

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.

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.

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
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 (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 (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 WPPC. 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

Name of organisation: <i>(if relevant)</i>	Queenstown Lakes District Council		
Title:	<input checked="" 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)		
First name of submitter:	Peter	Surname of submitter:	Hansby
First name of contact person: <i>(if different to above)</i>	R Jeremy	Surname of contact person: <i>(if different to above)</i>	Wilson
Home Ph:		Work Ph:	+64 9 366 7691
Mobile:			
Email address for service:	jeremy.wilson@mc.co.nz; Janette.campbell@mc.co.nz		
Postal Address: <i>(or alternative address for service)</i>			Postcode:

Part B

Submitter Name: Queenstown Lakes District Council_

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 **would not** gain an advantage in trade competition through this submission.

I am a person who **would** gain an advantage in trade competition through this submission.

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 N

What are you submitting on?

You can submit on specific parts of the WPPC or the whole plan change.

I am submitting on the **whole** of the WPPC

I am submitting on **specific parts** of the WPPC (please detail below)

The specific parts of the WPPC that my submission relates to are:

The whole of the WPPC

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

Neutral

Oppose

The reasons for my view are:

The Queenstown Lakes District Council generally supports the plan change, subject to the amendments described in the attached supporting document (including such other additional, alternative or consequential relief as may be necessary to address the issues raised in the submission).

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

Approve the WPPC with amendments

Decline the WPPC

The reasons for my view and/or any amendments I am seeking are:

The reasons for the Queenstown Lakes District Council's view and the amendments sought are described in the attached supporting information.

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

I **do not wish** to be heard in support of my submission

I **wish** to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at the hearing.

I intend to call an expert witness(es)

(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)

Authority to Act

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



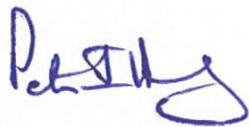
Signature: Peter Hansby – General Manager Property & Infrastructure, QLDC, Date: 17/08/2020

SUBMISSION ON A PUBLICLY NOTIFIED PLAN CHANGE

Under Clause 6 of the First Schedule to the Resource Management Act 1991

TO Environmental Protection Authority
SUBMISSION ON Plan Change 7 "Water Permits" to Otago Regional Council's Regional Plan Water for Otago
NAME OF SUBMITTER Queenstown Lakes District Council
ADDRESS Private Bag 50072
Queenstown 9348

1. This is a submission on Proposed Plan Change 7 "Water Permits" to Otago Regional Council's (ORC) Water for Otago (the Water Plan) from Queenstown Lakes District Council (QLDC).
2. QLDC cannot gain an advantage in trade competition through this submission.
3. This submission is divided into two parts;
4. Part A provides a brief overview of QLDC's position and, for context, a summary of water take permits currently held by QLDC; and
5. Part B sets out the detailed relief sought by QLDC.
6. QLDC seeks the relief set out in Part B (including such other additional, alternative or consequential relief as may be necessary to address the issues raised in the submission).
7. QLDC wishes to be heard in support of the submission.
8. If others make a similar submission QLDC will consider presenting a joint case with them at a hearing



SIGNATURE:

Peter Hansby – General Manager Property & Infrastructure

Date 17 August 2020

ADDRESS FOR SERVICE OF SUBMITTER:

Attention: Jeremy Wilson

TELEPHONE: +64 9 366 7691

Facsimile/email: jeremy.wilson@mc.co.nz; janette.campbell@mc.co.nz

PART A: OVERVIEW AND CONTEXT

9. QLDC is generally supportive of Plan Change 7 as it understands the need for an interim water management framework in Otago while more substantial changes are prepared (investigations undertaken and policy developed) to give effect to the latest update to the National Policy Statement for Freshwater Management.
10. QLDC requests the retention or amendment of various provisions of Plan Change 7 (refer to Part B for details).
11. QLDC wishes to emphasise the importance of community water supplies and the desirability, in principle, of longer term consent durations for such essential supplies and other regionally significant infrastructure.
12. QLDC is the primary supplier of water to communities in the Queenstown-Lakes District and is required to provide a supply of water to homes and business that is safe for human consumption.
13. QLDC is responsible for the supply of water to more than 17,000 properties in the District and operates 13 water treatment plants.
14. To provide context for this submission, water take permits currently held by QLDC are listed below.

TABLE 1: WATER TAKE PERMITS CURRENTLY HELD BY QLDC

CONSENT #	DETAILS	EXPIRY	AFFECTED BY PC7
RM14.278.01	Hawea (bore field)	19-01-2050	-
2008.235	Hawea (lake take)	01-11-2043	-
17.290.01	Glendhu Bay CoC	N/A	-
2008.459	Western	05-11-2043	-
2008.460	Beacon Point	05-11-2043	-
RM19.097.01	Wanaka Airport	01-06-2043	-
RM11.177.01	Corbridge	30-08-2036	-
2009.158	Glenorchy	02-12-2044	-
RM19.413.01	Luggate	20-12-2044	-
2001.822	Lake Hayes	20-05-2027	-
RM16.142.01	Shotover Country (SOC)	01-10-2048	-
2007.665	Two Mile	01-02-2042	-
2004.552	Kelvin Heights	01-04-2040	-
2005.762	Arthurs Point	01-12-2042	-
2007.049	Arrowtown	01-10-2021	Yes – at time of submission, an application for a replacement surface water take is currently being processed by ORC

PART B: PROPOSED CHANGES SOUGHT

#	PROPOSED PLAN CHANGE 7 (WATER PERMITS) NOTIFIED TEXT	RELIEF SOUGHT
1.	<p>Objective 10A.1.1 - <i>Transition toward the long-term sustainable management of surface water resources in the Otago region by establishing an interim planning framework to manage new water permits, and the replacement of deemed permits and water permits to take and use surface water (including groundwater considered as surface water) where those water permits expire prior to 31 December 2025, until the new Land and Water Regional Plan is made operative.</i></p>	<p>QLDC understands and supports the need for this Plan Change. This objective is considered appropriate.</p> <p>Relief sought: Retain Objective 10A.1.1 as notified.</p>
	<p>Policy 10A.2.1 - <i>Irrespective of any other policies in this Plan, avoid granting resource consents that replace deemed permits, or water permits to take and use surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) where those water permits expire prior to 31 December 2025, except where:</i></p> <p><i>(a) The deemed permit or water permit that is being replaced is a valid permit; and</i></p> <p><i>(b) There is no increase in the area under irrigation, if the abstracted water is used for irrigation; and</i></p> <p><i>(c) There is no increase in the instantaneous rate of abstraction; and</i></p> <p><i>(d) Any existing residual flow, minimum flow or take cessation condition is applied to the new permit; and</i></p> <p><i>(e) There is a reduction in the volume of water allocated for abstraction.</i></p>	<p>QLDC understands that the use of the word “avoid” in this policy means that the ORC will not grant replacement water permits that do not meet all the standards listed in (a)-(e). The use of the word “and” between each clause means that all the standards have to be met.</p> <p>QLDC is concerned that the wording of Policy 10A.2.1(e) does not adequately provide for replacement or new water permits for the purposes of community water supply in the instance when the area has undergone population growth and therefore requires an increase in the instantaneous rate of abstraction (c) or an increase or maintenance of the abstracted water volume (e).</p> <p>Elsewhere in the Water Plan there are examples where community water supplies have been exempted from a stated policy direction to not grant replacement consents for increased volumes of water. For example, Policy 6.4.10A4 contains the following exemption:</p> <p><i>“... except in the case of a registered community drinking water supply where an allowance may be made for growth that is reasonably anticipated”.</i></p> <p>QLDC seeks a similar exemption from Policy 10A.2.1. Given the growth that</p>

		<p>QLDC has been experiencing, this is considered reasonable. Allowance should be made to supply water to the population, including growth that is anticipated at the time of the application over the term of the consent. No community should be left in a situation where it cannot be sure that it can adequately provide for its drinking water and community use needs as a matter of broad policy.</p> <p>Relief sought: Amend Policy 10A.2.1 (c) and (e) to read:</p> <p><i>(c) There is no increase in the instantaneous rate of abstraction <u>except in relation to a community water supply where needed for population growth that is reasonably anticipated over the term of the consent;</u> and</i></p> <p><i>(e) There is a reduction in the volume of water allocated for abstraction <u>except in relation to a community water supply where an allowance may be made for population growth that has occurred or is reasonably anticipated over the term of the consent.</u></i></p>
	<p>Policy 10A.2.2 - Irrespective of any other policies in this Plan concerning consent duration, only grant new resource consents for the take and use of water for a duration of no more than six years.</p>	<p>QLDC wishes to emphasise the importance of community water supplies and the desirability, in principle, of providing certainty of longer term consent durations for such essential supplies. These water takes and uses are essential to community well-being and short term consents are an inefficient use of community resources.</p> <p>Giving effect to the Otago Regional Policy Statement</p> <p>QLDC considers longer term consent durations for community water supplies to be consistent with the following objectives and policies of the Otago Regional Policy Statement (RPS), noting that the Water for Otago Plan has to give effect to the RPS.</p> <p><u>Objective 1.1</u> of the RPS is:</p> <p><i>Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities</i></p>

Policy 1.1.2 of the RPS is:

Provide for the social and cultural wellbeing and health and safety of Otago's people and communities when undertaking the subdivision, use, development and protection of natural and physical resources by all of the following (just selected clauses below):

c) Taking into account the diverse needs of Otago's people and communities;

d) Avoiding significant adverse effects of activities on human health;

e) Promoting community resilience and the need to secure resources for the reasonable needs for human wellbeing;

f) Promoting good quality and accessible infrastructure and public services.

Other relevant provisions in the RPS (not set out in full here) are:

- Policy 4.3.1 Managing infrastructure activities
- Policy 4.3.2 Nationally and regionally significant infrastructure
- Policy 4.3.3 Functional needs of infrastructure that has national or regional significance

Comment

QLDC understands that this Policy 10A.2.2 will apply to all new water permits sought (whereas Policy 10A.2.3 applies to replacement permits). QLDC understands the intention that all new water permits will be issued as interim consents only is because:

- ORC is preparing a new Land and Water Regional Plan (LWRP) to give effect to the National Policy Statement for Freshwater Management and intends that it will be notified during 2023 and be operative by the end of 2025; and
- the next round of replacement consents will be considered under that new LWRP.

		<p>While understanding this intent, QLDC considers that any new consents for community water supply takes warrant longer consent terms due to their nature as both a “lifeline utility” and “regionally significant infrastructure” (as set out in the RPS).</p> <p>If the “interim” period should become extended due to any delays with the planned LWRP process, then this Policy 10A.2.2 will become increasingly problematic.</p> <p>Relief sought: Amend Policy 10A.2.2 to read:</p> <p><i>Irrespective of any other policies in this Plan concerning consent duration, only grant new resource consents for the take and use of water for a duration of no more than six years, <u>except where relating to community drinking water supplies where longer term durations may be granted.</u></i></p>
	<p>Policy 10A.2.3 - <i>Irrespective of any other policies in this Plan concerning consent duration, only grant new resource consents that replace deemed permits, or resource consents that replace water permits to take and use surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) where those water permits expire prior to 31 December 2025, for a duration of no more than six years, except where Rule 10A.3.2.1 applies and:</i></p> <p><i>(a) The activity will have no more than minor adverse effects (including no more than minor cumulative effects) on the ecology and the hydrology of the surface water body (and any connected water body) from which the abstraction is to occur; and</i></p> <p><i>(b) The resource consent granted will expire before 31 December 2035.</i></p>	<p>As discussed in relation to Policy 10A.2.2, it is desirable for consent durations for community water supplies to be long term, to provide for security of water supply. These water takes and uses are essential to community well-being and short term consents are an inefficient use of community resources.</p> <p>QLDC understands the intent of Policy 10A.2.3 however considers that any replacement consents for community water supply takes warrant longer consent terms due to their nature as both a “lifeline utility” and “regionally significant infrastructure” (as set out in the RPS).</p> <p>Relief sought: Amend Policy 10A.2.3 to read:</p> <p><i><u>Except in relation to community water supplies, and irrespective of any other policies in this Plan concerning consent duration, only grant new resource consents that replace deemed permits, or resource consents that replace water permits to take and use surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) where those</u></i></p>

		<p>water permits expire prior to 31 December 2025, for a duration of no more than six years, except where Rule 10A.3.2.1 applies and:</p> <p>(a) The activity will have no more than minor adverse effects (including no more than minor cumulative effects) on the ecology and the hydrology of the surface water body (and any connected water body) from which the abstraction is to occur; and</p> <p>(b) The resource consent granted will expire before 31 December 2035.</p>
	<p>Rule 10A.3.1.1</p> <p>10A.3.1.1 Despite any other rule or rules in this Plan;</p> <p>a) any activity that is currently authorised under a Deemed Permit; or</p> <p>b) the take and use of surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) that is currently authorised by an existing water permit where that water permit expires prior to 31 December 2025;</p> <p>is a controlled activity provided the following conditions are met:</p> <p>(i) The consent duration sought is no more than six years; and</p> <p>(ii) The deemed permit or water permit that is being replaced is a valid permit; and</p> <p>(iii) The application demonstrates that the total land area under irrigation does not exceed that irrigated in the 2017-2018 irrigation season, if the abstracted water is used for irrigation; and</p> <p>(iv) The rate of take shall be no more than the average maximum rate of take limit recorded during the period 1 July 2012 – 30 June 2017 and calculated in accordance with the method in Schedule 10A.4; and</p>	<p>It is QLDC’s request that proposed rule 10A.3.1.1 only apply to water uses <u>other than</u> takes for community water supply purposes. Currently existing rules 12.1.3.1 and 12.1.5.1 and Schedule 1B apply to community water takes from surface water and rules 12.2.2A.1 and 12.2.4 and Schedule 3B apply to community water takes from groundwater and these rules adequately control the use of water for these purposes and provide water security for townships and certainty for the community. Community water supply takes warrant longer consent terms and the ability to maintain current authorised volumes and to cater for current and projected growth. This is appropriate due to their nature as both a “lifeline utility” and “regionally significant infrastructure” (as set out in the RPS).</p> <p>Even with the proposed amendment for community water supplies (see specific relief sought below), QLDC has a concern regarding clauses (iv) and (vi) insofar as they apply to other water takes. QLDC notes that the effect of conditions (iv) and (vi) will be to reduce applicants’ consented takes by averaging the maximum rates and volumes that have been recorded over the specified 5 year period and then using the “average maximum” figure as the maximum limit for the new consent (as a controlled activity).</p> <p>Based on the reasonable assumption that the previous specified 5 year period</p>

<p>(v) Any existing residual flow, minimum flow, or take cessation condition (whichever is applicable) is included in the application for resource consent; and</p> <p>(vi) The volume of water taken shall be no more than the average maximum of the daily volume limit, or monthly volume limit, or annual volume limit (whichever one or more are applicable) recorded during the period 1 July 2012 – 30 June 2017, and calculated in accordance with the method in Schedule 10A.4.</p>	<p>(2012-2017) will be indicative of minimum needs during the future 5 year period, then there will be some years when the proposed new maximum rate or volume (i.e. the “average maximum” of the last 5 years) will not be sufficient to meet the applicant’s need for water. This is without even making any allowance for population growth. Any consent applications that seek to retain the maximum rate or volume at the highest recorded actual rate or volume from the 2012-2017 period, or seek higher rates or volumes, will become a non-complying activity under Proposed Rule 10A.3.2.1.</p> <p>Relief sought:</p> <p>Reword Rule 10A.3.1.1 so that community water takes are still managed under existing rules 12.1.3.1, 12.1.5.1 and Schedule 1B (in relation to surface water) and rules 12.2.2A.1, 12.2.4 and Schedule 3B (in relation to groundwater) instead of Rule 10A.3.1.1.</p> <p>This can be achieved by the following amendments:</p> <p><u>10A.3.1.1 For community water supplies, rules 12.1.3.1, 12.1.5.1 and Schedule 1B (in relation to surface water) and rules 12.2.2A.1, 12.2.4 and Schedule 3B (in relation to groundwater) apply. For other activities, and despite any other rule or rules in this Plan;</u></p> <p>a) any activity that is currently authorised under a Deemed Permit; or</p> <p>b) the take and use of surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) that is currently authorised by an existing water permit where that water permit expires prior to 31 December 2025;</p> <p>is a controlled activity provided the following conditions are met:</p> <p>(i) The consent duration sought is no more than six years; and</p> <p>(ii) The deemed permit or water permit that is being replaced is a valid permit;</p>
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		<p>and</p> <p>(iii) The application demonstrates that the total land area under irrigation does not exceed that irrigated in the 2017-2018 irrigation season, if the abstracted water is used for irrigation; and</p> <p>(iv) The rate of take shall be no more than the average maximum rate of take limit recorded during the period 1 July 2012 – 30 June 2017; and calculated in accordance with the method in Schedule 10A.4 and</p> <p>(v) Any existing residual flow, minimum flow, or take cessation condition (whichever is applicable) is included in the application for resource consent; and</p> <p>(vi) The volume of water taken shall be no more than the average-maximum of the daily volume limit, or monthly volume limit, or annual volume limit (whichever one or more are applicable) recorded during the period 1 July 2012 – 30 June 2017, and calculated in accordance with the method in Schedule 10A.4.</p>
	<p>Rule 10A.3.2.1</p> <p><i>Despite any other rule or rules in this Plan:</i></p> <p>a) any activity that is the replacement of an activity authorised under a Deemed Permit; or</p> <p>b) the take and use of surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) that is the replacement of a take and use authorised by an existing water permit where that water permit expires prior to 31 December 2025;</p>	<p>QLDC has a neutral position in relation to this rule <u>provided that</u> the above amendments are made to Rule 10A.3.1.1, as those amendments will have the effect of making this rule not applicable to community water supplies.</p> <p>If the above amendments (or amendments that in some other way provide for community water supplies as a controlled activity) are not made, then a new rule should be included to ensure that replacement community water supplies and their enlargement can be considered as restricted discretionary activities, with the Council’s discretion restricted to aquatic ecology and such other matters that may be appropriate having regard to the recently released</p>

	<i>that does not meet any one or more of the conditions of Rule 10A.3.1.1 is a non-complying activity.</i>	National Policy Statement on Freshwater Management 2020.
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