



FS710

2 October 2020  
Environmental Protection Authority  
Private Bag 63002  
Wellington, 6140

Sent via email to: [ORCplanchanges@epa.govt.nz](mailto:ORCplanchanges@epa.govt.nz)

#### Further Submission on Plan Change 7

This further submission is provided on behalf of the Otago Fish and Game Council and the Central South Island Fish and Game Council (**the Councils**). For additional information please contact Nigel Paragreen and Angela Christensen using the details below.

#### Submitter Details

<i>Submitter:</i>	Otago Fish and Game Council	Central South Island Fish and Game Council
<i>Contact person:</i>	Nigel Paragreen, Environmental Officer	Angela Christensen, Resource Officer
<i>Email:</i>	<a href="mailto:nparagreen@fishandgame.org.nz">nparagreen@fishandgame.org.nz</a>	<a href="mailto:achristensen@csifgc.org.nz">achristensen@csifgc.org.nz</a>
<i>Office phone:</i>	03 477 9076	03 615 8400
<i>Postal address:</i>	PO Box 76, Dunedin 9016	PO Box 150, Temuka 7948

#### Grounds for further submission

1. The Councils are non-for-profit organisations with statutory functions set by the Conservation Act 1987, s26Q. The primary functions of the Councils in relation to this plan are:  
*26Q(1) The functions of each Fish and Game Council shall be to manage, maintain, and enhance the sports fish and game resource in the recreational interests of anglers and hunters, and, in particular,—...*  
*(e) in relation to planning,—*  
*(i) to represent the interests and aspirations of anglers and hunters in the statutory planning process; and*  
*(vii) to advocate the interests of the Council, including its interests in habitats: ...*
2. This sub-set of the Councils' functions provide three main directions with respect to Plan Change 7 (**PC7**): to manage the sports fish and game resource; to represent anglers and hunters; and to advocate the interests of the Council. Because the plan change will affect the sports fish and game resource, the Councils' participation enables them to represent an aspect of the public interest which is relevant to the plan change.

*Statutory managers of freshwater sports fish, game birds and their habitat*

**Otago Fish & Game Council & Central South Island Fish & Game Council**

[www.fishandgame.org.nz](http://www.fishandgame.org.nz)

**Specific further submissions**

Submitter	Number	Position	Reasoning
The Dunedin City Council	70026.01	Support in part, oppose, oppose in part	The Councils agree with the intent of making special conditions for community water supply applications, for example to provide for increased drinking water needs. However, reduction in over-allocation needs to be considered collectively and exemptions would undermine that. The Councils consider that it is beneficial for the term of community supply consents to be limited as with all other consents, so that catchment wide allocation decisions can be made after the LWRP has legal effect.
Queenstown Lakes District Council	70048.02 - .06		
Clutha District Council and Waitaki District Council	71173		
Central Otago District Council	71178.01, .05		
Ministry for the Environment	70034	Support	Part of the Councils' submission focused on the intent of PC7, which the Ministry's submission clarifies. The relief sought would be a way to achieve similar outcomes to that sought by the Councils and avoid undermining the implementation of higher order policy documents and legislation.
Otago Province Federated Farmers of New Zealand	70047	Oppose	The relief sought will undermine the implementation of the National Policy Statement for Freshwater Management ( <b>NPS-FM</b> ) 2020 and the Minister's direction. Rather, the relief would make it harder to achieve the direction of higher order policy documents and legislation than the operational Regional Plan: Water for Otago ( <b>RPW</b> ).
Pioneer Energy Limited	71119	Oppose	The Councils oppose the rejection of PC7 and the exclusion of dams and associated infrastructure from PC7. However, the submitters have raised a fundamental issue in that dams authorised by deemed permits are not clearly provided for within the PC7 provisions and agree that for certainty such dams also need to be addressed.
Falls Dam Company Limited ("FDC")	71133	Oppose	
Royal Forest and Bird Protection Society of New Zealand Inc	71149.13, 0.21	Support in part	The Councils specifically support the relief sought to Policy 10A.2.1(c) to include the wording " <u>There is no increase and preferably a decrease in the instantaneous rate of abstraction</u> ". This amendment is consistent with the intent of PC7. The Councils also support the clarification of the 'no more than minor' test in Policy 10A.2.3.
Otago Water Users Resource Group	71161	Oppose	The operative RPW is not fit for purpose, ambiguous and is incomplete, resulting in inefficient/costly processes and inappropriate/unsustainable environmental outcomes.  Numerous, ad hoc, water abstraction applications will be submitted to ORC before 2025 and their implications on ecological, social, economic and cultural matters should be considered. Issuing long term consents under this

			<p>current/interim planning framework will undermine the purpose of the RMA and the implementation of the NPS-FM.</p> <p>PC7 essentially enables existing water permits to be exercised until the LWRP is operational by way of a controlled activity pathway. This controlled activity pathway is more appropriate compared to a permitted activity pathway because it enables matters of control to be considered (and conditions imposed) while providing certainty and keeping transaction costs reasonably low. It is unrealistic to expect controlled activity applications to have no transaction costs.</p> <p>The submitter has raised an issue in that a loss of the priority system may alter flows in rivers. This may be useful to address within PC7.</p>
Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga	71151	Support in part	The Councils support the submitters' general submission and support the specific relief sought, where the Councils have not provided alternative relief.
Te Ao Marama Inc	71174	Support	The relief sought fits with the intent of the plan change and the direction of the Minister for the Environment and will support the implementation of the NPS-FM. The submitters' contention that the "no more than minor" test in Policy 10A.2.3 is not equivalent to upholding and protecting the mauri of waterbodies is particularly relevant.
Te Rūnanga o Ngāi Tahu (Te Rūnanga)	71171	Support in part	The submitter adopts the relief sought by Aukaha (listed in the summary of submissions as Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga) and Te Ao Marama, which is supported in part by the Councils for the reasons given above.
Director General of Conservation	71180.01, .07, .09, .06	Support in part	<p>The Councils support in principle the relief to refine and simplify structure of the plan change, noting that the Councils have sought alternative relief for provisions identified by the submitter in submission point ID 71180.01.</p> <p>The protection of Threatened and At-Risk species is a priority and the interim consent regime should be responsive to immediate threats to these species. The proposed additional matters of control for Rule 10A.3.1.1 would enable short term controls to be put in place on a case by case basis, to protect these species until the consents are re-considered under the LWRP.</p>

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			The Councils support the relief which will provide additional guidance on the 'no more than minor' test in Policy 10A.2.3. The Councils expect that guidance may need to be more directive in order to provide local guidance to what a no more than minor adverse effect may look like in the context of surface water abstraction.
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# FURTHER SUBMISSION FORM

18 September 2020

## Otago Regional Council Water Permits Plan Change - Plan Change 7 (WPPC)

This form is for making a further submission in support or in opposition to any submission received on the Otago Regional Council (ORC) Water Permits Plan Change (WPPC) which has been called in by the Minister for the Environment under section 142(2) of the Resource Management Act 1991 (RMA).

**This form includes guidance to aid someone who wishes to make a further submission. For more information on the WPPC and to look at the public notice, summary of submissions and the full submissions please refer to the EPA website: [www.epa.govt.nz/ORCplanchanges](http://www.epa.govt.nz/ORCplanchanges).**

### Where to get help preparing your further submission

If you have any queries about making a further submission contact the EPA by phone on 0800 401 673 or by email at [ORCplanchanges@epa.govt.nz](mailto:ORCplanchanges@epa.govt.nz). In addition, ORC has engaged a 'Friend of the Submitter' to help the community with how to lodge a submission to the EPA. Emma Spalding can be contacted, free of charge, at [friend@orc.govt.nz](mailto:friend@orc.govt.nz) or 027 696 1009 from 10am-12pm and 7-8.30pm on each working day during the notification period.

### How to make a further submission

**Further submissions must be received by the EPA no later than 5pm on Friday, 2 October 2020.**

#### **Further submissions can be made by either:**

1. Using the online submission form on the EPA website under [www.epa.govt.nz/ORCplanchanges](http://www.epa.govt.nz/ORCplanchanges)  
OR,
2. Filling out this form and:
  - a. Emailing it and any supporting information to [ORCplanchanges@epa.govt.nz](mailto:ORCplanchanges@epa.govt.nz) (if smaller than 10 MB) with the following subject line:  
Further Submission [Your Name] ORC Plan Change (WPPC); OR
  - b. Posting it and any supporting information to: Environmental Protection Authority, ORC  
Proposed Plan Changes, Private Bag 63002, Wellington 6140; OR

- c. Delivering it in person to the Environmental Protection Authority office on Level 10, 215 Lambton Quay, Wellington. Please note that due to potential changes in COVID-19 Alert Levels the EPA reception may not be open to the public. We suggest phoning ahead to check.

**Further submissions must be sent to the original submitter.** The EPA will do this on your behalf once we receive your further submission.

**Further submissions must also be sent to the applicant (ORC).** If you make a further submission using the online form a copy will automatically be sent to ORC. Further submissions made via email, post or delivery can be sent to the ORC by either:

1. Emailing it and any supporting information to [policy@orc.govt.nz](mailto:policy@orc.govt.nz) (if smaller than 10 MB) with the following subject line:  
Further Submission [Your Name] ORC Plan Change (WPPC)
2. Posting it and any supporting information to Otago Regional Council (attention Rachel Currie), Private Bag 1954, Dunedin 9054
3. Delivering it in person to Otago Regional Council (attention Rachel Currie), at any of the ORC offices below:
  - Alexandra (William Fraser Building, Dunorling Street);
  - Dunedin (70 Stafford Street); or
  - Queenstown (Terrace Junction, 1092 Frankton Road).

Please note that your submission (or part of your submission) may be struck out if the EPA is satisfied that at least one of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

## Privacy statement

The personal information you provide on this further submission form will be held by the EPA, 215 Lambton Quay, Wellington. It will be used by the EPA for the purpose of administering the public consultation aspects of the proposed WPPC. Copies of your full submission will be provided to the Environment Court and the ORC, and your address for service may also be provided to other parties in the process. Other than your name, your contact information in Part A of this further submission form will not be published on the EPA website.

The information in Part C and Part D of this further submission form, and any attached information will be published on the EPA website, and made available to the Environment Court, and the ORC for use in the processing and consideration of the proposed WPPC.

By completing this further submission form, you give permission for the information to be used for the purpose stated above. You have the right to access and correct personal information held by the EPA.

All information held by the EPA is subject to the Official Information Act 1982.

**Note: If the submitter is a company, full business contact details will be published on the website.**

***Important information***

*Please ensure that you have authority to make this submission on behalf of the submitter(s) named on this form.*

*Please do not use copyright material without the permission of the copyright holder.*

**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**

<b>Name of organisation:</b> <i>(if relevant)</i>	The Otago Fish and Game Council and the Central South Island Fish and Game Council		
<b>Title:</b>	<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Other: (Please tick the appropriate title)		
<b>First name of further submitter:</b>	Nigel	<b>Surname of further submitter:</b>	Paragreen
<b>First name of contact person:</b> <i>(if different to above)</i>		<b>Surname of contact person:</b> <i>(if different to above)</i>	
<b>Home Ph:</b>		<b>Work Ph:</b>	
<b>Mobile:</b>	0272050395		
<b>Email address for service:</b>	nparagreen@fishandgame.org.nz		
<b>Postal Address:</b> <i>(or alternative address for service)</i>	PO Box 76, Dunedin	<b>Postcode:</b>	9016



## 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 checked="" 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 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>Please see the Councils' submission</p>		

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

<p>I <b>do not wish</b> to be heard in support of my further submission <input type="checkbox"/></p>	<p>I <b>wish</b> 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)?

# 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: N. Payne. Date: 2 October 2020

