

Further submission ORC Water Permits Plan Change

Submission Reference no: █

Ministry for the Environment (Ben Flighty)

New Zealand

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Submitter Type: Not specified

Source: Email

Overall Notes:

Clause

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

Position

I am a person representing a relevant aspect of the public interest. The grounds for saying why I come within this category are explained below.

Notes

Clause

Please specify the grounds for saying why you come within the category above

Notes

Ministry for the Environment

Clause

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

Position

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

Notes

Clause

If others make a similar submission, will you consider presenting a joint case at a hearing?

Position

If others make a similar submission I will consider presenting a joint case with them at the hearing.

Notes

Further submission points

This table is to enable you to make additional further submission points, and is to be attached to your online submission form. Please fill in your name or organisation name, and the Plan Change you are making the further submission(s) on.

If you require additional space for any question(s) listed below, please attach further documents to your submission and clearly state your name and the question(s) you are expanding on.

Your name/ organisation name: Ministry for the Environment

Plan Change you are submitting on: Plan Change 7

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)?
Beef and Lamb and Deer Industry NZ	Beef and Lamb and Deer Industry NZ seek that Policy 10A.2.2 is amended as follows: 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 not more than six <u>ten</u> years. (71168.04)	Oppose	Allowing consent terms of up to 10 years would not align with the objective of the plan to provide an interim planning framework, does not implement the Ministers recommendations following the 2019 Skelton Report and does not adequately give effect to the NPS-FM.	
Central Otago District Council	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	Support	MfE generally supports this position and the three options presented, provided they would result in 6-year or less terms.	

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	<p>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> <p>(71178.03)</p>			
Central Otago Winegrowers Association	The plan is too short in nature. The investment in vineyards is a long-term investment, with little or no short term payoffs. Not having security of water over a longer term will disadvantage many vineyard operations.	Oppose	Consent terms past 6 years will mean an inability to give effect to the NPS-FM and does not meet the objective of an interim planning framework. Because PC7 and the operative Water Plan do not provide for consents to be assessed in line	

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	(No ID)		<p>with the NPS-FM, it would be inappropriate to issue long-term consents with broad review conditions.</p> <p>It would be more efficient for PC7 to only provide for short-term consents so that the majority of consents in Otago can be assessed under the new LWRP. This would allow the Otago region to give effect to the NPS-FM faster and give longer-term security to water permit holders</p>	
Clutha/Waitaki District Councils	<p>Amend Policies 10A.2.2 and 10A.2.3 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 replacement water permit to address the relevant provisions of the new operative Land and Water Regional Plan.</p> <p>(71173.06/07)</p>	Oppose	<p>Consent terms that are 6 years or less are necessary to give effect to the NPS-FM.</p> <p>Because PC7 and the operative Water Plan do not provide for consents to be assessed in line with the NPS-FM, it would be inappropriate to issue long-term consents with broad review conditions.</p> <p>It would be more efficient for PC7 to only provide for short-term consents so that the majority of consents in Otago can be assessed under the new LWRP. This would allow the Otago region to give effect to the NPS-FM</p>	

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			faster and give longer-term security to water permit holders	
Director General of Conservation	Support Policy 10A.2.3, but add more criteria to give better direction for future consent decision-making. (71180.06)	Support	MfE seeks amendment to Policy 10A.2.3 to remove all text after the words “for a duration of no more than six years.” However, MfE would otherwise support strengthening entry criteria as suggested.	
Director General of Conservation	There are a range of higher order documents that provide a rationale for a shorter term and these documents should be outlined as part of a case that expounds further on this matter. For example, the ORC Proposed Implementation Plan, the recent partially operative Otago Regional Policy Statement (RPS) review, and NPSFM to justify the proposed shorter terms of consents in the Plan change. (No ID)	Support	Taken together, the relevant higher order documents and Ministerial direction, favour consent durations of no more than 6 years. 6-year terms are necessary to give effect to the NPS-FM.	

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Royal Forest and Bird Protection Society of NZ	Amend Policy 10A.2.3 (b) by changing 31 December 2035 to 31 December 2030. (71149.01)	Support	MfE seeks the removal of Policy 10A.2.3 (b) so that consent timeframes are limited to 6 years to give effect to the NPS-FM. However, if consents longer than 6 years remain, MfE would support reduced timeframes.	
Royal Forest and Bird Protection Society of NZ	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. (71149.21)	Support	MfE seeks removal of Policy 10A.2.3 (a). However if it is not removed MfE would support strengthening entry criteria, particularly where this would help consents to give effect to the NPS-FM.	
Horticulture NZ	The submitter states that a 6-year limit creates investment uncertainty and seeks amendments to Policies 10A.2.2 and 10A.2.3 to remove the requirements that the consents granted under these policies are limited to a duration of no more than 6 years and that instead a	Oppose	Consent terms past 6 years will mean an inability to give effect to the NPS-FM. Because PC7 and the operative Water Plan do not provide for consents to be assessed in line with the NPS-FM, it would be inappropriate to issue long-term	

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	<p>review condition be imposed to ensure the consent is reviewed once the new Land and Water Regional Plan has been made operative.</p> <p>(71131.05/06)</p>		<p>consents with broad review conditions.</p> <p>It would be more efficient for PC7 to only provide for short-term consents so that the majority of consents in Otago can be assessed under the new LWRP. This would allow the Otago region to give effect to the NPS-FM faster and give longer-term security to water permit holders.</p>	
Otago Province Federated Farmers	<p>Delete this objective.</p> <p>(70047.03)</p>	Oppose	MfE support the Objective as written.	
Otago Province Federated Farmers	<p>Short consent durations create uncertainty and therefore reluctance or inability (if banks will not provide finance) to invest in improved technologies. The submitter seeks deletion of Policy 10A.2.2 and the imposition of a specific 'review clause.'</p> <p>(70047.05)</p>	Oppose	<p>Consent durations past 6 years would result in an inability to give effect to the NPS-FM.</p> <p>Broad review clauses may provide less certainty in the long-term. (eg, if significant reductions in water takes were required to meet new limits despite short-term investment based on current consent conditions).</p> <p>It is preferable for PC7 to only allow short-term consents to be granted as an interim measure until the NPS-FM compliant LWRP</p>	

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			can provide longer-term certainty to water users.	
Otago Fish and Game Council/Central South Island Fish and Game Council	Fish and Game seeks that ORC further clarify which provisions in the NPS this plan change gives effect to, and how. (No ID – General relief sought)	Support	While PC7 is not intended to give effect to the NPS-FM 2020, it would be beneficial for ORC to clarify where/how PC7 gives effect to NPS-FM provisions.	
Otago Fish and Game Council/Central South Island Fish and Game Council	Given the fundamental issues identified with the plan framework by multiple authors Fish and Game does not believe it is reasonable to offer a pathway outside the short term. (70045.09)	Support	MfE supports the removal of the non-complying pathway in order to limit consent durations to 6 years or less and enable the NPS-FM to be given effect to through the LWRP.	
Otago Fish and Game Council/Central South Island Fish and Game Council	If a non-complying pathway for existing permits and consents must be provided, it should be consistent with the intent of PC7 and help solve the issue that the plan change has been developed to resolve. At the most fundamental level, this would mean that a consent issued does not need to be re-assessed again once the LWRP is operational.	Support	If the non-complying pathway remains, it would be MfE's preference for entry criteria to be strengthened, rather than allowing many consents for terms longer than 6-years with broad review clauses to be granted.	

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	(70045.09)			
Queenstown Lakes District Council	It is QLDC's request that proposed Rule 10A.3.1.1 only apply to water uses other than takes for community water supply purposes (70048.05)	Support	If Rule 10A.3.1.1 remains, MfE would support a narrower application to allow longer consents to provide for drinking water in some circumstances.	
Southern District Health Board	Policy 10.A.2.2: Support the duration of resource consents for take of 'no more than six years.' This supports advice from DoC and Nga Runanga, who consider longer-term consents to have environmental effects and are detrimental to mana whenua values. (70020.03)	Support	Consent terms should be limited to 6 years throughout PC7. Longer terms would prevent water permits being assessed under the new LWRP, which will contain NPS-FM compliant limits and values relevant to mana whenua.	