



# Federated Farmers of New Zealand

## Further Submission on Otago Regional Council's Plan Change 7 – Water Permits Plan Change

2<sup>nd</sup> October 2020



**FURTHER SUBMISSION TO OTAGO REGIONAL COUNCIL ON PLAN CHANGE 7 (WATER PERMITS PLAN CHANGE)**

Form 6

Further submission in support of, or in opposition to, submission on publicly notified proposed policy statement or plan

*Clause 8 of First Schedule, Resource Management Act 1991*

To: *Otago Regional Council*  
*policy@orc.govt.nz*

Name of further submitter: Federated Farmers of New Zealand

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This is a further submission in response to submission/s made on the following proposed plan change – Plan Change 7 (Water Permits Plan Change)

The following pages detail the specifics in relation to our support or opposition to various submissions lodged. Our further submissions include the particular parts of each submission supported or opposed alongside our reasons for that position and what decision we seek from the local authority.

I wish to be heard in support of my further submission.

**Note to person making further submission**

A copy of your further submission must be served on the original submitter within 5 working days after making the further submission to the local authority.

Where Federated Farmers submitted on the same variation point as any other submitter it stands by its original submission.

This Further Submission provides Federated Farmers views on points raised by other submitters.

Submitter Name	Sub No.	Section of Plan	Decision requested	Support/ Oppose	Reason for submission
Otago and Central South Island Fish & Game Councils	70045.01	Objective 10A.1.1	Amend as shown: Transition toward the <del>long-term</del> sustainable management of surface water resources in the Otago region by establishing an interim planning framework to <u>commence phasing out over-allocation, avoid increasing over-allocation, manage new</u> water permits, <del>and</del> including the replacement of deemed permits and water permits to take and use surface water <del>(including and groundwater considered as surface water)</del> where those water permits expire prior to 31 December 2025, until the new Land and Water Regional Plan is made operative.	Oppose	The objective relates to the interim planning framework, pending the new Land and Water Regional Plan. Relief sought makes blanket statements that lack appropriate realism or workability.
Otago and Central South Island Fish & Game Councils	70045.06	Objective 10A.1.1	Redraft of Objective 10A.1.1 to clarify, replace or remove the word “new” in relation to a resource consent.	Oppose	Existing water permits are already appropriately managed in line with consent terms granted.
Trustpower Limited	71143.01	Objective 10A.1.1	Amend objective by rewriting as follows: Surface water resources in the Otago region are managed and long-term sustainable management of these resources is enabled, by establishing an interim planning framework to manage the replacement of deemed permits, and water permits to take and use surface water that expire prior to 31 December 2025, in the period until the new Land and Water Regional Plan is made operative, while recognising the importance of hydro-electricity generation within the Region.	Oppose	Appropriate management of water in the region requires consideration of all water uses. Matters recognising the importance of hydro-electricity are addressed elsewhere in the plan.

Submitter Name	Sub No.	Section of Plan	Decision requested	Support/ Oppose	Reason for submission
Royal Forest and Bird Protection Society of New Zealand Inc	71149.02	Objective 10A.1.1	Relief sought: a. Clarify what “the new Land and Water Regional Plan” is and that it will give effect to the NPSFM. b. Delete the words “long term” c. Remove reference to the new plan. Consider including an explanation to the objective. Alternatively add a footnote or definition to explain the new regional plan.	Oppose	The object relates to an interim planning framework, therefore there is a need to have reference to the new plan that the interim plan is awaiting completion of.
Objective 10A.1.1	71159.02	Landpro Limited	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Support	A much more practicable, reasonable, and workable approach to the renewal of water permits in Otago
Ray George Wright	70029.01	Plan Change 7	Approve the plan change with amendments - the short term permits should be limited to 5 years in duration, and any short terms consents be held within the minimum flow regime in the RPW	Oppose	Arbitrary and lacks sufficient science, justification, and evidence.
Geoffrey Robert Crutchley	71006.02	Plan Change 7	In catchments where minimum flow settings are in place, (such as the Taieri) applications for renewal of Deemed Permits should proceed under the existing plan. In catchments where minimum flows have yet to be established, the status quo should be determined, and maintained while this work is completed. This should be achieved through the issue of non-notified interim consents based on evidence of use and historic rate and volume of take. There should be no averaging of maximum records because seasonal supply and demand is highly variable for a host of	Support	A much more practicable, reasonable, and workable approach to renewal of water permits in Otago.

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			<p>reasons. Evidence of take should be matched with the irrigated area, based on Aqualink estimates of rainfall deficiency for the location and having regard for alternative sources.</p> <p>Evidence collected for this purpose and any associated council documents should be retained for use in any subsequent process for issue of a longer-term consent.</p>		
GlenAyr Ltd	71082.01	Plan Change 7	<p>Every case should be on its own merits. Those applicants such as ourselves who are prepared to present a comprehensive application that improves the status quo at considerable capital expense should be rewarded with certainty of tenure to enable financing. PC7 should be amended to recognise water sharing and catchment groups.</p> <p>There should not be a requirement to not increase the area irrigated as water users should benefit from using best practice and technology to make their water go further. Proposed water use and application method should be considered in tandem with historic water use.</p>	Support	A much more practicable, reasonable, and workable approach to renewal of water permits in Otago
Puketoi Farming Company	71083.01	Plan Change 7	Where minimum flows are established the consenting process should be exempt from PC7, these consents should continue under the existing plan.	Support in part	Appropriately recognises that concerns can already be addressed through existing provisions where minimum flows are in place
Manuherikia Catchment Group	71130.01	Plan Change 7	Wishes to see the whole of PC7 withdrawn. We seek the urgent but robust completion of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic, and social impact assessments. This is a continuation of the	Support	Ensures existing workstreams can continue and are recognised and that the end plan is robust, science-based, and inclusive of a range of considerations, evidence, and viewpoints.

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			existing work in the catchment prior to notification of PC7.		
Otago Water Users Resource Group	71161.02	Plan Change 7	<p>ALTERNATIVELY:  Decline PC7 and amend RPW provisions by adding 3 new Methods into the RPW:</p> <p>a. Method 15.1A: Auditing Water Metering Data – to ensure consistent processing of data</p> <p>b. Method 15.1B: Identify Rate and Volume for Policy 6.4.2 (and Rule 12.1.2.7 under Option 3 below) – to ensure consistent calculations of maximum rates of take and volumes based on metering data.</p> <p>c. Method 15.1C: Identify Rate and Volume for Policy 6.4.0A – to formally incorporate the approach used in the Aqualinc Research Report Ltd to require efficiency of water use.</p> <p>Amend Policy 6.4.0A as follows:  6.4.0A To ensure that the quantity of water granted to take is no more than that required for the purpose of use by applying Method 15.1C and taking into account:  (a) How local climate, soil, crop or pasture type and water availability affect the quantity of water required;  and  (b) The efficiency of the proposed water transport, storage and application system.</p> <p>Subsequent changes to this Policy’s Principal Reason for Adopting and Explanation may also be necessary to support this amendment.</p> <p>Amend Policy 6.4.2A would be amended as follows:  <u>Where an application is received to take water and Policy 6.4.2(b) applies to the catchment, to grant from within primary allocation no more water than has been taken under the existing consent in at least the preceding five years using the methodology contained in</u></p>	Support	The approach indicated by the Otago Water Users Resource Group is supported. It is robust, pragmatic and would lead to better planning, environmental and resource user outcomes.

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			<p><u>Method 15.1A (Auditing Water Metering Data) and Method 15.1B (Identify Rate and Volume), except in the case of a registered community drinking water supply where an allowance may be made for growth that is reasonably anticipated. 200. Subsequent changes to this Policy's Principal Reason for Adopting and Explanation may also be necessary to support this amendment.</u></p>		
Central Otago District Council	71178.03	Plan Change 7	<p>If permit replacements are not to be processed under the full range of considerations covered in the current framework during the next few years, then the submitters preference is for existing deemed permits to be extended so they can be considered under the new framework.</p> <p>This could either be done by either:</p> <p>(1) issuing short duration consents under the current water plan rules until the new planning framework is ready; or</p> <p>(2) making compliance with terms of existing permits a permitted activity until the new planning framework is ready; or</p> <p>(3) issuing replacement permits on the same terms as existing permits, as a controlled activity, until the new planning framework is ready.</p>	Support in part	A more sensible approach than PC7 as currently drafted.
Michael Laws	71201.01	Plan Change 7	<p>To provide a plan change that properly reflects the recommendations of the Skelton Report, is based upon scientific and hydrology studies, takes cognisance of the socio-economic circumstances of the catchments and districts affected, and provides for long-term consents of 25 years-plus.</p>	Support	The decision requested by the submitter would lead to better planning, environmental and resource user outcomes than PC7 as proposed.

Submitter Name	Sub No.	Section of Plan	Decision requested	Support/ Oppose	Reason for submission
Queenstown Lakes District Council	70048.02	Policy 10A.2.1	Amend as shown: (c) There is no increase in the instantaneous rate of abstraction <u>except in relation to a community water supply where needed for population growth that is reasonably anticipated over the term of the consent</u> ; and (e) There is a reduction in the volume of water allocated for abstraction <u>except in relation to a community water supply where an allowance may be made for population growth that has occurred or is reasonably anticipated over the term of the consent</u> .	Oppose	Environmental outcomes should consider all water uses. It is preferable to make the plan change workable and realistic, not just provide free passes for urban water usage.
Wise Response Society Inc	70052.09	Policy 10A.2.1	Insert new provision: There is a farm plan that demonstrates that land use practice is improving water holding capacity (or sustaining it where it is already high).	Support in part	While we support the use of farm plans as proposed, this consideration should not be in addition to the other considerations. It should provide an alternative pathway.
Horticulture New Zealand	71131.04	Policy 10A.2.1	Amend as follows: 10A.2.1 Irrespective of any other policies in this Plan, avoid granting resource consents that replace deemed permits, or water permits to take and use surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) where those water permits expire prior to 31 December 2025, except where: (a) The deemed permit or water permit that is being replaced is a valid permit; and (b) A review condition imposed on the replacement permit. <del>There is no increase in the area under irrigation, if the abstracted water is used for irrigation; and</del> (c) The rate of take and volume shall be no more than the demonstrated reasonable and efficient use with a 9 in 10 year reliability <del>There is no increase in the</del>	Support in part	Relief sought removes some of the more onerous, unworkable aspects.



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			<p><del>instantaneous rate of abstraction; and</del>  <del>(d) Any existing residual flow, minimum flow or take cessation condition is applied to the new permit; and</del>  <del>(e) There is a reduction in the volume of water allocated for abstraction.</del></p>		
Trustpower Limited	71143.04	Policy 10A.2.1	<p>Amend as follows:  10A.2.1 <del>Irrespective of any other policies in this Plan, avoid granting</del> <u>Enable</u> resource consents that replace deemed permits, or water permits to take and use surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) where those water permits expire prior to 31 December 2025, <del>except</del> where:  (a) The deemed permit or water permit that is being replaced <del>is a valid permit</del> <u>was legally authorised and has been exercised over the previous 5 years;</u> and  (b) For consents to take and use water for irrigation:  (i) There is no increase in the area under irrigation, if the abstracted water is used for irrigation; and  <del>(e)</del> <u>(ii)</u> There is no increase in the instantaneous rate of abstraction; and  <del>(d)</del> <u>(iii)</u> Any existing residual flow, minimum flow or take cessation condition is applied to the new permit or where no residual / minimum flow condition is currently applied, one is set in the replacement consent; and  <del>(e)</del> <u>(iv)</u> There is a reduction in the volume of water allocated for abstraction; or  (c) <u>The consents relate to the take and use water for the purpose of hydroelectricity generation.</u></p>	Oppose in part	While we support the focus on enabling replacement permits when appropriate considerations are met, we oppose the proposal to have completely separate approaches for irrigation users, from the easy path sought for hydroelectricity generation.

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Royal Forest and Bird Protection Society of New Zealand	71149.17	Policy 10A.2.1	In Policy 10A.2.1 add a requirement for inclusion of a condition for cessation of take to maintain ecological flows.	Oppose	Goes beyond the interim nature of replacement permits as proposed under the plan. Evidence will not be sufficient in all cases to ascertain such details.
Director General of Conservation	71180.04	Policy 10A.2.1	Apply "banding" or some other suitable a flow trigger that signals when the different priority takes can operate to the short-term consents that enables them to retain their current deemed permit priority in Policy 10A.2.1 and Rule 10A3.1.1, as follows or to like effect as follows: Policy 10A.2.1, add new paragraph (f) <i><u>(f) Flow triggers or bands are established to enable short term consents to retain their previous deemed permit priorities; and Undertake hydrological studies to ascertain the effects of removing consent priority on consents and their effects on residual or minimum flows, and consequent effects on life supporting capacity for instream fauna and ecosystems.</u></i>	Oppose	Goes beyond the interim nature of replacement permits as proposed.
Director General of Conservation	71180.05	Policy 10A.2.1	Include instream values in Policy 10A.2.1 by adding additional paragraphs (g) and (h): <i><u>(g) Providing for the life supporting capacity of non - migratory galaxiid species, native and endemic migratory fishes, kākahi / freshwater mussels, koura / crayfish, freshwater invertebrates, and braided riverbed bedbirds; and</u></i> <i><u>(h) Protection of significant habitats of threatened freshwater fishes<sup>2</sup>, invertebrates<sup>3</sup> and braided riverbed birds, including nationally critical, endangered, vulnerable and At Risk-Declining species; and</u></i>	Oppose	Goes beyond the interim nature of replacement permits as proposed.

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Royal Forest and Bird Protection Society	71149.13	Policy 10A.2.1 (c)	Amend Policy 10A.2.1 (c) to read "There is no increase and preferably a decrease in the instantaneous rate of abstraction"	Oppose	Relief sought lacks scientific justification as proposed in this blanket statement. Goes beyond a 'hold the line' approach.
Royal Forest and Bird Protection Society	71149.15	Policy 10A.2.1(d)	Include direction for a minimum flow limit to be included on any consents which are granted.	Oppose	The issue is that not all minimum flow limits have been established, and forcing such considerations prematurely leads to a lack of robust science and other considerations.
Cardrona Alpine Resort Ltd	70046.01	Policy 10A.2.1 (e)	Amend as shown: There is a reduction in the volume of water allocated for abstraction <u>where that abstraction is specific to irrigation purposes only, such that the intent of Policy 10A.2 does not adversely affect domestic, communal, or commercial water users or water taken for snow making purposes.</u>	Oppose	Appropriate management of water in the region requires consideration of all water uses. Otago water plans and regulations should not just target rural water users.
Wise Response Society Inc	70052.08	Policy 10A.2.1 (e)	Replace "there is a reduction in the volume of water allocated for abstraction" with "Water allocated does not conflict with the environmental flow regime"	Support in part	We support deletion of the presumption that the allocated volume will decrease but have concerns with the requirement for the allocation to not conflict with the environmental flow regime as the term could be quite all-encompassing and unclear.
Royal Forest and Bird Protection Society of New Zealand Inc	71149.16	Policy 10A.2.1 (e)	Amend Policy 10A.2.1 (e) to set out: i. a preference for activities which will have reduction in allocation of at least 20%. ii. the consideration of activities where a reduction which	Oppose	Arbitrary, lacks scientific robustness.

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			is above 20% so long as it is below the original volume of water allocation.		
Clutha District Council and Waitaki District Council	71173.05	Policy 10A.2.1 (e)	Amend to not apply to any Schedule 1B or 3B water take or any associated water supply take. Amend from a "reduction" in water allocation to "no increase" in water allocation.	Oppose in part	While we prefer the term "no increase" to the original requirement for "a reduction", we do not support the carve out for non-rural water uses as proposed. Appropriate management of water in the region requires consideration of all water uses.
Central Otago District Council	71178.10	Policy 10A.2.1(e)	Remove the requirement in Policy 10A.2.1(e) that Council shall avoid granting resource consents to replace existing permits "unless there is a reduction in the water allocated for abstraction."	Support	For similar reasons to those provided by the submitter. The requirement to always 'reduce' lacks sufficient evidential basis and will not be justified or able to be substantiated in all cases.
Otago and Central South Island Fish & Game	70045.04	Policy 10A.2.2	Amend Chapters 6 and 12 of the RPW to be consistent with this policy.	Oppose	Beyond the scope of this plan change
Otago and Central South Island Fish & Game	70045.08	Policy 10A.2.2	Amend Policy 10A.2.2 to achieve - Clarity about how the policies are to be read alongside other policies within the plan and within chapter 10A. Redraft of Policies 10A.2.1 – 10A.2.3 to clarify, replace or remove the word "new" in relation to a resource consent.	Oppose	Beyond the scope of this plan change
Queenstown Lakes District Council	70048.03	Policy 10A.2.2	Amend as shown: Irrespective of any other policies in this Plan concerning consent duration, only grant new resource consents for the take and use of water for a duration of no more than six years, <u>except where</u>	Oppose	It is preferable to make the plan change workable and realistic, not just provide free passes for urban water usage.

Submitter Name	Sub No.	Section of Plan	Decision requested	Support/ Oppose	Reason for submission
			<u>relating to community drinking water supplies where longer term durations may be granted.</u>		
Horticulture New Zealand	71131.05	Policy 10A.2.2	Amend as follows: 10A.2.2 Irrespective of any other policies in this Plan concerning consent duration, only grant new resource consents for the take and use of water <del>for a duration of no more than six years</del> <u>if a review condition is imposed to ensure the consent is reviewed once the Otago Land and Water Plan 2025 is operative.</u>	Support in part	If the plan change is not withdrawn, we consider a review clause to be more workable than an unsubstantiated maximum-6year consent term.
Trustpower Limited	71143.05	Policy 10A.2.2	Amend as follows: 10A.2.2 Irrespective of any other policies in this Plan concerning consent duration, only grant new resource consents for the take and use of water <u>for irrigation</u> for a duration of no more than six years.	Oppose	It is preferable to make the plan change workable and realistic, not just provide free passes for non-rural water usage.
Royal Forest and Bird Protection Society of New Zealand	71149.18	Policy 10A.2.2	Amend Policies 10A.2.2 by deleting the word “new” in front of resource consent.	Oppose	Beyond the scope of this plan change
Clutha District Council and Waitaki District Council	71173.06	Policy 10A.2.2	Amend to not apply to any Schedule 1B or 3B water take or any associated water supply take. Amend to remove reference to a “duration of consent of no more than six years”, and alternatively replace with a specific “PC7 review clause” to apply by 31 December 2025 or thereafter, on any new water permit to address the relevant provisions of the new operative Land and Water Regional Plan.	Oppose in part	It is preferable to make the plan change workable and realistic, not just provide free passes for urban water usage. However, if the plan change is not withdrawn and significantly amended, we support the use of a review clause as proposed by the submitter instead of the blanket, arbitrary and unjustified maximum 6yrs consent term as notified.

Submitter Name	Sub No.	Section of Plan	Decision requested	Support/ Oppose	Reason for submission
Ministry for the Environment	70034.01	Policy 10A.2.3	Amend Policy 10A.2.3 as shown to remove the non-complying activity exemption: <u>Irrespective of any other policies in this Plan concerning consent duration, only grant new resource consents that replace deemed permits, or resource consents that replace water permits to take and use surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) where those water permits expire prior to 31 December 2025, for a duration of no more than six years, except where Rule 10A.3.2.1 applies and:</u> <u>(a) The activity will have no more than minor adverse effects (including no more than minor cumulative effects) on the ecology and the hydrology of the surface water body (and any connected water body) from which the abstraction is to occur; and</u> <u>(b) The resource consent granted will expire before 31 December 2035.</u>	Oppose	We consider this submission to be significant over-reach by the Ministry. No justification has been provided to substantiate what appears to be, at best, ideologically driven, and at worst, supportive of an approach lacking impartiality when it comes to Otago's water users and a disregard of the importance of the resource to farming. Relief sought is inconsistent with the section 32 report and inconsistent with the RMA which provides for a path for consenting for no more than minor effects.
Otago Fish and Game Council and Central South Island Fish and Game	70045.05	Policy 10A.2.3	Amend the provisions to make it prohibited to apply for a consent that breaches 10A.3.1.1 (i), (iv) or (vi), for consents captured by 10A.3.1.1(a) and (b). Amend the provisions to make all applications for new surface water (including connected groundwater) abstraction activities noncomplying (specific changes not indicated).	Oppose	Beyond the scope of the plan change. Unsubstantiated, unscientific, inconsistent with the RMA, and arbitrary.
Otago Fish and Game Council and Central South Island Fish & Game	70045.09	Policy 10A.2.3	Amend Policy 10A.2.3 to achieve - Clarity about how the policies are to be read alongside other policies within the plan and within chapter 10A. Redraft of Policies 10A.2.1 – 10A.2.3 to clarify, replace or remove the word "new" in relation to a resource consent.	Oppose	Beyond the scope of the plan change.

Submitter Name	Sub No.	Section of Plan	Decision requested	Support/ Oppose	Reason for submission
Trustpower Limited	71143.06	Policy 10A.2.3	Amend to read: <u>10A.2.3 Enable new resource consents that replace deemed permits, or water permits to take and use surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) where those water permits expire prior to 31 December 2025, for regionally significant infrastructure or hydro-electricity generation.</u>	Oppose	It is preferable to make the plan change workable and realistic, not just provide an easy path for hydroelectricity generation.
Trustpower Limited	71143.07	Policy 10A.2.3	Amend, and renumber as follows: <del>10A.2.34 Irrespective of any other policies in this Plan concerning consent duration, only grant</del> <u>Avoid granting any</u> new resource consents that replace deemed permits, or <del>resource consents that replace</del> water permits to take and use surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) <u>for the purpose of irrigation</u> , where those water permits expire prior to 31 December 2025, for a duration of no more than six years, except where Rule 10A.3.2.1 applies and:....	Oppose	It is preferable to make the plan change workable and realistic, not just provide an easy path for hydroelectricity generation.
Royal Forest and Bird	71149.20	Policy 10A.2.3	Amend Policies 10A.2.3 by deleting the word “new” in front of resource consent.	Oppose	Existing consents have already been through appropriate processes.
Clutha District Council and Waitaki District Council	71173.07	Policy 10A.2.3	Amend to not apply to any Schedule 1B or 3B water take or any associated water supply take and remove reference to "duration of consent of no more than six years", and alternatively replace with a specific “PC7 review clause” to apply by 31 December 2025 or thereafter, on any replacement water permit to address the relevant provisions of the new operative Land and Water Regional Plan. Note that all replaced deemed permits will become water permits.	Oppose in part	It is preferable to make the plan change workable and realistic, not just provide free passes for urban water usage. However, if the plan change is not withdrawn and significantly amended, we support the use of a review clause as proposed by the submitter instead of the blanket, arbitrary and unjustified maximum 6yrs consent term as notified

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Director General of Conservation	71180.06	Policy 10A.2.3	<p>Support Policy 10A.2.3, but add more criteria to give better direction for future consent decision-making, including, but not limited to new paragraphs (d), (e), (f), (g), (h) and (i): <u>(d) Where a fit for purpose in-stream survey has been undertaken to identify the instream values and their significance in the water body downstream of the proposed take(s); and</u></p> <p><u>(e) Where an appropriate series of hydrological gaugings in various flow conditions and a visual inspection has been undertaken to capture fit for purpose information on flow gaining, losing, or critical reaches; and the consequential effects on aquatic ecosystems and natural character; and</u></p> <p><u>(f) Where all remaining deemed permits and resource consents that expire prior to 31 December 2025 to take water in that particular catchment are included in the application; and</u></p> <p><u>(g) Where all deemed permit and resource consent holders included in (f) above in that particular catchment have agreed to form either a Water Management Committee or Water Management Group under Policies 6.4.12 or 6.4.12A to share the available water at times flow restriction; and</u></p> <p><u>(h) Where an appropriate minimum flow has been established for that catchment in Schedule 2A; and</u></p> <p><u>(i) Where sufficient hydrological information can establish that the values protected by all residual flows established under Policy 6.4.7 in that catchment can be sustained and managed by a flow relationship to a Schedule 2A minimum flow; and</u></p>	Oppose	Goes beyond appropriate considerations for interim replacement consents.



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Royal Forest and Bird Protection Society of New Zealand	71149.21	Policy 10A.2.3 (a)	Amend Policy 10A.2.3 (a) by removing the words “no more than minor” and replacing with outcomes that must be met, such as safeguarding the life supporting capacity ecosystem processes and indigenous species including their associated ecosystems of fresh water to give effect to Objective B1 NPS.	Oppose	Goes beyond appropriate considerations for interim replacement consents.
Royal Forest and Bird Protection Society of New Zealand	71149.01	Policy 10A.2.3 (b)	Amend Policy 10A.2.3 (b) by changing 31 December 2035 to 31 December 2030.	Oppose	Given the considerable onus already placed on water users, the reduced investment certainty and the costs associated with getting consent, a reduction in term by 5 years is unrealistic and unworkable.
Ministry for the Environment	70034.03	Rule 10A.3.1.1	Add a new rule that makes any activity that does not meet one or more of the conditions of Rule 10A.3.1.1 a prohibited activity	Oppose	We consider this submission to be significant over-reach by the Ministry. No justification has been provided to substantiate what appears to be, at best, ideologically driven, and at worst, supportive of an approach lacking impartiality when it comes to Otago’s water users and a disregard of the importance of the resource to farming. Relief sought is inconsistent with the section 32 report and inconsistent with the RMA which provides for a path for consenting for no more than minor effects.
Otago and Central South Island Fish & Game	70045.12	Rule 10A.3.1.1	Redraft of the Advice Note of Rule 10A.3.1.1 to clarify, replace or remove the word “new” in relation to a resource consent.	Oppose	Beyond the scope of this plan change

Submitter Name	Sub No.	Section of Plan	Decision requested	Support/ Oppose	Reason for submission
Cardrona Alpine Resort Ltd	70046.03	Rule 10A.3.1.1	Amend as shown: b) the take and use of surface water(including ground water considered as surface water under Policy 6.4.1A (a), (b) and (c ) of this Plan) that is <u>an activity related to domestic, communal or commercial potable water users or water taken for snow making purposes</u> that is currently authorised by an existing water permit where that permit expires prior to 31 December 2025; is a controlled activity provided the following conditions as applicable to consents required for commercial irrigation of farmland and crops are met:	Oppose	It is unclear where these changes will provide for farmland and crops. It is preferable to make the plan change workable and realistic, not just provide free passes for non-farming water usage.
Queenstown Lakes District Council	70048.05	Rule 10A.3.1.1	Amend as shown: 10A.3.1.1: <u>For community water supplies, rules 12.1.3.1, 12.1.5.1 and Schedule 1B (in relation to surface water) and rules 12.2.2A.1, 12.2.4 and Schedule 3B (in relation to groundwater) apply. For other activities, and D</u> despite any other rule or rules in this Plan; .... iv) The rate of take shall be no more than the <del>average</del> -maximum rate of take limit recorded during the period 1 July 2012 – 30 June 2017; <del>and calculated in accordance with the method in Schedule 10A.4</del> and .... (vi) The volume of water taken shall be no more than the <del>average</del> maximum of the daily volume limit, or monthly volume limit, or annual volume limit (whichever one or more are applicable) recorded during the period 1 July 2012 – 30 June 2017; <del>and calculated in accordance with the method in Schedule 10A.4.</del>	Oppose	It is unclear how and where rural water use is being provided for as sought within this submission point. It is preferable to make the plan change workable and realistic, not just provide free passes for urban water usage.
Horticulture New Zealand	71131.07	Rule 10A.3.1.1	Amend as follows: 10A.3.1.1 Despite any other rule or rules in this Plan; a) any activity that is currently authorised under a Deemed Permit; <del>or</del> <del>b) the take and use of surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) that is currently</del>	Support in part	Wording proposed is more workable and realistic than originally proposed. Support on same basis as proposed by submitter.

Submitter Name	Sub No.	Section of Plan	Decision requested	Support/ Oppose	Reason for submission
			<p><del>authorised by an existing water permit where that water permit expires prior to 31 December 2025;</del>  is a controlled activity provided the following conditions are met:  (i) <del>The consent duration sought is no more than six years; and</del>  (ii) <del>The deemed permit or water permit that is being replaced is a valid permit; and</del>  (iii) <del>A review condition be imposed to ensure the consent is reviewed once the new Otago Land and Water Regional Plan 2025 has been made operative. The application demonstrates that the total land area under irrigation does not exceed that irrigated in the 2017-2018 irrigation season, if the abstracted water is used for irrigation; and</del>  (iv) <del>The rate of take and volume shall be no more than the demonstrated reasonable and efficient use with a 9 in 10 year reliability average maximum rate of take limit recorded during the period 1 July 2012—30 June 2017 and calculated in accordance with the method in Schedule 10A.4; and</del>  (v) <del>Any existing residual flow, minimum flow, or take cessation condition (whichever is applicable) is included in the application for resource consent; and</del>  (vi) <del>The volume of water taken shall be no more than the average maximum of the daily volume limit, or monthly volume limit, or annual volume limit (whichever one or more are applicable) recorded during the period 1 July 2012—30 June 2017, and calculated in accordance with the method in Schedule 10A.4.</del></p>		
Trustpower Limited	71143.08	Rule 10A.3.1.1	Amend as follows: 10A.3.1.1 <u>Despite any other rule or rules in this Plan; the take and use of surface water for the purpose of</u>	Oppose	It is preferable to make the plan change workable and realistic, not just provide

Submitter Name	Sub No.	Section of Plan	Decision requested	Support/ Oppose	Reason for submission
			<p><u>irrigation where:</u>  a) any activity that is currently authorised under a Deemed Permit; or  b) the take and use of surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) that is currently authorised by an existing water permit where that water permit expires prior to 31 December 2025;  is a controlled activity provided the following conditions are met: ...</p>		<p>an easy path for hydroelectricity generation.</p>
Trustpower Limited	71143.09	Rule 10A.3.1.1	<p>Create new Rule 10A.3.1.2 as follows:  <u>10A.3.1.2 Despite any other rule or rules in this Plan, the take and use of surface water for the purpose of hydro-electricity generation or regionally significant infrastructure where:</u>  <u>a) any activity that is currently authorised under a Deemed Permit; or</u>  <u>b) the take and use of surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) that is currently authorised by an existing water permit where that water permit expires prior to 31 December 2025; and is a controlled activity provided the following conditions are met:</u>  <u>(i) The deemed permit or water permit was legally authorised and has been exercised over the previous 5 years; and</u>  <u>(ii) The rate of take and volume of water sought shall be no more than the existing authorized rate of take; and(iii) Any existing residual flow, minimum flow, or take cessation condition (whichever is applicable) is included in the application for resource consent.</u>  <u>The Council reserves control over the following matters:</u></p>	Oppose	<p>It is preferable to make the plan change workable and realistic, not just provide an easy path for hydroelectricity generation.</p>

Submitter Name	Sub No.	Section of Plan	Decision requested	Support/ Oppose	Reason for submission
			<p><u>(a) Intake method and flow rate controls to avoid or mitigate fish entrainment and provision for fish passage; and</u>  <u>(b) The volume and rate of water taken, dammed, discharged or diverted, and the timing and frequency of the take or damming or diversion or discharge; and</u>  <u>(c) The rules or operating procedures of any relevant water allocation committee that exists for the catchment; and</u>  <u>(d) Minimum flow, residual flow or take cessation conditions; and</u>  <u>(e) Review conditions; and</u>  <u>(f) Compliance monitoring; and</u>  <u>(g) The point and method of measurement and the method for transmitting recorded data to Council.</u>  <u>Pursuant to sections 95A and 95B of the RMA, an application for resource consent under this rule will be processed and considered without public or limited notification. Limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under Section 95B(3) of the RMA.</u></p>		
Royal Forest and Bird Protection Society	71149.11	Rule 10A.3.1.1	<p>Amend the matter of Control in Rule 10A.3.1.1 to include:  i. Effects on any wetland; and  ii. Effects on indigenous biological diversity</p>	Oppose	Beyond the scope of this interim plan change
Director General of Conservation	71180.08	Rule 10A.3.1.1	<p>Apply “banding” or some other suitable a flow trigger that signals when the different priority takes can operate to the short-term consents that enables them to retain their current deemed permit priority in Policy 10A.2.1 and Rule 10A3.1.1, as follows or to like effect as follows:  Rule 10A3.1.1, add new condition (vii)  <i>(vii) Flow triggers or bands are established to enable</i></p>	Oppose	Goes beyond appropriate considerations for interim replacement consents.

Submitter Name	Sub No.	Section of Plan	Decision requested	Support/ Oppose	Reason for submission
			<u>short term consents to maintain their previous deemed permit priorities.</u> Undertake hydrological studies to ascertain the effects of removing consent priority on consents and their effects on residual or minimum flows, and consequent effects on life supporting capacity for instream fauna and ecosystems.		
Director General of Conservation	71180.09	Rule 10A.3.1.1	Retain matters of control (a) and (d), and; Add additional matters of control (j), (k) and (l): <u>(j) Protection of non-migratory galaxias species and their habitat from sports fish; and</u> <u>(k) Avoiding galaxias interspecies interaction.”, and</u> <u>(l) Maintain habitat diversity”</u>	Oppose	Goes beyond appropriate considerations for interim replacement consents.
Otago and Central South Island Fish & Game	70045.11	Rule 10A.3.1.1 (b)	Consistent wording within Rules 10A.3.1.1(b) and 10A.3.2.1 to ensure all surface water consent applications for existing water permits that expire prior to 31 December 2025 are captured by both rules.	Oppose	Adds additional complexity and reduces clarity, certainty, and plan usability.
Royal Forest and Bird Protection Society	71149.09	Rule 10A.3.1.1 (v)	Amend condition (v) as follows: “ <del>The currently authorised activity includes an</del> Any existing residual flow, minimum flow, or take cessation condition (whichever is applicable) <u>and this is included in the application for resource consent; and</u> ”	Oppose	Vague and uncertain
Royal Forest and Bird Protection Society of New Zealand Inc	71149.10	Rule 10A.3.1.1 (vi)	Amend condition (vi) as follows: “The volume of water taken shall be <u>at least 20% less</u> <del>no more</del> than the average maximum of the daily volume limit, or monthly volume limit, or annual volume limit (whichever one or more are applicable) recorded during	Oppose	Arbitrary and not supported by sufficient evidence or scientific justification.

Submitter Name	Sub No.	Section of Plan	Decision requested	Support/ Oppose	Reason for submission
			the period 1 July 2012 – 30 June 2017, and calculated in accordance with the method in Schedule 10A.4.”		
Central Otago District Council	71178.04	Rule 10A.3.1.1 (vi)	Rather than apply an average over a 5 year period, cap use at the maximum allowed actual use recorded for the relevant period. For example, the actual annual volume limit should reflect the actual volume of water used in the year when the most water was used.	Support in part	Has some workable aspects, support in preference to approach in rule as notified, but we consider the approach proposed by the North Otago Irrigation Company provides a more workable solution.
Banarach Farm Limited	71073.05	Rule 10A.3.2	<p>Include a new rule:</p> <p><u>Any activity will replace a lawfully established divert, take or use affected by the provisions of Section 124-124C of the RMA where that water permit expires prior to 31 December 2025 that does not meet conditions (ii), (iii), (iv) or (v) of Rule 10A.3.1 is a restricted discretionary activity.</u></p> <p><u>The exercise of discretion is restricted to the following matters:</u></p> <p><u>a. The actual or potential adverse effects on water quality; and</u></p> <p><u>b. The effects of the diversion, take or use on any other authorised diversion, take or use;</u></p> <p><u>c. The reduction in the rate of diversion, take or use at times of low flow.</u></p>	Support in part	Appropriate to provide a restricted discretionary pathway
North Otago Irrigation Company Limited	71105.03	Rule 10A.3.2	<p>Amend Rule 10A.3.2 to read:</p> <p><u>Any activity will replace a lawfully established divert, take or use affected by the provisions of Section 124-124C of the RMA where that water permit expires prior to 31 December 2025 that does not meet condition (i) of Rule 10A.3.1 is a discretionary activity</u></p>	Support in part	Preferable to the non-complying activity status which we opposed.

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Ministry for the Environment	70034.02	Rule 10A.3.2.1	Delete Rule 10A.3.2.1	Oppose	We consider this submission to be significant over-reach by the Ministry. No justification has been provided to substantiate what appears to be, at best, ideologically driven, and at worst, supportive of an approach lacking impartiality when it comes to Otago's water users and a disregard of the importance of the resource to farming. Relief sought is inconsistent with the section 32 report and inconsistent with the RMA which provides for a path for consenting for no more than minor effects.
Otago and Central South Island Fish and Game	70045.10	Rule 10A.3.2.1	Amend the provisions to make it prohibited to apply for a consent that breaches 10A.3.1.1 (i), (iv) or (vi), for consents captured by 10A.3.1.1(a) and (b). Amend the provisions to make all applications for new surface water (including connected groundwater) abstraction activities noncomplying (specific changes not indicated).	Oppose	Insufficient scientific justification has been provided to substantiate this ideologically driven approach. Relief sought is inconsistent with the section 32 report and inconsistent with the RMA which provides for no more than minor effects.
Otago and Central South Island Fish & Game	70045.13	Rule 10A.3.2.1	Consistent wording within Rules 10A.3.1.1(b) and 10A.3.2.1 to ensure all surface water consent applications for existing water permits that expire prior to 31 December 2025 are captured by both rules.	Oppose	Adds additional complexity and reduces clarity, certainty, and plan usability.
Queenstown Lakes District Council	70048.06	Rule 10A.3.2.1	Neutral provided that the amendments sought to Rule 10A.3.1.1 are adopted. Otherwise a new rule should be inserted to provide for replacement community water supplies and their enlargement are provided for as restricted discretionary activities, with discretion limited	Oppose	It is preferable to make the plan change workable and realistic, not just provide an easy path for non-rural water uses.



Submitter Name	Sub No.	Section of Plan	Decision requested	Support/ Oppose	Reason for submission
			to matters of aquatic ecology and other matters relevant under the NPSFM 2020.		
North Otago Irrigation Company Limited	71105.04	Schedule 10A.4	<p>Amend Method 10A.4 to read:</p> <p><u>Three methods are provided for determining the seasonal irrigation demand.</u></p> <p><u>1. Records of past use, moderated to ensure the annual volume is sufficient to meet demand conditions that occur in nine out of ten years for a system with an irrigation application efficiency of 80%; or</u></p> <p><u>2. Use of a model that has been field validated and shown to reliably predict annual irrigation volume within an accuracy of 15%. The annual volume calculated using the model shall be compliant with the following criteria:</u></p> <p><u>a. an irrigation application efficiency of 80%;</u></p> <p><u>b. a system capacity to meet peak demand;</u></p> <p><u>c. a nominal irrigation season from 1 September to 30 April; and</u></p> <p><u>d. demand conditions that occur in nine out of ten years.</u></p> <p><u>3. Using the methodology set out below and the figures set out in Table 10A.4.</u></p> <p><u>To determine the applicable seasonal irrigation demand standard and derive an annual volume:</u></p> <p><u>1. find the total seasonal demand from Table 10A.4 for the particular soil PAW class. Where the soil PAW class is between 100 - 200 mm, insert the appropriate PAW for the soil to be irrigated into the formula to determine the total seasonal demand;</u></p> <p><u>2. determine effective irrigation season rainfall for the location;</u></p> <p><u>3. deduct this rainfall amount from the total seasonal demand amount to give the irrigation requirement in millimetres – this provides the seasonal irrigation</u></p>	Support	This is essentially the methodology in Schedule 10 of the Canterbury Land and Water Regional Plan. It has been through significant submission and hearing processes and has a large measure of industry support.

Submitter Name	Sub No.	Section of Plan	Decision requested	Support/ Oppose	Reason for submission
			<p><u>demand standard:</u>  <u>4. adjust this seasonal irrigation demand standard by multiplying by 10 to find the volume of water (cubic metres) per hectare per season; and</u>  <u>5. multiply this amount by the area that is to be irrigated to give the annual volume.</u>  <u>Table 10A.4</u>  <u>Soil PAW Class Total Seasonal Demand</u>  <u>&lt; 100 mm 910 mm</u>  <u>100 – 200 mm 910 -1.6(PAW-100) mm</u>  <u>&gt;200 mm 750 mm</u></p> <p><u>Soil PAW Class represents the upper and lower limits of the soils that are generally irrigated in Otago in terms of the profile available water (PAW) of the soils. Between the upper and lower limits set out in Table 10A.4, a sliding scale is used to determine the relevant total seasonal demand. Total seasonal demand is the total amount of water required to satisfy plant water needs during the main growing period. This demand can be satisfied by rainfall and irrigation. In determining the irrigation component, provision has been made for:</u>  <u>1. an irrigation application efficiency of 80%;</u>  <u>2. a system capacity to meet peak demand (between 4mm/ha/day and 6.5 mm/ha/day);</u>  <u>3. a nominal irrigation season from 1 September to 30 April;</u>  <u>4. demand conditions that occur in nine out of ten years;</u>  <u>and</u>  <u>Effective irrigation season rainfall is the amount of rain that will contribute to crop growth over the nominal irrigation season. In determining this amount, provision</u></p>		

Submitter Name	Sub No.	Section of Plan	Decision requested	Support/ Oppose	Reason for submission
			<p><u>has been made for:</u></p> <p><u>1. rainfall that occurs on average in six out of ten years (which, together with a complementary seasonal irrigation allowance, is estimated to meet total water demand with a reliability of nine out of ten years based on analysis of long-term climate data); and</u></p> <p><u>2. excluding daily rainfall amounts of less than 5 mm, or cumulative rainfall amounts in consecutive days in excess of 50 mm.</u></p> <p><u>Seasonal irrigation demand standard for a given soil PAW the depth of water (measured in millimetres) per hectare per year required to be supplied by irrigation to satisfy plant water demand after allowing for effective irrigation season rainfall.</u></p>		
Trustpower Limited	71143.02	Schedule 10A.4	<p>The primary relief sought is that there be no schedule that applies to hydroelectricity generation activities. The alternative relief sought is that an additional schedule be inserted as follows:</p> <p><u>10A.5 Schedule: Methodology for calculating assessed actual usage for surface water takes for hydro-electricity generation purposes</u></p> <p><u>10A.5.1 Methodology for calculating 'Rate of Take Limit'</u></p> <p><u>The 'Rate of Take Limit' (litres per second – L/s) shall be determined by calculating the Average Maximum of the actual rate taken. In order to achieve this, the actual rate taken across the hydrological year (1 July to 30 June) will be analysed to determine the maximum rate taken at any time during that year. The maximum rate taken in each hydrological year will then be summed and divided by the number of years analysed.</u></p> <p><u>Methodology</u></p> <p><u>(1) Where a water meter records the volume of water taken over a fixed period of time, the rate of take will be</u></p>	Oppose	It is preferable to make the plan change workable and realistic, not just provide an easy path for non-rural water uses.

Submitter Name	Sub No.	Section of Plan	Decision requested	Support/ Oppose	Reason for submission
			<p><u>calculated by converting the volume taken in litres by the interval recorded by the meter. For example, 10 m<sup>3</sup> taken over a 15-minute period will equate to a rate of take of 11.11 L/s.</u></p> <p><u>(2) Any measurement that is at or below 0 L/s will be removed.</u></p> <p><u>(3) Any measurement that exceeds the authorised (consented) rate is rounded down to the authorised rate.</u></p> <p><u>(4) Hydrological years for inclusion in the 'maximum rate of take' calculation must:</u></p> <p><u>i) Be no drier than 75% probability of exceedance (i.e. P75 or wetter); or</u></p> <p><u>ii) Contain no greater than 10% cumulative scheme outages.</u></p> <p><u>(5) Errors caused by faulty equipment shall be removed from the data and not considered further.</u></p> <p><u>(6) The margin of error to be applied to any calculation will be either 5% or 10% depending on:</u></p> <p><u>a) the margin of error specified in any consent or permit being replaced, or</u></p> <p><u>b) the results of the last verification presented to the Otago Regional Council, or</u></p> <p><u>c) the margin of error specified by the meter's manufacturer. (7) The maximum rate taken in each water year will be summed across the hydrological years analysed and divided by the number of hydrological years analysed.</u></p>		
Southern Lakes Holdings Limited	71251.01	Schedule 10A.4	Amendments are required to Schedule 10A.4.4 to remove seasonal averaging and return the limits to reflect the irrigation infrastructures installed and accommodate dry seasons (or maximum annual usage)	Support in part	There is merit in allowing for irrigation infrastructure and dry seasons. We consider the approach proposed by North Otago Irrigation Company Ltd (similar to Schedule 10 of the Canterbury

Submitter Name	Sub No.	Section of Plan	Decision requested	Support/ Oppose	Reason for submission
					Land and Water Regional Plan would similarly address this concern)
Southern Lakes Holdings Limited	71251.02	Schedule 10A.4	Amendments are required to 10A.4.4 to allow for irrigation infrastructures that were incomplete or under commissioning during the period 2012-2017.	Support	Ensures recognition of projects commissioned and/or commenced in good faith during the base period.
Horticulture New Zealand	71131.11	Schedule 10A.4.2	Amend to include recognition of reasonable and efficient use with 9 in 10 years reliability.	Support	We consider the approach proposed by North Otago Irrigation Company Ltd (similar to Canterbury Land and Water Regional Plan Scheduled 10 would similarly address concerns around efficient use and reliability)
Horticulture New Zealand	71131.02	Schedule 10A.4.3	Amend to include recognition of reasonable and efficient use with 9 in 10 years reliability.	Support	We consider the approach proposed by North Otago Irrigation Company Ltd (similar to Canterbury Land and Water Regional Plan Scheduled 10 would similarly address concerns around efficient use and reliability)
Te Ao Marama	71174.01	Schedule 10A.4.3	Ensure that Schedule 10A.4, 10A.4.3 Methodology for calculating Monthly Volume Limit (m3), is subject to up to date tests regarding reasonable and efficient use of water for all proposed water uses.	Support in part	We consider the approach proposed by North Otago Irrigation Company Ltd (similar to Canterbury Land and Water Regional Plan Scheduled 10 would similarly address concerns around efficient use and reliability)
Southern Lakes Holdings Limited	71251.03	Schedule 10A.4.3	Amendments are required to 10A.4.3 to remove seasonal averaging and return the limits to reflect the irrigation needs of the dry month long period (or maximum 31 day usage).	Support in part	This may enable more flexibility of water use to meet demands during dry periods. However, we prefer providing for an annual volume based on a daily water

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					balance modelling approach (method 2 in CLWRP Schedule 10)
Southern Lakes Holdings Limited	71251.04	Schedule 10A.4.3(2)	Amendments are required to 10A.4.3 (2) to remove the definition of the month as a 'calendar month' and replace this with a 'moving average window of 31 days'.	Support in part	This may enable more flexibility of water use to meet demands during dry periods. However, we prefer providing for an annual volume based on a daily water balance modelling approach (method 2 in CLWRP Schedule 10)
Horticulture New Zealand	71131.03	Schedule 10A.4.4	Amend to include recognition of reasonable and efficient use with 9 in 10 years reliability.	Support	We consider the approach proposed by North Otago Irrigation Company Ltd (similar to Canterbury Land and Water Regional Plan Scheduled 10 would similarly address concerns around efficient use and reliability)
Te Ao Marama	71174.03	Schedule 10A.4.4	Ensure that Schedule 10A.4, 10A.4.4 Methodology for calculating Annual Volume Limit (m3), is subject to up to date tests regarding reasonable and efficient use of water for all proposed water uses.	Support in part	We consider the approach proposed by North Otago Irrigation Company Ltd (similar to Canterbury Land and Water Regional Plan Scheduled 10 would similarly address concerns around efficient use and reliability)