

REPORT

SUMMARY OF SUBMISSIONS ON THE WATER
PERMITS PLAN CHANGE - PLAN CHANGE 7 -
REGIONAL PLAN: WATER FOR OTAGO

PREPARED FOR ENVIRONMENTAL PROTECTION AUTHORITY

September 2020

QUALITY STATEMENT

PROJECT MANAGER

Frances Lojkiné

PROJECT TECHNICAL LEAD

Frances Lojkiné

PREPARED BY

Annika Swanberg



...

16 Sept 2020

CHECKED BY

Janan Dunning



16 Sept 2020

REVIEWED BY

Janan Dunning



16 Sept 2020

APPROVED FOR ISSUE BY

Frances Lojkiné



16 Sept 2020

CHRISTCHURCH

Hazeldean Business Park, 6 Hazeldean Road, Addington, Christchurch 8024

PO Box 13-052, Armagh, Christchurch 8141

TEL +64 3 366 7449, FAX +64 3 366 7780

REVISION SCHEDULE

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Environmental Protection Authority

Summary of submissions on the Water Permits Plan Change - Plan Change 7 - Regional Plan: Water for Otago

CONTENTS

1.	Introduction.....	1
2.	Methodology	1
3.	Analysis of submissions.....	2
3.1	Number of submissions received.....	2
3.2	Position on the plan change expressed in submissions	2
3.3	Request to be heard	2
3.4	Provisions submitted on.....	2
4.	Key themes in submissions.....	3

LIST OF TABLES

Table 3-1: Submissions by position on the plan change	2
Table 3-2: Submissions by provision	2
Table 4-1: Submissions by key theme	4

1. Introduction

On 8 April 2020, the Minister for the Environment issued a direction under section 142(2) of the Resource Management Act 1991 (RMA) to call in the Otago Regional Council's Water Permits Plan Change - Plan Change 7 (WPPC) and refer it to the Environment Court for decision.

The plan change introduces 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.

Prior to the Minister's direction, the Otago Regional Council notified this plan change on 18 March 2020 and, under section 86B(3) of the RMA, the plan change provisions had legal effect from 18 March 2020. The submissions received by the Otago Regional Council during this notification period have been passed on to the Environmental Protection Authority and are included in this Report.

This Report provides a high level analysis of some statistics and themes arising from the submissions. This Report is not a summary of the content of the submissions, which is provided in a separate summary spreadsheet.

2. Methodology

The following methodology has been used to develop the summary spreadsheet:

- All submissions received have been summarised by provision number, or coded to 'Plan Change 7' if they are submissions on the whole plan change
- Each submission point has a unique identifying number to assist further submitters to identify particular parts of a submission they would like to further submit on
- Where decisions requested were on the whole plan change, but the material included in the submission meant that it was possible to identify particular provisions, submission points on the provisions have been included in the summary spreadsheet
- Where a submitter identified that they supported or opposed a provision 'in part' that has been reflected in the summary spreadsheet
- Submitters who supported or opposed provisions but suggested amendments have been coded as either 'support' or 'oppose'. For those submissions in general the decision requested makes it clear that the submitter had sought amendment to the provision
- This report, the summary spreadsheet and the original submissions form a package and where necessary all should be consulted. This approach has avoided the risk of misinterpreting the reasons for a particular submitter's position, which are often complex and best explained in the original submission.

The summary spreadsheet has been prepared so that the content can be sorted by provision or by submitter.

3. Analysis of submissions

3.1 Number of submissions received

A total of 290 submissions were received on Plan Change 7.

3.2 Position on the plan change expressed in submissions

Percentages of submissions in support, opposition or not stated to the plan change are outlined in Table 3-1.

Table 3-1: Submissions by position on the plan change

Category	Number of submissions	Percentage
Support	20	7%
Oppose	208	72%
Not stated/Other	62	21%

3.3 Request to be heard

A total of 193 submitters have requested to be heard on Plan Change 7. Of these submitters, 160 will consider presenting a joint case.

3.4 Provisions submitted on

Table 3-2 shows the number of submissions received on each provision, including the number of submissions on the whole plan change, and the number of submissions in support or opposition to each provision.

Table 3-2: Submissions by provision

Provision	Total submissions	Support	Oppose	Support in part	Oppose in part	Not stated
Not specified	3	0	1	0	0	2
Plan Change 7	272	17	211	6	3	35
Objective 10A.1.1	30	7	19	2	2	0
Policy 10A.2	1	0	1	0	0	0
Policy 10A.2.1	41	5	26	7	1	2
Policy 10A.2.1(a)	2	2	0	0	0	0
Policy 10A.2.1(b)	52	2	45	0	1	4
Policy 10A.2.1(c)	4	2	1	1	0	0
Policy 10A.2.1(d)	5	2	1	2	0	0
Policy 10A.2.1(e)	18	1	13	1	0	3
Policy 10A.2.2	90	3	74	5	1	7
Policy 10A.2.3	169	4	140	5	4	16
Policy 10A.2.3(a)	1	0	0	1	0	0
Policy 10A.2.3(b)	6	1	4	1	0	0
Rule 10A.3.1	10	1	4	0	0	5
Rule 10A.3.1.1	47	2	24	11	4	4
Rule 10A.3.1.1(a)	1	1	0	0	0	0
Rule 10A.3.1.1(b)	2	1	1	0	0	0
Rule 10A.3.1.1(c)	2	1	1	0	0	0
Rule 10A.3.1.1(d)	1	1	0	0	0	0
Rule 10A.3.1.1(e)	2	2	0	0	0	0

Provision	Total submissions	Support	Oppose	Support in part	Oppose in part	Not stated
Rule 10A.3.1.1 (f)	2	1	1	0	0	0
Rule 10A.3.1.1 (i)	148	2	134	1	1	10
Rule 10A.3.1.1 (ii)	3	0	2	1	0	0
Rule 10A.3.1.1 (iii)	98	0	92	1	1	4
Rule 10A.3.1.1 (iv)	97	1	85	3	3	5
Rule 10A.3.1.1 (v)	2	0	1	1	0	0
Rule 10A.3.1.1 (vi)	74	0	66	2	2	4
Rule 10A.3.1.1 (vii)	3	0	3	0	0	0
Rule 10A.3.1.2	1	1	0	0	0	0
Rule 10A.3.2	16	1	13	1	1	0
Rule 10A.3.2.1	21	1	12	6	2	0
Schedule 10A.4	55	4	48	1	0	2
Schedule 10A.4.1	6	2	3	0	1	0
Schedule 10A.4.1 (5)	1	1	0	0	0	0
Schedule 10A.4.2	2	1	0	0	1	0
Schedule 10A.4.3	3	1	1	0	1	0
Schedule 10A.4.4	4	1	2	0	1	0
Table of minor and consequential changes	2	1	1	0	0	0
How to Use the Regional Plan: Water	1	1	0	0	0	0
Introduction	2	1	1	0	0	0
New Definition	2	1	0	0	0	1

4. Key themes in submissions

A number of key themes are recurrent in submissions on Plan Change 7 as identified below:

- Opposition to the entire plan change and requests for it to be withdrawn completely
- Opposition to a six year term of consent for replacement consents for existing water takes and for new water take consents
- Opposition to Policy 10A.2.1 that existing water takes will not be granted consent unless the irrigated area is not increased and there is a reduction in the volume of the take (with requests to continue to "roll over" existing consents)
- Request to consider rules being based on catchment areas rather than region-wide standards
- Opposition to water takes being required to have "no more than minor" adverse effects
- General opposition to restrictions around obtaining consent as a controlled activity for water takes
- Opposition to restrictions on the area to be irrigated not exceeding the area irrigated in the 2017-18 irrigation season, particularly:
 - That the irrigation area cannot be more than the area in 2017-2018
 - That the rate of water take cannot be more than the averages between 2012 and 2017
 - That the volume of water take cannot be more than the averages between 2012 and 2017
- Requests, including specific amendments sought, to make the wording of the plan clearer or more simple
- Requests to enforce minimum flows (and some opposition to minimum flows)

- General opposition to the data/science used to inform the plan change and rules
- Opposition to the replacement of existing consents expiring prior to 25 December 2025 being non-complying activities if they cannot meet the controlled activity rule
- Opposition to the methods for calculating actual usage for surface water takes.

Table 4-1 records the number of submissions on each key theme.

Table 4-1: Submissions by key theme

Key Theme	Number of submissions
Support for plan change	12
Decline the plan change	121
Consent terms to be longer than 6 years	51
Catchment approach or plan rather than interim framework	30
Rollover existing consents	29
Irrigation: Oppose rule requirement to not increase area	25
Provide for suction dredge mining takes as permitted or controlled activities	21
Oppose methodology for calculating average water takes	17
Minimum flows should be imposed	12
Make plan clearer	11
Need better data/science	7
Time period for calculating averages over	12
Align with NPS	6
General concern about changes	5

Christchurch

Hazeldean Business Park, 6 Hazeldean Road
Addington, Christchurch 8024
PO Box 13-052, Armagh
Christchurch 8141
Tel +64 3 366 7449
Fax +64 3 366 7780

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