

# ORC Water Permits Plan Change

Submission Reference no: 30

Matthew Sole



**Submitter Type:** Not specified

**Source:** Email

**Clause**

Are you a trade competitor?

**Notes**

see submission

**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.

**Notes**

see submission

**Clause**

What decision would you like the Environment Court to make?

**Notes**

see submission

**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**

**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**

[REDACTED]

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**From:** Matthew Sole [REDACTED]  
**Sent:** Wednesday, 12 August 2020 5:02 pm  
**To:** ORCplanchanges  
**Cc:** policy@orc.govt.nz  
**Subject:** ORC Plan Change (Omnibus) & ORC Plan Change (WPPC);  
**Attachments:** Submission\_Form\_Omnibus\_Plan\_Change\_1 Matt.docx;  
Submission\_Form\_Omnibus\_Plan\_Change\_8 Matt.docx; Submission\_Form\_WPPC-  
Plan\_Change\_7 M Sole.docx

Kia ora

Please find my submission on Plan 7 and the Omnibus Plan.

Ngā mihi

Matt Sole

*(Matt) Matthew Sole | Magdalen Hills - Chatto Creek*

[REDACTED]

[REDACTED]

[REDACTED]

# SUBMISSION FORM

6 July 2020

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

This form is for making submissions on a change the Otago Regional Council (ORC) has prepared for the Regional Plan: Water for Otago. The Water Permits Plan change (WPPC) has been called in by the Minister for the Environment under section 142(2) of the Resource Management Act 1991 (RMA).

The WPPC includes an objective, policies and rules that manage the replacement of deemed permits (also known as mining privileges) expiring in 2021, and any other water permits expiring prior to 31 December 2025 (the date by which a new Regional Land and Water Plan is expected to be operative). The plan change also introduces a new policy regarding the duration of new water permits.

**This submission form includes guidance to aid the submitter. For more information on the WPPC please refer to the Public Notice or the EPA website: [www.epa.govt.nz/ORCplanchanges](http://www.epa.govt.nz/ORCplanchanges).**

### ORC Submission Period

The ORC previously notified WPPC on 18 March 2020 and the submission period closed 4 May 2020. If you made a submission on the WPPC to ORC, your submission will be treated as having been made to the EPA. However, you may also make a submission to the EPA if you have already made a submission to ORC.

### Where to get help preparing your submission

If you have any queries about making a submission or the plan change itself please contact the EPA by phone on 0800 401 673 or by email at [ORCplanchanges@epa.govt.nz](mailto:ORCplanchanges@epa.govt.nz).

### How to make a submission

Your submission on WPPC must be received no later than **5pm on Monday, 17 August 2020**.

You must also send a copy of your submission on the WPPC to the ORC when you make a submission.

**Submissions on the WPPC 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)  
**All submissions made online will automatically be forwarded to the applicant and the form includes a space to upload any supporting documents;** 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: 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.

**Submissions made on this form must be forwarded to 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: Submission [Your Name] ORC Plan Change (WPPC); Posting it and any supporting information to Otago Regional Council (attention Rachel Currie), Private Bag 1954, Dunedin 9054
2. In person to Otago Regional Council (attention Rachel Currie), at any of the Otago Regional Council office:
  - Alexandra (William Fraser Building, Dunorling Street),
  - Dunedin (70 Stafford Street); or
  - Queenstown (Terrace Junction, 1092 Frankton Road).

## Privacy statement

The personal information you provide on this 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 WPCC. 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 personal contact information in [Part A](#) of this form will not be published on the EPA website.

Your name, the information in [Part B](#) of this form, and any attached information will be published on the EPA website, and made available to the Environment Court, the ORC and the public for use in the processing and consideration of the proposed WPPC.

By completing this submission form, you give the EPA permission to use the information 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.**

## Notes about your submission

Please note, your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 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 is supported only by evidence 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 evidence on the matter:
- it contains offensive language.

# Part A

## 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 type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Other: (Please tick the appropriate title)		
<b>First name of submitter:</b>	Matthew	<b>Surname of submitter:</b>	Sole
<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>	██████████		
<b>Email address for service:</b>	████████████████████		
<b>Postal Address:</b> <i>(or alternative address for service)</i>	██		<b>Postcode:</b> █████

# Part B

Submitter Name:           Matt Sole          

This is a submission on a matter in relation to which the Minister for the Environment made a direction under section 142(2) of the Resource Management Act 1991. The matter is the Water Permits Plan Change - Plan Change 7 (WPPC) proposed by the Otago Regional Council.

***If you require additional space for any question(s) please attach further documents or paper to this submission form and clearly state your name and the question(s) you are expanding on.***

## Are you a trade competitor?

***Please select the appropriate option.***

I am not a person who <b>would not</b> gain an advantage in trade competition through this	I am a person who <b>would</b> gain an advantage in trade competition through this submission. <input type="checkbox"/>  I am directly affected by an effect of the plan change that (a) adversely affects the environment and (b) does not relate to trade competition or the effects of trade competition. Y <input type="checkbox"/> N <input type="checkbox"/>
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## Am I submitting on specific parts of the WPPC?

***Yes***  ***No***  ***Other***  ***of the WPPC or the whole plan change.***

I am submitting on <b>the WPPC</b> yes <input type="checkbox"/>	I am submitting on <b>specific parts</b> of the WPPC (please detail below) <input type="checkbox"/>
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The specific parts of the WPPC that my submission relates to are:

## What is your view on the WPPC or the specific parts listed above?

Please select one, if you have multiple views state clearly in the comments box below.

Support <input type="checkbox"/>	Neutral <input type="checkbox"/>	Oppose <input type="checkbox"/>
The reasons for my view are:		
<ol style="list-style-type: none"> <li>1. The findings of the report from Professor Skelton, outline fundamental flaws in the ability of the Otago Regional Council (ORC) to adequately process surface water abstraction consents. Consents issued under the operational Regional Plan: Water for Otago (RPW) will themselves be flawed and lead to outcomes which are out of step with national policy statement and rules.</li> <li>2. Many consents to replace deemed permits issued under the operative RPW have had extremely high allocations, at times 2-3 times higher than the water available at low flows (MALF) and allow a very little proportion of water to remain in the river which are impacting significantly on the water body's ability to             <ol style="list-style-type: none"> <li>a. sustain its ecological function and life supporting capacity.</li> <li>b. degrades the mauri of the main stem and tributaries</li> <li>c. compromises meaningful recreation within the water bodies</li> </ol> </li> <li>3. Consents such as these issued for the long term may undermine the implementation of national direction, such as the ability to phase out over-allocation or recognise Te Mana o te Wai, as review conditions may not enable adequate amounts of water to be returned to waterbodies without frustrating already issued consents. In these cases, the restoration of depleted ecosystems may be put off for up to 35 years.</li> </ol>		

## What decision would you like the Environment Court to make?

Please select one, if you have reasons for your view or suggested amendments please state clearly in the comments box below.

Approve the WPPC <input type="checkbox"/>	Approve the WPPC with amendments <input type="checkbox"/>	Decline the WPPC <input type="checkbox"/>
The reasons for my view and/or any amendments I am seeking are:		



1. The development of an interim consenting framework to issue consents on a short term basis, until a fit for purpose framework is in place, is the most practical way to implement national direction and it should be supported.
2. Professor Skelton identified that patterns of water use have continued to change during the transitional period in the years leading up to 2021. Continued changing patterns of water use, for example an increased reliance of abstracted water, make it more difficult and costly to implement national direction in future. Provisions 10A.2.1(a) - (e) should be supported as transitional measures as they limit changes to water use patterns. The exception being a small adjustment should be made to 10A.2.1(d) to make it clear that short term consents are held to any relevant minimum flows listed in the RPW.
3. A pathway to issue consents up to 15 years in duration is not consistent with the findings of Professor Skelton or the recommendations of the Minister and should be removed as it derogates from the intended outcomes of the plan change. If it is not removed, at the very least a definition should be added as to what constitutes a no more than minor adverse effect, including in the cumulative sense, in the context of surface water abstraction. This will help to describe genuine exceptions to the Minister's recommendations and avoid the risk of unnecessary hearings down the track.
4. The Resource Management Act provided deemed permit holders with a 30 year grace period until their permits expired, in which they benefited financially by being able to abstract unreasonably large portions of available water at the expense of the environment and other water users. An interim consenting framework will enable deemed permit holders to continue largely as they have been operating for a further 6 years, again at the expense of the environment and other water users. If abstractors are subject to financial losses due to the extension, this is surely offset by the financial returns that will be enjoyed both during the life of a short term consent, and the proceeding 30 years with no mitigation for environmental effects.

## 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*

<p>I <b>do not wish</b> to be heard in support of my submission no <input type="checkbox"/></p>	<p>I <b>wish</b> to be heard in support of my submission. <b>yes</b> <input type="checkbox"/></p> <p>If others make a similar submission, I will consider presenting a joint case with them at the hearing. yes <input type="checkbox"/></p> <p>I intend to call an expert witness(es) <input type="checkbox"/></p> <p><i>(If you do not tick this box, 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)</i></p>
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## Authority to Act

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

Signature:           M J Sole           Date:           12 08 2020