwise would contravene Section 14 (in the [Resource Management] Act called a “water permit”);
 - (e) A consent to do something (other than in a coastal marine area) that otherwise would contravene section 15 (in the [Resource Management] Act called a “discharge permit”);
- And includes all conditions to which the consent is subject.
- Solid waste** The combination of domestic, industrial and commercial waste including non-hazardous special wastes, also known as community waste.
- Takaroa** Guardian of the waterways.
- Territorial authority** A city or district council.
- Waste** Any contaminant, whether liquid, solid, gaseous, or radioactive, which is: discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an adverse effect on the environment and which includes all unwanted and economically unusable by-products at any given place and time, and any other matter which may be discharged, accidentally or otherwise, to the environment.

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Waste analysis protocol	A system developed by the Ministry for the Environment to provide a database/knowledge on New Zealand's waste stream.
<u>Waste oil</u>	<u>Any oil that has been refined from crude oil, or any synthetic hydrocarbon oil, that has been used, and as a result of such use, has become unsuitable for its original purpose due to the presence of impurities or contaminants or the loss of original properties.</u>
Waste management	The transportation, resource recovery, recycling, storage, treatment and disposal of wastes, including management systems to ensure that environmental effects are avoided, remedied or mitigated. Waste management also encompasses measures to avoid waste generation.
Waste minimisation	The modification of existing processes or behaviour to reduce waste production to a minimum.
Water body^φ	Means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

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Appendices

A P P E N D I C E S

Appendix 1 [Unchanged]

Appendix 2

Matters to be included in ~~Landfill Development and Management Plan~~

- 1 General description of the ~~landfill~~ site, including topography, natural water sources, and geotechnical investigations.
- 2 Works to be undertaken to establish the offal pit landfill.
- 3 Description of the waste collection, treatment, and disposal system.
- 4 Projected life of the offal pit landfill.
- 5 Reinstatement and possible end use of the site.
- 6 Closure and after-care including ongoing monitoring of leachate discharges and management of surface runoff, stormwater control, and site remediation.
- 7 Assessment of environmental effects including assessment of alternatives to the disposal of waste at the offal pit landfill.
- 8 Any implications of site management and operation of offal pit landfill for Iwi.
- 9 For hazardous wastes, a description of wastes which are acceptable and unacceptable, and wastes which can only be accepted under special (specified) conditions.
- 10 For hazardous wastes, an outline of a manifest system identifying types and quantities received including the source, and where within the site landfill any hazardous wastes are to be placed.
- 11 Identification of discharges and environmental effects and the safeguards in place to avoid or reduce the environmental effects.
- 12 Sensitivity of the receiving environment.
- 13 A description of how litter, vermin and birds will be controlled.
- 14 Water control including stormwater and leachate.
- 15 Description of procedures for monitoring (including detection of leakage of contaminants in contravention of resource consent) and controlling adverse effects of spillages and leachate on groundwater and any water body, as well as monitoring and control of odours.
- 16 Outline proposals for audit and reporting to the Otago Regional Council regarding environmental compliance.

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- 17 Identification of corporate environmental performance standards, national or industry group codes of practice, or other recognised environmental safety standards with which the operation of the facility will comply, and a description of the means for auditing compliance.
- 18 Identification of management responsibilities for compliance with resource consents and environmental regulatory requirements.
- 19 Outline of emergency response procedures and contingency plans including:
 - Power failure;
 - Fire; and
 - Emergency contacts.
- 20 Outline of contingency plans to restore or remedy any potential adverse environmental effects caused by the operation of the offal pit landfill, including effects that may arise after waste disposal operations have ceased and details of proposed environmental trigger/action levels for implementation of the preferred contingency options.

Appendices:

- Aerial photograph or drawing showing the site layout
- Staged management plans
- Final landform plan

Appendices 3 – 5 [Unchanged]

MINOR AND CONSEQUENTIAL CHANGES

Table of minor and consequential changes

Plan Provision	Detail of proposed change			
Page numbers	Update page numbers.			
Footers	Change footer to read “ <u>Regional Plan: Waste for Otago (Updated to <date to be inserted>)</u> ”.			
Title page	Change the date to read “ <u>Updated to <date to be inserted></u> ”.			
ISBN number	Obtain new ISBN numbers for Regional Plan: Waste for Otago.			
Chronicle of key events	Add the following table:			
	Key event	Date notified	Date decisions released	Date operative
	<u>Plan Change 1 (Dust suppressants and landfills) to the Regional Plan: Waste</u>	<Date to be inserted>	<Date to be inserted>	<Date to be inserted>

Proposed Plan Change 1 to the Regional Plan: Waste for Otago
<Date to be inserted>

Attachment 3

Section 32 Evaluation Report

Consideration of alternatives, benefits and costs

Proposed Plan Change 8 (Discharge management)
to the Regional Plan: Water for Otago

Proposed Plan Change 1 (Dust suppressants and landfills)
to the Regional Plan: Waste for Otago

This Section 32 Evaluation Report should be read in conjunction with Proposed Plan Change 8 (Discharge management) to the Regional Plan: Water for Otago and Proposed Plan Change 1 (Dust suppressants and landfills) to the Regional Plan: Waste for Otago.



9 April 2020

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Abbreviations

ORC	Otago Regional Council
NPSFM	National Policy Statement for Freshwater Management 2014 (amended 2017)
LWRP	Otago Land and Water Regional Plan (to be notified in 2023)
PC1	Proposed Plan Change 1 (Dust suppressants and landfills) to the Waste Plan
PC6A	Plan Change 6A
PC6AA	Proposed Plan Change 6AA
PC8	Proposed Plan Change 8 (Discharge management) to the Water Plan
PORPS 2016	Proposed Otago Regional Policy Statement – Decisions version
PORPS 2019	Partially Operative Regional Policy Statement 2019
PIP	Progressive Implementation Programme
RPS 1998	Regional Policy Statement for Otago 1998
RMA	Resource Management Act 1991
The Plan Changes	Proposed Plan Change 8 to the Water Plan and Proposed Plan Change 1 to the Waste Plan
Waste Plan	Regional Plan: Waste for Otago
Water Plan	Regional Plan: Water for Otago

Executive Summary

Otago Regional Council (ORC) has approved the commencement of a review of the Regional Plan: Water for Otago and Regional Plan: Waste for Otago and a Progressive Implementation Programme for giving effect to the National Policy Statement for Freshwater Management 2014 (as amended 2017; NPS-FM). While this longer-term work is undertaken, ORC is proposing a series of plan changes¹ to address known deficiencies in the current planning framework. Collectively, these will introduce a strengthened interim management regime for specific water quality and quantity issues in Otago that will, in time, be superseded by a new Land and Water Regional Plan (LWRP).

Proposed Plan Change 8 (Discharge Management) to the Water Plan and Proposed Plan Change 1 (Dust suppressant and landfills) to the Waste Plan introduce a range of amendments targeting specific issues or activities known to be contributing to water quality issues in parts of Otago. Primarily this occurs by introducing new or amended provisions managing a range of rural activities as well as sediment from earthworks to address practices contributing to not achieving the water quality outcomes sought for Otago. In summary:

- Proposed Plan Change 8 amends existing, and introduces new provisions for:
 - Managing, through enhanced policy direction, decision-making on stormwater, wastewater and rural discharges
 - Effluent storage and application to land through new minimum standards
 - Promoting good farming practices, including better managing contaminant loss from intensive grazing and stock access to water bodies as well as incentivising the use of small in-stream sediment traps
 - Improving management of sediment loss from earthworks for residential development, and
 - Clarifying provision for nationally and regionally significant infrastructure in wetlands
- Proposed Plan Change 1 amends existing provisions for:
 - Use of dust suppressants and waste oil, and
 - Minimum standards for new landfills

¹ Proposed Plan Change 6AA to the Regional Plan: Water (notified in October 2019); Proposed Plan Change 7 to the Regional Plan: Water (notified on 18 March 2020); and Proposed Plan Change 8 to the Regional Plan: Water and Proposed Plan Change 1 to the Regional Plan: Waste (the Plan Changes that are the subject of this section 32 evaluation report).

1. Introduction

1.1. Purpose

The Resource Management Act 1991 (RMA) requires councils, when proposing changes to plans, to prepare an evaluation report in accordance with section 32 of the RMA. The purpose of this report is to set out the evaluation that ORC has undertaken of Proposed Plan Change 8 (Discharge Management) to the Water Plan and Proposed Plan Change 1 (Dust suppressant and landfills) to the Waste Plan (the Plan Changes).

Section 32 requires that the objectives of the Plan Changes must be examined for their appropriateness in achieving the purpose of the RMA and that the benefits, costs and risks of new policies and rules need to be clearly identified and assessed. This report documents the analysis under section 32 so stakeholders and decision-makers can understand the rationale for policy choices.

The Plan Changes are intended to strengthen Otago's regional planning framework in the interim period while a new Regional Policy Statement is prepared and the Water Plan and Waste Plan reviews are undertaken.

1.2. Structure

This report has been structured to reflect that it covers both Plan Changes, as follows:

- Part 1: Introduction
- Part 2: Consultation
- Part 3: Evaluation of Proposed Plan Change 8 to the Water Plan
- Part 4: Evaluation of Proposed Plan Change 1 to the Waste Plan
- Part 5: Planning context
- References

1.3. Requirements of section 32 of the RMA

ORC is required to prepare an evaluation report for the Plan Changes in accordance with section 32 of the RMA.² Section 32(1) sets out the requirements for an evaluation report, which are:

- Examining the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA;
- Examining whether the provisions in the proposal are the most appropriate way to achieve the objectives by –
 - identifying other reasonably practicable options for achieving the objectives; and
 - assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - summarising the reasons for deciding on the provisions; and
- containing a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.

Section 32(6) defines “objectives” as:

² Clause 5, Schedule 1 to the RMA

- for a proposal that contains or states objectives, those objectives; and
- for all other proposals, the purpose of the proposal.

Section 32(2) states that an examination of the appropriateness of the provisions must:

- identify and assess the benefits and costs of the environmental, economic, social and cultural effects anticipated from the implementation of the provisions, including the opportunities for:
 - Economic growth that are anticipated to be provided or reduced; and
 - Employment that are anticipated to be provided or reduced;
- if practicable, quantify the benefits and costs; and
- assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

The evaluation report must also summarise any advice on the proposal received from iwi authorities, including the Council's response to that advice and any provisions that are intended to give effect to the advice.

1.4. Background

In October 2018, ORC approved the commencement of a full review of the Water Plan and approved a Progressive Implementation Programme (PIP), as provided for in the NPS-FM 2014 (as amended 2017). The PIP, which was publicly notified in December 2018, sets out the various actions and timeframes for implementing the NPS-FM. Together, these programmes of work are intended to fully revise and replace the current Regional Plans for Water and Waste. In order to support the full review of the Plans and strengthen the existing policy framework in the interim period, the Council approved the development of PC6AA, PC8 and PC1 in August 2019, including the topics considered within scope of PC8 and PC1 in particular.³

In 2019, a review of ORC's planning functions was commissioned by the Minister for the Environment and undertaken by his appointee, Honorary Professor Peter Skelton. After receiving Professor Skelton's report and recommendations, in November 2019 the Minister for the Environment made a number of recommendations to ORC on the future of its freshwater planning framework. These were accepted by ORC in late November and include agreement to:

- prepare a plan change, by 31 March 2020, that will provide an adequate interim planning and consenting framework to manage fresh water until new discharge and allocation limits are set in line with the NPSFM;
- review the existing regional policy statements and notify a new regional policy statement by November 2020; and
- notify a new regional plan for land and water resources in accordance with the requirements of the NPSFM by December 2023.

At the time of the Minister's recommendations, work on PC6AA and PC8 to the Water Plan and PC1 to the Waste Plan was already underway. PC6AA was notified in October 2019 and addresses immediate implementation issues with some of the discharge rules that were introduced in 2014 through Plan Change 6A (PC6A) which have since been determined to be ambiguous, unenforceable and uncertain. The focus of PC6AA is to extend the date from which those rules become operative from 1

³ See Council Policy Committee meeting agenda for 14 August, available at <https://www.orc.govt.nz/media/7107/policy-committee-agenda-20190814.pdf>

April 2020 to 1 April 2026 to provide time for the longer-term planning processes to occur. Council made a final decision on PC6AA on 8 February 2020 and no appeals have yet been received.

An additional plan change, Proposed Plan Change 7 (Water Permits) to the Water Plan (PC7) was prepared by ORC to manage applications for replacement water permits and deemed permits until a fit for purpose planning framework is developed through the new LWRP. PC7 was notified on 18 March 2020 and works alongside PC8 and PC1 to ensure both water quantity and quality issues are addressed in the interim period before a new regional planning framework (RPS and regional plan) is in place.

1.5. The Plan Changes

While the PIP is implemented and the full review of the Plans undertaken, ORC will continue to implement the operative Water and Waste Plans.⁴ It is important that these Plans still deliver an effective and efficient water management framework, and that implementation supports (and does not undermine) the full plan reviews and the objectives of the NPSFM. Accordingly, PC8 and PC1 target the most significant deficiencies within the Water and Waste Plans. The proposals in PC8 and PC1 are limited in scope due to the need to improve specific practices as soon as possible and to recognise that any changes introduced may have a limited lifespan, given the scheduled review of both Plans. This also recognises the current uncertainty about the Government's proposals for changes to the current freshwater management framework.

The provisions of PC6A were intended to provide a framework for managing the effects of rural land uses on water quality. This framework included discharge contaminant concentration thresholds (Schedule 16) beyond which discharges require consent and a maximum nitrogen leaching limit per property, calculated using Overseer. The intent of PC6AA is to delay the implementation of those provisions, which leaves a 'gap' in the Plan for managing discharges from rural land uses. PC8 introduces a range of new provisions and amendments to existing provisions to strengthen the Water Plan's management of these types of discharges, as follows:

- Improved minimum standards for animal waste systems and application of animal waste to land;
- Targeted minimum standards and good farming practices for high-risk practices (intensive grazing and stock access to waterbodies);
- Enabling the installation and maintenance of sediment traps as a permitted activity, subject to standards.

There are also a range of known issues with the current Water and Waste Plans, mostly informed by implementation of their provisions by ORC's Consents and Compliance staff. Part of the scope of PC8 and the entirety of PC1 is to address these issues by introducing practical, targeted solutions that can be easily incorporated into a new regional plan in the future. Those changes cover:

- strengthened and clarified policy direction for assessing resource consent applications for discharges of stormwater, wastewater and from rural land uses;
- strengthened provisions for managing sediment loss from earthworks for residential development;
- clarification of one policy relating to the establishment of regionally important infrastructure in wetlands

⁴ As is required by section 84(1) of the RMA. Section 84(1) states that "While a policy statement or a plan is operative, the regional council or territorial authority concerned, and every consent authority, shall observe and, to the extent of its authority, enforce the observance of the policy statement or plan."

- improving controls on the use of dust suppressants, including prohibiting the use of waste oil as a dust suppressant; and
- strengthened policy direction for assessing resource consent applications for landfills.

PC8 and PC1 have been developed together and are intended to be progressed in combination to ensure an efficient Schedule 1 process.

2. Consultation

Due to the requirements following the Minister’s recommendation for the Plan Changes to be developed and notified in a short timeframe and their narrow scope, consultation with key stakeholders and the community has been targeted. The consultation undertaken on particular topics is outlined below. In addition, staff from Aukaha have been involved in internal meetings and workshops on the development of the Plan Changes. Aukaha is a Rūnaka -based consultancy service with Governance from five Rūnaka owners: Te Rūnanga o Waihao, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga.

2.1.1. Animal waste storage and application

Prior to the development of PC8, ORC staff had a number of informal discussions with members of the dairy industry regarding the need for greater direction on acceptable minimum standards for the storage and application of animal waste. DairyNZ in particular was supportive of a clearer management regime for Otago that would bring the region closer to storage and application practices in place elsewhere in the country. Table 1 below outlines the details of the consultation that occurred through 2019 and 2020.

Table 1: Consultation on animal waste storage and application

Date	Participants	Description
11 October 2019	DairyNZ	Written advice received from DairyNZ regarding current issues with effluent storage and application and proposed minimum standards.
25 October 2019	DairyNZ ORC	Meeting to discuss DairyNZ’s proposed minimum standards.
6 December 2019	DairyNZ Fonterra Otago Dairy working groups ORC	Meeting to discuss minimum standards for storage and application.
21 January 2020	Dairy NZ Fonterra Aukaha Te Ao Marama ORC	Meeting to discuss implementation and support available for farmers.

2.1.2. Sediment from earthworks

A meeting was held on 21 November 2019 with staff from Otago Regional, Dunedin City, Central Otago District, Queenstown-Lakes District, Clutha District and Waitaki District councils. The focus of the meeting was to discuss the current issues with sediment management in Otago, clarify the various district council controls and discuss potential regulatory and non-regulatory solutions.

2.1.3. Nationally or regionally important infrastructure

In the course of processing consent applications for which Policy 10.4.2 is relevant, there have been differing views on whether the term “nationally or regionally important infrastructure” in the Water Plan is to be read as equivalent to the term “nationally and regionally significant infrastructure” in the PORPS 2019.

On 16 December 2019, ORC sent an email to the Department of Conservation, Forest and Bird and Aukaha seeking feedback on two options for resolving the issues with the reference to nationally and regionally important infrastructure in Policy 10.4.2: aligning the definition with the PORPS 2016 or retaining the status quo until there is clarity over the Government’s proposed NESFW (which contains a definition of the term “nationally significant infrastructure” as well as a suite of provisions for managing wetlands which include reference to that term). Feedback was received from Aukaha which supported the proposal to align the definition with the PORPS 2019.

2.1.4. Discharge policies

On 23 January 2020, ORC staff had an informal discussion with staff from the Dunedin City Council’s Three Waters Department regarding the proposed changes to the policies for managing stormwater and wastewater discharges and landfills.

2.2. Pre-notification consultation: Clause 34, Schedule 1

Where a plan or plan change intends to incorporate material by reference, Clause 34(2) of Schedule 1 to the RMA requires ORC to publicly notify that the material is to be incorporated, make copies of the material available for public inspection and allow a reasonable opportunity for people to comment on the proposal.

Public notice was provided on 14 February 2020 and comments were received until 28 February 2020. Two submissions were received within the submission period (from Fulton Hogan and Louise Croot) and one was received late on 4 March 2020 (the Oil Companies). The feedback received and ORC’s response is included in Table 2 below.

Table 2: Summary of feedback from clause 34(2) consultation

Respondent	Summary of feedback	ORC response to feedback
Fulton Hogan	Section F of the Sediment and Erosion Control Guidelines contains a degree of prescription about current market brands and specifications. Suggest ORC ensures there is provision for alternatives in order to future-proof the application of the document.	No changes recommended. Compliance with the Guidelines is a matter of discretion under restricted discretionary Rule 14.5.2.1 which allows for case-by-case assessments to be made through resource consent applications.
	The waste acceptance criteria and site classification guidance in the Technical Guidelines for Disposal to Land is under review by the Ministry for the Environment.	Note that there may be an issue with parts of the Technical Guidelines. ORC considers it would be useful to hear more widely from the public through submissions before recommending any changes.
	Questions how the construction sector will be engaged if these documents are to be used.	ORC will develop material to support implementation of the Plan Changes, including factsheets and guidance, and revised applications forms and consent conditions where relevant.
Louise Croot	Comments on the effectiveness of the Waste Plan generally.	Note. The Waste Plan will be reviewed and incorporated into the LWRP.
	Support for incorporating the Technical Guidelines for Disposal to Land by reference.	Note.

	Some of the language in the Technical Guidelines for Disposal to Land is euphemistic.	Note that some of the language is lacking direction, however this is still considered an improvement on the current Plan provisions.
	Mapping of waste disposal sites with location, dates and monitoring is crucial for future planning. Closed landfills need more monitoring.	Note. ORC is aware of the locations of existing landfills due to the requirement for them to have resource consent. Only new landfills are within scope of PC1 and these will also require resource consent so mapping is not required. Closed landfills are not within the scope of PC1.
Oil Companies	Do not support incorporating of the Technical Guidelines for Disposal to Land. Emphasise that they have not been endorsed by MfE.	Note.
	Particular issues with Chapter 6 (Waste Acceptance and Monitoring) and associated appendices (C, D, E, F, G, H). Hydrocarbon restrictions are unjustified and unduly conservative.	Note that there may be an issue with parts of the Technical Guidelines. ORC considers it would be useful to hear more widely from the public through submissions before recommending any changes.

2.3. Pre-notification consultation: Clause 3, Schedule 1

Clause 3(1) of Schedule 1 to the RMA requires ORC to consult certain parties during the preparation of a proposed plan, prior to the plan or plan change being notified. Clause 3B clarifies how the consultation with iwi authorities under clause 3(1)(d) is required to be undertaken. In accordance with these clauses, a draft copy of the Plan Changes was provided to the following parties for comment on 17 February 2020:

- Minister for the Environment
- Ministry for the Environment
- Minister of Conservation
- Department of Conservation
- Minister for Primary Industries
- Minister for Agriculture
- Central Otago District Council
- Clutha District Council
- Dunedin City Council
- Queenstown-Lakes District Council
- Waitaki District Council
- Southland Regional Council
- Canterbury Regional Council
- Aukaha, Te Ao Marama Inc, and Te Rūnanga o Ngāi Tahu as iwi authorities

Two responses to the Clause 3 consultation was received, from Aukaha (on behalf of Te Rūnanga o Waihao, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga). The key points and ORC's response are summarised in Table 3 below.

Table 3: Summary of feedback from clause 3(1) consultation

Respondent	Summary of feedback	ORC response to feedback
Plan Change 8 to the Water Plan		

<p>Aukaha on behalf of: Te Rūnanga o Waihao Kāti Huirapa Rūnaka ki Puketeraki Te Rūnanga o Ōtākou Hokonui Rūnanga (Ngā Rūnanga)</p>	<p>Overall plan changes appear to be sound and generally in accordance with Nga Rūnanga kaupapa. Supportive of stronger policy direction and better environmental outcomes sought through this plan change and believe this is a good starting point.</p>	<p>Note support.</p>
	<p>Policy 7.C.12(c) – Any discharge of human sewage or water containing sewage is highly offensive to mana whenua and will have significant adverse effects on cultural values.</p>	<p>No changes recommended. Discharges of human sewage are either permitted or discretionary under the rules in section 12.A. Reassessing those rules is not within the scope of PC8, therefore stronger direction in Policy 7.C.12 would conflict with the rule framework. Wider issue will be reconsidered for full plan review.</p>
	<p>Policies in 7.D – Request consistent wording throughout section 7.D: “Kāi Tahu cultural and spiritual beliefs, values and uses.”</p>	<p>Proposed wording adopted for policies 7.D.5 – 7.D.10, which are the only policies in scope of PC8.</p>
	<p>Policy 7.D.5(f) – Prefer “significant adverse effects are avoided.”</p>	<p>No changes recommended. This would require reassessment of the rules in section 12.C which is outside the scope of PC8.</p>
	<p>Policy 7.D.7(d) – Support consenting of effluent systems, note that waterway contamination adversely affects the mauri of the water and mahika kai.</p>	<p>Note.</p>
	<p>Policy 7.D.9(a) and (e) – Prefer “require” to “promote”.</p>	<p>Note. Sub-clauses are intended to encourage changes in practice and signal ORC’s future policy direction.</p>
	<p>Rule 12.C.0.4 – Include “to land in a manner which may result in ponding or overland flow to water”.</p>	<p>Accept, amendments made.</p>
	<p>Rule 12.C.2.5 – Include Kāi Tahu values.</p>	<p>No changes recommended, Kāi Tahu values provided for in (v).</p>
	<p>Rule 13.5.1.8A(b) – Support stock exclusion, consider all stock should be excluded eventually.</p>	<p>Note. Proposed Policy 7.D.9(b)(i) indicates ORC’s long-term objective to exclude stock from water bodies.</p>
	<p>Rule 13.5.1.8A(b) – All wetlands are culturally significant and should be undisturbed, not modified and protected.</p>	<p>No changes recommended. Current Rule only manages access to Regionally Significant Wetlands, proposed amendments continue this approach. Management of wetlands will be reviewed in detail through the Plan Review.</p>
	<p>Rule 13.5.1.8A(b) – Clarify whether “dairy cattle” includes milking cows, calves, heifers, replacement cows and non-milking cattle.</p>	<p>Accept, definition of “dairy cattle” included.</p>
	<p>Rule 13.5.1.10 – Clarify whether work can occur only if the bed is not wet during construction.</p>	<p>Accept, amendments made to 13.5.1.10(c).</p>
	<p>Rule 13.5.1.10 – Query degree of enabling of sediment traps, best practice to stop sediment entering waterways in the first place.</p>	<p>No changes recommended. Proposals for managing stock access to water, intensive grazing and earthworks will assist with improving sediment management at source.</p>
	<p>Rule 14.5.1.1 – Suggest adding water quality guidelines or more stringent land use controls to reduce effects of overland flow and run off.</p>	<p>Accept, additional condition included.</p>
<p>Rules 14.7.1.1 and 14.7.2.1 – Recommend requiring leak detection system to be designed</p>	<p>No changes recommended. Requiring a secondary containment system to underlie</p>	

	to capture leachate from under the entire storage pond.	the entire pond would be effective, however it is beyond what is currently considered good practice. Requiring systems to be fully lined or concrete provides an effective safeguard against leakage in the first instance.
	Rule 14.7.2.1 – Include Kāi Tahu values as a matter of control.	Accept, additional matter of control included.
	Schedule 19 – Typographical errors and repetition.	Accept, amended.
	Schedule 19A – Include an example to assist implementation, clarify that the number of times cows are milked in peak season is the maximum number per day. Suggest using a different symbol to denote a footnote.	Accept, amended.
	Schedule 19B – Include an example to assist implementation.	Accept, amended to include example.
	Definition of sacrifice paddock – Not used in Plan, could delete.	Accept, definition deleted.
Department of Conservation	Generally support plan changes.	Note.
	Policies 7.C.12, 7.D.7, 7.D.10; Rules 13.5.1.10, 14.6.1, 14.7 – Support	Note.
	Policy 7.C.6 – Support but note there is a risk that this policy will be seen as justification for sewage leaks and overflows continuing while upgrades are still in progress.	Note. Communication about the intent and short-term nature of these plan changes will be important during implementation.
	Policy 7.C.6(a) – Reword to prevent sewage entering the system.	Accept, amendments made.
	Policy 7.C.6(b) – Amend to “requiring” rather than “promoting”.	No changes recommended. Clause (b) relates to the quality of the water discharged. Ahead of freshwater objectives and limits being set, it would be difficult to “require” upgrades in quality because there are no supporting objectives to identify the level of improvement required, limits to implement those objectives, or timeframes for making those improvements. This work will occur through the new LWRP.
	Policy 7.D.7(b)(i) – Should cover groundwater as well as surface water.	Accept, amended.
	Policy 7.D.8 – Clarify what performance standards are.	Accept, amended.
	Policy 7.D.9 – Support, not clear how ORC will implement the requirement to promote identification and management of critical source areas.	Note. This policy is intended to outline ORC’s longer-term intent for managing farming activities. Some of the actions will be supported through non-regulatory methods at this stage
	Rule 12.C.0.4 – Include restrictions on ponding, overland flow and application to frozen land.	Accept, amended.
	Rule 12.C.1.4 – Concern that conditions do not align with prohibited activity conditions in Rule 12.C.0.4.	Accept, delete clauses (c) and (d) which are already conditions of the prohibited activity rule (12.C.0.4).

	Rule 13.5.1.8A(b) – Support but include beef cattle, deer and pigs.	No changes recommended. Pigs are already included. Beef cattle are not farmed as intensively as dairy cattle and excluding deer comes with more significant costs than other types of stock.
	Rules 14.5.1.1, 14.5.2.1 – Support, strongly encourage ORC to work with territorial authorities to ensure a consistent approach to managing earthworks. Sediment from non-residential development can also have significant adverse effects.	Note. ORC recognises the need to work collaboratively with territorial authorities. Sediment management more broadly will be reviewed through the preparation of the new LWRP.
Plan Change 1 to the Waste Plan		
Aukaha on behalf of: Te Rūnanga o Waihao Kāti Huirapa Rūnaka ki Puketeraki Te Rūnanga o Ōtākou Hokonui Rūnanga (Ngā Rūnanga)	Rule 6.6.2 – Suggest adding a permitted activity criteria stating that the oil will not reach waterways, including drains etc. which are connected to waterways, or that the discharge will not occur within XX metres of water.	No changes recommended. Rule 6.6.2 does not provide for use of oil, only non-hazardous or approved substances. The general prohibited activity rule for discharges in the Water Plan (Rule 12.C.0.1) also applies and would allow enforcement action to be taken if discharges are causing the types of adverse effects listed in the rule.
Department of Conservation	Policy 6.4.10 – Support, note waste oil has been used in areas outside Central Otago.	Accept, deleted “Central” from explanation.
	Rules 6.6.2, 6.6.3 – Better located in Water Plan.	No changes recommended. Ultimately these plans will be combined into a new LWRP.
	7.4.11 – Support the use of Technical Guidelines.	Note.

2.4. Pre-notification consultation: Clause 4A, Schedule 1

Clause 4A of Schedule 1 to the RMA requires that, prior to notifying a proposed plan or plan change, ORC must provide a copy of the draft plan change to the iwi authorities previously consulted under Clause 3(1)(d) and have particular regard to any advice received from those iwi authorities. Adequate time and opportunity must be allowed for iwi authorities to consider the draft and provide advice.

Additionally, section 32(4A) of the RMA requires an evaluation report prepared under section 32 to summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1 and summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.

The summary of advice from iwi authorities and ORC’s response to that advice is set out in Table 4 below.

Table 4: Response to advice from iwi authorities

Respondent	Summary of feedback	ORC response to feedback
Plan Change 8 to the Water Plan		
Aukaha on behalf of:	Appreciate the changes made throughout drafting to the proposed plan changes as	Note.

<p>Te Rūnanga o Waihao Kāti Huirapa Rūnaka ki Puketeraki Te Rūnanga o Ōtākou Hokonui Rūnanga (Ngā Rūnanga)</p>	<p>these have made the provisions clearer and addressed some of the concerns raised.</p> <p>Rules 14.7.1.1 and 14.7.2.1 – Recommend requiring leak detection system to be designed to capture leachate from under the entire storage pond. Suggestion two options:</p> <p>1. Rule 14.7.2.1 remains a controlled activity, however, provision (b) is strengthened by requiring a leak detection system that captures leaks from under the entire pond. An example of how the provision could be re-worded is below: (b) (i) fully lined with an impermeable synthetic liner and has a leak detection system <u>capturing underlying</u> the <u>entire</u> storage pond... ; or</p> <p>2. Rule 14.7.2.1 for new effluent storage ponds is moved from being a controlled activity to a restricted discretionary activity with risks of pond leakage being a matter of discretion. This would allow new pond construction to evolve with Good Management Practice but also ensure that they are built at least to current Good Management Practice.</p>	<p>Requiring a secondary containment system to underlie the entire pond would be effective, however it is beyond what is currently considered good practice. Requiring systems to be fully lined or concrete provides an effective safeguard against leakage in the first instance. Accept that leak detection systems need to be appropriate, recommend amending Rule 14.7.2.1(b)(i) to require new ponds to have an effective leak detection system that underlies the storage pond.</p>
Plan Change 1 to the Waste Plan		
<p>Aukaha on behalf of: Te Rūnanga o Waihao Kāti Huirapa Rūnaka ki Puketeraki Te Rūnanga o Ōtākou Hokonui Rūnanga (Ngā Rūnanga)</p>	<p>Rule 6.6.2 – Still consider additional conditions are required to prevent dust suppressants from entering water, either by including a setback for application or controls on application or other methods.</p>	<p>Accept in part, amended to include conditions regarding water quality.</p>

3. Proposed Plan Change 8 to the Water Plan

3.1. Introduction

This section of the report evaluates the provisions of PC8 in accordance with the requirements of section 32 of the RMA as set out in section 1.3 of this report. ORC is required to examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. It is also required to examine whether the provisions in the proposal are the most appropriate way to achieve the objectives. For changes to existing plans, this examination must relate to the provisions and objectives of the amending proposal, and the objectives of the existing proposal (i.e. the operative plan). For each topic assessed in this section, the relevant objectives from the Water Plan and the objective(s) of the proposed amendments are identified.

3.2. Overview of Proposed Plan Change 8

The overall purpose of PC8 is to strengthen the management of particular activities in order to, at a minimum, maintain water quality in Otago. It does this by strengthening the policy direction provided to decision-makers on resource consent applications for a range of discharges (including from stormwater and wastewater systems, and farming activities) and introducing new or amended provisions for managing particular activities with discharges that are known to have adverse effects on water quality (animal waste storage and application, intensive grazing, stock access to water, and earthworks). It also seeks to incentivise the use of sediment traps as a method for reducing sedimentation in water bodies and makes a minor clarification to one policy on infrastructure provisions within wetlands.

3.3. Development of Proposed Plan Change 8

Section 1.4 provides the wider context for the development of PC8. In summary, PC8 has been developed to make targeted improvements to the Water Plan until the new LWRP is notified in 2023. PC8 focuses on addressing known deficiencies within the operative Water Plan, particularly those which manage various types of discharges. Many of these deficiencies relate to the management of water quality and have been identified for some time. These were intended to be addressed primarily through PC6A which, as previously outlined, has not delivered the outcomes sought.

As described in section 2, targeted consultation has occurred with some stakeholders. This consultation, as well as the developments in national policy and through the section 24 investigation, led to discussions about alternative options for some topics. Where that occurred, the section in this chapter containing the relevant evaluation also describes discounted options.

3.3.1. Previous plan changes

In 2012, ORC identified that water quality was deteriorating in some parts of Otago, indicating that the provisions in the Water Plan were not proving effective at maintaining water quality.⁵ In addition, the NPSFM came into force in 2011 and had not been given effect in the Water Plan. ORC initiated PC6A to address these issues. That plan change sought to manage rural discharges to water through an effects-based framework, focusing on controlling contaminants discharging from land to water instead of controlling land use activities and nutrient inputs. This was intended to provide farmers with flexibility

⁵ Section 32 Report – Consideration of alternative, benefits and costs: Proposed Plan Change 6A (Water Quality), 31 March 2012.

to determine the on-farm practices necessary to meet specified discharge limits. The rules for nutrient leaching and contamination concentration limits were to come into effect on 1 April 2020.

As that date approached, it became apparent that the provisions of PC6A were ambiguous, unenforceable and uncertain. The result is that activities may be permitted or require resource consent depending on the day-to-day circumstances on the property.

In response to these issues, ORC prepared PC6AA to delay the implementation of the provisions until 1 April 2026. This will have the effect of permanently preventing their implementation given that a new regional plan for water and land is intended to be notified in 2023. ORC made its final decision on PC6AA on 8 February 2020 and the appeal period is currently open. If no appeals are lodged, PC6AA will be able to be made operative under Clause 20, Schedule 1.

3.3.2. Scope of PC8

The scope of PC8 was originally approved by ORC in August 2019.⁶ That paper outlined the issues identified with the Water Plan and recommended the development of a plan change addressing:

- Gaps in the current discharge rule framework, for the adoption of good farm management practices in Otago.
- Stock effluent management.
- Sediment control from earthwork activities.
- Discharge policy framework, including for discharges of wastewater-contaminated stormwater, or discharges from municipal wastewater treatment plants.
- Permission to install and maintain sediment traps.
- Stock access to water bodies.
- Uncertainty about the meaning of the term “regionally important infrastructure”
- Permission to discharge waste oil on road as dust suppressants.
- Overlaps between the Water Plan and the Waste Plan.

Shortly afterwards, in September 2019, the Government announced its *Action for healthy waterways* discussion document, a draft NPSFM and a proposed NESFW. Furthermore, the investigation into Otago’s planning functions was provided to the Minister for the Environment in October 2019 and in November 2019 the Minister made a raft of recommendations to ORC, in particular to bring forward the notification date of the new regional plan for water and land from 2025 to 2023. The consequence of these developments was to revise the scope of PC8, recognising that some of the original topics were now proposed to be managed through national direction and the lifespan of the plan change was shortened from five years to three.

A brief explanation of the changes to the original topics is provided below in Table 5.

Table 5: Revised scope of PC8

Topic	Change in scope	New topic
Good farm management practices	Potential for significant inconsistency with Government proposals, creating uncertainty and potentially unnecessary costs for farmers. Proposal to outline ORC’s long-term strategy for managing farming activities and introduce minimum standards for intensive grazing and	Good farming practices: <ul style="list-style-type: none"> • Intensive grazing • Stock access to water bodies

⁶ *Plan changes for water quality*. Agenda item prepared for ORC Policy Committee, 14 August 2019.

	stock access to water and incentivise installation of sediment traps.	• Sediment traps
Stock effluent management	No change.	As per original
Sediment control from earthworks activities	No change.	As per original
Discharge policy framework	No change.	As per original
Sediment traps	No change.	Part of 'Good farming practices'
Stock access to water bodies	Potential for inconsistency with Government proposals. Focus revised to introducing a basic stock exclusion regime that would provide an interim step towards the type of comprehensive exclusion envisaged by Government regulation.	
Regionally important infrastructure	No change.	As per original
Waste oil	No change.	As per original
Overlaps between Water/Waste Plans	Preliminary assessments indicated that the overlaps between the Plans were a result of their underlying principles, which could not be resolved through a plan change. Resolving overlaps will occur through the review of both Plans.	Replaced with 'Landfills'.

In addition to the topics above, ORC became aware that Dunedin City Council was preparing a resource consent application for a new landfill at Smooth Hill. Staff identified that the provisions in the Waste Plan for landfills were more than 20 years old and out of step with current best practice. Given the long-term nature of landfills, it was considered important to address the issues with the Waste Plan to assist with decision-making on any consent application lodged before the new LWRP is notified.

3.4. Evaluation of Proposed Plan Change 8

For the purposes of this evaluation, the provisions in PC8 are grouped by topic as follows:

- Discharge policies
- Animal waste storage and application
- Good farming practices (including intensive grazing, stock access to water and sediment traps)
- Sediment from earthworks
- Nationally or regionally important infrastructure

3.4.1. Discharge policies

3.4.1.1. Introduction

This section of the report assesses the provisions proposed in PC8 to strengthen the policy direction in the Water Plan for discharges of stormwater and wastewater and provide clearer direction to decision-makers on resource consent applications for discharges resulting from rural land uses under the existing rule framework. The general policies in section 7.B apply to all discharges, but the policies in sections

7.C and 7.D apply to specific types of discharges only. The policies in section 7.C have not been subject to review or amendment in recent years and are not considered to be sufficient to achieve the objectives of the Plan. The policies in section 7.D were introduced in 2014 through PC6A. They are not considered to provide clear direction to decision-makers on resource consent applications made under the corresponding rules on the matters to consider in decision-making or appropriate consent duration.

The relevant provisions are:

- Amendments to Policy 7.C.5
- Amendments to Policy 7.C.6
- New Policy 7.C.12
- Amendments to Policy 7.D.5
- New Policy 7.D.6

3.4.1.2. Objectives

Section 32 requires an evaluation report to examine the extent to which the proposed provisions are the most appropriate way of achieving the objectives of the proposal. The most relevant objectives in the Water Plan are:

- **7.A.1:** To maintain water quality in Otago lakes, rivers, wetlands, and groundwater, but enhance water quality where it is degraded.
- **7.A.2:** To enable the discharge of water of contaminants to water or land, in a way that maintains water quality and supports natural and human use values, including Kāi Tahu values.
- **7.A.3:** To have individuals and communities manage their discharges to reduce adverse effects, including cumulative effects, on water quality.

The objective of the discharge policies proposal is to clarify and strengthen the policy direction in the Water Plan for discharges of stormwater and wastewater and from rural land uses.

3.4.1.3. Current issues

Sections 7.B, 7.C and 7.D of the Water Plan contain the policies for water quality that are used to guide decision-making when assessing resource consent applications. They apply differently depending on the activity, as follows:

- **Section 7.B** applies to all discharges and includes direction on effects to consider as well as guidance on consent decision-making. These policies were introduced through Plan Change 6A and were intended to provide a consistent and transparent policy framework applying to rural and urban discharges.⁷
- **Section 7.C** applies only to discharges of human sewage, hazardous substances, hazardous wastes, specified contaminants and stormwater, and discharges from industrial or trade premises and consented dams. There are specific rules to which each policy applies. Aside from one deletion, these policies were not addressed through Plan Change 6A as the intent was to review them separately through another plan change.
- **Section 7.D** applies only to discharges of water and contaminants excluding those provided for in section 7.C, generally referred to as rural discharges. These policies were introduced through

⁷ Decisions of Council on Proposed Plan Change 6A: Water Quality (20 April 2013)

Plan Change 6A and were intended to address particular matters relevant to these types of discharges.

Implementation of these policies has identified that they do not provide adequate direction for the consenting of the following discharges:

- Discharges of stormwater that contain sewage
- Discharges of wastewater
- Rural discharges requiring resource consent under Rule 12.C.3.2

The Water Plan permits stormwater discharges except where they contain sewage. A review of these provisions has identified that the policies under which consent applications are assessed do not adequately address cross-contamination from wastewater, particularly from existing systems (ORC, 2018a). While these policies encourage improvements, there is not a strong mandate for requiring improvements to the types of cross-connection issues which lead to contamination of stormwater by sewage. These issues can make it difficult for resource consent decisions to effectively assist with achieving the objectives of the Water Plan.

ORC has identified that currently only 16% of municipally treated wastewater is discharged to land and that most of Otago’s wastewater is discharged to water. Discharges to water and the coastal marine area impact on the mauri and associated cultural values of water bodies and are considered highly offensive to Kāi Tahu (ORC, 2018b). There are currently no policies in the Water Plan relating specifically to discharges of wastewater, nor does the Water Plan encourage a shift towards discharges to land. The absence of policy guidance affects the ability of resource consent decisions to assist with achieving the objectives of the Water Plan and fails to recognise Kāi Tahu values.

The policies for managing rural discharges in the operative Water Plan are focused primarily on directing the content of the resulting rules. The rules apply different activity statuses and consent duration for different activities, but there is little guidance within the policies to assist with decision-making on consent applications. This issue was noted in the decision on PC6AA, which states that “the discharge policies in the Water Plan are vague and do not provide much guidance over when such consent should be granted and under what conditions.”⁸ ORC Consents staff have begun to receive applications for long-term discharge permits under Rule 12.C.3.2 and consider that additional policy guidance would assist in making decisions on these consent applications, including on duration.

3.4.1.4. Reasonably practicable options

Two reasonably practicable options were identified to achieve the objectives of the Water Plan and of the proposal itself:

- Option 1: Status quo
- Option 2: PC8

Option 1: Status quo

The status quo and associated issues are outlined in section 3.4.1.3. As outlined in that section, the status quo is not considered to be effective at achieving the objectives of the Water Plan.

⁸ Decision of Council on Proposed Plan Change 6AA to the Regional Plan: Water for Otago, 8 February 2020, p.11.

Option 2: PC8

This option introduces amendments to existing policies for discharges of stormwater and from rural land uses, and new policies for wastewater and discharges from rural land uses. Broadly, this option:

- strengthens the expectations regarding reductions in sewage overflows into stormwater systems;
- encourages the progressive upgrade of stormwater reticulation systems in order to improve the quality of discharges;
- requires reducing adverse effects from wastewater discharges by requiring the design and ongoing operation of wastewater systems to be in accordance with recognised industry standards and outlines a preference for wastewater discharges to land over discharges to water; and
- clarifies the intent of existing policies relating to decision-making on applications for rural discharges, including matters for decision-makers to consider when assessing applications under Rule 12.C.3.2.

Option 2 is the preferred option and is assessed in more detail below. It is apparent that the status quo is not adequate and that improvements are needed to the policies so that they better assist with achieving the objectives of the Water Plan and with decision-making on resource consent applications.

3.4.1.5. Efficiency and effectiveness evaluation

Table 6 below identifies and assesses the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the changes proposed under Option 2 above.

Table 6: Benefits and costs for discharge policies

BENEFITS		COSTS
Environmental		
<ul style="list-style-type: none"> ▪ Provides clear signal for infrastructure providers over what action should be prioritised to reduce environmental effects: <ul style="list-style-type: none"> ○ Progressive reduction in sewage overflows to stormwater networks. ○ Encouraging a progressive improvement in the quality of discharges from stormwater systems. ○ Progressive improvements in the design and operation of wastewater systems in order to reduce the adverse effects of discharges. ○ Outlining a preference for discharges of wastewater to land over discharges to water. ▪ Incentivises discharges to land while still allowing consents to take into account the specific circumstances of the discharge. 	<ul style="list-style-type: none"> ▪ Given the timeframes associated with infrastructure upgrades, there may continue to be negative impacts on the environment until infrastructure is upgraded in line with the policy direction. 	
Economic		
<ul style="list-style-type: none"> ▪ Clearer direction regarding expectations for discharge permits, both for applicants and ORC staff, will assist with reducing the costs of the consenting process. ▪ Clearer direction on consent duration for rural discharges will assist with managing the transition from the current Water Plan to the new LWRP by clarifying the term and nature of the investments made now. 	<ul style="list-style-type: none"> ▪ There will be costs to territorial authorities in progressively reducing sewage overflows and upgrading wastewater systems. These may be significant but are not timebound, allowing costs to be spread over time. These costs have not been quantified and will depend on the individual circumstances of each system. ▪ There will be costs to farmers (and potentially others) from improving practices to justify the 	

<ul style="list-style-type: none"> Upgrades to infrastructure may benefit the economy, including through employment opportunities, although this is expected to be limited. 	<p>granting of a longer-term consent for rural discharges.</p>
Social	
<ul style="list-style-type: none"> Reduction in adverse effects on human health from reductions in sewage overflows. Improved water quality supports recreational pursuits such as fishing. 	<ul style="list-style-type: none"> Increased costs to territorial authorities are likely to require reprioritisation of future spending, which may affect the delivery of other services provided to communities by territorial authorities.
Cultural	
<ul style="list-style-type: none"> Better recognition of Kāi Tahu values, in particular by acknowledging that discharges of wastewater to water are considered offensive and may have significant adverse effects on those values. Improved water quality will better support Kāi Tahu values and uses of fresh water, particularly mahika kai. Policy direction that is better aligned with Kāi Tahu values may reduce the level of involvement of Kāi Tahu advisors at the individual consent stage. 	<ul style="list-style-type: none"> The policies do not prevent culturally offensive discharges of wastewater to water.

Table 7 below assesses the effectiveness and efficiency of the proposed amendments in achieving the objectives of the proposal.

Table 7: Efficiency and effectiveness evaluation for discharge policies

Efficiency	<p>This option assists with achieving the relevant objectives of the Water Plan while providing for a more efficient consenting process. Improvements to practice required or encouraged by the policies will increase costs for users, but clearer policy guidance may reduce the costs of consenting by reducing debate about ORC’s expectations. This is considered to be an appropriate balance given the short-term nature of PC8. Restricting the duration of consents granted for rural discharges will assist with managing the transition to a new regional plan that is compliant with the NPSFM (i.e. includes freshwater objectives and limits).</p>
Effectiveness	<p>This option provides a clearer pathway towards achieving the objectives of the Water Plan to maintain water quality or improve it where it is degraded. In line with Objective 7.A.3, it focuses on requiring those responsible for managing their discharges to reduce adverse effects on water quality. Stormwater and wastewater discharges can reduce water quality at the point of discharge and contribute to overall reductions in water quality downstream of the discharge. However, these systems perform an important and valuable service to communities so any requirement to upgrade systems and the quality of discharges must occur at a rate that is sustainable for those communities to fund.</p> <p>There are likely to be considerable costs associated with progressively upgrading stormwater and wastewater infrastructure, however it is not clear what proportion of those costs will be borne within the lifetime of the current Plan. As drafted, the policies provide flexibility for discussions around the speed of those upgrades which will assist with spreading the cost over an acceptable time period. Costs will be borne by those managing the discharges (territorial authorities) but the benefits will be experienced by the communities they represent.</p> <p>This option will improve the implementation of the provisions managing rural discharges by setting out the matters to be considered by decision-makers but does not address the larger problem with the implementation of the corresponding rules.</p> <p>For all policies in this option, PC8 represents an improvement on the status quo but not a full solution to the issues identified with the Water Plan.</p>

3.4.1.6. Risk of acting or not acting

Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. ORC does not hold comprehensive information about the state of Otago's existing stormwater or wastewater systems, meaning it is not known how many overflows exist presently or what kind of upgrades might be required to these systems as a result of the strengthened policy direction. There are 24 current consents for discharges of stormwater that contain wastewater, however only four expire before 2025 and are therefore likely to be directly impacted by PC8. The remainder expire between 2029 and 2053 and will be decided under the new LWRP which may carry through the direction contained in PC8.

Given the changes in PC8 will be implemented progressively as consents come up for renewal, or new consents are applied for, these costs are likely to be spread over time with the majority being incurred beyond the lifetime of the current Plan. In order to meet the objectives of the NPSFM, it is likely that improvements to the quality of these discharges will be required in the future anyway.

There is uncertainty about how many consent applications are likely to be lodged for rural discharges under Rule 12.C.3.2. As at 16 March 2020, 19 applications had been received by ORC under this rule and 18 granted with expiry dates ranging between 2023 and 2053. ORC staff consider that applications will continue to be lodged in the coming years. The amendments in PC8 to the relevant policies will assist ORC staff in making decisions on these types of applications until the new LWRP is notified.

Despite these information gaps and uncertainties, it is considered that the risk of not acting is greater than the risk of acting due to the need to strengthen the Water Plan in the interim period before the new LWRP is notified.

3.4.1.7. Conclusion

Strengthening the minimum standards for stormwater and wastewater systems will assist with reducing the adverse effects associated with these discharges. Clarifying the intent of the policies for rural discharges will improve implementation of the existing rule framework by providing clarity to decision-makers on how to assess applications received under those rules. Better decision-making on all of these types of resource consents will assist in achieving the objectives of the Water Plan as well as the higher order documents. This is consistent with the general intent of the NPSFM, RPS 1998, PORPS 2019 and PORPS 2016 to maintain water quality, or enhance water quality where it is degraded.

The cost-benefit and efficiency and effectiveness assessments above have shown that the proposed amendments in Option 2 are more efficient than the status quo and are more effective at achieving the objectives of the Water Plan and the proposal. This will, in turn, better achieve the outcomes sought by the NPSFM, RPS 1998, PORPS 2016 and PORPS 2019, as well as the purpose of the RMA. The costs, while potentially significant in some cases, are considered to be appropriate in relation to the contribution of those discharges to water quality generally. Additionally, there is flexibility for improvements to occur at a rate that is financially sustainable for communities. Amending the policies for rural discharges will improve the implementation of the current rules, however as those rules have been found to be ambiguous, unenforceable and uncertain PC8 will not entirely resolve the current issues with the Water Plan for managing rural discharges.

3.4.2. Animal waste storage and application

3.4.2.1. Introduction

The Water Plan defines animal waste as “faeces or urine from any animal” and animal waste systems as including “collection, storage, treatment, disposal or application of liquid or solid animal waste”. From an RMA perspective, there are typically two parts to managing animal waste: the requirements for the collection and storage of waste and the requirements for the discharge or application of waste to land. Both elements are included in the Plan’s definition of “animal waste system”.

The Plan currently does not manage the storage component but contains permitted and prohibited activity rules for the discharge. PC8 proposes to introduce new policies establishing minimum standards for management and operation of animal waste systems, as well as four land use rules for the storage of animal waste, three discharge rules for the application of animal waste and amendments to the existing prohibited activity rule for discharges. Two new schedules support the application of the new rules. PC8 also proposes a consequential amendment to one existing rule.

The relevant provisions are:

- New Policy 7.D.7
- New Policy 7.D.8
- Amendments to Rule 12.C.0.2 (discharge – prohibited)
- New Rule 12.C.0.4 (discharge – prohibited)
- New Rule 12.C.1.4 (discharge – short term permitted)
- New Rule 12.C.2.5 (discharge – restricted discretionary)
- New Rule 14.7.1.1 (land use – permitted)
- New Rule 14.7.1.2 (land use – short term permitted)
- New Rule 14.7.2.1 (land use – controlled)
- New Rule 14.7.3.1 (land use – discretionary)
- New Schedule 18 (pond drop test requirements)
- New Schedule 19 (staged implementation)
- New definition – Dairy Effluent Storage Calculator
- New definition – Suitably Qualified Person
- Amended definition – Animal waste system
- Deleted definition – agricultural waste

3.4.2.2. Objectives

Section 32 requires an evaluation report to examine the extent to which the proposed provisions are the most appropriate way of achieving the objectives of the proposal. The most relevant objectives in the Water Plan are:

- **7.A.1:** To maintain water quality in Otago lakes, rivers, wetlands, and groundwater, but enhance water quality where it is degraded.
- **7.A.2:** To enable the discharge of water or contaminants to water or land, in a way that maintains water quality and supports natural and human use values, including Kāi Tahu values.
- **7.A.3:** To have individuals and communities manage their discharges to reduce adverse effects, including cumulative effects, on water quality.

The objective of this proposal is to improve the management and operation of animal waste systems (including both storage and application to land) so that they are consistent with good practice.

3.4.2.3. Current issues

Dairy sheds and some other intensive farming operations remove liquid animal waste from stock holding areas and wash down these facilities to meet health and hygiene requirements for the animals and animal products. Animal waste collected from these systems includes animal urine, faeces and water, and varies in volume and composition depending on the individual situation. Animal waste is sometimes also collected from laneways, feed pads, wintering pads, silage stacks and stock underpasses.

Generally, collected animal waste is stored in a temporary containment facility (commonly referred to as an effluent pond or effluent tank) and then applied to pasture as a form of fertiliser, often through some kind of irrigation system and 'muck spreaders'. The length of time the animal waste is stored depends on the physical capacity of the facility as well as the suitability of soil conditions for applying the animal waste to land. Animal waste is a valuable fertiliser source – DairyNZ estimates that the average dairy cow produces approximately \$25 worth of nutrients each year as effluent, representing about \$10,000 worth of nutrients for a 400-cow herd each year (DairyNZ, 2012). Efficient use of animal waste can therefore have economic benefits as well as environmental benefits from capturing and managing waste appropriately.

The design, operation and maintenance of animal waste systems is critical for avoiding accidental discharges, either through overflows or seepage, which can have adverse effects on the environment. Similarly, the way animal waste is applied to land needs to be managed carefully to avoid ponding and run-off. Research has shown that between 2 and 20 percent of both the nitrogen and phosphorous in applied animal waste is either lost as runoff or leached from the soil profile (Houlebrook, 2008, p.13). The longer animal waste remains in the soil's active root zone, the more opportunity there is for the soil to filter the waste and absorb nutrients for plant growth. If the waste is able to be stored and applied evenly and at well-timed intervals, the waste is a valuable fertiliser resource.

Direct losses of animal waste can occur when it is applied to soils that have limited capacity to store moisture (resulting in ponding), or on slopes, where there is increased risk of overland flow. Direct losses tend to contain high nutrient concentrations, as soils have little opportunity to filter the waste. Indirect losses can occur when there is nutrient enrichment of soils during summer and autumn followed by leaching during winter and spring. Both direct and indirect losses can contribute to degradation in water quality. Water quality across Otago is variable but shows a clear spatial pattern related to land cover and land use, whereby water quality is generally poorer at sites on smaller, low-elevation streams that drain pastoral or urban catchments (Uytendaal & Ozanne, 2018, p.ii).

ORC does not collect detailed information on land use or land management practices, so it is difficult to determine the drivers of water quality issues in the region. However, in the Pomahaka catchment (South Otago), monitoring sites have shown high *E.coli* results which is likely to be caused, at least in part, by animal waste storage issues as well as a high prevalence of subsurface drainage (Uytendaal & Ozanne, 2018, p.10). An earlier report on the Pomahaka found that nutrient-enriched discharges in the catchment were the result of inappropriate effluent application when the soil was saturated or the application rate was too high for soils to absorb (ORC, 2011, p.ii).

Between September 2010 and 30 June 2019, ORC took the following enforcement actions in response to discharges of animal waste:

- 99 infringement notices
- 2 abatement notices
- 54 prosecutions

The number of enforcement actions taken per financial year has ranged from six to 31. This indicates a reasonable degree of non-compliance with the current Plan provisions and there are likely to have been adverse effects on water quality from all of these discharges.

In other regions, such as neighbouring Canterbury and Southland, the construction and use of animal waste systems is managed through regional rules for land use. Uses of land are permitted under section 9(b) of the RMA, unless there is a relevant regional rule. In Otago, there are no land use rules managing the construction or use of animal waste systems, meaning they are permitted activities. Without a regional rule, the Council does not have the ability to set minimum standards for these systems. Anecdotal reports from Council staff indicate that there are some poor storage practices across the region, particularly in South Otago. These are likely to be contributing to degraded water quality in some parts of the region.

Animal waste discharges are managed under the Water Plan. Rule 12.C.0.2 prohibits the discharge of animal waste:

- to any lake, river or regionally significant wetland (or bed thereof), drain or water race that goes to a lake, river, regionally significant wetland or the coastal marine area, or to any bore or soak hole;
- to land in a manner that results in overland flow entering any lake, river, regionally significant wetland or the coastal marine area, or any drain that goes to those waterways;
- to land within 50 metres of any lake, river or regionally significant wetland or any bore or soak hole;
- to saturated land; or
- that results in ponding.

This provides clear direction on some practices that are unacceptable but provides little guidance to farmers as to what is good practice for applying animal waste to land. Compliance staff from ORC have found this rule difficult to enforce, in part due to the issues with timing and weather, which can affect assessments of saturated land and ponding. The lack of regulatory oversight of storage facilities has also been an issue for Compliance staff, who have witnessed poor performance and practice in this area but have limited ability to take enforcement action. There is some concern that the focus on effects encourages application of animal waste to highly porous soils, which can contaminate surface and shallow ground water (for example, the river plains in Waitaki).

Rule 12.C.1 of the Water Plan permits the discharge of contaminants to land provided conditions are met. The conditions of the rule manage matters such as effects on land stability, transfer of water between catchments, hydrological effects on wetlands and visible changes in the water. While some of these may be relevant to animal waste application, they do not address any of the restrictions considered to be standard practice in animal waste application, such as loading rates. As a result, the Water Plan requirements are less restrictive than, and hence out of step with, generally accepted standards and industry guidelines for animal waste application.

3.4.2.4. Reasonably practicable options

Two reasonably practicable options were identified to achieve the objectives of the Water Plan and of the proposal itself:

- Option 1: Status quo
- Option 2: PC8

Option 1: Status quo

The status quo and associated issues are outlined in section 3.4.2.3. As outlined in that section, the status quo is not considered to be effective at achieving the objectives of the Water Plan.

Option 2: PC8

This option introduces a package of provisions that will improve the current minimum standards for animal waste storage and subsequent land application in Otago, bringing the region into line with good practice across the country. There are two elements to the amendments: the first is introducing minimum standards for animal waste storage and requiring resource consent for discharges, and the second is staging implementation to spread the cost and effort required to plan and apply for resource consents over a three-year period. Timeframes for physical works can then be determined on a case-by-case basis through consent applications.

This option introduces:

- a new policy outlining the standards expected for animal waste systems;
- four land use rules managing the storage of animal waste;
- three discharge rules managing the discharge of animal waste;
- a new Schedule containing pond drop test requirements to support implementation of the rules;
- a new Schedule setting out the staged approach to implementing the storage and application rules;
- a new policy outlining how decisions on applications for upgrading existing systems will be made and introducing a staged approach to implementing the new requirements based on risk; and
- New, amended and deleted definitions to assist with interpretation and implementation.

In more detail, the package of provisions provides:

- For use of land for animal waste storage (note that this does not include the discharge of animal waste, which is managed separately):
 - Existing systems that meet the permitted activity criteria in Rule 14.7.1.1 remain a permitted activity.
 - Existing systems that do not meet the permitted activity criteria will either be required to undertake upgrades in order to meet the criteria (as a discretionary activity under Rule 14.7.3.1) or construct new systems (as a controlled activity under Rule 14.7.2.1).
 - For upgrades, existing systems remain permitted until the following dates (calculated using the formula in new Schedule 19) at which point resource consent applications must be received by ORC:
 - 0 – 10 days of storage: six months after PC8 becomes operative
 - 11 – 40 days of storage: two years after PC8 becomes operative
 - 41+ days of storage: three years after PC8 becomes operative
 - For new systems, resource consent applications must be received by ORC within six months of PC8 becoming operative.
- For discharges of animal waste:
 - All discharges will (eventually) require resource consent as a restricted discretionary activity under Rule 12.C.2.5. The date by which an application must be received by ORC is the same as the date in Schedule 19 for the use of land for the system:
 - For discharges from a system that is permitted under Rule 14.7.1.1 or a new system under Rule 14.7.2.1, resource consent applications must be received by ORC within six months after PC8 becomes operative.

- For discharges from a system that is permitted under Rule 14.7.1.2, the date in Schedule 19 that applies to the system is also the date by which resource consent applications for the discharge must be received by ORC.

It is important to note that the dates specified in Schedule 19 are for receiving resource consent applications, not the dates for meeting the minimum standards. Where resource consent applications for upgrades or new animal waste systems are granted, the consents will contain conditions specifying the timeframes for the upgrade or construction work.⁹ This allows individual farmers some flexibility in designing a programme of works that will meet the minimum requirements of the Plan.

3.4.2.5. Efficiency and effectiveness evaluation

Table 8 below identifies and assesses the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the changes proposed under Option 2 above.

Table 8: Benefits and costs for animal waste storage and application

BENEFITS		COSTS
Environmental		
<ul style="list-style-type: none"> ▪ Improvements to animal waste systems will reduce the risk of unmanaged discharges of animal waste, for example through leaks or spills from storage ponds. ▪ More stringent management of discharges to land will assist with reducing adverse effects from poor practices, for example ponding or overland flow from over-application of animal waste. ▪ Staged implementation means the systems posing the most risk will be improved first, delivering environmental benefits in the short term. ▪ User-pays compliance monitoring will allow for greater oversight from ORC of animal waste storage and discharges. 	<ul style="list-style-type: none"> ▪ Existing practices which adversely affect water quality will continue in the interim period before all of the provisions come into effect. 	
Economic		
<ul style="list-style-type: none"> ▪ A resource consent provides the consent holder with certainty about their operations for the full term of the consent. Consents are not affected by changes to plans, which is particularly important given the significant changes to Otago’s planning framework occurring over the next few years. ▪ Improved storage and discharge practices will provide for more efficient use of an existing nutrient source, potentially leading to fertiliser cost savings. ▪ There will be growth in industries providing relevant services, such as effluent system design and construction, due to increased demand as a result of PC8. This may result in additional employment opportunities. 	<ul style="list-style-type: none"> ▪ Some farmers will face costs to either upgrade their existing system or construct a new system. The actual costs will depend on the individual farm but are likely to be significant in some cases. ▪ All animal waste discharges will require resource consent, meaning applicants will incur costs in preparing and lodging applications. These will vary depending on the circumstances. ▪ Once consented, consent holders will be required to pay ongoing monitoring costs. These have yet to be determined. ▪ There is a shortage of appropriately qualified people in Otago to design animal waste systems that meet the requirements of PC8, meaning there may be additional costs for applicants in contracting services from outside the region. 	

⁹ In other regions this is normally around two years, but there is variation depending on the circumstances

Social	
<ul style="list-style-type: none"> ▪ Improvements to water quality will better support a range of recreational activities in Otago’s water bodies, particularly swimming and fishing. 	<ul style="list-style-type: none"> ▪ For farmers who will incur significant costs to meet the standards, PC8 may place considerable stress on those farmers.
Cultural	
<ul style="list-style-type: none"> ▪ Improvements to water quality will better support Kāi Tahu cultural and spiritual beliefs, values and uses supported by Otago’s water bodies. ▪ Improvements to water quality also better provide for mahika kai. 	<ul style="list-style-type: none"> ▪ Existing practices which adversely affect water quality and therefore Kāi Tahu beliefs, values and uses will continue in the interim period before all of the provisions come into effect.

Table 9 below assesses the effectiveness and efficiency of the proposed amendments in achieving the objectives of the proposal.

Table 9: Efficiency and effectiveness evaluation for animal waste storage and application

Efficiency	This option is considered efficient as it provides a clear and targeted management regime to achieve the objectives of the Water Plan, particularly in relation to the requirement to maintain or improve water quality. Evidence available suggests that a large number of farms across Otago are likely to be some way below the minimum standards proposed, meaning some farms will incur costs (some significant) in upgrading or replacing infrastructure. The staged approach to implementation is intended to assist with spreading these costs over a period of years, giving farmers some flexibility in planning and carrying out the necessary work. Although the costs have the potential to be significant, so do the environmental and cultural benefits.
Effectiveness	This option is effective at achieving the objectives of the Water Plan. Improved storage and discharge practices will reduce adverse effects on water quality, supporting the requirement to maintain water quality or enhance where it is degraded. There is evidence that poor animal waste management is contributing to water quality issues in some parts of Otago, particularly the Pomahaka catchment. This option enables the discharge of animal waste by requiring a resource consent on which conditions can be placed to ensure that the discharge supports natural and human use values, including Kāi Tahu values. Resource consents and management plans places management of the storage and discharge in the hands of individuals, in line with Objective 7.A.3.

3.4.2.6. Risk of acting or not acting

Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. Because animal waste storage is unconditionally permitted, little information is available about the quality of systems currently in use. ORC Compliance officers collect some information on animal waste storage volumes (both total volume on farm and storage volume available on the day of the inspection). Of the 474 farms on ORC’s dairy inspection list, there is only information recorded for 294 farms. Total storage volumes and storage volumes available on the day both rely on farmer-reported information about the dimensions of the ponds and it is unknown what level of accuracy this results in. Anecdotal evidence from ORC Compliance and Rural Liaison officers is that there are some very poor systems in use across Otago and that most systems would likely fall below the generally accepted standard for animal waste systems.

Fort these reasons, the risk of not acting outweighs the risk of acting so as to justify taking regulatory action.

3.4.2.7. Conclusion

The current provisions in the Water Plan for managing animal waste systems are unlikely to be achieving the outcomes sought by the NPSFM, RPSs and Water Plan, particularly to maintain or

enhance water quality, due to the lack of standards for the storage component of the system and a discharge regime that has been difficult to enforce. Evidence demonstrates that poor practice animal waste discharges are contributing to water quality issues in some parts of Otago and are likely to be contributing in other areas which have not been the subject of scientific investigation (ORC, 2011, p.ii).

The cost-benefit and efficiency and effectiveness assessments above have shown that the proposed amendments in Option 2 are more efficient than the status quo and are more effective at achieving the objectives of the Water Plan and the proposal. This will, in turn, better achieve the outcomes sought by the NPSFM, RPS 1998, PORPS 2016 and PORPS 2019, as well as the purpose of the RMA. The costs, while potentially significant in some cases, are considered appropriate in relation to the contribution of those discharges to water quality generally. Additionally, there is flexibility for improvements to occur at a rate that is financially sustainable for communities.

3.4.3. Good farming practices

3.4.3.1. Introduction

Contaminant discharges from farming activities are a major pressure on water quality in many catchments and a threat to further degradation (PCE, 2013; PCE, 2015). Farming activities and the environments within which they occur are highly diverse and the opportunities to address diffuse discharges are often highly property specific. Changes in practices on the ground are key to reducing diffuse discharges from farming activities. This has been a considerable focus of attention from the Government, regional councils and industry bodies in recent years.

Good farming practices (GFPs) are practices that can be used on farms to reduce environmental impacts, particularly by improving water quality through managing nitrogen, phosphorous, sediment and faecal contaminants. Most regional councils have adopted the use of GFPs as a practical method of addressing issues with water quality, however there are a wide range of ways this has occurred. For example, some councils have prescribed GFPs in regional plans, particularly through the use of Farm Environment Plans, while others have promoted their use through non-regulatory methods such as land management advice.

The Government's proposed NESFW, released in 2019, included a rigorous and mandatory regime for implementing GFPs through Farm Plans. There is uncertainty about when and whether this proposal will be progressed further. ORC recognised the deficiencies in the Water Plan for managing discharges from farming activities and introduced PC6A as a result. Some of these provisions were later found to be ambiguous and unenforceable, leading to PC6AA to delay their implementation until 2026. While the new LWRP is developed, it is important that ORC has an appropriate interim management framework for managing the adverse effects from rural discharges.

PC8 proposes to introduce a new policy, three new rules and new definitions relating to farming activities, as well as amendments to an existing rule. The policy sets out the general expectations for farming practices in the longer-term, signalling a shift away from the Plan's current approach to managing water quality. The policy is supported by new and amended provisions managing intensive grazing, stock access to water bodies, and sediment traps. The relevant provisions are:

- New Policy 7.D.9
- Amended Rule 13.5.1.8A
- New Rule 13.5.1.10
- New Rule 14.6.1.1
- New Rule 14.6.2.1
- New definition – critical source area

- New definition – intensive grazing
- New definition – sediment trap
- Deleted definition – feed pad
- Deleted definition – sacrifice paddock
- Deleted definition – stand off pad

3.4.3.2. Objectives

Section 32 requires an evaluation report to examine the extent to which the proposed provisions are the most appropriate way of achieving the objectives of the proposal. The most relevant objectives in the Water Plan are:

- **7.A.1:** To maintain water quality in Otago lakes, rivers, wetlands, and groundwater, but enhance water quality where it is degraded.
- **7.A.2:** To enable the discharge of water of contaminants to water or land, in a way that maintains water quality and supports natural and human use values, including Kāi Tahu values.
- **7.A.3:** To have individuals and communities manage their discharges to reduce adverse effects, including cumulative effects, on water quality.
- **8.3.2:** To minimise reduction in water clarity caused by bed disturbance.

The objective of this proposal is to improve management of discharges from farming activities while reducing the potential for duplication with proposed regulation by the Government.

3.4.3.3. Current issues

The diversity of farming activities and their environments poses challenges for managing discharges from these activities, particularly diffuse discharges. Many local and catchment-based groups are emerging across New Zealand, including in Otago, with a focus on changing behaviour and on-farm practices to address water quality issues. As a regional council, ORC has a statutory responsibility to manage the effects of farming activities on water quality. At a high level, the options for managing effects range from regulatory regimes (for example, mandatory Farm Environment Plans requiring specific actions to be undertaken on farms which may be monitored and/or audited by the regional council) through to non-regulatory approaches (for example, educating farmers by providing land management advice and/or supporting the preparation of voluntary Farm Environment Plans).

The Water Plan's approach for managing rural discharges focuses on managing contaminant discharges rather than the land use activities that lead to those discharges. ORC identified some time ago that this approach was not sufficient for managing discharges from rural activities and introduced PC6A as a result. Those provisions were later found to be ambiguous and unenforceable, and PC6AA was introduced to delay their implementation until 2026. This has left a gap in ORC's planning framework for managing these types of discharges. ORC has recognised the need to address this issue, but is constrained by the uncertainty about the future of the Government's proposals (which may require a comprehensive, mandatory Farm Plan regime for implementing GFPs) and the limited lifespan of the current Water Plan which will be replaced in 2023 by a new LWRP.

In the interim, ORC has identified two specific activities which can have significant adverse effects on water quality but are not well-managed under the current Water Plan: intensive grazing and stock access to water. Additionally, catchment groups in Otago have identified that the Plan provisions currently act as a disincentive to installing sediment traps on farms which can be a useful mitigation tool for reducing sedimentation in water bodies. The following sections discuss these activities in more detail.

Intensive grazing

In parts of Otago, intensive grazing (also referred to as intensive winter grazing or winter grazing) forms an integral part of pasture-based livestock farming due to low pasture growth (particularly during winter months) and large areas of poorly drained soils. For the year ended June 2018, Otago was estimated to have 52,860 hectares of forage brassicas planted (Ministry for the Environment, 2019). That is the second largest area of forage brassicas in New Zealand after Canterbury. On a per hectares basis, nitrogen leaching losses from grazed winter forage crops are approximately two to five times greater than losses measured from pasture on equivalent soil types and landscapes (Laurenson et al 2018). These losses are a disproportionately large contribution to losses from the whole farm system. Monaghan et al (2017) reported sediment and phosphorus losses from grazed forage crops in South Otago that were 37 and 14 times greater (respectively) than the estimated losses from sheep-grazed pasture. Modelling suggests that winter forage cropping leads to erosion that is equivalent to 2.6 to 3.5 per cent of predicted winter sediment loads in South Island regions where the activity is most prevalent (Ministry for the Environment, 2019b).

As well as effects on water quality, intensive grazing can also have adverse effects on soil, particularly from pugging. Soil compaction resulting from pugging has high potential for damaging soil and, depending on the severity, can impact on land production (Ministry for the Environment, 2019b). It also increases the risk of overland flow.

The Water Plan does not place any controls on intensive grazing practices. Any discharges would be managed either as a permitted activity under Rule 12.C.1.1 or a prohibited activity under Rule 12.C.0.3. The permitted activity rule is generic and does not require implementation of any controls specific to land use practices and the prohibited activity rule only applies once a non-compliant discharge has already occurred, preventing the opportunity to reduce the potential for discharges through proactively managing the activity before it occurs. A prohibited activity also means that the activity must cease, and no resource consent can be applied for to authorise that activity.

Stock access to water bodies

Livestock that enter water bodies can contaminate the water directly and damage the banks of the water body, particularly heavy livestock such as cattle and deer, and pigs. Livestock can defecate and urinate directly into the water and onto the bed and banks of the water body. Animal waste contains pathogens (disease-causing organisms), which pose a risk to human health. It also contains nutrients, which promote weed growth and reduce the ability of the water body to support healthy aquatic ecosystems. Trampling and pugging of the bed and banks of water bodies can cause soil loss and increased levels of sediment in the water body (Ministry for the Environment, 2019b). Broadly, the current approach taken by the Water Plan is to allow stock access to water bodies as a permitted activity where visible damage does not occur. If the permitted activity conditions are not met, consent is required as a discretionary activity. This has proved difficult to enforce as it required ORC Compliance officers to be on site when the damage is occurring to assess compliance with the rule. It also means that if damage does occur, the requirement to seek resource consent is redundant as the activity has already occurred.

Sediment traps

Sediment loss from farming activities can be a contributor to poor water quality. One mitigation method for reducing sedimentation is the installation of sediment traps. There is no single definition of a sediment trap and their size and capacity can vary considerably. They range from simple excavations in the beds of waterways to large structures that dam water. Their overall purpose is to reduce water velocity, allowing sediments to settle on the bed. Sediment build-up is removed from the trap regularly to maintain its effectiveness. The Water Plan currently requires resource consent as a discretionary activity for bed disturbance activities that are not specifically provided for. Feedback from catchment

groups has been that this presents a disincentive to installing sediment traps which might otherwise assist with mitigating sedimentation.

3.4.3.4. Reasonably practicable options

Two reasonably practicable options were identified to achieve the objectives of the Water Plan and of the proposal itself:

- Option 1: Status quo
- Option 2: PC8

A range of other options were identified and discounted. Table 10 below outlines the options considered and the reasons for discounting them.

Table 10: Discounted options for good farming practices

Option	Summary of assessment
Good farming practices	
Mandatory farm plans requiring implementation of property-specific good farming practices	This option would improve farming practices across Otago in a property-specific manner, contributing to reducing contaminant loss from farming activities. However, the costs and resourcing required to establish, implement and monitor this type of regime are very high. Given that the Government is proposing a similar regime through the NESFW that would override the Water Plan, it was considered that this option was too risky to progress further due to the potential for farmers and ORC to incur unnecessary expenditure complying with a region-specific regime that may be replaced with a national regime in the coming years.
Voluntary farm plans	Voluntary farm plans provide flexibility for farmers to prepare and implement plans in a manner that suits their individual circumstances. However, there is no requirement to comply with or implement them and no monitoring of their effectiveness. There are many industry schemes which support the development of farm plans (for example, Beef & Lamb's Land Environment Plans, Fonterra's Farm Environment Plans). ORC is able to encourage the development of farm plans without requiring any changes to the Water Plan, therefore this option was considered to be outside the scope of PC8.
Stock access to water	
Adopting the proposed Stock Exclusion Regulations	Staff considered whether the stock exclusion in the provisions in the Water Plan should adopt the framework proposed by the Government's stock exclusion regulations. The regulations contain undecided matters (such as the degree of slope on land that differentiates between requirements for 'low slope land' and 'non-low slope land'). The critical nature of some of the undecided matters, in combination with the considerable cost implications for farmers, meant that this option was discounted due to the uncertainty about the Government's proposals. It was not considered efficient to implement a comprehensive stock exclusion regime that may be overridden by Government regulations, which may change from the current proposal given some matters have not yet been decided.
Sediment traps	
Installation and maintenance of sediment traps in flowing water bodies	Staff considered drafting provisions that would provide for sediment traps in flowing water bodies. There were some concerns raised by scientists that work in flowing water could have significant adverse effects and it was not clear from the feedback from catchment groups that those types of sediment traps were preferred. This option was discounted for those reasons.

Option 1: Status quo

The status quo and associated issues are outlined in section 3.4.3.3. As outlined in that section, the status quo is not considered to be effective at achieving the objectives of the Water Plan.

Option 2: PC8

This option includes a policy setting out ORC’s longer-term vision for managing farming practices in the region. The policy seeks to enable farming activities while reducing adverse effects through a range of actions, including:

- promoting implementation of GFPs (or better) to reduce contaminant loss;
- progressively excluding stock access to water;
- introducing minimum standards for intensive grazing;
- managing sediment run-off through setbacks, riparian planting and limits on areas or duration of exposed soils; and
- promoting identification and management of critical source areas to reduce the risk of contaminant loss.

The intent of this policy is largely to signal the ‘direction of travel’ for ORC’s management of the effects of farming activities in the future. However, it is supported by targeted rules:

- A new permitted activity rule for intensive grazing with conditions that restrict the total area of intensive grazing and the location (not in a critical source area), and that requires progressive grazing (i.e. from the top of the slope to the bottom) and a vegetated strip to be maintained between the grazing and any water body.
- A new discretionary activity rule for intensive grazing that does not meet the permitted activity criteria.
- Amendments to an existing rule managing stock access to water bodies requiring, from 2022, the exclusion of dairy cattle and pigs from lakes, continually flowing rivers wider than 1 metre and Regionally Significant Wetlands with a 5-metre setback from the water body.
- A new permitted activity rule for constructing or maintaining a sediment trap in ephemeral or intermittently flowing river, with conditions restricting the types of effects generated and the purpose of the work undertaken. Sediment traps not complying with the permitted activity rule would be discretionary activities under existing Rule 13.5.3.1
- A new definition of ‘critical source area’, to assist with implementation.
- A new definition of ‘intensive grazing’, restricting the term to grazing on forage crops (excluding pasture and cereal crops) to assist with implementation.
- A new definition of ‘sediment trap’ restricting the term to excavated areas in the beds of ephemeral or intermittently flowing rivers designed to slow water velocity, to assist with implementation.

This option deletes three definitions which are not used anywhere in the Plan: feed pad, sacrifice paddock, and stand off pad.

3.4.3.5. Efficiency and effectiveness evaluation

Table 11 below identifies and assesses the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the changes proposed under Option 2 above.

Table 11: Benefits and costs for good farming practices

BENEFITS		COSTS
Environmental		
<ul style="list-style-type: none"> ▪ Reduction in sediment loss from intensive grazing and stock damage to beds and banks of water bodies. 	<ul style="list-style-type: none"> ▪ The stock exclusion provisions do not address access to water by non-dairy cattle or deer, meaning those animals will still have access to water which may result in adverse effects. 	

<ul style="list-style-type: none"> ▪ Reduction in contaminant loss from intensive grazing and direct discharges from stock to water. ▪ Increased regulatory oversight of large intensive grazing operations which may have significant adverse effects. ▪ Potential reductions in sedimentation of water bodies through the use of sediment traps. 	<ul style="list-style-type: none"> ▪ Poor land management practices on farms may continue in the absence of a requirement for farm plans or the implementation of GFPs.
Economic	
<ul style="list-style-type: none"> ▪ As the provisions are a step towards the Government’s proposals there is limited potential for significant additional cost to be incurred by farmers in having to change practices should the Government’s proposals come into effect. ▪ The current regulatory costs associated with installing and maintaining sediment traps in ephemeral and intermittent water bodies will be reduced by making these permitted. ▪ Stock exclusion requirements may provide limited economic growth and employment opportunities. 	<ul style="list-style-type: none"> ▪ Farmers will incur costs in excluding stock from water bodies, particularly from fencing and water reticulation. ▪ Farmers may incur costs in changing their grazing practices to comply with the permitted activity conditions. ▪ Farmers may incur costs in preparing and lodging resource consent applications for intensive grazing and sediment traps that do not comply with permitted activity criteria. They may also incur ongoing monitoring costs should consents be granted. ▪ Depending on the costs to farmer of implementing the PC8 provisions, there may be reductions in on-farm employment opportunities.
Social	
<ul style="list-style-type: none"> ▪ Improved water quality supports a range of recreational activities for communities, including swimming and fishing. ▪ Restricting stock access to waterbodies may improve the amenity of these areas. 	<ul style="list-style-type: none"> ▪ Restricting stock access to water may also prevent the public from accessing water if fences are constructed.
Cultural	
<ul style="list-style-type: none"> ▪ Improvements in water quality better provide for Kāi Tahu cultural and spiritual beliefs, values and uses. ▪ Managing the land uses that contribute to reductions in water quality is more consistent with the ki uta ki tai approach, which recognises the interconnections between water, land and people. 	<ul style="list-style-type: none"> ▪ As the provisions proposed are an interim step, some adverse effects on water quality will continue to occur which may affect Kāi Tahu values and uses of fresh water. ▪ Restricting stock access to water may also restrict access by Kāi Tahu if fences are constructed, negatively affecting mahinga kai.

Table 12 below assesses the effectiveness and efficiency of the proposed amendments in achieving the objectives of the proposal.

Table 12: Efficiency and effectiveness evaluation for good farming practices

Efficiency	The provisions for intensive grazing and stock access are likely to reduce contaminant loss (particularly sediment) to water bodies, however they are deliberately designed to be a step towards a more comprehensive management regime rather than achieving the objectives in and of themselves. While there are environmental, cultural and social benefits to reducing contaminant loss, there are also costs for farmers particularly in implementing the provisions and from potentially having to change their practices again in the short term to comply with national direction or a new regional plan. Reducing the regulatory costs of installing and maintaining sediment traps will support farmers to implement on-farm mitigation measures to reduce sedimentation of water bodies. Given the drivers for PC6A remain outstanding, it is considered that the benefits from progressing this option outweigh the costs.
Effectiveness	This option assists with achieving the objectives of the Water Plan and of the proposal itself. Monitoring indicates that water quality is not being maintained in some parts of Otago and

<p>implementing controls on intensive grazing and stock access to water is likely to lead to some reduction in contaminant loss from those activities, assisting with achieving Objectives 7.A.1 and 7.A.2. The provisions place the onus on land managers to manage their discharges, consistent with 7.A.3. Restricting stock access to water will minimise reductions in water quality caused by bed disturbance in accordance with Objective 8.3.2. Enabling the installation and maintenance of sediment traps will also assist with maintaining or enhancing water quality</p>
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3.4.3.6. Risk of acting or not acting

Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. ORC holds little information about the effect of rural land uses on water quality in Otago so there is uncertainty about the particular land uses that are contributing to degraded water quality. Some evidence is available at the national level about the effects of intensive grazing and stock access to water in particular, establishing that those activities can often result in adverse effects on water quality. ORC has known since prior to 2012 that the Water Plan was not effectively managing discharges from rural activities and there has been continued degradation in the years since due to the ineffectiveness of PC6A. It is well-recognised that the standards in the Water Plan need to be strengthened to achieve Otago's objectives for water quality and the longer that takes to occur, the larger the task at hand. In this case, the risks of not acting outweigh the risks of acting.

3.4.3.7. Conclusion

ORC has identified some time ago that the Water Plan was not effectively managing discharges from rural land uses. The problems with PC6A and its deferral by PC6AA mean that there is now an urgent need to take some steps to reduce adverse effects on water quality until the new regional plan is notified. There is a lack of evidence on land use practices and considerable uncertainty about the future planning framework in Otago, particularly due to Central Government direction. However the provisions in PC8 are considered to be an interim step towards a more comprehensive regime for managing rural discharges that will ultimately give effect to all higher order instruments.

The cost-benefit and efficiency and effectiveness assessments above have shown that the proposed amendments in option 2 are more efficient than the status quo and are more effective at achieving the objectives of the Water Plan and the proposal itself. This will, in turn, better achieve the outcomes sought by the NPSFM, RPS 1998, PORPS 2016 and PORPS 2019, as well as the purpose of the RMA. This option is considered to appropriately balance the environmental, social and cultural benefits from improving farming practices while limiting the costs incurred in the interim period before the new LWRP is notified and/or the Government's proposals come into force.

3.4.4. Sediment from earthworks

3.4.4.1. Introduction

Earthworks are the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock) but excluding gardening, cultivation, and disturbance of land for the installation of fence posts.¹⁰ Earthworks are often necessary to facilitate land development for urban expansion. When

¹⁰ Definition from the National Planning Standards

earthworks are undertaken, sub-soils are exposed to the elements which can result in erosion and sediment-laden stormwater discharges, if not managed appropriately.

Stormwater generated and discharged from earthwork or development sites can contain large quantities of fine sediment that stay suspended in the water column and is challenging for sediment control treatment systems to remove. The impacts of sediment-laden stormwater discharges on water quality and downstream receiving environments and ecosystems can be significant. Such adverse effects can also lead to a loss in cultural values. The erosion and loss of soil can also cause adverse effects on soil conservation, which has the potential to reduce the on-site productive capability of land.

PC8 proposes to introduce a new policy and new rule for managing discharges of sediment from earthworks for residential development. The relevant provisions are:

- New Policy 7.D.10
- New Rule 14.5.1.1
- New Rule 14.5.2.1
- New definition – earthworks

3.4.4.2. Objectives

Section 32 requires an evaluation report to examine the extent to which the proposed provisions are the most appropriate way of achieving the objectives of the proposal. The most relevant objectives in the Water Plan are:

- **7.A.1:** To maintain water quality in Otago lakes, rivers, wetlands, and groundwater, but enhance water quality where it is degraded.
- **7.A.2:** To enable the discharge of water or contaminants to water or land, in a way that maintains water quality and supports natural and human use values, including Kāi Tahu values.
- **7.A.3:** To have individuals and communities manage their discharges to reduce adverse effects, including cumulative effects, on water quality.

The objective of this proposal is to reduce sediment loss from earthworks for residential development.

3.4.4.3. Current issues

The Otago Region is characterised by large areas of undulating and hilly topography. Earthworks undertaken on such topography in a manner that does not adequately manage erosion or sediment-laden runoff may result in adverse effects on the quality of water in surface water bodies and downstream ecosystems. Depending on site specific characteristics, this could result in significant adverse effects on water quality and ecology, and lead to a degradation of cultural values. The adverse effects of sediment on water quality and ecology can include (NIWA, n.d.):

- decreased water clarity, reducing visibility for fish seeking food and places to live;
- damage and smothering of fish gills and filter feeding apparatus of invertebrates;
- changes to the benthic environments of streams and waterbeds resulting in the smothering of coarse substrate with sands and silts;
- decreased numbers of invertebrate species from smothering of habitat;
- decreased food supply at the bottom of the food chain; and
- increased contaminants from surrounding land, as other contaminants such as nutrients and metals can bind to sediment.

The Council does not routinely measure sediment cover or water clarity at State of the Environment (SOE) sites in the Otago region. Turbidity is routinely monitored by Council and shows variable trends

in waterbodies and lakes across the region (Uytendaal & Ozanne, 2018). However, the reasons for such trends remain relatively unknown as the Council does not collect any information on changes in land use or land management that would allow for a confident assessment of drivers of increased turbidity and sediment in surface water bodies. However, SOE monitoring reports that a small number of waterbodies can be very high in turbidity due to natural processes, such as the presence of glacial flour in the Dart River, or a result of historic sources such as historic gold workings in the Taieri surface water reporting region (Uytendaal & Ozanne, 2018). Most water bodies show either an indeterminate or increasing trend in turbidity. Since 1 July 2016, ORC has taken enforcement action (including infringement notices, abatement notices and prosecutions) against 12 instances of non-compliant discharges of sediment from residential development. This has ranged from one to four actions per year.

Section 30(1)(c) of the RMA requires regional councils, among other things, to control the use of land for the purpose of soil conservation¹¹ and maintenance and enhancement of the quality of water in water bodies.¹² As set out in greater detail below, higher order planning documents anticipate controls for land use activities that could degrade Otago's natural and physical resources be included within the regional plan. There are currently no provisions in the Water Plan that manage the effects of earthworks for the purpose of soil conservation or the maintenance and enhancement of water quality, nor is there a bespoke rule framework which provides specific conditions for the discharge of sediment-laden water.

Historically, the Council has taken the view that controls on land use and development should be restricted to district plans (as a 'one-stop shop' approach), with ORC limiting its intervention to the control of discharges. This is outlined in Method 4.1.5 of the PORPS 2019 which requires ORC to seek the inclusion of appropriate provisions within district plans to manage the discharge of dust, silt and sediment associated with earthworks and land use. This approach has resulted in a varied approach to the management of earthworks in District Plans across the Otago Region. The current approach to having no regional land use rules also makes it difficult for ORC to proactively manage these discharges because the mitigation measures available relate to the use of the land. ORC can therefore only assess compliance with the rules once there has been a discharge, by which point only remediation is available to manage adverse effects. A description of the regional and district plan controls is provided below.

Regional Plans

Earthworks are managed under both the Water and Waste Plans. Currently, the Water Plan does not manage the land use component of earthworks,¹³ meaning that these activities are able to be undertaken as permitted activities under section 9 of the RMA. Discharges of sediment from earthworks are managed in three ways:

- by the general discharge provisions in section 12.C of the Water Plan;
- by the stormwater discharge provisions in section 12.B of the Water Plan;
- by the contaminated land discharge provisions in the Waste Plan; and
- non-regulatory methods outlined in section 15 of the Water Plan.

General discharges

Rule 12.C.0.3 prohibits the discharge of sediment from disturbed land to water in any lake, river, Regionally Significant Wetland, drain or water race that flows to those water bodies, or the coastal marine area where no measure is taken to mitigate sediment run-off. This manages the very worst

¹¹ Section 30(1)(c)(i) of the RMA.

¹² Section 30(1)(c)(ii) of the RMA.

¹³ It is understood the land use component of earthworks are managed under the relevant District Plans.

situations where there is no management of sediment prior to the discharge occurring. Rule 12.C.0.1 prohibits the discharge of contaminants to water that produce an objectionable odour or a conspicuous oil or grease film, scum or foam in any specified water body. This may apply to discharges from earthworks in addition to Rule 12.C.0.3 depending on the effects resulting from the discharge, including discharges from disturbed land where there were mitigation measures but they were inadequate to prevent a harmful discharge occurring.

Rule 12.C.1.1 sets out the permitted activity criteria for the discharge of water or contaminants to water, or onto or into land where it may enter water. The permitted activity conditions are relatively general and replicate the narrative water quality standards as set out in section 70(1)(c) to (g) of the RMA. In contrast to section 70, however, these standards apply at the point of discharge rather than after reasonable mixing. Particularly relevant for sediment discharges is condition (d)(i)(1) which requires that the discharge not result in a conspicuous change in colour or visual clarity. The glossary defines this as “a visual change in water clarity of more than 40%”.

Rule 12.C.1.1 also includes a condition which requires compliance with Rule 12.C.1.1A from 1 April 2020.¹⁴ Rule 12.C.1.1A refers to discharge thresholds in Schedule 16,¹⁵ however there are no standards in Schedule 16 relevant to the measurement of sediment in surface water bodies. Where the permitted activity criteria are unable to be met, the activity is either a restricted discretionary activity under Rules 12.C.2.1 or 12.C.2.2 or a discretionary activity under Rule 12.C.3.2.

The conditions of Rule 12.C.1.1 are reactive rather than proactive as there must be a discharge before compliance can be assessed, increasing the risk that discharges are not managed appropriately at the time they are made. This also raises issues for the efficiency of the rule – as it currently stands, to ensure compliance with the Water Plan developers may need to apply for resource consent prior to the discharge occurring if there is a chance that the permitted activity criteria may not be met. This is difficult to predict in advance as discharges are often the result of weather events. It also means that the requirement for resource consent may only be triggered after the discharge has already occurred. Better environmental outcomes could be achieved with more proactive management of earthworks, particularly by implementing appropriate soil control measures on site prior to earthworks commencing.

Stormwater discharges

The Plan defines ‘stormwater’ as follows:

“The water running off from any impervious surface such as roads, carparks, roofs and sealed runways.”

This definition means that stormwater is unlikely to be considered relevant for construction sites until impervious surfaces such as roads or car parks have been established. Rule 12.B.1.8 provides permitted activity criteria for the discharge of stormwater from a reticulated stormwater system to water or land. Similarly, Rule 12.B.1.9 provides permitted activity criteria for the discharge (to water or land) of stormwater from any road or that is not connected to a reticulated stormwater system. The permitted activity conditions of both rules are substantially similar, focusing on a series of general adverse effects including the flooding of property, erosion, land instability and sedimentation. Conditions of both rules also replicate narrative water quality standards that apply after reasonable mixing in the receiving water body as set out in section 70(1)(c) to (g) of the RMA. Where the permitted activity criteria are unable to be met, the activity is assessed as a restricted discretionary activity in accordance with Rule 12.B.3.1.

¹⁴ Condition (g) of Rule 12.C.1.1.

¹⁵ Schedule of Characteristics and numerical limits and targets for good quality water in Otago Lakes and Rivers

Discharges from contaminated land

Under Rule 5.6.1 of the Waste Plan, the disturbance of land at contaminated sites and the discharges of hazardous waste into water or land where it may enter water is a discretionary activity. This rule applies in addition to the relevant rules in the Water Plan.

Non-regulatory methods

Method 15.2.5.1 of the Water Plan states that ORC will encourage operators of existing stormwater reticulation systems to utilise techniques that will assist to reduce the level of contaminants discharged from the systems. Method 15.5.1 states that ORC will encourage and support the development and use of codes of practice and environmental management systems that reduce adverse effects on water resources. It does not appear that either of these methods have been proactively implemented by ORC in respect of discharges from earthworks.

District plans

Under section 31(1), territorial authorities have responsibility for managing the effects of the use, development or protection of land and associated natural and physical resources of the district as well as the control of any actual or potential effects of the use, development or protection of land. This provides for territorial authorities to manage the effects of land use from earthworks, including the adverse effects of soil erosion. A range of approaches to managing earthworks is taken by territorial authorities in Otago. Most district plans contain setback requirements from waterways, and some (such as in Queenstown-Lakes and Dunedin City) include requirements for implementation of sediment control practices to prevent sediment entering water bodies. The approaches taken around Otago vary in terms of the matters they control and the thresholds they establish.

The challenge for ORC is fulfilling its own obligations under the RMA regarding the management of discharges of sediment from earthworks while not unnecessarily duplicating controls in the district plans. The ability to more proactively manage discharges must be balanced with the complexity of having multiple planning documents addressing the same activity.

3.4.4.4. Reasonably practicable options

Two reasonably practicable options were identified to achieve the objectives of the Water Plan and of the proposal itself:

- Option 1: Status quo
- Option 2: PC8

Option 1: Status quo

The status quo and associated issues are outlined in section 3.4.4.3. As outlined in that section, the status quo is not considered to be effective at achieving the objectives of the Water Plan.

Option 2: PC8

This option proposes a new policy, two new rules and a new definition of earthworks to control the land use and discharge components of earthworks for residential development. The general intent of the provisions is to permit smaller-scale earthworks where on-site practices are implemented to prevent or reduce the adverse effects of sediment discharges and require resource consent for larger scale earthworks where the adverse effects of any discharges are likely to be more significant. The provisions are as follows:

- New Policy 7.D.10 prioritises avoiding discharges or, where this is not achievable, best practice guidelines for minimising sediment loss are implemented.
- New Rule 14.5.1.1 permits the use of land and associated discharge of sediment for earthworks for residential development subject to conditions, including that the area of exposed earth is no more than 2,500m² in any 12-month period, there are setbacks from water bodies, and basic on-site management practices are implemented to prevent accidental discharges.
- Any activities which do not comply with the conditions of Rule 14.5.1.1 are a restricted discretionary activity under Rule 14.5.2.1. The matters which ORC’s discretion are restricted to are:
 - Erosion, land stability, sedimentation or property damage resulting from the activities.
 - Effectiveness of proposed erosion and sediment control measures.
 - Compliance with the *Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016*.
 - Adverse effects on water quality and natural or human use values, including Kāi Tahu values.

The *Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016* are considered to be best practice guidelines nationally and are a commonly used standard for earthworks activities, including in Queenstown-Lakes.

The existing prohibited activity rules (12.C.0.3 and 12.C.0.1) will continue to apply, along with Rule 5.6.1 of the Waste Plan. Rules 12.B.1.8, 12.B.1.9, and 12.B.3.1 for stormwater discharges will also continue to apply, to the extent that they are relevant.

3.4.4.5. Efficiency and effectiveness evaluation

Table 13 below identifies and assesses the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the changes proposed under Option 2 above.

Table 13: Benefits and costs for sediment from earthworks

BENEFITS		COSTS
Environmental		
<ul style="list-style-type: none"> ▪ Provides greater regulatory oversight of an activity which has potential to result in significant environmental effects, particularly on water quality. ▪ Requiring consent for larger-scale earthworks provides an opportunity to proactively manage discharges, potentially reducing the frequency and volume of these types of discharges. ▪ Reduced sedimentation in Otago’s water bodies. 		
Economic		
<ul style="list-style-type: none"> ▪ Reduced risk of enforcement action by having consent for discharges in advance of them occurring. ▪ Consent holders have certainty over their activities and the adequacy of on-site mitigation measures proposed. ▪ There may be economic benefits from wider purchase and use of sediment control equipment and additional work on-site to install and implement them. 		<ul style="list-style-type: none"> ▪ Applicants will incur costs in preparing and lodging resource consent applications. In some parts of Otago these will be additional to costs for land use consents from the relevant district council. ▪ Consent holders may incur costs in implementing a higher standard of sediment control measures than is currently the case. ▪ ORC will receive resource consent applications which are not currently required, potentially affecting resourcing.

Social	
<ul style="list-style-type: none"> ▪ Reduced sedimentation supports recreational uses of Otago’s water bodies, particularly swimming and fishing, and improves peoples’ general experience of the water bodies. ▪ Clarity for plan users about the acceptable minimum standards for earthworks activities. 	<ul style="list-style-type: none"> ▪ There is potential for confusion for plan users due to the overlap of functions between ORC and the district councils.
Cultural	
<ul style="list-style-type: none"> ▪ More stringent management of sediment discharges better recognises the relationship with Kāi Tahu cultural values and desired outcomes for fresh water. ▪ Improvements in water quality better provide for Kāi Tahu cultural and spiritual beliefs, values and uses. 	

Table 14 below assesses the effectiveness and efficiency of the proposed amendments in achieving the objectives of the proposal.

Table 14: Efficiency and effectiveness evaluation for sediment from earthworks

Efficiency	There are potentially significant environmental and cultural benefits arising from the proposed provisions, as well as general improvement and clarification to the current rule framework which has posed difficulties for compliance monitoring and enforcement. However there are also costs, some of which may duplicate the costs incurred by plan users under Otago’s district plans. This arises from the overlap of regional council and territorial authority functions in the RMA. Some of these costs may only be incurred once (for example, technical advice on appropriate sediment control measures to support district and regional consent applications) whereas others will be in addition to existing charges (for example, the cost of applying for consent from ORC in addition to the relevant district council). Some of these costs may be reduced through ORC and district councils working together to implement their respective rules. The environmental and cultural benefits from reducing sedimentation in water bodies and potentially improving water quality are considered to outweigh the costs.
Effectiveness	This option is effective in assisting with achieving the objectives of the Water Plan and of the proposal itself. Reducing sedimentation is consistent with Objective 7.A.1 to maintain water quality or enhance where it is degraded. The proposed rule framework aims to enable earthworks for residential development in a way that maintains water quality and supports the values of the water bodies, in accordance with Objective 7.A.2. The proposed provisions will require people to better manage their discharges to reduce adverse effects on water quality which is consistent with Objective 7.A.3. The objective of the proposal itself is to reduce sediment loss from earthworks which is achieved through a proactive management regime of a permitted activity rule for smaller-scale earthworks and a requirement for resource consent for larger-scale earthworks. Resource consents provide an opportunity for ORC to place conditions on the exercise of the consent, setting out the required standards to be implemented and providing for compliance monitoring.

3.4.4.6. Risk of acting or not acting

Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. ORC does not routinely monitor sediment cover or water clarity at SoE sites, but turbidity monitoring shows increasing trends in some water bodies. The reason for those increases is unclear. Despite this lack of information, engagement with communities in the Manuherekia, Arrow and Cardona catchments has indicated sediment from earthworks can be a significant issue in those areas and Compliance officers report considerable difficulty in monitoring and enforcing the current rules. Given the potential significance of the adverse effects arising from sediment discharges, the risk of not acting is considered to outweigh the risk of acting.

3.4.4.7. Conclusion

Managing discharges of sediment from earthworks assists with supporting the life-supporting capacity of fresh water and maintaining the quality of fresh water, in accordance with the NPSFM and RPS 1998. Taking a more consistent approach to sediment management across Otago also supports integrated management of fresh water and the use and development of land. The PORPS 2016 requires minimising soil erosion resulting from activities, in part by using appropriate erosion controls and soil conservation methods. A regionally consistent approach to setting minimum standards for earthworks in order to minimise sediment loss gives effect to the NPSFM, RPS 1998 and PORPS 2016. It is also likely to assist with achieving the water quality outcomes sought by the NZCPS as sedimentation can adversely affect coastal water. Option 2 is not consistent with the direction in the PORPS 2019, however that document is currently under review and a new RPS is intended to be notified in November 2020 so this inconsistency will be short lived.

The cost-benefit and efficiency and effectiveness assessments above have shown that the proposed amendments in Option 2 may be more efficient than the status quo and are more effective at achieving the objectives of the Water Plan and the proposal. There will be costs in implementing Option 2, mostly arising from the requirement to implement appropriate mitigation measures and to seek resource consent for some activities. The latter may duplicate costs already being incurred to comply with district plan provisions across Otago. These may be reduced through ORC and the district councils working together to implement their respective plans and some costs will be incurred regardless (for example, technical advice on mitigation measures). The environmental benefits from the proposal will potentially outweigh the costs. The proposal is considered to be far more effective at achieving the Plan's objectives than the status quo.

3.4.5. Nationally or regionally important infrastructure

3.4.5.1. Introduction

The Water Plan requires protecting the values of regionally significant wetlands while providing for nationally or regionally important infrastructure. Currently, the Water Plan uses the term "nationally or regionally important infrastructure" while the PORPS 2019 uses the term "nationally and regionally significant infrastructure" and provides a list of infrastructure meeting that definition. There has been debate through consent processes about whether "important" and "significant" are synonymous and whether the Water Plan provisions should be interpreted in reference to the list of infrastructure in the PORPS 2019. PC8 proposes one minor amendment to the relevant policy in order to align the terminology with the PORPS 2019 and clarify implementation of the policy. The relevant provisions are:

- Amendments to Policy 10.4.2

3.4.5.2. Objectives

Section 32 requires an evaluation report to examine the extent to which the proposed provisions are the most appropriate way of achieving the objectives of the proposal. The most relevant objectives in the Water Plan are:

- **10.3.2:** Otago's Regionally Significant Wetlands and their values and uses are recognised and sustained.

The objective of this proposal is to clarify the implementation of Policy 10.4.2.

3.4.5.3. Current issues

Policy 10.4.2 in the Water Plan is to:

Avoid the adverse effects of an activity on a Regionally Significant Wetland or a regionally significant wetland value, but allow remediation or mitigation of an adverse effect only when the activity:

- (a) *Is lawfully established; or*
- (b) *Is nationally or regionally important infrastructure, and has specific locational constraints; or*
- (c) *Has the purpose of maintaining or enhancing a Regionally Significant Wetland or a regionally significant wetland value.*

This policy is important for decision-making on consent applications for the take and use of water in sections 12.1 and 12.2, damming or diversion of water in section 12.3, discharges in sections 12.B and 12.C and the use of land (including for structures) in Chapter 13.

The term “nationally or regionally important infrastructure” is not defined in the Plan. However, Policy 4.3.2 of the PORPS 2019 lists the infrastructure considered to be nationally and regionally significant. There has been confusion for both ORC staff and those wishing to undertake activities in wetlands about what constitutes “nationally or regionally important infrastructure” and whether “important” and “significant” are synonymous.

3.4.5.4. Reasonably practicable options

Two reasonably practicable options were identified to achieve the objectives of the Water Plan and of the proposal itself:

- Option 1: Status quo
- Option 2: PC8

Option 1: Status quo

The status quo and associated issues are outlined in section 3.4.5.3. As outlined in that section, the status quo is not considered to be effective at achieving the objectives of the Water Plan.

Option 2: PC8

Under this option, the term “nationally or regionally important” in Policy 10.4.2 is replaced with “nationally or regionally significant infrastructure” in line with the terminology and definition used in the PORPS 2019.

3.4.5.5. Efficiency and effectiveness evaluation

Table 15 below identifies and assesses the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the changes proposed under Option 2 above.

Table 15: Benefits and costs for nationally or regionally important infrastructure

BENEFITS	COSTS
Environmental	

<ul style="list-style-type: none"> Clarifying the terminology may bring more activities within the requirement to avoid adverse effects on regionally significant wetlands, preventing adverse effects on those water bodies and protecting their values. 	<ul style="list-style-type: none"> As the current term is not defined, defining it in line with the PORPS 2019 may allow activities with adverse effects on regionally significant wetlands to occur that were previously considered to not meet the exception provided in Policy 10.4.2(b).
Economic	
<ul style="list-style-type: none"> Reducing the potential for debates about interpretation and application of Policy 10.4.2 will improve the efficiency and reduce the cost of implementing those provisions. Clarifying the terminology also clarifies the expectations for both applicants and ORC staff, assisting to reduce costs in the consenting process. 	<ul style="list-style-type: none"> Some activities currently occurring in wetlands may no longer be in scope of the ‘exemption’ provided by Policy 10.4.2(b). This may require those activities to seek resource consent or prevent them from continuing to occur where consent cannot be granted.
Social	
	<ul style="list-style-type: none"> Some activities currently occurring in wetlands may no longer be in scope of the ‘exemption’ provided by Policy 10.4.2(b). This may require those activities to seek resource consent or prevent them from continuing to occur where consent cannot be granted.
Cultural	
<ul style="list-style-type: none"> Kāi Tahu seek the protection and enhancement of existing wetlands, which is supported in part by this option which clarifies which activities are able to remediate or mitigate adverse effects on wetlands rather than avoid them. 	

Table 16 below assesses the effectiveness and efficiency of the proposed amendments in achieving the objectives of the proposal.

Table 16: Efficiency and effectiveness evaluation for nationally or regionally important infrastructure

Efficiency	This option clarifies how achievement of Objective 10.3.2 should occur through the corresponding policies and rules. It is efficient at achieving the purpose of the proposal because it aligns the Water Plan terminology with that of the PORPS 2019. The costs are unclear but are likely to be limited given the amendment is for clarification purposes rather than substantially changing the policy approach. There are implementation benefits for plan users and ORC staff in clarifying the policy and reducing the potential for debates.
Effectiveness	This option provides a clearer pathway towards achieving Objective 10.3.2 to recognise and sustain regionally significant wetlands and their values. It assumes that Objective 10.3.2 and the corresponding policies and rules remain an effective way to achieve the purpose of the RMA – that assessment is out of scope of this plan change.

3.4.5.6. Risk of acting or not acting

Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. In this case, it is not known how many activities are occurring under the ‘exception’ provided in Policy 10.4.2(b) – it is possible that some activities may no longer be within the scope of that exception, and also that some activities not exercising that exception may be able to in the future. The risk of acting is low as the amendment is purely operational and for clarification purposes. Therefore, the risk of not acting outweighs the risk of acting.

3.4.5.7. Conclusion

The amendment proposed for this topic will give better effect to the PORPS 2019 and is introduced primarily for efficiency and implementation reasons. The cost-benefit and efficiency and effectiveness assessments above have shown that the proposed amendments in Option 2 are more efficient than the status quo and more effective at achieving the objectives of the Water Plan. This is because Option 2 clarifies the application of a key policy for implementing the corresponding rule framework and makes the provision more consistent with the PORPS 2019.

4. Proposed Plan Change 1 to the Waste Plan

4.1. Introduction

This section of the report evaluates the provisions of PC1 in accordance with the requirements of section 32 as set out in section 1.1 of this report. Under section 32(1), ORC is required to examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. It is also required to examine whether the provisions in the proposal are the most appropriate way to achieve the objectives. For changes to existing plans (referred to as amending proposals), section 32(3)(b) clarifies that this examination must relate to the provisions and objectives of the amending proposal, and the objectives of the existing proposal (i.e. plan) to the extent that those objectives are relevant to the objectives of the amending proposal and would remain if the amending proposal was to take effect. For each topic, the relevant objectives from the Regional Plan: Waste for Otago (Waste Plan) and the objective of the proposed amendments are identified.

4.2. Overview of Proposed Plan Change 1

The Waste Plan was made operative in 1997 and has not been amended or reviewed under section 79 of the RMA since that time. As a result, it has become out of date with current expectations regarding environmental management. The entirety of the Waste Plan will be reviewed alongside the Water Plan in preparation of a new LWRP. PC1 is an interim measure to address two pressing issues with the existing Waste Plan provisions in order to improve environmental outcomes until the review of the Waste Plan has been completed and that Plan has been integrated into the new LWRP.

In tandem with PC8, the overall purpose of PC1 is to strengthen the management of discharges in order to maintain, as a minimum, water quality in Otago. It does this by introducing stricter controls on the use of dust suppressants (and particularly waste oil) and improved minimum standards for landfills in order to reduce the adverse effects of these activities.

4.3. Development of Proposed Plan Change 1

PC1 complements the focus of PC8 on making targeted improvements to Otago's planning framework until the new LWRP is notified in 2023. The Waste Plan has been operative for over 20 years but has not been amended in that time. Ultimately the Waste Plan will be reviewed and incorporated into the new LWRP, however in the meantime PC1 aims to ensure that its provisions remain fit-for-purpose.

The original scope of PC1 was to address overlaps between the Water and Waste Plans, however once assessments of the overlaps began it became clear that there are structural and jurisdictional issues with the Waste Plan that make it difficult to resolve the main tensions between the plans without a full review. Accordingly, the scope was then limited to issues with waste oil and landfills that were considered to be pressing environmental concerns.

4.4. Evaluation of Proposed Plan Change 1

For the purposes of this evaluation, the provisions in PC1 are grouped by topic as follows:

- Dust suppressants
- Landfills

4.4.1. Dust suppressants

4.4.1.1. Introduction

PC1 proposes amendments and new provisions to incentivise the use of safer alternatives to waste oil as a dust suppressant and prevent the adverse effects of using waste oil by providing for the use of dust suppressants as a permitted activity (subject to conditions) or discretionary activity (where the permitted activity conditions are not met) and prohibiting the use of waste oil. The relevant provisions are:

- Amendments to Policy 6.4.10
- Amendments to Methods 6.5.6 and 6.5.23
- Amendments to Rules 6.6.2 and 6.6.3
- Amendments to 6.6.3.1 Assessment Matters
- New Rule 6.6.4
- New definition of 'waste oil'
- Consequential amendments to section 6.1.2.2, Issue 6.2.5, Objective 6.3.1, Methods 6.5.6 and 6.5.23, Principal Reasons for hazardous substances and hazardous waste rules, and Anticipated Environmental Result 6.7.6.

4.4.1.2. Objectives

Section 32 requires an evaluation report to examine the extent to which the proposed provisions are the most appropriate way of achieving the objectives of the proposal. The most relevant objectives in the Waste Plan are:

- **6.3.1:** To avoid, remedy and mitigate the risk to the environment and human health from hazardous substances and hazardous wastes.
- **6.3.2:** To avoid, remedy and mitigate the harmful effects of hazardous substances and hazardous wastes on traditional water, land and mahika kai values of importance to Kāi Tahu.

The objective of this proposal is to manage the adverse effects arising from the use of dust suppressants.

4.4.1.3. Current issues

There is a large network of unsealed roads in Otago, including approximately 1,800 kilometres in the Central Otago and Clutha districts alone. Dust from gravel roads can pollute the air, reduce visibility and road safety and generally be a nuisance for rural residences. Some residents apply dust suppressants to the roads close to their properties, including waste oil (primarily waste engine oil) or apply to their local territorial authority to have it applied on their behalf.

Some territorial authorities within the Otago region have already begun phasing out the use of waste oil as a dust suppressant. For example, Clutha District Council confirmed through its 2016/17 Annual Plan that it would no longer apply waste oil to gravel roads (Clutha District Council, 2018) and Central Otago District Council states that it is currently phasing out the use of waste oil (Central Otago District Council, 2015).

Waste engine oil contains a large number of hazardous contaminants, including a number of carcinogens (Ward, 2016). These substances are known to be hazardous to both human health and the environment. Contaminants can be transferred to the environment when the oil is applied to roads or once the surface of the oiled road breaks down. When the surface breaks down and the road becomes dusty again, contaminants can bind to the dust and be blown into the air or shifted by traffic or water.

There are safer alternatives to waste oil for human and environmental health (Gisborne District Council, n.d.).

Used oil is classified as a hazardous substance under the Hazardous Substances and New Organisms Act 1996 (HSNO) and is defined as:

any oil that has been refined from crude oil, or any synthetic hydrocarbon oil, that has been used, and as a result of such use, has become unsuitable for its original purpose due to the presence of impurities or contaminants or the loss of original properties (Environmental Protection Authority, 2013)

Approvals under HSNO set controls for hazardous substances throughout their lifecycle, such as requirements for storage, identification, emergency management and disposal. The Environmental Protection Authority's code of practice for *Managing and handling used oil* specifically states inappropriate methods of disposal for waste oil, which include disposal on the ground and any practices in which the used oil may cause contamination of the ground and ground water, migrate to watercourses, contaminate air or have negative impacts on humans, plants, animals or other organisms. Applying waste oil to roads is likely to be considered an inappropriate disposal method under HSNO.

4.4.1.4. Reasonably practicable options

Two reasonably practicable options were identified to achieve the objectives of the Waste Plan and of the proposal itself:

- Option 1: Status quo
- Option 2: PC1

These options are discussed in more detail below.

Option 1: Status quo

The status quo and associated issues are outlined in section 4.4.1.3. As outlined in that section, the status quo is not considered to be effective at achieving the objectives of the Waste Plan.

Option 2: PC1

This option proposes amendments to one existing policy and two existing rules as well as one new rule to incentivise the use of appropriate dust suppressants and prohibit the use of waste oil. Broadly, this option:

- allows the use of dust suppressants as a permitted activity subject to conditions, including that the substance is not hazardous, has been approved under HSNO and the use is undertaken in accordance with all conditions of the approval;
- allows resource consent to be applied for where a dust suppressant does not meet the permitted activity criteria;
- prohibits the use of waste oil as a dust suppressant; and
- makes consequential amendments to an objective, policy, method and assessment matters to reflect the revised rule framework.

Option 2 is the preferred option and is assessed in more detail below.

4.4.1.5. Evaluation

Table 17 below identifies and assesses the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the changes proposed under Option 2 above.

Table 17: Benefits and costs for dust suppressants

BENEFITS		COSTS	
Environmental			
<ul style="list-style-type: none"> ▪ Improved water quality due to a reduction in the use of waste oil as a dust suppressant. ▪ Continued suppression of dust, reducing air pollution. ▪ Reduction in the discharge of contaminants known to be toxic and/or carcinogenic. 	<ul style="list-style-type: none"> ▪ Potential increase in air pollution if people choose not to apply alternatives to waste oil. 		
Economic			
<ul style="list-style-type: none"> ▪ Compliant with HSNO requirements for disposal of waste oil and use of hazardous substances, reducing the potential for compliance costs. ▪ There may be economic benefits arising from increased demand for dust suppressants that are not waste oil. 	<ul style="list-style-type: none"> ▪ Likely increases in the cost of suppressing dust as alternative substances are generally more expensive than waste oil. ▪ Some activities may require resource consent, with applicants incurring costs in preparing and lodging applications. 		
Social			
<ul style="list-style-type: none"> ▪ Reduction in adverse effects on amenity from the use of waste oil (for example, odour). ▪ Reducing adverse effects on water quality supports recreational uses of water bodies, for example swimming and fishing. 			
Cultural			
<ul style="list-style-type: none"> ▪ Avoids effects of waste oil discharges on traditional water, land and mahika kai values. ▪ Improvements in water quality will better provide for Kāi Tahu cultural and spiritual beliefs, values and uses supported by fresh water bodies in Otago. 			

Table 18 below assesses the effectiveness and efficiency of the proposed amendments in achieving the objectives of the proposal.

Table 18: Efficiency and effectiveness evaluation for dust suppressants

Efficiency	This option achieves the objectives of the Waste Plan and the proposal by managing adverse effects more stringently and placing the costs of improvement on those responsible for the discharges. The costs likely to be incurred by those having to use an alternative substance do not outweigh the benefits of reducing the adverse effects from the use of waste oil.
Effectiveness	This option is effective at achieving the objectives of the Waste Plan as it prevents adverse effects from the use of waste oil while providing for safer alternatives, meaning the original problem (i.e. dust from roads) can continue to be managed. In line with the objectives, this option avoids or remedies the risk to the environment and human health and better manages the harmful effects on traditional water, land and mahika kai values of importance to Kāi Tahu.

4.4.1.6. Risk of acting or not acting

Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. ORC does not hold comprehensive information on the amount of waste oil being applied to roads in Otago or current uptake of alternative products. Given the significant adverse effects of this activity, the risk of not acting outweighs the risk of acting.

4.4.1.7. Conclusion

Waste oil is a hazardous substance that can have significant adverse effects on fresh water quality and habitats. Prohibiting its use as a dust suppressant will prevent these adverse effects, which will better achieve the general intent of the NPSFM, RPS 1998 and PORPS 2019 to maintain water quality, or enhance it where it is degraded. Providing for the use of other types of dust suppressants will allow the use of safer alternatives to waste oil, which is also consistent with reducing adverse effects on water quality.

The cost-benefit and efficiency and effectiveness assessments above have shown that overall, the proposed amendments are more efficient than the status quo and are more effective at achieving the objectives of the Waste Plan and the proposal. This will, in turn, better achieve the outcomes sought by the NPSFM, RPS 1998, PORPS 2016 and PORPS 2019, as well as the purpose of the RMA.

4.4.2. Landfills

4.4.2.1. Introduction

PC1 introduces a new policy for landfills requiring implementation of current best practice for the design, construction and operation of landfills and deletes Appendix 2 which sets out the matters to be included in a landfill development and management plan. The intent of the amendments is to improve the current minimum standards for landfills. The relevant provisions are:

- New Policy 7.4.11
- Amendments to 7.6.1.1 Information requirements
- Amendments to 7.6.1.2 Assessment matters
- Amendments to Appendix 2
- Consequential amendments to Issues 7.2.2 and 7.2.3, Objectives 7.3.1 and 7.3.2, Policy 7.2.6, Method 7.5.7, 7.6.6.1 Information requirements and 7.6.7.1 Information Requirements

4.4.2.2. Objectives

Section 32 requires an evaluation report to examine the extent to which the proposed provisions are the most appropriate way of achieving the objectives of the proposal. The most relevant objective in the Waste Plan is:

- **7.3.1:** To avoid, remedy or mitigate the adverse environmental effects arising from the discharge of contaminants at and from landfills.

The purpose of this proposal is to improve the policy direction in the Waste Plan so that it reflects current best industry practice for establishing and managing landfills.

4.4.2.3. Current issues

Landfills are disposal sites for a variety of waste materials that are a necessary and valuable resource for society. However, they can result in adverse effects on the environment which can be significant if not managed appropriately. Potential adverse environmental effects include (Ministry for the Environment, 2000):

- discharge of leachate and subsequent contamination of groundwater or surface water (particularly for landfills sited in or close to sensitive water bodies or coastal environments) and impairment of their life-supporting capacity or use;
- discharge of potentially explosive or flammable landfill gas which may have a noxious odour and may damage soil health and vegetation;
- subsidence or instability of surrounding land;
- odour, noise and dust discharges to air;
- litter;
- nuisance effects from birds, flies and vermin; and
- effects on amenity generally (particularly visual amenity).

The Waste Plan takes an holistic approach to managing landfills by requiring resource consent for the discharge of contaminants into or onto land, into water, or into air as a discretionary activity under Rule 7.6.1. Section 7.4 of the Waste Plan contains specific policies for landfills that relate to waste and environmental management generally, as well as the siting, on-going operation, upgrading and monitoring of landfills specifically. None of these provisions has been amended since they became operative in 1997 and they are no longer considered to represent a ‘best practice’ approach to managing landfills. Additionally, they provide little guidance to decision-makers on resource consent applications for landfills. Policy direction is particularly useful for discretionary activities where the council has full discretion to consider any relevant matter and is not directed to consider particular matters.

Appendix 2 of the Waste Plan contains a list of matters to be included in a landfill development and management plan, which is an information requirement of the relevant rules for landfills and offal pits. Appendix 2 contains a range of matters, including some that more appropriately form part of the assessment of environmental effects included with a resource consent application (such as identifying discharges and environmental effects, mitigation measures, and description of the site). The matters are simply listed and do not contain associated standards for each matter. This is a permissive approach to an activity which can have significant, long-term adverse effects and is considerably out of date with current industry best practice.

The current approach is not considered to be effective in achieving the objectives of the Waste Plan.

4.4.2.4. Reasonably practicable options

Two reasonably practicable options were identified to achieve the objectives of the Waste Plan and of the proposal itself:

- Option 1: Status quo
- Option 2: PC1

Option 1: Status quo

The status quo and associated issues are outlined in section 4.4.2.3. As outlined in that section, the status quo is not considered to be effective at achieving the objectives of the Waste Plan.

Option 2: PC1

Broadly, this option requires the design and operation of landfills to be in accordance with current industry best practice, being the Waste Minimisation Institute New Zealand’s *Technical Guidelines for Disposal to Land* (August 2018) which covers siting, design, construction, operations and management. It implements this by introducing a new policy outlining minimum standards for landfill design and operation in order to minimise the adverse effects from discharges from landfills. It also makes amendments to a range of existing provisions, including the relevant rules requiring resource consent for landfills and amending Appendix 2 so that it only applies to offal pits because its content currently contains matters for inclusion in a landfill development and management plan that are not consistent with current best practice for landfill management.

4.4.2.5. Efficiency and effectiveness evaluation

Table 19 below identifies and assesses the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the changes proposed under Option 2 above.

Table 19: Benefits and costs for landfills

BENEFITS		COSTS	
Environmental			
<ul style="list-style-type: none"> ▪ Reduction in adverse effects from discharges to water and air from landfills, particularly from leachate and hazardous wastes. ▪ Fewer adverse effects in the long-term from improved minimum standards for the initial siting, design and construction of landfills. 			
Economic			
<ul style="list-style-type: none"> ▪ Landfills operating in accordance with best environmental practice are likely to be more economically viable in the long-term as environmental regulation is unlikely to become more permissive in the future. ▪ Landfills directly and indirectly employ a number of people in Otago and their continued operation will maintain employment opportunities. 		<ul style="list-style-type: none"> ▪ There may be costs to landfill operators to upgrade or change systems or practices where proposed or existing landfills do not comply with the required minimum standards. ▪ The cost of preparing and lodging applications for resource consent under existing rules may increase due to additional and more stringent requirements introduced by PC1. 	
Social			
<ul style="list-style-type: none"> ▪ Continued provision of valuable waste management services to communities. 		<ul style="list-style-type: none"> ▪ Communities may continue to experience some adverse effects on amenity, particularly in the vicinity of landfills. 	
Cultural			
<ul style="list-style-type: none"> ▪ A reduction in adverse effects (particularly on water quality) will better support Kāi Tahu values and uses of resources. ▪ More stringent requirements at the policy level may reduce the level of involvement of Kāi Tahu at the individual consent stage. 			

Table 20 below assesses the effectiveness and efficiency of the proposed amendments in achieving the objectives of the proposal.

Table 20: Efficiency and effectiveness evaluation for landfills

Efficiency	This option achieves the objectives of the Waste Plan and the proposal by setting minimum standards for landfills in order to reduce the potential for adverse effects on the environment. The costs of this option largely fall on those responsible for the discharges, while the benefits are experienced by communities more widely. The costs that may be incurred do not outweigh the benefits and are considered to be appropriate given the potential significance of the adverse effects arising.
Effectiveness	This option is effective at achieving the relevant objective of the Waste Plan to avoid, remedy or mitigate adverse environmental effects from discharges at and from landfills. This is because it establishes minimum standards for landfills based on current industry best practice, which aims to reduce the environmental impacts of landfills.

4.4.2.6. Risk of acting or not acting

Section 32(2)(c) of the RMA requires ORC to take into account the risk of acting or not acting if there is uncertain or insufficient information. ORC has not undertaken an assessment of every landfill against the WasteMINZ guidelines so there is some uncertainty about how far away from those standards Otago's landfills currently are. There are 45 resource consents granted for landfills under Rule 7.6.1 of the Waste Plan. These consents have expiry dates ranging from 2021 to 2053. There are 18 expiring before 2025 which are the most likely to be impacted by the content of PC1, although the standards set through PC1 may be carried through to the new LWRP.

The guidelines represent current best practice and are considered an appropriate minimum standard given the potentially significant adverse effects of landfills and their long-term nature. In this case, it is considered that the risk of not acting outweighs the risk of acting.

4.4.2.7. Conclusion

Knowledge about the effects of landfills and best practice management approaches has evolved considerably over the past 20 years. Amending the Waste Plan to implement current best practice will assist with reducing adverse effects on land, water and air. The cost-benefit and efficiency and effectiveness assessments above have shown that the proposed amendments in Option 2 are more efficient than the status quo and are more effective at achieving the objectives of the Waste Plan and the proposal. This will, in turn, better achieve the outcomes sought by the NPSFM, RPS 1998, PORPS 2016 and PORPS 2019, as well as the purpose of the RMA. Costs are incurred by those responsible for the discharges while benefits are experienced by whole communities.

5. Planning context

5.1. Resource Management Act 1991

The purpose of a regional plan is to assist a regional council to carry out its functions in order to achieve the purpose of the RMA.¹⁶ The purpose and principles of the RMA, and the functions of ORC, are set out in the following sections of this report. ORC has been mindful of the responsibilities and obligations imposed by sections 5-8, 30, 63, 65-70 and Schedule 1 of the RMA when preparing these plan changes, to ensure the RMA requirements have been met throughout.

5.1.1. Part 2 – Purpose and Principles

The purpose of the RMA is set out in Part 2, section 5 of the RMA:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The RMA also sets out the following matters of national importance (in section 6), directing that all persons exercising functions and powers under the RMA recognise and provide for them:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights:*
- (h) *the management of significant risks from natural hazards.*

Section 7 of the RMA sets out other matters to which all persons exercising functions and powers under the RMA are directed to have particular regard:

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*

¹⁶ Section 63(1), RMA

- (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

Section 8 of the RMA requires that persons exercising functions and powers under it shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The Treaty principles are used in a number of statutes but are not defined in legislation. The principles relate to the obligations of the Crown under the Treaty of Waitangi and have been derived predominantly from Court of Appeal decisions in relation to cases under the State-Owned Enterprises Act 1986. The principles are:

- The two parties to the Treaty must act reasonably towards each other and in utmost faith;
- The Crown must make informed decisions (which will require consultation, but not invariably so);
- The Crown must not unreasonably impede its capacity to provide redress for proven grievances; and
- The Crown must actively protect Maori interests.

Sections 6-8 establish matters for consideration in decision-making under the RMA that contribute to the overall evaluation under section 5. There is a hierarchy across these sections, giving priority to matters of national importance under section 6 over the matters set out for consideration in sections 7 and 8. Section 6(a), (c) and (e) are particularly relevant to PC8 and PC1 given the Plan Changes manage effects on water resources. Sections 7(a), (aa), (b), (c), (d), (f) and (h) should also be considered alongside the Treaty principles when assessing the Plan Changes.

The Plan Changes are considered to comply with the requirements of Part 2. The intent of the provisions is to strengthen the management of activities that are contributing to degradation of water quality in Otago, assisting to recognise the relevant matters in sections 6 and 7. They have been developed in collaboration with Kāi Tahu and taking into account the Kāi Tahu Ki Otago Natural Resources Management Plan 2005.

5.1.2. Functions of ORC

Section 30 of the RMA sets out the functions of regional councils. It is extensive in nature, including a wide range of matters that relate to both land use and water. Those of relevance to PC8 and PC1 include:

- establishing, implementing and reviewing objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region (section 30(1)(a));
- controlling the use of land (including the beds of lakes and rivers) to maintain and enhance the quality and quantity of water and ecosystems in water bodies (section 30(1)(c)); and
- controlling the discharge of contaminants onto land or water and discharges of water into water (section 30(1)(f)).

'Control' means the Council has statutory authority to regulate activities, and, if necessary, to enforce rules against individuals or organisations. All of the changes proposed by the Plan Changes are within the scope provided by section 30.

5.1.3. Regional Plans

Section 63(1) of the RMA sets out the purpose of regional plans, being to assist the regional council to carry out its functions to achieve the purpose of the RMA. Sections 65 to 70 set out a number of technical and procedural matters to be followed in the preparation of a regional plan. Of most relevance are the following:

- Any change to a regional plan must be carried out in the manner set out in Schedule 1 (section 65(2)).
- When changing a regional plan, the Council must have regard to a proposed Regional Policy Statement (section 66(2)(a))
- When changing a regional plan, the Council must have regard to management plans and strategies prepared under other Acts, and take into account any relevant planning document recognised by an iwi authority, to the extent that their content has a bearing on the resource management issues of the region (section 66(2)(c)(i) and (2A)(a)).
- Regional councils must prepare and change regional plans in accordance with their functions under section 30, the provisions of Part 2, a direction given under section 25(1), its obligation to prepare an evaluation report in accordance with section 32, its obligation to have particular regard to that evaluation report, a national policy statement, New Zealand coastal policy statement, national planning standard and any regulations (section 66(1)).
- Regional plans must state objectives, policies, and rules (if any) (section 67(1)).
- A regional plan must give effect to any national policy statement, national planning standard, New Zealand coastal policy statement and regional policy statement (section 67(3)).
- A regional plan must not be inconsistent with a water conservation order, or another regional plan for the region (section 67(4)).

Sections 68-70 contain specific requirements about the application of regional rules, including those related to water quality and discharges. The Plan Changes have been prepared in accordance with these sections.

5.2. National Policy Statements

In accordance with section 67(3)(a) of the RMA, a regional plan must give effect to any national policy statement. There are four national policy statements in force:

- National Policy Statement for Freshwater Management 2014 (as amended 2017; NPSFM);
- National Policy Statement on Electricity Transmission (NPSET);
- National Policy Statement on Urban Development Capacity (NPSUDC); and
- National Policy Statement for Renewable Electricity Generation (NPSREG)

Similarly, in accordance with section 67(3)(b) of the RMA, a regional plan must give effect to any New Zealand Coastal Policy Statement. There is one New Zealand coastal policy statement in force:

- New Zealand Coastal Policy Statement 2010 (NZCPS)

The NPSET, NPSREG and NPSUDC are not considered relevant to PC8 or PC1. The relevant parts of the NPSFM and NZCPS are set out below.

5.2.1. National Policy Statement for Freshwater Management

The NPSFM came into effect on 1 August 2014 and amendments made in August 2017 took effect on 7 September 2017. The matter of national significance that the NPSFM relates to is the management of fresh water through a framework that considers and recognises Te Mana o Te Wai as an integral part of freshwater management.

Broadly, the NPSFM sets the direction for freshwater quality and quantity management in New Zealand. Regional councils are directed under the RMA to give effect to the requirements of the NPSFM when developing statutory plans and plan changes. The NPSFM requires freshwater quality to be maintained (where it is of good quality) or improved over time (where it does not meet the requirements of the NPSFM) and includes a national objectives framework for achieving this. The NPSFM also requires engagement with iwi, hapū and community in setting freshwater outcomes and timeframes.

The NPSFM allows councils until 2025 (or 2030 in some circumstances) to fully implement all policies of the NPSFM. ORC has adopted a PIP setting out a time-staged process for implementing the NPSFM in the Otago region.¹⁷ The PIP includes developing a new framework for water management in Otago, starting with establishing FMUs and a review of the Water and Waste Plans. The actions outlined in the PIP demonstrate that ORC is intending to implement the following policies through that time-staged process (which does not include these Plan Changes):

- Policies A1, A2 and A3(a)
- Policies B1, B2, B5 and B6
- Objective CA1, Policies CA1, CA2, CA3 and CA4
- Objective CB1, Policies CB1, CB2, CB3 and CB4

Additionally, Policy A6 has been implemented already.¹⁸ Table 21 below provides an assessment of these Plan Changes against the NPSFM provisions that are relevant (i.e. excluding those listed above which are being implemented through an alternative process).

Table 21: Assessment of NPSFM

Provision(s)	Assessment
<p>Objective AA1 To consider and recognise Te Mana o te Wai in the management of fresh water.</p> <p>Policy AA1 By every regional council making or changing regional policy statements and plans to consider and recognise Te Mana o te Wai, noting that:</p> <p>a) Te Mana o te Wai recognises the connection between water and the broader environment – Te Hauora o te Taiao (the health of the environment), Te Hauora o te Wai (the health of the waterbody) and Te Hauora o te Tangata (the health of the people); and</p>	<p>Te Mana o te Wai is the integrated and holistic well-being of a freshwater body. The NPSFM anticipates that each community will decide what Te Mana o te Wai means to them at a freshwater management unit scale, based on their unique relationship with freshwater in their area.</p> <p>When Te Mana o te Wai is given effect, the water body will sustain the full range of environmental, social, cultural and economic values held by iwi and the community.</p> <p>The Water and Waste Plans do not currently recognise Te Mana o Te Wai explicitly as they were prepared before the provisions relating to Te Mana o Te Wai were introduced to the NPSFM.</p>

¹⁷ <https://goodwaterinotago.orc.govt.nz/national-policy-statements>

¹⁸ Draft targets can be viewed at <https://www.orc.govt.nz/managing-our-environment/water/water-quality-targets/draft-regional-swimming-targets-for-otago> and final targets at <https://www.orc.govt.nz/managing-our-environment/water/water-quality-targets/regional-swimming-targets-for-otago>

<p>b) values identified through engagement and discussion with the community, including tangata whenua, must inform the setting of freshwater objectives and limits.</p>	<p>They do however seek to maintain and enhance the values of Otago’s water bodies (see Chapter 5 of the Water Plan).</p> <p>Because of their targeted scope, PC8 and PC1 do not enable a full consideration and recognition of Te Mana o Te Wai. This is one of the matters that will be addressed through ORC’s full review of the Water and Waste Plans.</p>
<p>Objective A1 To safeguard:</p> <p>a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and</p> <p>b) the health of people and communities, as affected by contact with fresh water;</p> <p>in sustainably managing the use and development of land, and of discharges of contaminants.</p> <p>Objective A2 The overall quality of fresh water within a freshwater management unit is maintained or improved while:</p> <p>a) protecting the significant values of outstanding freshwater bodies;</p> <p>b) protecting the significant values of wetlands; and</p> <p>c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.</p> <p>Objective A3 The quality of fresh water within a freshwater management unit is improved so it is suitable for primary contact more often, unless:</p> <p>a) regional targets established under Policy A6(b) have been achieved; or</p> <p>b) naturally occurring processes mean further improvement is not possible.</p> <p>Objective A4 To enable communities to provide for their economic well-being, including productive economic opportunities, in sustainably managing freshwater quality, within limits.</p> <p>Policy A3 By regional councils:</p> <p>a) <i>not applicable</i></p> <p>b) where permissible, making rules requiring the adoption of the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of any discharge of a 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</p>	<p>The provisions of these Plan Changes relate to water quality and seek to safeguard important freshwater values in sustainably managing the use and development of land and the discharge of contaminants. PC8 and PC1 introduce strengthened management regimes for a range of specific activities known to have adverse effects on water quality. Better oversight and stricter minimum standards will reduce contaminant loss and assist with safeguarding the life-supporting capacity, ecosystem processes and indigenous species of fresh water. The National Objectives Framework in Appendix 2 assigns <i>E. coli</i> as the attribute for the human health for recreation value. Potential reductions in <i>E. coli</i> from preventing stock access to water and improving management of effluent and intensive grazing will assist with safeguarding the health of people and communities as affected by contact with fresh water.</p> <p>The Plan Changes also seek to assist with achieving Objective 7.A.1 of the Water Plan, which is to maintain water quality in Otago lakes, rivers, wetlands and groundwater, but enhance water quality where it is degraded. This is generally consistent with the requirements of Objective A2. The Water Plan identifies natural and human use values supported by Otago’s rivers and lakes as well as spiritual and cultural beliefs, values and uses of significance to Kāi Tahu. It also identifies regionally significant wetlands and includes specific restrictions on activities affecting those wetlands. PC8 does not alter this approach.</p> <p>These Plan Changes form part of ORC’s implementation of Objective A3 in that they seek to strengthen management of activities known to contribute <i>E. coli</i> to water bodies. Full implementation of this objective will occur in conjunction with the PIP.</p> <p>The provisions in PC8 and PC1 seek to implement minimum standards, good management practices and best industry practice as applicable to the specific activities within scope of the Plan Change in order to prevent or minimise adverse effects of discharges, consistent with Policy A3(b). They have been developed with consideration of any effects on the economic well-being of</p>

<p>from the discharge of that contaminant, any other contaminant) entering fresh water.</p> <p>Policy A7 By every regional council considering, when giving effect to this national policy statement, how to enable communities to provide for their economic well-being, including productive economic opportunities, while managing within limits.</p>	<p>communities, including productive economic opportunities, in accordance with Policy A7.</p>
<p>Objective B1 To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the taking, using, damming, or diverting of fresh water.</p> <p>Policy B3 By every regional council making or changing regional plans to the extent needed to ensure the plans state criteria by which applications for approval of transfers of water take permits are to be decided, including to improve and maximise the efficient allocation of water.</p> <p>Policy B4 By every regional council identifying methods in regional plans to encourage the efficient use of Water.</p> <p>Policy B8 By every regional council considering, when giving effect to this national policy statement, how to enable communities to provide for their economic well-being, including productive economic opportunities, while managing within limits.</p>	<p>None of the provisions in PC8 or PC1 relate to the taking, use, damming or diverting of fresh water; transfer of water take permits; or efficient use of water.</p> <p>As outlined previously, these Plan Changes have been developed with consideration of any effects on the economic well-being of communities, including productive economic opportunities.</p>
<p>Objective C1 To improve integrated management of fresh water and the use and development of land in whole catchments, including the interactions between fresh water, land, associated ecosystems and the coastal environment.</p> <p>Policy C1 By every regional council: a) recognising the interactions, ki uta ki tai (from the mountains to the sea) between fresh water, land, associated ecosystems and the coastal environment; and b) managing fresh water and land use and development in catchments in an integrated and sustainable way to avoid, remedy or mitigate adverse effects, including cumulative effects.</p> <p>Policy C2 By every regional council making or changing regional policy statements to the extent needed to provide for</p>	<p>PC8 and PC1 both seek to improve integrated management by better managing, in particular, land use activities that can have adverse effects on water bodies. Diffuse discharges from nutrient loss on farms are a major water quality problem in New Zealand (PCE, 2018). They are difficult discharges to manage because they come from a large number of small (sometimes unknown) sources, compared to point source discharges which tend to be from a small number of known points. Activities that expose bare earth (such as earthworks for development) significantly increase the potential for the discharge of sediment and other contaminants to water bodies, negatively affecting water quality (Leersnyder et al, 2018).</p> <p>The traditionally effects-based approach of the Water Plan has focused on managing discharges directly rather than land uses. An effects-based approach is by nature reactive and has proven ineffective in some instances. In the case of sediment from earthworks, the Plan has limited</p>

<p>the integrated management of the effects of the use and development of:</p> <ul style="list-style-type: none"> a) land on fresh water, including encouraging the co-ordination and sequencing of regional and/or urban growth, land use and development and the provision of infrastructure; and b) land and fresh water on coastal water. 	<p>ORC's ability to require good sediment control prior to sediment run-off occurring.</p> <p>PC8 and PC1 introduce provisions to manage particular activities known to contribute to diffuse discharges: animal waste management and intensive grazing. This will more efficiently target particular activities that are causing problems while recognising that land uses across catchments contribute to issues with water quality. This also better recognises the link between upstream land uses and effects on water quality in the coastal marine area, assisting with maintaining or improving coastal water quality as well as freshwater quality.</p>
<p>Objective CC1 To improve information on freshwater takes and sources of freshwater contaminants, in order to:</p> <ul style="list-style-type: none"> a) ensure the necessary information is available for freshwater objective and limit setting and freshwater management under this national policy statement; and b) ensure information on resource availability is available for current and potential resource users. <p>Policy CC1 By every regional council:</p> <ul style="list-style-type: none"> a) establishing and operating a freshwater quality accounting system and a freshwater quantity accounting system for those freshwater management units where they are setting or reviewing freshwater objectives and limits in accordance with Policy A1, Policy B1, and Policies CA1-CA4; and b) maintaining a freshwater quality accounting system and a freshwater quantity accounting system at levels of detail that are commensurate with the significance of the freshwater quality and freshwater quantity issues, respectively, in each freshwater management unit. <p>Policy CC2 By every regional council taking reasonable steps to ensure that information gathered in accordance with Policy CC1 is available to the public, regularly and in a suitable form, for the freshwater management units where they are setting or reviewing, and where they have set or reviewed, freshwater objectives and limits in accordance with Policy A1, Policy B1, and Policies CA1-CA4.</p>	<p>The information gathering and accounting systems are subject to separate processes and are not affected by PC8 or PC1. However, the Plan Changes will assist with the collection of data and information on contaminants and risk in some instances, particularly where resource consents are required for activities that are currently permitted.</p>
<p>Objective D1 To provide for the involvement of iwi and hapū, and to ensure that tangata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on</p>	<p>Aukaha have been involved in the preparation of these Plan Changes from the early stages. Section 3 outlines the specific stages at which Kāi Tahu have been consulted prior to notification of the Plan Changes. Feedback from Aukaha has been taken into account when drafting provisions in particular.</p>

<p>how all other objectives of this national policy statement are given effect to.</p> <p>Policy D1 Local authorities shall take reasonable steps to:</p> <p>a) a) involve iwi and hapū in the management of fresh water and freshwater ecosystems in the region;</p> <p>b) work with iwi and hapū to identify tangata whenua values and interests in fresh water and freshwater ecosystems in the region; and</p> <p>c) reflect tangata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region.</p>	<p>Feedback has also been sought from Te Ao Marama Inc, who represent runaka outside the Aukaha rohe, and Te Rūnanga o Ngai Tahu.</p>
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The Plan Changes are considered to give effect to the NPSFM, noting that some of the provisions in the NPSFM are being implemented through a separate planning process while others have already been implemented.

5.2.2. New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement 2010 (NZCPS) came into effect on 3 December 2010 and applies to the coastal marine area and the coastal environment. The NZCPS recognises that activities inland from the coastal environment can have a major influence on coastal water quality as a consequence of point source and non-point source discharges, including stormwater and wastewater.

The NZCPS requires a strategic approach to managing adverse cumulative effects on the coastal environment. It also provides for the integrated management of natural and physical resources and activities, and the management of discharges and enhancement of water quality in the coastal environment. Fresh water resources also occur within the coastal environment and the protection of this resource is important to the economic, social and cultural wellbeing of people and communities.

PC8 and PC1 are consistent with the NZCPS provisions.

5.3. National Environmental Standards

In accordance with section 43B(3) of the RMA, a rule in a regional plan is unable to be more lenient than a national environmental standard unless the national environmental standard expressly states that a rule can be more lenient. There are currently six national environmental standards in force:

- National Environmental Standards for Air Quality 2004 (NESAQ);
- National Environmental Standard for Sources of Human Drinking Water 2007 (NESHDW);
- National Environmental Standards for Telecommunication Facilities 2008 (NESTF);
- National Environmental Standard for Electricity Transmission Activities 2009 (NESETA);
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS); and
- National Environmental Standards for Plantation Forestry 2017 (NESPF).

The NESHDW and NESPF are considered relevant in the context of PC8 and PC1.

5.3.1. National Environmental Standard for Sources of Human Drinking Water

The NESHDW came into effect on 20 June 2008 and sets requirements for protecting sources of human drinking water from becoming contaminated. The NESHDW requires regional councils to ensure that effects of activities on drinking water sources are considered in decisions on resource consents and regional plans. Specifically, regional councils are required to:

- decline discharge or water permits that are likely to result in community drinking water becoming unsafe for human consumption following existing treatment;
- be satisfied that permitted activities in regional plans will not result in community drinking water supplies being unsafe for human consumption following existing treatment; and
- place conditions on relevant resource consents that require notification of drinking water suppliers if significant unintended events occur (eg, spills) that may adversely affect sources of human drinking water.

PC8 and PC1 are consistent with the NESHDW.

5.4. National Environmental Standards for Plantation Forestry

The NESPF came into effect on 1 May 2018. The objectives of the NESPF are to:

- maintain or improve environmental outcomes associated with plantation forestry activities nationally; and
- increase certainty and efficiency in the management of plantation forestry activities.

The regulations apply to any forest larger than one hectare that has been planted specifically for harvesting. Eight core plantation forestry activities are covered by the standards, these include; afforestation; pruning and thinning to waste; earthworks; river crossings; forestry quarrying; harvesting mechanical land preparation and replanting. The regulations generally prevail over regional and district plan provisions that apply to plantation forestry. Plan rules cannot be more lenient than the regulations and can only be more stringent where they relate to managing the unique and sensitive environments defined in the NESPF.

The proposed provisions for managing earthworks for residential development apply to residential development only. A note has been included with these proposed provisions to clarify that they do not apply to activities managed by the NESPF.

5.5. National Planning Standards

Under section 67(3)(ba) of the RMA, a regional plan must give effect to a national planning standard. National planning standards have been introduced to improve the consistency of council plans and policy statements. The Minister for the Environment and the Minister of Conservation released the first set of national planning standards on 5 April 2019. The first set of national planning standards aim to provide national consistency for the structure, form, definitions and electronic accessibility of RMA plans and policy statements to make them more efficient and easier to prepare and use.

PC8 and PC1 do not give effect to the national planning standards, as the standards apply to regional plans (not plan changes), and regional councils are not required to adopt the standards in their plans until 10 years after their gazettal date (unless a regional plan is notified earlier). However, where terms are used that are defined in the national planning standards, those definitions are adopted in the Plan

Changes. ORC will give full effect to the national planning standards through the longer-term work programme to review and replace the Water and Waste Plans.

5.6. Water Conservation Orders

Under section 67(4)(a), a regional plan must not be inconsistent with a water conservation order. Water conservation orders are orders that recognise and sustain outstanding amenity or intrinsic values of waters. Once operative, water conservation orders place restrictions on the granting of some types of resource consents where they affect the water body subject to the order. In Otago, there is one water conservation order in force on the Kawarau River.

5.6.1. Water Conservation (Kawarau) Order 1997

This order recognises that the Kawarau River and its tributaries have the following outstanding amenity and intrinsic values:

- natural and physical qualities and characteristics that contribute to:
 - people's appreciation of pleasantness of waters
 - aesthetic coherence
 - cultural attributes
 - recreational attributes
- biological and genetic diversity of ecosystems
- essential characteristics that determine the ecosystem's integrity, form, functioning and resilience

As the protected waters are considered to be in their natural state, they must be preserved as far as possible in that state. For waters not in their natural state, the order recognises that they still have the following outstanding characteristics:

- as a habitat for terrestrial and aquatic organisms
- as a fishery
- for its wild, scenic and other natural characteristics
- for scientific values
- for recreational or historical purposes
- for significance in accordance with tikanga Māori

The order places a number of restrictions on the damming, diversion and quality of water in the protected waters in order to preserve or protect the values above, which affects ORC's ability to grant resource consents for some activities. There are some exemptions for particular activities listed in the order.

No parts of PC8 and PC1 are inconsistent with the provisions of this water conservation order.

5.7. Lake Wanaka Preservation Act 1973

When exercising functions under the RMA, including the development of regional plans or plan changes, ORC is required to have regard to the purposes of the Lake Wanaka Preservation Act 1973

and shall give effect to the policy of the government in relation to those functions as communicated by the Minister of Conservation.¹⁹

The Lake Wanaka Preservation Act 1973 has the following purposes:

- To prevent the water in the body of the lake from being impounded or controlled by, or, as far as possible, obstructed by, any works except in an emergency;
- To prevent the natural rate of flow of lake water between the outlet of the lake which forms the source of the Clutha River and the confluence of that river and the Cadrona River from being varied or controlled by any works except in an emergency;
- To preserve, as far as possible, the water levels of the lake and its shoreline in their natural state; and
- To maintain and, as far as possible, to improve the quality of water in the lake.

As with the Kawarau River water conservation order, the Plan Changes do not introduce any changes that affect the consistency with the Lake Wanaka Preservation Act. The full review of the RPS and Water Plan provides an opportunity to consider the overall resource management framework and whether any improvements are required to align with this legislation.

5.8. Regional Policy Statements

Under section 67(3), a regional plan must give effect to any regional policy statement. Under section 66(2)(a), a regional council must also have regard to any proposed regional policy statement. In Otago, there are currently three regional policy statements at play:

- Regional Policy Statement for Otago 1998 (RPS 1998)
- Partially Operative Otago Regional Policy Statement 2019 (PORPS 2019)
- Proposed Otago Regional Policy Statement 2016 (PORPS 2016)

The RPS 1998 is partially operative as some provisions have been revoked and are replaced by provisions in the PORPS 2019. The PORPS 2016 and PORPS 2019 are two versions of the same document: the PORPS 2019 contains all of the provisions that are beyond challenge and have been made operative while the PORPS 2016 contains the provisions still subject to appeal and therefore not operative. Generally, the most relevant provisions for these Plan Changes have not been made operative and so are contained in the RPS 1998 and the PORPS 2016. Greater weight should be afforded to the provisions of the PORPS 2016 than the RPS 1998 given how far through the planning process it is (under appeal) and the fact that it will, in time, replace the RPS 1998 entirely.

5.8.1. Regional Policy Statement for Otago 1998

There are two operative chapters of the RPS 1998 that are relevant for PC8 and PC1:

- Chapter 5: Land
- Chapter 6: Water

The relevant provisions from these chapters and an assessment of the Plan Changes against them is set out in Table 22 below. These provisions are operative and must be given effect to by the Plan Changes.

Table 22: Assessment of RPS 1998

¹⁹ Clause 8, Lake Wanaka Preservation Act 1973.

Provision(s)	Assessment
Chapter 5: Land	
<p>Objective 5.4.1 To promote the sustainable management of Otago’s land resources in order:</p> <ul style="list-style-type: none"> (a) To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and (b) To meet the present and reasonably foreseeable needs of Otago’s people and communities. <p>Objective 5.4.2 To avoid, remedy or mitigate degradation of Otago’s natural and physical resources resulting from activities utilising the land resource.</p> <p>Policy 5.5.2 To promote the retention of the primary productive capacity of Otago’s existing high class soils to meet the reasonably foreseeable needs of future generations and the avoidance of uses that have the effect of removing those soils or their life-supporting capacity and to remedy or mitigate the adverse effects on the high class soils resource where avoidance is not practicable.</p> <p>Policy 5.5.3 To maintain and enhance Otago’s land resource through avoiding, remedying or mitigating the adverse effects of activities which have the potential to, among other adverse effects:</p> <ul style="list-style-type: none"> (a) Reduce the soil’s life-supporting capacity (b) Reduce healthy vegetative cover (c) Cause soil loss (d) Contaminate soils (e) Reduce soil productivity (f) Compact soils (g) Reduce soil moisture holding capacity <p>Policy 5.5.5 To minimise the adverse effects of landuse activities on the quality and quantity of Otago’s water resource through promoting and encouraging the:</p> <ul style="list-style-type: none"> (a) Creation, retention and where practicable enhancement of riparian margins; and (b) Maintaining and where practicable enhancing, vegetation cover, upland bogs and wetlands to safeguard land and water values; and (c) Avoiding, remedying or mitigating the degradation of groundwater and surface water resources caused by the introduction of contaminants in the form of chemicals, nutrients and sediments resulting from landuse activities. 	<p>PC8 introduces a range of amended and new provisions to manage uses of land that are known to have adverse effects both on water and soil quality. In particular, these are intensive grazing, effluent storage and application, and earthworks. These activities can negatively affect soil health and structure through the reduction of healthy vegetative cover, loss of soil, contamination of soil, reduction of soil productivity and compaction. The intent of the provisions in PC8 is to introduce controls on these activities to ensure they occur in a manner that minimises environmental effects and in line with good management practices.</p> <p>PC1 revises the current regime for the use of dust suppressants, including prohibiting the use of waste oil as a dust suppressant which is currently permitted. Waste oil is a known contaminant which has the potential to adversely affect water and soil quality depending on the circumstances and locations in which it is applied. PC1 also contains strengthened policies for decision-making on resource consent applications for landfills. Landfills have the potential to contaminate soil and it is expected that the strengthened policies will require landfills to operate at best industry practice and minimise environmental effects.</p> <p>For the above reasons, the provisions of PC8 and PC1 are considered to give effect to the provisions of Chapter 5 of the RPS 1998.</p>
Chapter 6: Water	
Objective 6.4.2	The overall intent of both PC8 and PC1 is to strengthen the management of discharges that can adversely affect

<p>To maintain and enhance the quality of Otago’s water resources in order to meet the present and reasonably foreseeable needs of Otago’s communities.</p> <p>Objective 6.4.3 To safeguard the life-supporting capacity of Otago’s water resources through protecting the quantity and quality of those resources.</p> <p>Objective 6.4.4 To maintain and enhance the ecological, intrinsic, amenity and cultural values of Otago’s water resources.</p> <p>Policy 6.5.5 To promote a reduction in the adverse effects of contaminant discharges into Otago’s water bodies through:</p> <ul style="list-style-type: none"> (a) Adopting the existing water quality of Otago’s water bodies as a minimum acceptable standard; and (b) Investigating and where appropriate, enhancing water quality so that as a minimum standard it is suitable for contact recreation and aquatic life where: <ul style="list-style-type: none"> (i) There is a high public interest in, or use of the water; or (ii) <i>Revoked</i> (iii) There is a particular value to be maintained or enhanced; or (iv) There is a direct discharge containing human sewage or wastes from commercial or industrial activities; and (c) Requiring that all discharges into Otago’s water bodies maintain the standard for the receiving waters after reasonable mixing; and (d) Promoting discharges to land where practicable and where there are no significant adverse effects on groundwater or surface water resources, or soil; and (e) Preparing contingency responses for accidental pollution spills; and (f) Investigating and addressing the effects of diffuse source discharges on water quality; <p>while considering financial and technical constraints.</p> <p>Policy 6.5.6 To protect Otago’s remaining significant wetlands from the effects of any activity except:</p> <ul style="list-style-type: none"> (a) Where such activities can be shown to have no significant adverse effects on: <ul style="list-style-type: none"> (i) Community needs; or (ii) <i>Revoked</i> (iii) The natural hydrological characteristics of the wetland; or (iv) The natural character of the water body; or (v) Amenity values; or (vi) Intrinsic values of ecosystems or (vii) Salmon or trout habitat; or 	<p>water quality. This is primarily achieved by introducing minimum standards for a range of activities that can negatively affect water quality, including intensive grazing, effluent storage and application and earthworks. In replacement of the changes introduced by PC6A, PC8 focuses largely on managing land uses that contribute to diffuse source discharges by requiring the adoption of good management practices and by setting thresholds above which resource consent is required to undertake the activity, providing more stringent oversight by ORC.</p> <p>PC1 aims to reduce the discharge of contaminants from the use of waste oil as a dust suppressant and from landfills. Both types of discharges can contain hazardous substances which can have significant adverse effects on water quality. By prohibiting the use of waste oil and strengthening the policies for landfills, PC1 improves the management of these activities.</p> <p>For the above reasons, the provisions of PC8 and PC1 are considered to give effect to the provisions of Chapter 6 of the RPS 1998.</p>
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<p>(b) Where alternative habitats of a similar or improved nature are provided in compensation for any loss of habitat.</p> <p>Policy 6.5.9 To allow for the community’s use, development or protection of the beds and banks of Otago’s water bodies provided:</p> <p>(a) Any adverse effects on:</p> <ul style="list-style-type: none"> (i) <i>Revoked</i> (ii) The natural character of the water body; or (iii) Habitats of indigenous fauna; or (iv) Amenity values; or (v) Intrinsic values of ecosystems; or (vi) Salmon or trout habitat; or (vii) Outstanding natural features or landscapes <p>are avoided, remedied or mitigated, and that the life-supporting capacity of the water body is maintained and, where practicable, enhanced; while</p> <p>(b) Considering the maintenance and, where practicable, enhancement of the natural functioning of river systems; and</p> <p>(c) Considering the need to provide mitigation to lessen the threat posed by flooding and riverbank erosion.</p>	
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For the above reasons, the Plan Changes are considered to give effect to the RPS 1998.

5.8.2. Partially Operative Otago Regional Policy Statement 2019

There are three operative chapters of the PORPS 2019 that are relevant for PC8 and PC1:

- Chapter 2: Kāi Tahu values and interests are recognised and kaitiakitaka is expressed
- Chapter 4: Communities in Otago are resilient, safe and healthy
- Chapter 5: People are able to use and enjoy Otago’s natural and built environment

The relevant provisions from these chapters and an assessment of the Plan Changes against them is set out in Table 23 below. These provisions are operative and must be given effect to by the Plan Changes.

Table 23: Assessment of PORPS 2019

Provision(s)	Assessment
Chapter 2: Kāi Tahu values and interests are recognised and kaitiakitaka is expressed	
<p>Objective 2.2 Kāi Tahu values, interests and customary resources are recognised and provided for.</p> <p>Policy 2.2.1 Manage the natural environment to support Kāi Tahu wellbeing by all of the following:</p> <ul style="list-style-type: none"> (a) Recognising and providing for their customary uses and cultural values in Schedules 1A and B; and (b) Safe-guarding the life-supporting capacity of natural resources. 	<p>PC8 and PC1 seek to safeguard the life-supporting capacity of natural resources by strengthening management of activities known to cause contaminant loss to water. This will assist in recognising and providing for Kāi Tahu values, interests and customary resources.</p>
Chapter 4: Communities in Otago are resilient, safe and healthy	

<p>Objective 4.3 Infrastructure is managed and developed in a sustainable way.</p> <p>Policy 4.3.2 Recognise the national and regional significance of all of the following infrastructure:</p> <ul style="list-style-type: none"> (a) Renewable electricity generation activities, where they supply the National Grid or local distribution network; (b) National Grid; (c) Electricity sub-transmission infrastructure; (d) Telecommunication and radiocommunication facilities; (e) Roads classified as being of national or regional importance; (f) Ports and airports and associated navigation infrastructure; (g) Defence facilities; (h) Rail infrastructure; (i) Municipal infrastructure. <p>Policy 4.3.3 Provide for the functional needs of infrastructure that has regional or national significance, including safety.</p>	<p>PC8 introduces amendments strengthens the policies for managing discharges from stormwater and wastewater infrastructure which contributes to healthy and safe communities as well as improved environmental outcomes.</p> <p>PC8 contains a minor amendment to one policy which sets out how activities relating to nationally or regionally important infrastructure may be carried out within Regionally Significant Wetlands. The effect of the change is to give better effect to these provisions of the PORPS 2019 by aligning the terminology.</p>
<p>Objective 4.6 Hazardous substances, contaminated land and waste materials do not harm human health or the quality of the environment in Otago.</p> <p>Policy 4.6.2 Manage the use, storage and disposal of hazardous substances by all of the following:</p> <p>...</p> <ul style="list-style-type: none"> (f) Ensuring hazardous substances are treated or disposed of in accordance with the relevant regulatory requirements <p>...</p> <p>Policy 4.6.9 Avoid the creation of new contaminated land or, where this is not practicable, minimise adverse effects on the environment.</p>	<p>PC1 introduces changes to the use of dust suppressants, including by prohibiting the use of waste oil. Waste oil is a hazardous substance that can adversely affect water quality through run-off when it is applied to land. Use of waste oil as a dust suppressant is not in accordance with the relevant regulatory requirements (namely the Hazardous Substances and New Organisms Act 1996; HSNO). PC1 will give effect to the PORPS 2019 by prohibiting the use of a hazardous substance in circumstances where contaminants may enter water and by complying with the relevant HSNO requirements for disposal.</p> <p>PC1 also introduces changes to the policies for managing landfills in order to provide stronger guidance for decision-makers on resource consent applications. These changes are designed to require best industry practice is met by landfills in order to minimise adverse effects on the environment from landfill establishment and operation.</p>
<p>Chapter 5: People are able to use and enjoy Otago’s natural and built environment</p>	
<p>Objective 5.4 Adverse effects of using and enjoying Otago’s natural and physical resources and minimised.</p>	<p>The provisions of PC8 and PC1 broadly introduce minimum standards for particular activities with adverse effects on water quality. This will assist with minimising adverse effects, and</p>

<p>Policy 5.3.1 Manage activities in rural areas, to support the region’s economy and communities, by:</p> <ul style="list-style-type: none"> (a) Enabling primary production and other rural activities that support that production; (b) <i>not relevant</i> (c) Minimising the loss of significant soils; (d) Restricting the establishment of incompatible activities in rural areas that are likely to lead to reverse sensitivity effects; (e) <i>not relevant</i> (f) Providing for other activities that have a functional need to locate in rural areas. <p>Policy 5.4.1 Manage offensive or objectionable discharge to land, water and air by:</p> <ul style="list-style-type: none"> (a) Avoiding significant adverse effects of those discharges; (b) Avoiding significant adverse effects of discharges of human or animal waste directly, or in close proximity, to water or mahika kai sites; (c) Avoiding, remedying or mitigating other adverse effects of those discharges. 	<p>therefore maintaining or enhancing water quality. PC8 in particular has been prepared in recognition of the need to continue to enable primary production in the region, but to ensure appropriate management of adverse effects on water quality.</p> <p>A number of the provisions within the scope of PC8 and PC1 relate to types of discharges that are likely to be offensive or objectionable, including discharges of wastewater, animal waste, and waste oil. The standards proposed by PC8 and PC1 seek to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects.</p>
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The Plan Changes are considered to give effect to the PORPS 2019.

5.8.3. Proposed Otago Regional Policy Statement 2016

There is one inoperative chapter of the PORPS 2016 that is relevant for PC8 and PC1:

- Chapter 3: Otago has high quality natural resources and ecosystems

The relevant provisions from these chapters and an assessment of the Plan Changes against them is set out in Table 24 below. The provisions of Chapter 3 are not yet operative but ORC must still have regard to them. These provisions have been subject to mediation on appeals and agreements between appeal parties have been reached and have been approved by the Environment Court. A consent order has been issued by the Environment Court to that effect.

Table 24: Assessment of PORPS 2016

Provision(s)	Assessment
Chapter 3: Otago has high quality natural resources and ecosystems	
<p>Objective 3.1 The values (including intrinsic values) of ecosystems and natural resources are recognised and maintained, or enhanced where degraded.</p> <p>Policy 3.1.1 Safeguard the life-supporting capacity of fresh water and manage fresh water to:</p> <ul style="list-style-type: none"> a) Maintain good quality water and enhance water quality where it is degraded, including for: 	<p>In line with the high level direction in the PORPS 2016, the provisions of PC8 and PC1 broadly seek to maintain or improve water quality. The majority of the provisions in both Plan Changes seek to reduce the adverse effects of land uses, and discharge of contaminants to water or land where they may enter water.</p> <p><u>Intensive grazing</u></p>

<ul style="list-style-type: none"> i. Important recreation values, including contact recreation; and ii. Existing drinking and stock water supplies; <p>b) Maintain or enhance aquatic:</p> <ul style="list-style-type: none"> i. Ecosystem health; ii. Indigenous habitats; and iii. Indigenous species and their migratory patterns; <p>c) Avoid aquifer compaction and seawater intrusion;</p> <p>d) Maintain or enhance, as far as practicable:</p> <ul style="list-style-type: none"> i. Natural functioning of rivers, lakes and wetlands, their riparian margins, and aquifers; ii. Coastal values supported by fresh water; iii. The habitat of trout and salmon unless detrimental to indigenous biological diversity; and iv. Amenity and landscape values of rivers, lakes and wetlands; <p>e) Control the adverse effects of pest species, prevent their introduction and reduce their spread;</p> <p>f) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion; and</p> <p>g) Avoid, remedy or mitigate adverse effects on existing infrastructure that is reliant on fresh water.</p> <p>Policy 3.1.2 Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to:</p> <ul style="list-style-type: none"> a) Safeguard the life supporting capacity of fresh water; b) Maintain good quality water, or enhance it where it has been degraded; c) Maintain or enhance bank stability; d) Maintain or enhance ecosystem health and indigenous biological diversity; e) Maintain or enhance, as far as practicable: <ul style="list-style-type: none"> i. Their natural functioning and character; and ii. Amenity values; f) Control the adverse effects of pest species, prevent their introduction and reduce their spread; and, g) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion. <p>Policy 3.1.8 Minimise soil erosion resulting from activities, by undertaking all of the following:</p> <ul style="list-style-type: none"> a) Using appropriate erosion controls and soil conservation methods; b) Maintaining vegetative cover on erosion prone land; c) Remediating land where significant soil erosion has occurred; d) Encouraging activities that enhance soil retention. <p>Policy 3.1.13</p>	<p>Intensive grazing can have adverse effects on water quality from sediment loss as a result of the disturbance and exposure of large tracts of bare soil. Intensive grazing can also result in the loss of contaminants such as nitrogen and <i>E. coli</i>. PC8 introduces a permitted activity rule requiring good management practices to be implemented.</p> <p><u>Stock exclusion from water</u> PC8 introduces a requirement for stock to be excluded from water bodies according to the type of stock and water body. The timeframes for compliance with this rule have been staged to allow costs to be distributed over the coming years rather than all at once.</p> <p><u>Effluent management</u> PC8 introduces minimum standards for the storage of animal effluent, requiring operators to design and construct storage facilities in accordance with best practice and to manage their on-going use and maintenance. PC8 also proposes more stringent management of effluent application to land in order to better manage the adverse effects that can arise.</p> <p><u>Sediment from earthworks</u> PC8 addresses this and strengthens management of this activity by including new provisions with minimum standards requiring best industry practice be adopted and requiring activities to seek resource consent above certain thresholds. Resource consents are a way for ORC to proactively manage the discharge by placing conditions on the exercise of the consent.</p> <p><u>Policies</u> PC8 introduces amendments or new policies on a range of topics, including discharges of stormwater and wastewater and rural discharges. This will assist decision-makers on resource consent applications to assess whether proposals are acceptable in terms of their environmental effects. For farming activities in particular, new Policy 7.D.9 signals the longer-term resource management goals for these activities that ORC aims to achieve progressively.</p>
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<p>Encourage, facilitate and support activities that contribute to the resilience and enhancement of the natural environment by where applicable:</p> <ul style="list-style-type: none"> a) Improving water quality and quantity; b) Protecting or restoring habitat for indigenous species; ... 	<p><u>Sediment traps</u> PC8 incentivises the use of sediment traps as a mitigation measure of sedimentation of water by allowing in-stream sediment traps to be constructed as a permitted activity, subject to minimum standards.</p> <p><u>Waste oil and landfills</u> PC1 amends the Waste Plan to strengthen the management of waste oil as a dust suppressant and policy direction on landfills.</p>
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The Plan Changes are considered to give effect to the PORPS 2016, with one exception. Method 4.1.5 establishes that district plans will be responsible for managing the discharges of dust, silt and sediment associated with earthworks and land use. This is not considered to reflect the division of responsibilities between regional councils and territorial authorities in sections 30 and 31 of the RMA. Controlling land uses for the purpose of water quality is a regional council function and therefore provisions for managing earthworks for residential development are appropriate to include in the Water Plan.

5.9. Regional Plans

Under section 67(4)(b), a regional plan must not be inconsistent with any other regional plan for the region. There are four regional plans in place in Otago:

- Regional Plan: Waste for Otago (the Waste Plan)
- Regional Plan: Water for Otago (the Water Plan)
- Regional Plan: Air for Otago (the Air Plan)
- Regional Plan: Coast for Otago (the Coast Plan)

5.9.1. The Water and Waste Plans

ORC publicly notified the Water Plan in 1998. Following the process of submissions, hearings and appeals, Council made the Water Plan operative in 2004. The Water Plan manages all other aspects of freshwater use in Otago. PC8 focuses on amending existing provisions or introducing new provisions that are within the scope of the Water Plan.

ORC publicly notified the Waste Plan in 1994. Following the process of submissions, hearings and appeals, Council made the Waste Plan operative in 1997. The Waste Plan was prepared to manage all aspects of waste in Otago, including hazardous substances. It includes rules applying to uses of land and discharges to air, water and land. PC1 maintains this distinction and is restricted to amending existing provisions within the scope of the Waste Plan.

There is potentially some duplication between the Waste and Water Plans due to the nature of the activities they manage and the ‘effects-based’ approach of the Water Plan in particular. Generally, this results in the provisions of both plans applying to an activity. This is a known issue with the current approach to the plans and is intended to be addressed through the wider review of both plans in the coming years.

The provisions of PC8 are not considered to be inconsistent with the provisions in the Waste Plan and the provisions of PC1 are not considered to be inconsistent with the provisions in the Water Plan.

5.9.2. The Air Plan

ORC publicly notified the Air Plan in 1998. Following the process of submissions, hearings and appeals, Council made the Air Plan operative in 2003. The Air Plan contains provisions managing the discharge of contaminants to air. There are no matters in PC8 that relate to discharges to air, therefore none of the provisions are inconsistent with the Air Plan.

The rules for landfills in the Waste Plan manage discharges into land, water and air. Resource consents are required for all discharges from landfills as a discretionary activity under the Waste Plan. Resource consent is also required for the discharge of odour from a landfill under the Air Plan. Although it is not particularly efficient to manage these types of discharge under two separate plans, the overall intent of the provisions in both plans is consistent. The broader issue of overlaps between the Air and Waste Plans will be addressed through the full review of the Waste Plan.

The rules for applying used oil to roads in the Waste Plan manage discharges to land only. The Air Plan contains rules managing discharges to air, including dust. The rules in the Waste Plan will help to achieve the objectives and policies of the Air Plan by providing for the use of dust suppressants which assist with preventing the adverse effects of dust discharges from unsealed roads. In particular, PC1 will assist with achieving Objective 6.1.2 and Policy 10.1.1 of the Air Plan.

None of the provisions in PC8 or PC1 are considered to be inconsistent with the Air Plan.

5.9.3. The Coast Plan

ORC publicly notified the Coast Plan in 1994. Following the process of submissions, hearings and appeals, and approval from the Minister of Conservation, Council made the Coast Plan operative in 2001.

The Coast Plan manages the use of resources in the coastal marine area and recognises that the Coast Plan only deals with point source discharges within the coastal marine area, with non-point source discharges and discharges of contaminants outside the coastal marine area managed by the Water or Waste Plans. Chapter 10 of the Coast Plan manages discharges in the coastal marine area and seeks to maintain existing water quality and to achieve water quality suitable for contact recreation and the eating of shellfish within 10 years of the date of approval of the Plan (Objective 10.3.1), consistent with the goals of the Water Plan. Chapter 10 places restrictions on a number of activities in order to avoid, remedy or mitigate adverse effects on water quality. The quantitative freshwater objectives in Schedule 15 of the Water Plan were developed to be consistent with the water quality objectives in the Coast Plan.

PC8 and PC1 seek to improve management of point source and non-point source discharges outside the coastal marine area, the outcome of which is considered to be consistent with the Coast Plan.

5.10. Iwi Management Plans

Section 66(2A)(a) requires the regional council to take into account any relevant planning document that is recognised by an iwi authority and that is lodged with the regional council. There are two iwi management plans lodged with ORC: the Kāi Tahu ki Otago Natural Resources Management Plan 2005 and Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008.

5.10.1. Kāi Tahu ki Otago Natural Resources Management Plan 2005

Section 5.3 of the Plan focuses on Wai Māori. Some of the issues of concern include deteriorating water quality, particularly the cumulative effects of discharges, the discharge of human waste and other contaminants from point and non-point source discharges to water, stock entering waterways and sedimentation from land use and development. Section 5.3.3 contains the Wai Māori General Objectives, the following of which are relevant to these Plan Changes:

- The spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management.
- The waters of the Otago Catchment are healthy and support Kāi Tahu ki Otago customs.
- There is no discharge of human waste directly to water.
- Contaminants being discharged directly or indirectly to water are reduced.

Section 5.3.4 contains the Wai Māori General Policies that include, of most relevance to these Plan Changes:

- To protect and restore the mauri of all water (Policy 4).
- To require land disposal for human effluent and contaminants (Policy 8).
- To encourage identification of non-point source pollution and mitigate, avoid or remedy adverse effects on Kāi Tahu ki Otago values (Policy 11).
- To require all discharge systems be well maintained and regularly serviced (Policy 15).
- To require that all practical measures are taken to minimise sedimentation or discharge of sedimentation (Policy 37).
- To encourage the exclusion of stock from waterways (Policy 55)

The provisions of the Kāi Tahu ki Otago Natural Resources Management Plan have been taken into account when preparing these Plan Changes.

5.10.2. Te Tangi o Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008

This plan applies from the true right of the Clutha River south to the border of the Otago region. Section 3.5.10 sets out the General Water Policy. Relevantly for these Plan Changes, the issues for iwi include:

- Stock grazing adjacent to and in the beds of waterways
- Discharges to land activities (e.g. farm effluent) and potential for run off into waterways
- Effects on the mauri of Murihiku Rivers due to land use and discharge activities, and water abstractions
- Poor water quality in some Murihiku Rivers: our children are not able to swim in some rivers

Section 3.5.10 also contains policies for water, including:

- Promote catchment management planning (ki uta ki tai) as a means to recognise and provide for the relationship between land and water
- Work with Regional Councils to ensure that cultural values and perspectives associated with freshwater management are reflected in statutory water plans, best practice guidelines and strategies, and in resource consent processes for activities involving water
- Use riparian enhancement, buffer zones, fencing and related streamside management tools as conditions of consent to ensure that human use of rivers and their water does not compromise river health.

- Avoid the use of rivers as a receiving environment for the discharge of contaminants (e.g. industrial, residential, recreational or agricultural sources)

The provisions of Te Tangi a Tauria have been taken into account when preparing these Plan Changes.

5.11. Other Management Plans

Section 66(2)(c)(i) requires regional councils to have regard to any management plans and strategies prepared under other Acts.

5.11.1. Otago Conservation Management Strategy 2016

The Conservation Act 1987 requires the Department of Conservation to prepare a conservation management strategy for each region. The Otago Conservation Management Strategy describes the conservation values present in Otago and provides guidance for the Department's work in the form of a vision supported by objectives, outcomes, policies and milestones. The Strategy applies to all public conservation land and waters in Otago (noting that this is based on the old Otago conservancy boundary which now covers parts of Eastern South Island and Southern South Island regions).

The vision for Otago includes that Otago's diverse freshwater systems support healthy aquatic ecosystems, all riparian margins are clothed in predominantly indigenous vegetation and people can safely swim in and gather food from all freshwater systems. Objectives 1.5.1.6, 1.5.1.12 and 1.5.1.19 relating to freshwater quality, integrated catchment management and management of water bodies are particularly relevant for these Plan Changes.

The Otago Conservation Management Strategy has been given regard in the preparation of these Plan Changes. Although it has a different application, many of the outcomes sought relating to freshwater are consistent with the intent of the changes in these Plan Changes.

5.11.2. Otago Sports Fish and Game Management Plan 2015-2025

The Conservation Act 1987 requires each Fish and Game Council to prepare any sports fish and game management plans that are necessary for the management of sports fish and game birds within its region of jurisdiction, for approval by the Minister of Conservation. There is one Fish and Game Council that falls wholly within the Otago region: the Otago Fish and Game Council. There is one management plan produced for Otago: the Otago Sports Fish and Game Management Plan 2015-2025. Most relevant to these Plan Changes is the outcome and the issues, objectives and policies for habitat protection and management. The outcome for this topic is:

Water quality ranges between good and excellent in Otago rivers, lakes and wetlands. River flows and lake or wetland water levels combine with the natural characteristics of waterways to support natural ecosystems functioning at a level that supports productive and diverse fish and game populations. Rivers are swimmable, fishable, and safe for food gathering. Otago's wetlands are improving in terms of quality, diversity and species productivity and the overall area of wetlands is expanding, underpinned by the regional focus on protection of regionally significant and other smaller wetlands, as well as an active programme of wetland creation on private land. Degraded headwater wetlands have been restored and contribute to maintenance of summer low flows in catchments downstream. Overall, rivers and wetlands are highly valued by the public for their intrinsic qualities and amenity values. (p.35)

This management plan has been given regard in the preparation of these Plan Changes, noting that it establishes management frameworks for Fish and Game and its staff to ensure the sustained use of sports fish and game bird resources for anglers and hunters in the region.

5.12. Changing policy context

Since the Plan Changes were formally initiated by ORC, there have been changes signalled to the national and regional policy frameworks by central government and ORC. These do not directly affect the Plan Changes at this stage as the proposals are only drafts, however they may significantly alter the current approach to managing freshwater in the future if they are made operative and there is uncertainty about whether the Plan Changes will deliver the outcomes sought by those amended national and regional policies. Whether it is worthwhile to continue with the Plan Changes has been considered by ORC in detail. The potential for change is not a reason not to act on its own and it would create a risk of further degradation in water quality. The changes proposed by these Plan Changes address existing issues with the Plans and will support the transition towards a new planning regime by requiring resource users to begin to improve their practices now.

The effect of these proposals is to even further constrain the lifetime of these Plan Changes, given there is the potential for significant change to the higher order documents in coming years.

5.12.1. National policy

Shortly after the scope of PC8 and PC1 was approved by ORC, the Government released *Action for healthy waterways: a discussion document on national direction for our essential freshwater*. Part of that discussion document included:

- Draft changes to the National Policy Statement for Freshwater Management
- Draft National Environmental Standards for Freshwater
- Draft Stock Exclusion Regulations

These proposals indicate a substantial change in the current framework for managing freshwater resources. Submissions on the proposals closed on 31 October 2019 and are currently being summarised. No further timeframes have been announced by the Government so there is considerable uncertainty around when (or whether) the proposals will be progressed further and the extent to which the proposals may differ from the drafts produced in 2019. The RMA does not require draft national policy statements, national environmental standards or regulations to be given any weight in decision-making on plans or plan changes.

There are significant implications arising from the implementation of the package of proposals and ORC has been mindful of balancing the need for a stronger interim planning framework until the new planning framework (RPS and LWRP) is prepared with the potential for duplication, uncertainty and cost arising from managing many of the same activities the Government is proposing to manage.

The following sections briefly outline the key changes proposed and how they may affect Otago's regional plans, including the proposed Plan Changes.

5.12.1.1. Draft National Policy Statement for Freshwater Management 2019

The draft changes to the NPSFM represent a complete overhaul of the current approach. Some of the most significant changes proposed are:

- Clarifying that the health and wellbeing of water will be put first in decision-making, providing for essential human needs (such as drinking water) will be second, and other uses will follow.
- Amending the structure and content to reinforce an holistic approach to freshwater management.
- Stronger requirements to identify and reflect Māori values in freshwater planning.

- Introducing new or revised indicators of ecosystem health to be monitored and either maintained or improved:
 - Nutrients (nitrogen and phosphorus)
 - Sediment
 - Fish and macroinvertebrate numbers
 - Lake macrophytes (amount of native or invasive plants)
 - River system metabolism
 - Dissolved oxygen in rivers and lakes.
- Introducing higher standards for ‘swimmability’ in summer.
- Faster implementation of the NPSFM in regional plans.

These changes will affect all of Otago’s planning documents in the longer term, however the Plan Changes are not directly affected as they are not required by the RMA to consider draft national policy statements.

5.12.1.2. Proposed National Environmental Standards for Freshwater 2019

The Proposed National Environmental Standards for Freshwater (NESFW) include rules to manage a range of specific activities:

- Vegetation destruction, earth disturbance and water takes in wetlands (including specific provisions for nationally and regionally significant infrastructure).
- Infilling of riverbeds.
- Providing for fish passage.
- Feedlots, sacrifice paddocks, stock holding areas and intensive winter grazing.
- Intensification of farming activities.
- Preparation, certification, implementation and auditing of mandatory Farm Plans.

The Proposed NESFW also includes a proposal for introducing a cap on nitrogen discharges in specified catchments. If the NESFW comes into force, its content will override regional plans, including the Water and Waste Plans. Without undertaking a full assessment of the implications, it is clear that there are likely to be considerable impacts on the following parts of PC8:

- Nationally or regionally significant infrastructure in wetlands.
- Good farming practices
- Intensive grazing
- Sediment traps

There is a risk with progressing PC8 that ORC will duplicate or conflict with the NESFW if it comes into force, incurring additional costs for plan users. However, potential for change is not a reasons not to act now given the risk of further degradation of water quality in the meantime.

5.12.1.3. Draft Stock Exclusion Regulations

The draft stock exclusion regulations restrict stock access to water in different ways depending on the type of water body (wetlands, rivers and lakes), stock type (dairy, dairy support, pigs, beef cattle, deer) and slope of land. The regulations impose different timeframes for exclusion depending on whether the land is categorised as “low-slope” or “non-low-slope”. “Low-slope” land is defined as land that is classified as low slope on the NESFW mapping tool which shows land parcels where the average slope is less than or equal to either 5, 7 or 10 degrees (still to be decided) and “non-low-slope” land is defined

as land that is not classified as lowland on the NESFW mapping tool and where the average slope at the land parcel scale is greater than either 5, 7 or 10 degrees (still to be decided).

The matters that remain undecided in the draft regulations make these proposals even more uncertain than those in the Draft NPSFM and Proposed NESFW. Restricting stock access to water is expensive for farmers to implement due to the costs involved in establishing alternative drinking water supplies and effectively excluding stock.

5.12.2. Regional policy

As a result of the Minister for the Environment's section 24 investigation into ORC's planning functions, ORC has revised some of its longer-term work programmes. These revisions affect the RPSs and the full Water and Waste Plan reviews.

5.12.2.1. Regional policy statements

In response to recommendations from the Minister, ORC has approved the preparation of a new RPS to be notified in November 2020. It is not possible to predict the extent of change between the current RPSs and the new RPS, however the report by Prof Skelton indicated that the PORPS 2019 does not give effect to the NPSFM 2014 (as amended 2017) and that within the provisions freshwater management is not as prominent as one would expect.

It is reasonable to assume that the freshwater-related components of the RPSs, which are the most relevant for these Plan Changes, will be the provisions subject to the most change through the new RPS. There are also widespread structural changes required to implement the National Planning Standards which ORC has until 1 May 2022 to implement.

5.12.2.2. Regional plan reviews

When the scope of the Plan Changes was approved in August 2019, ORC planned to complete full reviews of the Water and Waste Plans and notify a new LWRP by November 2025. This timeframe was revised to December 2023 in response to the Minister's recommendations and the signalled changes to the NPSFM. Like the RPS changes, this does not affect the Plan Changes directly but shortens further the expected lifespan of the provisions proposed.

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Attachment 4:

Draft Implementation Plan

Proposed Plan Change 8 (Discharge management) to the Regional Plan: Water for Otago

Proposed Plan Change 1 (Dust suppressants and landfills) to the Regional Plan: Waste for Otago

AREA	PROPOSAL	IMPLICATIONS	IMPLEMENTATION ACTION – WHO IS RESPONSIBLE	IMPLEMENTATION ACTION – TARGET AUDIENCE	OUTPUTS	WHEN	RESOURCES	IMPORTANCE	IMPLEMENTATION RISK	RISK MITIGATION	STATUS *
<i>Overall</i>	Both Plan Changes	Frontline staff and staff administering/enforcing ORC's Plan need to be informed about proposed changes to the Plans	Policy	INTERNAL STAFF <ul style="list-style-type: none"> • Consents • Compliance • Field staff • Rural Liaison • Customer services 	<ul style="list-style-type: none"> • Provide staff training on new rules; when rules take effect; technical basis for the rules • Create Factsheets for all staff who may be involved in implementation • Create FAQ sheet for Customer Services 	Prior to notification	Consultant support	Critical	Not all relevant staff may be unavailable for training sessions	<ul style="list-style-type: none"> • Staff attending the training to disperse the info among team members • Second training session if needed 	<ul style="list-style-type: none"> • Training Planned • Fact Sheets being drafted
<i>Overall</i>	Both Plan Changes	External stakeholders need to be informed about: <ul style="list-style-type: none"> • The likely impacts of the proposal on their operation • The benefits and costs of the proposed Plan Change • How they can participate in the RMA Planning process (submissions, hearings, appeals) 	Policy, Comms, Rural Liaison, and Customer Services Provide advice and information to community and customers	EXTERNAL <ul style="list-style-type: none"> • Relevant agencies • Landholders • Affected infrastructure providers and landholders • Interest groups • Members of the wider community 	<ul style="list-style-type: none"> • Public notice in ODT, adverts in Southern Rural Life, ODT, The Star, Clutha Leader, CO News, Oamaru Mail, Wanaka Sun, Mountain Scene • Media release including link to how to make a submission • News article on ORC & GWIO websites • News article on social media • Article in March edition of On-Stream • Direct emails with info about what's in the proposal and how to make a submission to: <ul style="list-style-type: none"> ○ Farmers, rural industry stakeholder groups ○ Building/development industry ○ Catchment groups • New factsheets (printed and available on website to download) covering proposed rules 	At notification	Documents from Policy Consultant support for FAQ and Factsheets	Critical	<ul style="list-style-type: none"> • Information materials or messaging does not reach target groups or relevant stakeholders • Messaging is difficult to understand • Information provided does not meet the information needs of different stakeholder groups (consultants, landholders, applicants, wider public) 	<ul style="list-style-type: none"> • Use a range of information channels • Provide a range of information materials tailored to the needs of specific stakeholders or stakeholder groups 	<ul style="list-style-type: none"> • Comms material underway • Fact Sheets being drafted • Direct email and affected party mailout process underway
<i>Overall</i>	Both Plan Changes	External stakeholders need to be kept informed about the proposal as it moves through the different stages of the RMA Planning process	Comms Provide ongoing information	EXTERNAL <ul style="list-style-type: none"> • Relevant agencies • Landholders • Interest groups • Members of the wider community 	<ul style="list-style-type: none"> • Series of adverts in rural newspapers & on radio, covering each topic and linking to factsheets on the web • Series of Facebook posts linked to the newspaper ad series • Article in April edition of On-Stream with link to factsheets and encouraging submissions • Article in Focus on Farming feature in May 2020 • Regular website updates 	During submission period	Consultant support for FAQ and Factsheets	High	<ul style="list-style-type: none"> • Consultation fatigue • Stakeholders unfamiliar with the status of the proposal within RMA the plan making process 	<ul style="list-style-type: none"> • Provide meaningful info on ongoing basis • Explain how to take part in the RMA process • Provide info that is accessible and easy to digest 	<ul style="list-style-type: none"> • Comms planning underway

Council Meeting 9 April 2020 - MATTERS FOR COUNCIL DECISION

AREA	PROPOSAL	IMPLICATIONS	IMPLEMENTATION ACTION – WHO IS RESPONSIBLE	IMPLEMENTATION ACTION – TARGET AUDIENCE	OUTPUTS	WHEN	RESOURCES	IMPORTANCE	IMPLEMENTATION RISK	RISK MITIGATION	STATUS *
<i>Overall</i>	Both Plan Changes	Those that are most affected by the proposed changes may have very specific information requirements	Policy, Comms, Consents & Rural Liaison Provide info to those most affected by the Plan Changes	EXTERNAL <ul style="list-style-type: none"> Rural banking sector Rural professionals Infrastructure providers industry groups (e.g. Beef + Lamb NZ, Dairy NZ, Deer Industry NZ, Federated Farmers, Fertiliser Companies, Dairy Companies) 	Organise 2 rural sessions (via Livestream) to outline new provisions with Q&A Distribute letter to affected parties	During submission period	Consultant support for FAQ and Factsheets Support from IT	High	<ul style="list-style-type: none"> Not everyone can participate in the Livestream sessions Information provided does not cover all community questions 	<ul style="list-style-type: none"> Record the session and make it available on the website Ask for questions to be submitted prior to livestream sessions. Follow up with FAQs post session 	<ul style="list-style-type: none"> Rural community information session planning underway
<i>Discharges Rural</i>	<ul style="list-style-type: none"> Amended Policy to provide greater consistency in decision making on applications for rural discharges New Policy relating to decision making on applications for nitrogen discharges (matters to consider when assessing applications under Rule 12.C.3.2.) 	<ul style="list-style-type: none"> New policy for consents officers Information about new policy to go to potential applicants 	Comms & Rural Liaison Provide external stakeholders with information on new provisions	<ul style="list-style-type: none"> Rural banking sector Rural professionals Infrastructure providers Industry groups (e.g. Beef + Lamb NZ, Dairy NZ, Deer Industry NZ, Federated Farmers, Fertiliser Companies, Dairy Companies) 	<ul style="list-style-type: none"> Factsheet (available in print and digitally) Newspaper and radio adverts On-Stream newsletter articles Facebook posts Targeted emails 	From notification date	Consultant support for FAQ and Factsheets	High	<ul style="list-style-type: none"> Info materials do not reach target audience Messaging is difficult to understand Info provided does not meet needs of stakeholders May be increased costs to farmers to improve practices 	<ul style="list-style-type: none"> Use a range of info channels Provide a range of info materials tailored to the needs of specific stakeholders Provide info on benefits of best practice and improved water quality 	<ul style="list-style-type: none"> Comms material underway Fact Sheets being drafted

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<i>Effluent management Animal Waste Storage</i>	<p>New design requirements for effluent systems</p> <ul style="list-style-type: none"> Establish minimum standards for management & operation of animal waste systems Provide for upgrading of existing animal waste systems that do not meet performance standards For systems constructed prior to 25 March 2020, not complying with Rule 14.7.1.1 is permitted until the application date in Appendix 19: <ul style="list-style-type: none"> 0 – 10 days of storage: six months after PC8 becomes operative 11 – 40 days of storage: two years after PC8 becomes operative 41+ days of storage: three years after PC8 becomes operative 	<ul style="list-style-type: none"> New consent requirements for new effluent management rules New requirements for compliance officers New communication and information activities 	<p>Comms & Rural Liaison</p> <ul style="list-style-type: none"> Provide external stakeholders with information on new provisions <p>Consents</p> <ul style="list-style-type: none"> Provide applicants with information on new provisions Implement new provision <p>Compliance</p> <ul style="list-style-type: none"> Enforce/Check compliance with new provisions 	EXTERNAL (AS ABOVE)	<p>EXTERNAL</p> <ul style="list-style-type: none"> Factsheet (available in print and digitally) newspaper and radio adverts On-Stream newsletter articles Facebook posts Targeted emails Information about <ul style="list-style-type: none"> Design standards Process for certification Requirements relating to preparation of effluent management plans Rule framework Consent requirements Transition timeframes Flow chart on effluent storage requirements Good Management Practice <p>INTERNAL</p> <ul style="list-style-type: none"> New Application forms New Report Templates and conditions 	From notification date	Consultant support for FAQ and Factsheets and other documents	High	<ul style="list-style-type: none"> Info materials do not reach target audience Messaging is difficult to understand Info provided does not meet needs of stakeholders May be increased costs to farmers to improve practices Lack of suitably certified engineers to design and audit effluent systems Costs to land holders for new systems, consent applications and monitoring Increase in volumes of consent applications Increased workload and training requirements for compliance team 	<ul style="list-style-type: none"> Use a range of info channels Provide a range of info materials tailored to the needs of specific stakeholders Engage with service providers (qualified certifiers and contractors) to encourage the provision of suitable services for the design A staged approach to implementation to assist with spreading of costs, giving farmers flexibility in planning and carrying out necessary work Training for Compliance team Compliance team may need more resources 	<ul style="list-style-type: none"> Comms planning underway Fact Sheets being drafted Application forms and Report Templates being drafted
<i>Effluent Management Discharge of animal waste or water containing animal waste</i>	<p>Transition towards a full consenting regime for discharges: All discharges will (eventually) require consent as a restricted discretionary activity</p> <ul style="list-style-type: none"> The date by which an application must be received by ORC is the same as the date in Schedule 19 (as above) for the use 	<ul style="list-style-type: none"> New requirements for consents officers New requirements for compliance officers New communication and information activities 	<p>Comms & Rural Liaison</p> <ul style="list-style-type: none"> Provide external stakeholders with information on new provisions <p>Consents</p> <ul style="list-style-type: none"> Provide applicants with information on new provisions Implement new provision 	EXTERNAL (AS ABOVE)	As above	From notification date	Consultant support for FAQ and Factsheets and other documents	High	As above	As above	As above

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	<p>of land for the system:</p> <ul style="list-style-type: none"> For discharges from a system that is permitted under Rule 14.7.1.1 or a new system under Rule 14.7.2.1, resource consent applications must be received by ORC within six months after PC8 becomes operative 		<p>Compliance</p> <ul style="list-style-type: none"> Enforce/Check compliance with new provisions 								
<p><i>Good Farming practices:</i></p> <ul style="list-style-type: none"> <i>Intensive grazing</i> <i>Stock exclusion</i> <i>Sediment traps</i> 	<p>New Policy which seeks to enable farming activities while reducing adverse effects through a range of actions, including:</p> <ul style="list-style-type: none"> Promoting implementation of Good farming practices (or better) to reduce contaminant loss; Managing stock access to water; Introducing minimum standards for intensive grazing; Managing sediment run-off; and Promoting identification and management of critical source areas to reduce the risk of contaminant loss <p>New land use rules for farming</p> <ul style="list-style-type: none"> Introducing minimum standards for intensive grazing Stronger requirements on stock access 	<ul style="list-style-type: none"> New requirements for consents officers New requirements for compliance officers New communication and information activities 	<p>Comms & Rural Liaison</p> <p>Provide external stakeholders with information on new provisions</p> <p>Consents</p> <ul style="list-style-type: none"> Provide applicants with information on new provisions Implement new provision <p>Compliance</p> <p>Enforce/Check compliance with new provisions</p>	<p>EXTERNAL</p> <ul style="list-style-type: none"> Farmers Rural landholders Rural professionals Industry groups e.g. <ul style="list-style-type: none"> Beef + Lamb NZ Dairy NZ Deer Industry NZ Federated Farmers Fertiliser Companies Dairy Companies Catchment groups to disseminate information on new rules on sediment traps 	As above	From notification date	Consultant support for FAQ and Factsheets and other documents	High	<ul style="list-style-type: none"> Information materials or messaging does not reach target groups or relevant stakeholders Messaging is difficult to understand Information provided does not meet the information needs of different stakeholder groups Significant change from the effects-based approach May be increased costs to farmers to implement and where necessary apply for resource consents Restricting stock access to water may also prevent the public from accessing water if fences are constructed Compliance team will require training for new requirements Increased workload for Compliance team 	<ul style="list-style-type: none"> Use a range of information channels Provide a range of information materials tailored to the needs of specific stakeholders or stakeholder groups Ensure information covers the benefits of good practice for the environment and the direction Government is taking Not expected to trigger many consent applications Training for Compliance team Compliance team may need more resources 	<ul style="list-style-type: none"> As above

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<i>Discharges: Stormwater</i>	<ul style="list-style-type: none"> • Permission over the installation of sediment traps <p>Amended policies to provide a clear direction for infrastructure providers over what action should be prioritised to reduce environmental effects and clearer direction regarding expectations for discharge permits, both for applicants and ORC</p> <ul style="list-style-type: none"> • Progressive reduction in sewage overflows to stormwater • Requiring the progressive upgrade of existing stormwater systems in order to improve the quality of discharges 	<ul style="list-style-type: none"> • New communication and information activities • New requirements for consents officers 	<p>Comms Targeted information/emails</p> <p>Consents</p> <ul style="list-style-type: none"> • Provide applicants with advice relating to new provision • Implement new provisions 	<p>EXTERNAL</p> <ul style="list-style-type: none"> • Territorial Authorities – implications for infrastructure • Other Infrastructure providers (e.g. Developers) 	<p>EXTERNAL Factsheet on new Stormwater provisions (available in print and digitally)</p> <p>Meeting with Territorial Authorities</p> <p>INTERNAL</p> <ul style="list-style-type: none"> • New Application forms • New Report Templates and Conditions 	From notification date	Consultant support for FAQ and Factsheets and other documents	High	<ul style="list-style-type: none"> • Costs to infrastructure providers authorities in progressively reducing sewage overflows and upgrading wastewater systems • The long timeframes associated with infrastructure upgrades may result in continued negative impacts on the environment until infrastructure is upgraded in line with the policy direction 	<ul style="list-style-type: none"> • The provisions are not timebound, allowing costs to be spread over time • PC8 represents an improvement on the status quo 	<ul style="list-style-type: none"> • Fact Sheets being drafted • Application forms and Report Templates being drafted
<i>Discharges Wastewater</i>	<p>New policy guidance</p> <ul style="list-style-type: none"> • Providing clear direction for infrastructure providers over what action should be prioritised to reduce environmental effects • Providing clearer direction regarding expectations for discharge permits, both for applicants and ORC • Requiring progressive improvements in the design and operation of wastewater systems in order to reduce the adverse effects of the discharges 	<ul style="list-style-type: none"> • New communication and information activities • New requirements for consents officers 	<p>Comms Targeted information/emails</p> <p>Consents</p> <ul style="list-style-type: none"> • Provide applicants with advice relating to new provision • Implement new provisions 	<p>EXTERNAL</p> <ul style="list-style-type: none"> • Territorial Authorities – implications for infrastructure • Other Infrastructure providers? (e.g. Developers?) 	<p>EXTERNAL Factsheet on new Wastewater provisions (available in print and digitally)</p> <p>INTERNAL</p> <ul style="list-style-type: none"> • New Application forms • New Report Templates and Conditions 	From notification date	Consultant support for FAQ and Factsheets and other documents	High	As above	As above	<ul style="list-style-type: none"> • Fact Sheets being drafted

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<i>Earthworks</i>	<ul style="list-style-type: none"> Outlining a preference for discharges of wastewater to land over water <p>New earthworks rules</p> <ul style="list-style-type: none"> To permit smaller scale earthworks where on-site practices are implemented to prevent or reduce the adverse effects of sediment discharges and Require resource consent for larger scale earthworks where the adverse effects of any discharges are likely to be more significant 	<ul style="list-style-type: none"> New requirements for consents officers New requirements for compliance officers 	<p>Comms Targeted information/emails</p> <p>Rural Liaison Education/awareness campaign for land managers on implications for farm tracks and dairy lanes</p> <p>Consents</p> <ul style="list-style-type: none"> Provide applicants with advice relating to new provision Implement new provisions <p>Compliance Enforce/Check compliance with new provisions</p>	<p>EXTERNAL Education/awareness campaign on new processes and rules for:</p> <ul style="list-style-type: none"> Developers, Surveyors, Contractors, Construction companies Farmers Land managers 	<p>EXTERNAL Factsheet on new Earthworks provisions (available in print and digitally)</p> <p>INTERNAL</p> <ul style="list-style-type: none"> New Application forms New Report Templates and Conditions 	From notification date	Consultant support for FAQ and Factsheets and other documents	High	<ul style="list-style-type: none"> Will possibly result in consenting at the district and regional levels, with consideration of the same effects Additional consent applications to process and compliance activities No science expertise to assess consent applications: will require input from external experts – may increase consenting costs Compliance team will require training for new requirements Increased workload for Compliance team 	<p>Liaise with city and district councils to:</p> <ul style="list-style-type: none"> Develop a joint consenting process Share information / data on earthworks Discuss any future change to district plans Training for Compliance team Compliance team may need more resources 	<ul style="list-style-type: none"> Fact Sheets being drafted Application forms and Report Templates being drafted
<i>Dust Suppressant</i>	<p>New Rule</p> <ul style="list-style-type: none"> Prohibiting the use of waste oil on roads Permitting discharge of dust suppressant on roads providing the suppressant is approved under the HSNO Act 	<ul style="list-style-type: none"> Liaison and communication activities needed Compliance and enforcement approach to be defined 	<p>Policy Provide guidance on alternatives to waste oil</p> <p>Comms Targeted information/emails</p> <p>Consents</p> <ul style="list-style-type: none"> Provide applicants with information on new provisions Implement new provision <p>Compliance Enforce/Check compliance with new provisions</p>	<p>EXTERNAL</p> <ul style="list-style-type: none"> Territorial Authorities Rural community 	<p>EXTERNAL Fact Sheet on the use of waste oil (available in print and digitally)</p> <p>INTERNAL</p> <ul style="list-style-type: none"> New Application Forms New Report Templates and Conditions 	From notification date	Consultant support for FAQ and Factsheets and other documents	High	<ul style="list-style-type: none"> Lack of knowledge of alternatives to waste oil Potential increase in air pollution if people choose not to apply alternatives to waste oil Compliance team will require training for new requirements Increased workload for Compliance team 	<ul style="list-style-type: none"> Meeting with TAs to understand how the process work Good education/ information required Training for Compliance team Compliance team may need more resources 	<ul style="list-style-type: none"> Fact Sheets being drafted Application forms and Report Templates being drafted
<i>Landfills</i>	<ul style="list-style-type: none"> New Policy providing a clear 	<ul style="list-style-type: none"> Liaison and communication activities needed 	<p>Comms Targeted information/emails</p>	<p>EXTERNAL Territorial Authorities</p>	<p>EXTERNAL</p>	From notification date	Consultant support for FAQ and	High	<ul style="list-style-type: none"> Compliance team will require training 	<ul style="list-style-type: none"> Training for Compliance team 	<ul style="list-style-type: none"> Fact Sheets being drafted

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	direction for Landfills <ul style="list-style-type: none"> Amended Rules requiring the design and operation of landfills to be in accordance with industry best practice 	<ul style="list-style-type: none"> Compliance and enforcement approach to be defined 	Consents <ul style="list-style-type: none"> Provide applicants with information on new provisions Implement new provision Compliance Enforce/Check compliance with new provisions		Fact Sheet on the new provisions for landfills (available in print and digitally) INTERNAL <ul style="list-style-type: none"> New Application Forms New Report Templates and Conditions 		Factsheets and other documents		for new requirements <ul style="list-style-type: none"> Increased workload for Compliance team 	<ul style="list-style-type: none"> Compliance team may need more resources 	<ul style="list-style-type: none"> Application forms and Report Templates being drafted

* While implementation work as commenced for efficiency purposes, final content may be subject to change following 9 April Council meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under [section 48\(1\)](#) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<i>1.1 Process of Appointment of Audit & Risk Subcommittee Independent Member</i>	Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds: (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist,	Section 7(2)(a): To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)

This resolution is made in reliance on [section 48\(1\)\(a\)](#) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by [section 6](#) or [section 7](#) of that Act or [section 6](#) or [section 7](#) or [section 9](#) of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public.