

SUMMARY



Draft Issues and Options for Bay of Plenty Regional Natural Resources Plan Discharges to Water and Land chapter

This document summarises a review of Chapter 6: Discharges to Water and Land of the Bay of Plenty Regional Natural Resources Plan (RNRP), the On-Site Effluent Treatment (OSET) Plan, and the discharge components of the Regional Plan for the Tarawera River Catchment (RPTRC). It outlines issues and options for consideration for the next generation RNRP that will be notified in 2024 (RNRP 2024).

It provides a starting point for tangata whenua and public engagement, further consideration and plan development. Under the National Policy Statement for Freshwater Management (2020) Council must actively involve tangata whenua in the freshwater planning process to the extent they wish to be involved, enable the application of Mātauranga Māori to freshwater management, identify Māori freshwater values, and provide for mahinga kai values. Council has made efforts, and continues these efforts, to engage with tangata whenua to deliver on these NPSFM requirements. Notwithstanding this, the scope and quantity of work to implement the NPSFM within the statutory deadline of December 2024 is very large, and issues and options papers on all topics have had to progress while tangata whenua engagement is being sought or progressing. Existing information about tangata whenua values has been relied on. Policy options and assessments will be amended as appropriate in response to engagement in the next year leading up to decision making.

Tangata whenua have frequently expressed particular concern that mauri is lost when water is polluted from industrial, commercial, human waste and rural pollutants, and that the health of rivers is as important as their own health (the two are intertwined).

This report was completed alongside several other issues and options reports that review other chapters of the RNRP. Substantial work is still required to integrate provisions. Importantly, this report does not address Freshwater Management Unit (FMU) specific objectives (stating environmental outcomes for freshwater values), target attribute states, policies and limits on resource use – these are addressed in the Water Quality Issues and Options paper.

The review revealed opportunities to streamline existing plan provisions and highlights substantial changes needed. Initial draft objectives, policies and rules have been prepared. They are not Bay of Plenty Regional Council's (BOPRC) policy position.

Overall, the RNRP discharges chapter and other plans reviewed generally appear have served the Bay of Plenty well in relation to point source discharge management. The management of diffuse discharges, particularly nutrients, continues to be an issue in some parts of the region. This is common throughout the country and is a key reason for the NPSFM. The FMU, Discharge to Water and Land, and the Land Management chapters of the RNRP will all need to play a role in addressing this.

The review identified the need for the following changes:

- Give effect to the NPSFM (particularly the National Objectives Framework), and the National Planning Standards structure. Parts of the reviewed material should sit in Discharges to Land and Water section (Land and Freshwater Chapter) and other parts in FMU chapters.

- Give effect to Te Mana o te Wai, particularly the hierarchy of obligations.
- Incorporate RPTRC (as appropriate) into the RNRP 2024, within the Discharges to Land and Water section and the Tarawera FMU chapter.
- Simplify rules, including the default rules when permitted standards are breached.
- Consider how ANZECC guidelines will be used, potentially stating the level of protection to be achieved after reasonable mixing, for toxicants in discharges.
- Align consent monitoring with national guidelines for receiving environments.
- Simplify, including removing excess explanatory text, issues, duplication, methods.
- Incorporate OSET into the Discharges to Land and Water section and simplify.
- Specific change options include:
 - Managing discharges to achieve target attribute states (TAS) and limits on resource use: Establish the policy approach for new discharges in catchments that are and are not meeting the TAS, and limits on resource use that will be set in FMU chapters, e.g., generally decline unless specific evidence can be given as to how contaminants will be minimised and offset. Expect existing discharges to improve over time.
 - Default water quality TAS and “standards”: Remove the operative water quality classification standards and replace with the NOF attributes. Set default discharge standards and default TAS that apply unless otherwise specified in an FMU chapter.
 - Add policy stating preference for discharges to land rather than directly to water, in appropriate circumstances.
 - Clarify the method of calculating the reasonable mixing zone and conditions. Consider the circumstances in which reasonable mixing may not be appropriate and instead a very high level of treatment before discharge may be required.
 - Amend stormwater network discharge provisions to reflect current good planning practice.
 - Amend and strengthen protection of human drinking water supply source waters, noting amendments to national environmental standards are pending which will need to be aligned with.
 - Add specific policies and rules for urban wastewater network discharges, ensuring they are designed (for new networks), operated and maintained in accordance with national best practice. Include provisions to manage and reduce wastewater network overflows, and to improve existing discharge quality over time.
 - Add specific provisions requiring consent for discharges for rural land drainage schemes, requiring a best practicable option approach to reducing adverse effects (including improving water quality, habitat restoration and fish passage) over time. This approach is commensurate with urban stormwater network consents.
 - Include specific provisions for Industrial and Trade Activities, in line with national best practice.
 - Include rules for managing Vertebrate Toxic Agents.
 - Move the permitted activity rule relating to discharge of water from dewatering of building and construction sites from the Water Quantity Chapter to the discharges to land section, and do not permit discharge of sediment laden water to water.

- Amend rules to be consistent with the National Environmental Standards for Freshwater.
- Set one specific OSET objective. Provide clear policy on circumstances where new and existing OSET discharges are unsuitable, and provide particular direction for papakāinga regionwide. Anticipate FMU specific rules in areas where nutrients need to be reduced/dischARGE quality improved.
- Change the objective, policies, rules and methods for discharges from contaminated land because the current provisions are out of date, inconsistent with current good practice, incomplete in their coverage of issues, not well aligned to actual environmental risk, not conducive with promoting identification and active management of contaminated land by landowners, and do not reference important guideline material.