

Regional Water Quality rules -update on PC6AA & PC8

Otago Region | July 2020



Key take always for growers:

- The Water Plan addresses high-risk rural activities - including effluent management, ofal pits, silage pits and farm landfills- and **PC8** introduces measures to strengthen the provisions (particularly for animal waste systems and intensive grazing) until there is a new plan. PC8 also puts greater emphasis on **Good Management Practices**.
- The implementation of nitrogen leaching rules is delayed until 2026 – when it is intended that there will be a new Plan.
 - These were to apply across the region – but with stricter limits in mapped **Nitrogen Sensitive Areas**
- **Record keeping requirements still apply** in the meantime (refer to Rule 12.C.1.3 (b)(i))
- The new Plan (notification expected by December 2023) will have to implement the NPSFM (soon to be replaced by the **NPSFM 2020 and NESFM 2020**) – this will include rules to manage N leaching.
- Recent RMA changes have made it possible to make Farm Environment Plans mandatory (for horticulture over 5ha).

What is the Regional Plan Water: for Otago?

The Regional Plan Water: for Otago including policies and rules to manage Otago's freshwater resources, including activities in the beds and margins of water bodies, water takes and discharges. The plan applies to all freshwater resources in the region.

The Water Plan has been operative since 1 January 2004, however there have been a number of plan changes for this date, and a full review of the Water Plan will be occurring with a new Land and Water Regional Plan due to be notified by 31 December 2023.

Water Quality Plan changes

There have been a series of interim plan changes – which will make changes to the Water Plan that will apply prior to the plan being replaced.

Previous plan changes include:

- Plan Change 6A (notified in March 2012 and operative) introduced rules controlling rural land discharges and mapped Nitrogen Sensitive Zones – some of these (e.g. nitrogen leaching limits) with delayed effect
- Plan Change 6AA (notified in October 2019 and operative) further delayed the implementation of the nitrogen leaching rules due to implementation concerns.

Current plan changes:

- **Omnibus Plan Change - Plan Change 8 and Plan Change 1 (the Water Quality Plan change)** – notified on 8 July 2020.
- Plan Change 7 (Water Permits Plan change) – notified by ORC in March 2020 and re-notified by the EPA on 6 July 2020.

You can find the Water Plan on ORC's website [here](#) - NB: Not most recent change to PC6AA (to amend the dates) have not been included in the PDF version of the complete plan at the time of writing.

Summary of PC6AA (operative)

PC6AA postponed the date at which rules on discharge contaminant concentration and on nitrogen leaching come into force, **from 1 April 2020 to 1 April 2026** (with the view that a new plan will supersede them):

- Permitted Activity discharge thresholds for water quality by discharge area (for Nitrate-nitrite nitrogen, Dissolved reactive phosphorus, Ammoniacal Nitrogen, E.Coli) in **Schedule 16A**.
- Nitrogen leaching rates ranging from 15 kgN/ha/year to 20kgN/ha/year for land in mapped Nitrogen Sensitive Zones and 30 kgN/ha/year for other land, based on calculations from (a now outdated) version of Overseer in **Rule 12.C.1.3**.

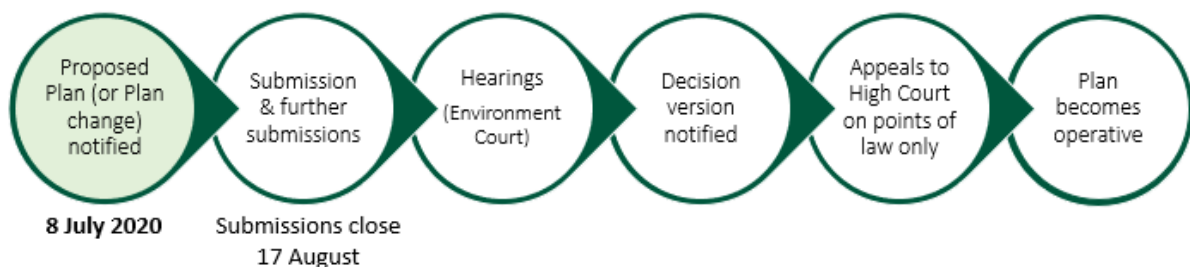
The plan retains a record keeping requirement – for fruit (excluding grapes), berry and rotational vegetation production –of all inputs into the farm system and evidence that practices complied with the relevant industry good management practices.

- This was for the period 1 May 2014 to 31 March 2020; PC6AA amended this to 1 May 2014 to 31 March 2026 (**i.e. record keeping requirements continue to apply**)

Proposed Plan Change 6AA had legal effect from 5 October 2019 (the date it was notified). It was made fully operative on 16 May 2020.

Why was PC6AA needed? ORC considers that the discharge contaminant concentration and nitrogen leaching rules are ambiguous, unenforceable and uncertain.

Summary of Proposed Plan Change 8 – submissions close 17th August 2020



PC8 is part of Omnibus Plan Change (PC8 to the Water Plan and Plan Change 1 to the Waste Plan), the plan changes would put in place interim measures that will apply until a new Land and Water Regional Plan becomes operative – it intends to strengthen some of the provisions that seek to control and manage discharges.

This plan change has been ‘called in’ by the Minister for the Environment, at the request of the Council, to speed up the process – this means that:

- Anyone can make a submission (as per the usual process)
- The plan change will go directly to an Environment Court hearing (rather than a Council hearing)
- Appeals only to the High Court only on questions of law (rather than first to the Environment Court on merit)

What is proposed in PC8?

Amends policies for discharges on stormwater, wastewater and rural discharges to strengthen water quality provisions/policies for the period before a new Plan is introduced.

- Changes to Policy 7.D.5, which is relevant to applications for discharge consents for rural discharges, to include consideration of impacts on cultural and spiritual beliefs and uses and strengthen the consideration of effects.
- New policy (7.D.6) which restricts consent duration to no more than 10 years for rural discharges, and lists the matters to be had regard to in assessing a consent application (including the expected reduction in nitrogen discharged over the term of the resource consent).
 - ***NB: PC6AA has delayed the implementation of nitrogen leaching rules.***
- 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.
- Provisions around effluent storage and application to land, intensive grazing and stock access to water bodies, earthworks for residential development and clarifying provisions for nationally and regionally significant infrastructure in wetlands.

Next steps?

HortNZ will be preparing a submission on PC8 emphasising industry assurance schemes for recognising GMP in the horticulture industry.

HortNZ is promoting the use of NZ GAP Environmental Environment Management System (EMS) Add-on as a tool for preparing a Farm Environment Plan (and record-keeping). We will be looking to do more detailed engagement on Farm Plans.