

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>	Otago Water Rights Users Group		
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>	Sally	Surname of contact person: <i>(if different to above)</i>	Dicey
Home Ph:		Work Ph:	021 154 6568
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Email address for service:	sally@mckconsultancy.co.nz		
Postal Address: <i>(or alternative address for service)</i>	16 Howard Street, Macandrew Bay, Dunedin	Postcode:	9014

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. ✓</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>Otago Water Rights Users Group represents a large number of permit holders in Otago and made an original submission on the WPPC.</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. ✓</p> <p>If others make a similar submission, I will consider presenting a joint case with them at a hearing. <input 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)?
<i>The Ministry for the Environment</i>	<i>Whole Submission</i>	<i>We oppose the whole submission</i>	<ol style="list-style-type: none"> 1. <i>The submission seeks prohibited activity status.</i> 2. <i>The submission's reasons express concern that permits are being granted subsequent to plan change 7 being notified that exceed a duration term of 6 years. MFE is inviting the Environment Court to assume that such outcomes should be regarded as unacceptable without any analysis of the outcome of the permit decisions against the NPS.</i> 3. <i>The MFE briefing paper to their Minister dated 13 August 2020 in support of the draft MFE submission contains no analysis of the permits granted since the notification of PC7 to sustain an argument that such permits may frustrate the NPS 2020, or act as a "shield" from the intended Land and Water Regional Plan. OWRUG says that careful analysis of the decisions granting the new permits show that the permits will not have that effect.</i> 	<i>Disallow the Whole Submission.</i>

			<p>4. <i>The MFE submission overlooks that each permit that has been granted has been evaluated against the NPS FM 2017 (and more recently 2020), under section 104(1)(b) of the Resource Management Act 1991, and found to be consistent with that NPS.</i></p> <p>5. <i>The MFE submission fails to identify and account for the possibility that a permit may be granted after notification of PC7 that gives effect to the NPS FM 2017 and 2020 despite it being for a term of more than 6 years.</i></p> <p>6. <i>The MFE submission does not acknowledge 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. There is no reason to treat permits for more than 6 years as "locking in" outcomes that may be inconsistent with allocation or flow limits that might be set pursuant to the NPS FM 2020.</i></p> <p>7. <i>The MFE submission does not explain why it is necessary to prohibit the making of a resource consent application for an activity that might in itself give effect to the NPS FM 2020, when Plan Change 7 does not purport to do so. Such permits may deliver superior environmental outcomes than PC7 does.</i></p> <p>8. <i>Permits granted since the notification of plan change 7 have typically been granted requiring reduced rates or volumes of take, retirement of "paper" water, efficiency</i></p>	
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<i>Otago Fish and Game Council and the Central South Island Fish and Game Council</i>	<i>Whole Submission</i>	<i>We oppose the whole submission</i>	<i>1. The reasons in relation to the Ministry for the Environment submission above are adopted again here.</i>	<i>Disallow the Whole Submission</i>

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.

Dated 2 October 2020

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

P J Page, solicitor for Otago Water Rights User Group.