

**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 Water Permits– Plan Change 7 to the Water for Otago: Regional Plan.

### Part A: Further submitter details

<b>Name of organisation:</b> <i>(if relevant)</i>			
<b>Title:</b>	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Other: (Please tick the appropriate title)		
<b>First name of further submitter:</b>	Sue	<b>Surname of further submitter:</b>	Maturin
<b>First name of contact person:</b> <i>(if different to above)</i>	Natasha	<b>Surname of contact person:</b> <i>(if different to above)</i>	Sitarz
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## Part B: Interest

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

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. <input type="checkbox"/>	I am a person who has an interest in the Omnibus Plan Change (PC8) that is greater than the interest the general public has. The grounds for saying why I come within this category are explained below. <input type="checkbox"/>	I am the local authority <input type="checkbox"/>
Please specify the grounds for saying why you come within the category above:		
<p>The Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest &amp; Bird) is New Zealand's largest independent nature conservation organisation, representing many members and supporters. Forest &amp; Bird has for many years had a strong interest in Otago and including water management in Otago.</p> <p>Forest and Bird made original submission to Plan Change 7. Forest &amp; Bird represents a relevant aspect of the public interest, and has an interest greater than the public generally.</p>		

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

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

<b>Name of original submitter</b>	<b>Particular parts of the submission you support/oppose</b> <i>Please indicate whole submission or submitter point ID (e.g. 70005)</i>	<b>Are you in support of or in opposition to the particular whole/part of the submission?</b>	<b>What are your reasons for your support or opposition?</b>	<b>Do you seek for the whole/part of the submission to be allowed or disallowed (select one)?</b>
Trust power 71143.01	Objective 10A.1.1	Oppose	Inconsistent with NPSFM 2020 and is not required by the NPS REG. This out of scope as damming is not covered by PC 7	Disallowed
Trustpower 71143.02	Schedule 10A.4	Oppose	Inconsistent with NPSFM 2020 and is not required by the NPS REG. This out of scope as damming is not covered by PC 7	Disallowed
Trustpower 71143.04	Policy 10A.2.1	Oppose	The change creates an unsustainable approach for the replacement of takes. The amendments are inconsistent with Part II RMA and the NPS-FM. This out of scope as damming is not covered by PC 7	Disallowed
Trustpower 71143.05	Policy 10A.2.2	Oppose	Restricting application of the policy to irrigation inconsistent with Part II RMA and the NPS-FM.. This out of scope as damming is not covered by PC 7	Disallowed
Trustpower 71143.06	Policy 10A.2.3	Oppose	The change creates an unsustainable approach for the replacement of takes. The amendments are inconsistent with Part II RMA and the NPS-FM. This out of scope as damming is not covered by PC 7	Disallowed
Trustpower 71143.07	Policy 10A.2.3	Oppose	Restricting application of the policy to irrigation inconsistent with Part II RMA and the NPS-FM. This out of scope as damming is not covered by PC 7	Disallowed
Trustpower 71143.08	Rule10A3.1.1	Oppose	This out of scope as damming is not covered by PC 7	Disallowed
Trust power 71143.09	New Rule	Oppose	This out of scope as damming is not covered by PC 7	Disallowed

Central Otago District Council	PC 7	Oppose in part	<p>F&amp; B opposes most of the submission except that the Society supports the submission in so far as it suggests that the current framework provides a process for consenting.</p> <p>The existing Water Plan policies especially Policies 6.4.2 (in its Explanation), 6.4.2A and 6.4.2.AA provide a pathway for replacing deemed permits which can, among other things, reduce primary allocation by granting water as supplementary allocation when that is effectively how it is taken. As the plan's explanation states: <i>"This policy is adopted, in conjunction with the application of minimum flows, for catchments identified in Schedule 2A, to provide certainty regarding the availability of water resources for taking, while ensuring the effects of takes on the life-supporting capacity for aquatic ecosystems and natural character of rivers are no more than minor."</i></p> <p>An amendment is needed to Policy 6.4.2 so that primary allocation is not potentially defined as its own limit, as this can thwart the necessary reduction in primary allocation in over-allocated catchments. Policy 6.4.2AA would be improved by ensuring it is not just "considered" that primary be reallocated as supplementary allocation, but actually REQUIRED.</p> <p>This would be achieved by elevating a(iii) in the explanation to policy 6.4.2 a policy to read: Any further allocation known as supplementary allocation will be considered under Policies 6.4.9 or 6.4.10.</p> <p>Forest and Bird understand that an application to take water as primary allocation under the RPW is likely to be granted if there is no more than minor adverse effect as a result of the water not being able to be taken anyway. This inability to take is often because there is no water available at the take point, at a particular time, or because taking it is prevented by a residual flow condition.</p> <p>Forest and Bird considers that the amendments suggested above to the current Water Plan's policies in 6.4 could remove a fundamental flaw in the Water Plan that may have caused it to be non-compliant with the NPSFM 2017</p> <p>Forest and Bird supports the need for short term consents for primary allocations under an amended PC7 when the minimum flows are inadequate and fail to provide for the maintenance and health of aquatic ecosystems and natural character and are</p>	Allow in part
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			inconsistent with Part II RMA and the NPSFM2020. Similarly residual flows must ensure at the point of take that the flows will be adequate for maintenance and health of aquatic ecosystems including recharging aquifers and wetlands and preserving natural character.	
Federated Farmers of New Zealand - Otago and North Otago Provinces 71177.01	Introduction	Oppose	The prime objective of Plan Change 7 is to constrain the duration and extent of water takes until the LWRP takes effect, this requires provisions for short duration consents.	Disallow
Federated Farmers of New Zealand - Otago and North Otago Provinces 71177.04	Policy 10A.2.2	Oppose	Granting long term consents with review clauses will not provide certainty that the provisions of a new LWRP will be met. Complete reliance on the current regime is not consistent with Part II RMA or NPS FM2020.	Disallow
Federated Farmers of New Zealand - Otago and North Otago Provinces 71177.06	Rule 10A.3.1.1	Oppose	An interim measure providing for short term replacement consents is necessary to give effect to NPSFM 2020. The interim regime needs to ensure that there is no potential increase in adverse effects on freshwater ecosystems and that there is a decrease in allocation during this period.	Disallow
Federated Farmers of New Zealand - Otago and North Otago Provinces 71177.07	Rule 10A.3.2	Oppose	The interim regime needs to ensure that there is no potential increase in adverse effects on freshwater ecosystems and that there is a decrease in allocation during this period. Locking in long term consents is inconsistent with Part II RMA and NPSFM 2020..	Disallow
Federated Farmers of New Zealand - Otago and North Otago Provinces 71177.08	Rule 10A.3.2.1	Oppose	The interim regime needs to ensure that there is no potential increase in adverse effects on freshwater ecosystems and that there is a decrease in allocation during this period. Locking in long term consents is inconsistent with Part II RMA and NPSFM 2020..	Disallow
Federated Farmers of New Zealand - Otago and North Otago Provinces 71177.09	Schedule 10A.4	Oppose	Despite the failing of the methodology it will ensure that consents issued under the current framework do not undermine the ability to phase out over-allocation in future. It is not clear that the ECAN approach is fit for purpose in Otago.	Disallow
Otago Water Users Group 71161.	71161 Entire Submission	Oppose	The current process is resulting in environmentally unsustainable outcomes and enables long term consents to be granted in situations where there are inadequate minimum flows and inadequate requirements for residual flows. It is not consistent with the NPSFM 2020. Interim provisions are needed to ensure replacement of deemed permits do not	Disallow

			undermine the forthcoming LWRPS and application of the NPSFM2020.	
Otago Fish and Game Council and Central South Island Fish and Game Council 70045.02	Policy 10A.2.1	Support	It needs to be clear that all RPW minimum flows are applied to short term consents.	Allow
Otago Fish and Game Council and Central South Island Fish and Game Council 70045.03	Rule 10A.3.1.1	Support	It needs to be clear that all RPW minimum flows are applied to short term consents.	Allow
Otago Fish and Game Council and Central South Island Fish and Game Council 70045.04	Policy 10A.2.2	Support	Support the 6 year consent duration and this may also require amendments to chapters 6 and 12 of the RPW.	Allow
Otago Fish and Game Council and Central South Island Fish and Game Council 70045.05	Policy 10A.2.3	Support	Providing a non complying pathway for long term consents is not consistent with Part II RMA or NPS FM 2020 as it has the potential to provide for long term unsustainable adverse effects.	Allow
Otago Fish and Game Council and Central South Island Fish and Game Council 70045.06	Objective 10A.1.1	Support	Deleting new is appropriate as it creates an ambiguity as to what is the difference between granting a new resource consent as opposed to granting resource consents.	Allow
Otago Fish and Game Council and Central South Island Fish and Game Council 70045.10	Rule 10A.3.2.1	Support	Providing a non complying pathway for long term consents is not consistent with Part II RMA or NPS FM 2020 as it has the potential to provide for long term unsustainable adverse effects.	Allow

Otago Fish and Game Council and Central South Island Fish and Game Council  70045.11	Rule 10A.3.1.1(b)	Support	Both Rules 10A3.1.1(b) and 10A 3.2.1 should use consistent wording to ensure that all applications for existing water permits that expire prior to December 2025 are captured by both rules.	Allow
Otago Fish and Game Council and Central South Island Fish and Game Council  70045.14	Schedule 10A.4	Support	Despite the failing of the methodology it will ensure that consents issued under the current framework do not undermine the ability to phase out over-allocation in future.	Allow
Ministry for the Environment  70034.01	Policy 10A.2.3	Support	The non complying exemption is not consistent with Part II RMA or NPS FM 2020 as it has the potential to provide for long term unsustainable adverse effects.	Allow
Ministry for the Environment  70034.02	Rule 10A.3.2.1	Support	The non complying exemption is not consistent with Part II RMA or NPS FM 2020 as it has the potential to provide for long term unsustainable adverse effects.	Allow
Ministry for the Environment  70034.03	Rule 10A.3.1.1	Support	Prohibited activity status provides greater certainty that the interim framework will constrain the duration and extent of water takes until the new LWRP comes into effect and thereby not undermine the ability of the LWRP to implement the NPS FM 2020.	Allow
Te Ao Marama 71174 09	Schedule 10A.4 10A.4.1 Methodology for calculating 'Rate of Take Limit'	Support	A robust efficiency test will be important during the interim period and needs some certainty to address possibility of artificially inflated rates of abstraction.	Allow
Te Ao Marama 71174 10	Schedule 10A.4 10A.4.2 Methodology for calculating Daily Volume Limit	Support	Certainty is needed to ensure that over allocation is not inadvertently provided for.	Allow

	(m3)			
Te Ao Marama 71174 11	Schedule 10A.4 10A.4.3 Methodology for calculating Monthly Volume Limit (m3)	Support	Applying up to date reasonable and efficient use tests during this transitional period will be important in order to manage unsustainable practices.	Allow
Director General of Conservation 71180.04	Policy 10A.2.1	Support	The potential effects of changing the existing deemed permit water priorities amongst consents need to be considered. Any changes to water flows have the potential to cause negative effects on life supporting capacity for freshwater ecosystems.	Allow
Director General of Conservation 71180.05	Policy 10A.2.1	Support	Freshwater values especially for native fish need to be considered in decision making. The existing RPW does not protect non-migratory galaxias habitat and new plans need to be consistent with Part II RMA and NPS FM 2020.	Allow
Director General of Conservation 71180.06	Policy 10A.2.3	Support	Should the provision for 15 year permits remain additional criteria to restricting this exemption to grouped consents for catchment wide applications that have completed assessments on instream effects may be appropriate.	Allow
Wise Response	Entire Submission	Support	Forest and Bird is generally supportive of the points raised and relief sought by these submissions where they are consistent with or do not conflict with Forest and Birds original submission.	Allow