

CHAPTER 1 – EXECUTIVE SUMMARY

1.1 Introduction

We thank all of those people who have participated in this plan change process. We have spent considerable time reading submissions, listening to evidence presented at the hearing, questioning submitters and deliberating on matters raised.

In preparing our recommendations we have been mindful of the Otago Regional Council's statutory responsibilities under the Resource Management Act 1991 (RMA), the National Policy Statement on Freshwater Management 2011 (NPSFW) and the Regional Policy Statement for Otago (RPS). The vires of the plan change was challenged directly and indirectly by submitters. Legal advice was taken and we consider that the arguments raised are matters of merit rather than law.

The matters raised by submitters on plan change 6A broadly related to:

- Achieving good quality water;
- The scope of the plan change;
- The merits of the effects-based approach;
- The permitted-prohibited rule structure;
- Contaminant discharge limits;
- The time needed to make changes to land management practices;
- Consent options;
- Discharges that involve “passing water” through;
- Compliance and enforcement; and
- Working collaboratively to achieve water quality objectives.

We considered each of these matters before making detailed recommendations.

1.2 Key messages

▪ Achieving good quality water

Good quality water is fundamental to our economical, environmental, social and cultural wellbeing. Submitters consistently voiced support for the general principle of having good quality water. However, they voiced different views about the value of the proposed

narrative description and scientific standards, the appropriateness of those standards for different catchments and whether good quality water should be achieved in Otago.

We consider that the narrative description is useful in providing a common understanding of what constitutes good quality water. This helps people monitor water quality for themselves. We clarify how these characteristics are assessed and provide a better link with the contaminant discharge limits in the rules.

- **The scope of the plan change**

A number of submitters were concerned that this plan change would set a precedent for their point source discharge activities. The operative Water Plan already regulates discharges of human sewage, pesticides, herbicides and other specified contaminants, and water from reticulated stormwater systems and roads. Generally, these matters were not the subject of this plan change, and it is inappropriate to speculate on the nature and form of any future plan change.

- **Retain and improve the effects-based approach**

The effects-based approach set out in the notified plan change is broadly supported by the community. However some submitters preferred land use activity regulation, or taking a whole-catchment approach to discharge management.

We consider that the alternative approaches are more complex, are likely to involve greater costs for all parties, and may involve the community dictating to land managers how they will manage their landholdings.

The effects-based approach fosters individual responsibility for discharges. It encourages land managers to become more aware of the effects of their land management practices on water quality, and to change those practices where needed. Land managers can manage their activities as they wish, as long as they do not breach the limits set within the Plan. The changes we recommend build on this approach.

- **Clarify the permitted - prohibited rule framework**

A number of submitters opposed the use of prohibitions, preferring that activities be permitted or subject to consent.

We consider that there are gross discharges which are so objectionable that they would never be granted resource consent. We have re-classified some discharges as permitted, subject to conditions, and reduced the number of permitted activity rules. We are satisfied the operative provisions provide for capture dams.

- **Review the contaminant discharge limits**

The proposed plan change focuses on the most common contaminants in rural discharges, their different transport mechanisms from land to water, and the interactions between those contaminants. We received a large number of submissions on the contaminant limits proposed. Those opposing considered that the science was not good enough, and

that more research was required at both property and catchment level, before setting limits. They also considered that use should be made of mixing zones and the assimilative capacity of the receiving water.

We recommend changes to Schedule 16 contaminant discharge limits and set these relative to river median flows rather than rainfall events. This provides for some contaminant assimilation where the contaminant enters water.

- **Allow time for land managers to change their land management practices**

The timeframes for compliance with the contaminant discharge and nitrogen leaching limits have been extended to allow landholders to change their management practices.

We acknowledge that some activities, such as forestry, will need to change their discharge management practices, and re-assess their industry best management practices to achieve environmental outcomes.

- **Provide clear consent options**

The notified plan change did not explicitly provide for all the consent options where the permitted rules were not satisfied.

We describe the consent options and also give consenting guidance through the policies and discretions listed. We recommend consent durations which will encourage land managers to meet permitted activity conditions.

- **Clarify the “passing through” provisions**

We consider that where a race or dam operator has not caused the contaminant to be discharged into the race or dam from which he/she discharges, that water should be able to be “passed through” without meeting contaminant discharge limits. We also consider that for large consented dams, which were not the focus of this plan change, the operative provisions are satisfactory and should be retained.

- **Compliance and enforcement**

Although compliance and enforcement is not a matter that this committee can direct, we advise that for this plan change to be successful, a pragmatic approach to the enforcement of the plan change is needed. The cooperation between the Council and the community will be essential.

The contaminant discharge limits and the nitrogen leaching limits cannot be enforced before those limits come into force in 2020. However, compliance and enforcement action may continue to be taken for discharges with gross effects.

- **Collaboration is crucial to achieving water quality objectives**

Many submitters recognised that for this plan change to be effective in achieving water quality objectives, the community and the Otago Regional Council must work together.

Collaboration is crucial to the success of the plan change. We recommend that the Otago Regional Council consider the adoption of the implementation programme attached as Appendix 3.

We also recommend that an “Oversight Group” should be created. This will help the Otago Regional Council determine appropriate education programmes and enforcement actions, given the water quality challenges in different areas of Otago.

The Otago Regional Council should immediately update educational material and brochures on the plan change provisions, and on land management practices that help to achieve good water quality.

The Otago Regional Council should also provide information on sampling methods, materials, and suppliers of these materials. Continuing cooperation between land managers and the involvement of landcare groups should be encouraged.

The Otago Regional Council should continue water quality monitoring, and strengthen the programme to clearly identify water quality trends and assess aquifers’ sensitivity.

1.3 Recommendations

- (a) To amend Proposed Plan Change 6A (Water Quality) in order to give better effect to the intent of maintaining and improving water quality.
- (b) To make changes as recommended in this report and as shown in Appendix 1.
- (b) That the Otago Regional Council considers the adoption of an implementation strategy for Proposed Plan Change 6A (Water Quality), as shown in Appendix 3.