

REPORT

SUMMARY OF SUBMISSIONS ON THE OMNIBUS
PLAN CHANGE:

PLAN CHANGE 1 - REGIONAL PLAN: WASTE
FOR OTAGO

PLAN CHANGE 8 - REGIONAL PLAN: WATER
FOR OTAGO

PREPARED FOR ENVIRONMENTAL PROTECTION AUTHORITY

September 2020

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Environmental Protection Authority

Summary of Submissions on the Omnibus Plan Change: Plan Change 1 – Regional Plan Waste for Otago and Plan Change 8 - Regional Plan: Water for Otago

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APPENDICES

Appendix A Detailed Analysis

1. Introduction

On 8 April 2020, the Minister for the Environment issued a direction under section 142(2) of the Resource Management Act 1991 (RMA) to call in the Otago Regional Council's Omnibus Plan Change and refer it to the Environment Court for decision.

The Omnibus Plan Change, also known as the Water Quality Plan Change, comprises: Plan Change 8 (Discharge Management) to the Regional Plan: Water for Otago; and Plan Change 1 (Dust Suppressants and Landfills) to the Regional Plan: Waste for Otago. The Omnibus Plan Change introduces a range of amendments targeting specific issues or activities known to be contributing to water quality issues in parts of Otago. Among other things, the plan changes aim to improve water quality provisions relating to discharges in various situations including landfill management and on farm storage of farm dairy effluent (for the first time in Otago), and will prohibit the use of waste oil as a dust suppressant.

These plan changes have had legal effect from 6 July 2020 in accordance with section 86B(3) of the RMA.

This Report provides a high level analysis of some statistics and themes arising from the submissions. This Report is not a summary of the content of the submissions, which is provided in a separate summary spreadsheet.

2. Methodology

The following methodology has been used to develop the summary spreadsheet:

- All submissions received have been summarised by provision number, or coded to 'Plan Change 1' or 'Plan Change 8' if they are submissions on the whole plan change
- Each submission point has a unique identifying number to assist further submitters to identify particular parts of a submission they would like to further submit on
- Where decisions requested were on the whole plan change, but the material included in the submission meant that it was possible to identify particular provisions, submission points on the provisions have been included in the summary spreadsheet
- Where a submitter identified that they supported or opposed a provision 'in part' that has been reflected in the summary spreadsheet
- Submitters who supported or opposed provisions but suggested amendments have been coded as either 'support' or 'oppose'. For those submissions in general the decision requested makes it clear that the submitter had sought amendment to the provision
- Where a submitter provided 'track changes' of amendments they wished made to provisions, those amendments are identified by a double underline in the summary spreadsheet
- This report, the summary spreadsheet and the original submissions form a package and where necessary all should be consulted. This approach has avoided the risk of misinterpreting the reasons for a particular submitter's position, which are often complex and best explained in the original submission.

The summary spreadsheet has been prepared so that the content can be sorted by provision or by submitter.

3. Analysis of submissions

3.1 Number of submissions received

A total of 117¹ submissions were received on the Omnibus Plan Change. 21² were on Plan Change 1 and 96 were on Plan Change 8.

¹ Updated 23 September 2020 to reflect submission by Director-General of Conservation.

² Updated 23 September 2020 to reflect submission by Director-General of Conservation.

3.2 Submissions on both plan changes

A total of 13³ submitters submitted on both Plan Change 8 and Plan Change 1. The submitters were:

- Maori Point Vineyard Ltd
- Southern District Health Board
- Matthew Sole
- Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga
- Dunedin City Council
- Te Rūnanga o Ngāi Tahu
- Shaping Our Future Incorporated
- Ngāi Tahu Ki Murihiku (Te Ao Marama)
- Otago Fish and Game Council and the Central South Island Fish and Game Council
- Royal Forest and Bird Protection Society of New Zealand Inc
- Federated Farmers of New Zealand – Otago and North Otago provinces
- Lynne Stewart
- Director-General of Conservation⁴.

3.3 Position on the plan change expressed in submissions

Percentages of submissions in support, opposition or not stated to the plan change are outlined in Tables 3-1 and 3-2 below.

Table 3-1: Submissions by position on Plan Change 1

Category	Number of submissions	Percentage
Support	12*	55%
Oppose	6	30%
Not stated	3	15%

* Updated 23 September 2020 to reflect submission by Director-General of Conservation.

Table 3-2: Submissions by position on Plan Change 8

Category	Number of submissions	Percentage
Support	11	11%
Support with Amendments	26	27%
Oppose	43	44%
Not stated	17	18%

³ Updated 23 September 2020 to reflect submission by Director-General of Conservation.

⁴ Updated 23 September 2020 to reflect submission by Director-General of Conservation.

3.4 Request to be heard

A total of 99⁵ submitters have requested to be heard on the Omnibus Plan change, comprising 82 on Plan Change 8 and 17⁶ on Plan Change 1 (noting that 11⁷ submitters wish to be heard for both Plan Change 1 and Plan Change 8). Of these submitters, 72⁸ will consider presenting a joint case.

3.5 Provisions submitted on

Tables 3-2 and 3-3 outline the number of submissions received on each provision, including the number of submissions on the whole plan change, and the number of submissions in support or opposition to each provision. Further detail is included in **Appendix A** where submissions have been broken down further by provision sub-clause.

Table 3-3: Submissions by provision: Plan Change 1

Provision	Submissions	Support	Oppose	Oppose or Support in part
Plan Change 1	8*	5*	3	0
Appendix 2	2*	2*	0	0
Chapter 6	4	2	2	0
Glossary	3*	3*	0	0
Introduction	4*	3*	0	1
Issue 7.2.2	3*	3*	0	0
Issue 7.2.3	1	1	0	0
Method 6.5.23	1	1	0	0
Method 7.5	3	1	0	0
Objective 7.3	1	1	0	0
Policy 6.4.10	7*	6*	0	1
Policy 7.4	10	5	1	3
Result 6.7.6	2*	1*	0	1
Rule 6.6	17	16	0	1
Rule 7.4.11	2	2	0	0
Rule 7.6	18*	14*	3	1

* Updated 23 September 2020 to reflect submission by Director-General of Conservation.

Table 3-4: Submissions by provision: Plan Change 8

Provision	Submissions (unique)	Support [^]	Oppose [^]	Oppose or Support in part*
Plan Change 8	20	5	13	5
New provision	2	1	1	0
Operative Plan: Policy 7.B.2	1	1	0	0
Part A: Policy 7.C	43	22	3	21
Part A: Policy 7.C.12	11	8	0	4
Part A: Policy 7.C.5	14	12	0	4
Part A: Policy 7.C.6	17	11	2	4
Part A: Policy 7.D	68	6	37	23

⁵ Updated 23 September 2020 to reflect submission by Director-General of Conservation.

⁶ Updated 23 September 2020 to reflect submission by Director-General of Conservation.

⁷ Updated 23 September 2020 to reflect submission by Director-General of Conservation.

⁸ Updated 23 September 2020 to reflect submission by Director-General of Conservation.

Provision	Submissions (unique)	Support [^]	Oppose [^]	Oppose or Support in part [*]
Part A: Policy 7.D.5	20	3	8	10
Part A: Policy 7.D.6	48	6	32	9
Part B: Glossary	8	7	0	5
Part B: Policy 7.D.7	23 ⁺	7	1	12 ⁺
Part B: Policy 7.D.8	13 ⁺	4	0	5 ⁺
Part B: Rule 12.C	56 ⁺	10	5 ⁺	31
Part B: Rule 14.7	73	16	12	47
Part B: Rule 14.7.1	35 ⁺	8	4	23 ⁺
Part B: Rule 14.7.2	26 ⁺	5	6	17 ⁺
Part B: Rule 14.7.3	12	6	2	3
Part B: Schedule 18	13 ⁺	4	1	10 ⁺
Part B: Schedule 19	13 ⁺	4	5 ⁺	4
Part C: Glossary	9	3	5	0
Part C: Policy 7.D.9	61 ⁺	11	32	19 ⁺
Part D: Glossary	12	1	9	3
Part D: Rule 14.6	113	13	58	35
Part D: Rule 14.6.1	96 ⁺	18 ⁺	57	15
Part D: Rule 14.6.2	13	3	2	6
Part E: Glossary	10 ⁺	2	5 ⁺	4
Part E: Rule 13.5	87 ⁺	12	31	23 ⁺
Part F: Glossary	1	0	0	1
Part G: Glossary	3	0	0	3
Part G: Policy 7.D.10	8	3	0	3
Part G: Rule 14.5	34	10	10	13
Part G: Rule 14.5.1	18	7	4	5
Part G: Rule 14.5.2	14	5	5	5
Part H: Policy 10.4.2	6	3	1	0
Section 32(2)	1	0	2	0

[^] Numbers for Support, Oppose, and in-part, are a total of the number of submission points (e.g. a submitter may have multiple submission points on the same provision).

⁺ Updated 23 September 2020 to correct references to submission by Dairy New Zealand.

4. Key themes in submissions

A number of key themes are recurrent in submissions on the Omnibus Plan Change as identified below:

- Support for the entire plan
- Opposition to the entire plan change and requests for it to be withdrawn completely
- Requests to align the Plan Change with the NPS Freshwater Management, particularly on:
 - Setback requirements
 - Winter grazing (intensive farming)
- Requests to remove grandfathering provisions (requirement to reduce nitrogen loading over time)
- Opposition to potential requirements to fence all waterways

- Opposition to sheep being required to be fenced from waterways
- Opposition to earthworks provisions, particularly in relation to existing (duplicate) earthworks rules in Queenstown Lakes District Council's District Plan
- Opposition to specific methodology for testing (particularly drop tests)
- Opposition to the 100 ha or 10% maximums for intensive grazing, particularly from submitters with small farms
- Opposition relating to progressive grazing (break- or block-feeding), with several points raised about exceptions being required for animal welfare
- Submissions on the definition of Dairy Cattle
- Requests to change 'Intensive Farming' to 'Winter Grazing'
- Opposition to parts of the s32 report, particularly in regard to lack of consultation

Table 4-1 records the number of submissions recorded on each key theme.

Table 4-1: Submissions by key theme

Key theme	Number of submissions
Retain as notified	74
Decline plan change	10
Grandparenting (Nitrogen)	8
Fencing	19
Setbacks	12
Earthworks	10
Drop test methodology	29
100 ha maximum	10
Progressive grazing	32
Winter Grazing	29
Dairy Cattle definition	26
S32 report	4

Appendix A Detailed Analysis

Table A1: Detailed submissions by provision: Plan Change 1

Provision	Submissions	Support	Oppose	Oppose or Support in part
Appendix 2	2*	2*	0	0
Chapter 6	4	1	2	1
Glossary	3*	2*	0	1
Introduction 6.1.2.2	2	1	0	1
Introduction 6.2.5	1	1	0	0
Issue 7.2.2	3*	2*	0	1
Issue 7.2.3	1	0	0	1
Method 6.5.23	1	1	0	0
Method 7.5	1	1	0	0
Method 7.5.7	2	2	0	0
Objective 7.3	1	1	0	0
Plan Change 1	7	3	3	1
Policy 6.4.10	7*	6*	0	1
Policy 7.4	4	1	0	3
Policy 7.4.11	5	3	0	2
Policy 7.4.11 (b)	1	0	0	1
Result 6.7.6	2*	1*	0	1
Rule 6.6	2	1	0	1
Rule 6.6.2	6	5	0	1
Rule 6.6.3	5	5	0	0
Rule 6.6.4	4	4	0	0
Rule 6.7.6	1	1	0	0
Rule 7.4.11	1	0	0	1
Rule 7.6	7*	5*	0	2
Rule 7.6.1	1	0	0	1
Rule 7.6.1.1	3	3	0	0
Rule 7.6.1.2	5	3	0	2
Rule 7.6.10	1	0	1	0
Rule 7.6.11	1	0	1	0

* Updated 23 September 2020 to reflect submission by Director-General of Conservation.

Table A2: Detailed submissions by provision: Plan Change 8

Provision	Submissions	Support	Oppose	Oppose or Support in part
Plan Change 8	25	7	13	5
New provision	2	1	1	0
Operative Plan: Policy 7.B.2	1	1	0	0

Provision	Submissions	Support	Oppose	Oppose or Support in part
Part A: Policy 7.C	1	0	1	0
Part A: Policy 7.C.12	12	8	0	4
Part A: Policy 7.C.5	16	12	0	4
Part A: Policy 7.C.6	14	10	0	4
Part A: Policy 7.C.6(b)	2	1	1	0
Part A: Policy 7.C.6(b)(iv)	1	0	1	0
Part A: Policy 7.D	1	1	0	0
Part A: Policy 7.D.5	8	3	1	4
Part A: Policy 7.D.5(b)	4	0	3	1
Part A: Policy 7.D.5(d)(i)	2	0	1	1
Part A: Policy 7.D.5(d)(ii)	3	0	3	0
Part A: Policy 7.D.5(f)	1	0	1	0
Part A: Policy 7.D.5(g)	1	0	0	1
Part A: Policy 7.D.6	33	4	22	7
Part A: Policy 7.D.6(a)	6	1	5	0
Part A: Policy 7.D.6(b)(i)	1	0	1	0
Part A: Policy 7.D.6(b)(iv)	6	1	4	1
Part A: Policy 7.D.6(b)(v)	1	0	0	1
Part A: Rule 12.C.0.2	1	0	0	1
Part A: Rule 12.C.0.4	1	0	0	1
Part A: Rule 12.C.2.5(ii)	1	0	0	1
Part A: Rule 14.7.2.1 (d) (i)	1	0	0	1
Part B	1	1	0	0
Part B: Amended Definition - Animal Waste System	1	0	1	0
Part B: Dairy Effluent Calculator and Farm Plans	1	1	0	0
Part B: Definition - Suitably Qualified Person	1	1	0	0
Part B: Definition: Dairy Effluent Storage Calculator	1	1	0	0
Part B: Definition: Suitably Qualified Person	3+	2+	1	0
Part B: Glossary (general)	12	4	0	8
Part B: Glossary: Amended definition - Animal waste system	1	1	0	0
Part B: New Definition	2	2	0	0
Part B: Policy 7.D.7	13	6	1	6
Part B: Policy 7.D.7(a)	3+	1	0	2+
Part B: Policy 7.D.7(b)(ii)	1	0	0	1
Part B: Policy 7.D.7(c)	1	0	0	1
Part B: Policy 7.D.7(d)	3+	1	0	2+
Part B: Policy 7.D.8	7	4	0	3
Part B: Policy 7.D.8(a)	2+	0	0	2+
Part B: Rule 12.C	2	0	0	2
Part B: Rule 12.C.0.2	2	2	0	0

Provision	Submissions	Support	Oppose	Oppose or Support in part
Part B: Rule 12.C.0.2(iv)	1	0	1	0
Part B: Rule 12.C.0.2(vi)	1	0	0	1
Part B: Rule 12.C.0.4	9	2	0	7
Part B: Rule 12.C.0.4(iii)	1	1	0	0
Part B: Rule 12.C.0.4(v)	1	0	0	1
Part B: Rule 12.C.0.4(vi)	3	1	0	2
Part B: Rule 12.C.1.4	9	3	2	4
Part B: Rule 12.C.1.4(c)	5+	1	2+	2
Part B: Rule 12.C.2.5	6	2	0	4
Part B: Rule 12.C.2.5(a)	1	0	0	1
Part B: Rule 12.C.2.5(b)	1	0	0	1
Part B: Rule 12.C.2.5(i)	2+	0	0	2+
Part B: Rule 12.C.2.5(iii)	1	1	0	0
Part B: Rule 12.C.2.5(iv)	1	1	0	0
Part B: Rule 12.C.2.5(vi)	2+	1	1+	0
Part B: Rule 14.7	3	2	1	0
Part B: Rule 14.7.1	3	2	0	1
Part B: Rule 14.7.1.1	7	2	2	3
Part B: Rule 14.7.1.1(a)	3	1	0	2
Part B: Rule 14.7.1.1(b)	1	0	0	1
Part B: Rule 14.7.1.1(b)(2)	1	0	0	1
Part B: Rule 14.7.1.1(b)(iv)	2	0	0	2
Part B: Rule 14.7.1.1(c)	4	2	0	2
Part B: Rule 14.7.1.1(c)(i)	2	1	1	0
Part B: Rule 14.7.1.1(c)	3	0	0	3
Part B: Rule 14.7.1.1(c)(i)	3+	0	0	3+
Part B: Rule 14.7.1.2	6	3	1	2
Part B: Rule 14.7.2	4	2	0	2
Part B: Rule 14.7.2.1	9	2	3	4
Part B: Rule 14.7.2.1(b)	1	0	0	1
Part B: Rule 14.7.2.1(b)(iii)	2+	0	0	2+
Part B: Rule 14.7.2.1(c)	1	1	0	0
Part B: Rule 14.7.2.1(c)	1	0	0	1
Part B: Rule 14.7.2.1(d)	1	0	0	1
Part B: Rule 14.7.2.1(d)(iii)	3+	0	3+	0
Part B: Rule 14.7.2.1(e)	5+	1	1+	3
Part B: Rule 14.7.2.1(e)(ii)	3	0	1	2
Part B: Rule 14.7.3	6	5	0	1
Part B: Rule 14.7.3.1	5	1	2	2
Part B: Schedule 18	15+	4	1	10+
Part B: Schedule 19	10	3	3	4
Part B: Schedule 19A	4+	0	2+	2

Provision	Submissions	Support	Oppose	Oppose or Support in part
Part B: Schedule 19B	1	1	0	0
Part C: Definition: Critical source area	5	2	3	0
Part C: Definition: Feed Pad	1	0	1	0
Part C: Definition: Intensive grazing	1	0	0	1
Part C: Definition: sacrifice paddock	1	0	1	0
Part C: Definition: stand-off pad	1	0	1	0
Part C: Glossary (general)	8	2	2	4
Part C: New Definition	1	1	0	0
Part C: Policy 7.D.9	26	8	13	5
Part C: Policy 7.D.9(a)	4+	1	1	2+
Part C: Policy 7.D.9(b)	5	1	2	2
Part C: Policy 7.D.9(b)(i)	12	0	12	0
Part C: Policy 7.D.9(c)	2	1	0	1
Part C: Policy 7.D.9(c)	5	1	1	3
Part C: Policy 7.D.9(d)	6+	0	2	4+
Part C: Policy 7.D.9(d)(ii)	2	0	1	1
Part C: Policy 7.D.9(e)	1	0	0	1
Part D: Definition: Intensive grazing	14	1	13	0
Part D: Glossary (general)	13	0	3	10
Part D: Rule 14.6	7	0	5	2
Part D: Rule 14.6.1	9	0	9	0
Part D: Rule 14.6.1(a)	2	0	2	0
Part D: Rule 14.6.1(b)	4+	2+	2	0
Part D: Rule 14.6.1(c)	2+	0	1	1+
Part D: Rule 14.6.1(d)	2+	0	2+	0
Part D: Rule 14.6.1.1	20	3	10	7
Part D: Rule 14.6.1.1(a)	12	1	10	1
Part D: Rule 14.6.1.1(a)(i)	5	0	5	0
Part D: Rule 14.6.1.1(a)(i) & (ii)	1	0	1	0
Part D: Rule 14.6.1.1(a)(ii)	1	1	0	0
Part D: Rule 14.6.1.1(b)	8	1	4	3
Part D: Rule 14.6.1.1(c)	5	3	1	1
Part D: Rule 14.6.1.1(c) and (d)	1	1	0	0
Part D: Rule 14.6.1.1(c)	8	2	4	2
Part D: Rule 14.6.1.1(d)	13	4	6	3
Part D: Rule 14.6.1.1.(c)	1	0	1	0
Part D: Rule 14.6.1.1.A(a)(ii)	1	0	1	0
Part D: Rule 14.6.2	5	1	1	3
Part D: Rule 14.6.2.1	5	2	1	2
Part D: Rule 14.6.2.1(b)(ii)	1	0	0	1
Part E: Definition: Dairy cattle	6+	1	4+	1
Part E: Glossary (general)	10	1	4	5
Part E: Rule 13.5	3	0	0	3

Provision	Submissions	Support	Oppose	Oppose or Support in part
Part E: Rule 13.5.1	2	0	1	1
Part E: Rule 13.5.1.8A	22	7	6	9
Part E: Rule 13.5.1.8A(a)	3	1	2	0
Part E: Rule 13.5.1.8A(b)	21 ⁺	2	13	6 ⁺
Part E: Rule 13.5.1.8A(b)(i)	3	0	2	1
Part E: Rule 13.5.1.8A(b)(ii)	12	1	7	4
Part F: Definition: Sediment trap	2	2	0	0
Part F: Glossary (general)	1	0	0	1
Part F: Rule 13.5.1.10	14	6	3	5
Part F: Rule 13.5.1.10(c)	1	1	0	0
Part F: Rule 13.5.1.10(d)	3	0	2	1
Part F: Rule 13.5.1.10(e)	1	0	0	1
Part F: Rule 13.5.1.10(f)	2	0	0	2
Part F: Rule 13.5.1.8A(b)(i)	1	1	0	0
Part F: Rule 13.5.1.8A(b)(ii)	1	1	0	0
Part G: Definition: Earthworks	1	1	0	0
Part G: Glossary (general)	3	0	0	3
Part G: Policy 7.D.10	6	3	0	3
Part G: Rule 14.5	1	0	1	0
Part G: Rule 14.5 - Note 2	1	0	0	1
Part G: Rule 14.5.1	4	1	1	2
Part G: Rule 14.5.1.1	10	5	2	3
Part G: Rule 14.5.1.1 (b)	1	1	0	0
Part G: Rule 14.5.1.1 (g)	1	0	1	0
Part G: Rule 14.5.2	3	1	1	1
Part G: Rule 14.5.2.1	9	4	3	2
Part G: Rule 14.5.2.1 (c)	1	0	1	0
Part G: Rule 14.5.2.1 (f)	2	0	0	2
Part H: Policy 10.4.2	1	1	0	0
Part H: Policy 10.4.2(b)	3	2	1	0
Rule 13.5.1.8A	23	3	3	17
Rule 14.6.1.1 (b)	8	1	2	5
Section 32(2)	2	0	2	0

* Updated 23 September 2020 to correct references to submission by Dairy New Zealand.

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