

ORC Water Permits Plan Change

Submission Reference no: 33

Mike Riddell (Chair), **Central Otago Environmental Society (Inc.)**



Submitter Type: Not specified

Source: Email

Overall Notes:

Clause

Are you a trade competitor?

Position

I am a person who would not gain an advantage in trade competition through this submission

Notes

Submission on behalf of Central Otago Environmental Society

Clause

What are you submitting on? You can submit on specific parts of the plan change or the whole plan change.

Position

I am submitting on the whole plan change.

Notes

Clause

What is your view on the matter or the specific parts listed above? Please select one, if you have multiple views state clearly in the notes box below.

Position

Multiple views

Notes

Generally in support, but with recommendations.

Clause

The reasons for my views are:

Notes

See attached submission

Clause

What decision would you like the Environment Court to make?

Position

Approve the plan change with amendments

Notes

Clause

The reason(s) for my view and/or any amendment(s) I am seeking are:

Notes

Concern about over-allocation of water and degradation of water in relation to natural waterways.

Clause

Do you wish to be heard in support of your submission? All submissions will be considered by the Environment Court. Please indicate if you wish to be heard in support of your submission.

Position

I wish to be heard in support of my submission

Notes

A member of COES would like to be heard.

Clause

Please indicate your choice(s) below. If you do not indicate your intention to call experts, you can change your mind later and decide to call experts to give evidence in relation to your submission, provided you do so in time to meet any procedural direction the Environment Court might make.

Position

If others make a similar submission I/we would consider presenting a joint case with them at a hearing

Notes**Clause**

Authority to act:

Position

I confirm I have the authority to sign this submission on behalf of the submitter

Notes

Submission to EPA on ORC Water Permits Plan Change (Plan Change 7)

Submitted by: Central Otago Environmental Society (COES)

Chair: Mike Riddell, [REDACTED]

Secretary: Jillian Sullivan, [REDACTED]

Website: www.coenvironmentalsociety.org

1. We are a community organisation whose objectives are as follows:
 - a. The protection and preservation of the natural landscape and character of Central Otago. This covers many values including landscape, amenity, aesthetic and Central Otago's endemic flora and fauna.
 - b. Raising awareness of issues concerning the natural landscape, heritage and resources of Central Otago with the wider public.
 - c. To encourage and support the Government, the Central Otago District Council, the Otago Regional Council, the Department of Conservation and other statutory authorities as appropriate, to establish policies and make decisions which will preserve and enhance the special character of Central Otago's landscapes, heritage and resources for the benefits of future generations.
2. As a community group dedicated to the preservation of the natural environment, we have particular concerns regarding the degradation of the unique biosphere of Central Otago. Many of the drivers of this diminishment of the ecological balance have been due to the intensification of agricultural enterprises, together with excessive water takes from natural waterways. Such activities have been unrestricted by the necessary regulatory frameworks which are the responsibility of the Otago Regional Council (ORC). COES is frustrated that the issues responsible for environmental decay have been well known for the last three decades, and yet little monitoring or regulation has been implemented by the ORC.
3. As such, we have been involved in discussions with the ORC in relation to issue concerning the over-allocation of water resources in the Otago area, and pollution of our natural waterways.
4. Such issues were also raised by the report from Professor Peter Skelton to the Minister for the Environment, entitled 'Investigation of Freshwater Management and Allocation Functions at Otago Regional Council' and subsequent recommendations by the Minister for the Environment.
5. The purpose of Plan Change 7 (PC7), promoted by the ORC, is to provide an interim planning and consenting framework for the assessment of resource consent applications to renew deemed permits expiring in 2021 and any other water permits expiring prior to 31 December 2025, the date by which the new Otago Land and Water Regional Plan (LWRP) is expected to be made operative. This Plan Change is in response to the report by Professor Skelton.

6. The concerns of COES relate to issues raised by the 'Skelton Report', in terms of a history of decisions made by the ORC in relation to the management since 1991 of permits for the abstraction of water resources, both groundwater and surface water. Such processes supervised by the ORC have continued to allow over-allocation of water resources (and consequent diminishment of natural waterways), as well as the degradation in quality of natural waterways largely through intensive agriculture.
7. We submit that the operational water plan (Water for Otago – RPW) is inadequate to address such serious issues, and therefore permits issued by the ORC under that plan will consequently not be fit for purpose. Professor Skelton has indicated that such permits must be fit for purpose. COES is concerned that the allocation of massive volumes of water under an inadequate planning framework will undermine the implementation of Central Government guidance.
8. National guidance is set out in the National Policy Statement for Freshwater Management (NPSFWM) 2020. That document explains an essential hierarchy of needs to be observed by all local authorities, under the concept of 'Te Mana o te Wai' 1.3 (5) of NPSFWM 2020:
 - a. first, the health and well-being of water bodies and freshwater ecosystems
 - b. second, the health needs of people (such as drinking water)
 - c. third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
9. There is a conflict of interest between existing and projected consents proposed to replace 'deemed permits', and the objectives outlined under Te Mana o te Wai. In particular, such existing and projected consents issued before the expiry of deemed permits may well continue a previous over-allocation of water resources by ORC, together with pollution of natural waterways, resulting in the ongoing diminishment of "the health and well-being of water bodies and freshwater ecosystems".
10. Consequently there may be need for an interim consenting regime to ensure that a fit for purpose framework is anticipated in any consents issued, and that any such consents must be time-limited so that the objectives of NPSFWM 2020 are not subverted through policy which is essentially moribund. Water abstractors have had a 30-year transitional period under the Resource Management Act in which to confront looming change and adjust to it. Any further extension should confront abstractors with the realities of the NPSFWM 2020, rather than enabling environmentally harming practices.
11. Any proposal to issue consents of up to 15 years risks sabotage of the objectives conveyed in both the Skelton Report and the NPSFWM 2020 by permitting medium-term frameworks that are contrary to the management of water recommended by these documents. If such consents are to be issued by ORC, they must not happen in

the absence of conditions that limit the over-allocation and pollution of natural waterways.

12. Any consents issued going forward must anticipate the full implementation of the NPSFWM in their stated conditions. COES accepts that, with the failings of the water plan, the recommendations by Professor Skelton and the Minister for the Environment to issue only short-term consents is practical. COES seeks outcomes from PC7 which will result in the issue of short-term consents only, in line with that advice. It is no longer acceptable to socialise the costs of freshwater management while privatising the benefit to consent holders.