

This is a further submission to the Environmental Protection Authority where the matter relates to request for change to plan where Minister has made a direction under section 142(2) of the Resource Management Act 1991.

The plan change is the Water Permits Plan Change – Plan Change 7 to the Water for Otago: Regional Plan.

Part A: Further submitter details

Name of organisation: <i>(if relevant)</i>	Falls Dam Company Limited		
Title:	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input checked="" type="checkbox"/> Other: (Please tick the appropriate title)		
First name of further submitter:		Surname of further submitter:	
First name of contact person: <i>(if different to above)</i>	Kate	Surname of contact person: <i>(if different to above)</i>	Scott
Home Ph:		Work Ph:	0274 957 486
Mobile:			
Email address for service:	kate@landpro.co.nz		
Postal Address: <i>(or alternative address for service)</i>	C/- Landpro Limited PO Box 302 Cromwell	Postcode:	9384

Part B: Interest

Only persons that come under the following categories may make further submissions.

<p>I am a person representing a relevant aspect of the public interest.</p> <p>The grounds for saying why I come within this category are explained below. <input type="checkbox"/></p>	<p>I am a person who has an interest in the WPPC that is greater than the interest the general public has.</p> <p>The grounds for saying why I come within this category are explained below. <input checked="" type="checkbox"/></p>	<p>I am the local authority <input type="checkbox"/></p>
<p>Please specify the grounds for saying why you come within the category above:</p>		
<p>Falls Dam Company Limited (FDC) operate the Falls Dam on behalf of its owners. The Falls Dam is considered to be significant infrastructure on the Manuherikia River. The Falls Dam is authorised by deemed permit(s). FDC lodged an original submission to PPC7</p>		

Part C: Do you wish to be heard in support of your further submission?

<p>I do not wish to be heard in support of my further submission <input type="checkbox"/></p>	<p>I wish to be heard in support of my further submission. <input checked="" type="checkbox"/></p> <p>If others make a similar submission, I will consider presenting a joint case with them at a hearing. <input checked="" type="checkbox"/></p>
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Part D: Further submission points

If you require additional space for any question(s) please attach further documents or paper to this further submission form and clearly state your name and the question(s) you are expanding on.

Name of original submitter	Particular parts of the submission you support/oppose <i>Please indicate whole submission or submitter point ID (e.g. 70005)</i>	Are you in support of or in opposition to the particular whole/part of the submission?	What are your reasons for your support or opposition?	Do you seek for the whole/part of the submission to be allowed or disallowed (select one)?
The Ministry for the Environment	Whole Submission	We oppose the whole submission	<ol style="list-style-type: none"> 1. MFE seeks prohibited activity status for applications that fail to meet the controlled activity rule of PPC7. 2. The submission fails to recognise that significant infrastructure, such as Falls Dam (and other dams) are currently authorised by Deemed Permits. 3. This approach fails to recognise the time and cost investment that permit holders have put into investigating environmental, hydrological and ecological impacts associated with the renewal of their existing permits, including options for the upgrade or replacement of Falls Dam, in a manner which is consistent with the policies and objectives of the NPSFM. 4. A prohibited activity status would result in the existing dam(s) being unable to be re-consented as it would not meet the controlled 	Disallow the Whole Submission.


			<p><i>activity standards of proposed Rule 10A.3.1.1 on the grounds that a six year term of consent is unfeasible for large scale infrastructure. Especially where this infrastructure has existed in excess of 80 years, and where significant capital expenditure will be required to upgrade the dam in the near future.</i></p> <p><i>5. Funding for infrastructure upgrade or replacement works is unobtainable with short duration consents. Therefore, potentially limiting better environmental outcomes that could come from the upgrade or replacement of the dam.</i></p> <p><i>6. MFE expresses concern that permits are being granted after plan Change 7 being notified that exceed a duration term of 6 years. MFE has assumed that such outcomes should be regarded as unacceptable without any analysis of the outcome of the permit decisions against the NPSFM.</i></p> <p><i>7. The MFE submission overlooks the fact that each permit that has been granted for a term longer than 6 years has been evaluated against the NPSFM 2017 (and more recently 2020), under Section 104(1)(b) of the Resource Management Act 1991, and found to be consistent with that NPSFM.</i></p>	
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			<p>8. <i>It is appropriate that each application be assessed on its merits, and an avenue for such an approach should not be removed by the inclusion of a prohibited activity status, especially with respect to large scale infrastructure such as dams.</i></p> <p>9. <i>There is no acknowledgement in the submission by MFE that permits granted for more than 6 years are subject to the consent authority's power to review the conditions of a permit (including maximum or minimum levels of flows or rates or use of water, or minimum standards of water quality) under section 128(1)(b) of the Resource Management Act 1991.</i></p> <p>10. <i>There is no basis to the suggestion that terms of longer than 6 years are "locking in" outcomes that may be inconsistent with allocation or flow limits that might be set pursuant to the NPSFM 2020. In the event that Falls Dam was unable to renew its existing permit, the dam owner would face an impossible situation given that resource consent would also be required to dis-establish the dam, the effects of which could well be significant, and contrary to the NPSFM.</i></p> <p>11. <i>MFE has not provided any explanation as to why it is necessary to prohibit the making of a resource consent application for an activity that of itself may give effect the NPSFM 2020.</i></p>	
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			<i>12. The submission by MFE has failed to consider the impacts of the prohibited activity status on existing large-scale infrastructure.</i>	
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Part E: Signature

Signature of person making further submission or person authorised to sign on behalf of person making further submission. Please note a signature is not required for electronic submissions.

Signature:  _____ Date: 2 October 2020 _____